



‘The Queen Had Only One Way of Settling All Difficulties. . . “Off with His Head!”’:

Alice’s Adventures in Wonderland and the Anti-Gallows Movement

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*What have I done that you think it such fun
To indulge in the pleasure of slaughter.*

- Charles Lutwidge Dodgson, ‘The Two Brothers’ (1853)

Abstract

This article, on Lewis Carroll’s *Alice’s Adventures in Wonderland* (1865), reveals the new interpretive possibilities that emerge about this classic fantasy when the character of the Queen of Hearts—along with her murderous mandate ‘Off With their Heads!’—is moved from the background to the forefront of consideration. In a detail that has been overlooked in previous scholarship, state-sanctioned executions were a vivid social reality and the subject of heated public controversy in England during the period when Carroll conceived and composed *Alice*. Throughout the nineteenth century but especially during the 1860s, the humanity, efficacy and even wisdom of the practice were discussed in popular newspapers, among British citizens, and by elected officials. In this chapter, I make a case that, in *Alice’s Adventures in Wonderland*, Lewis Carroll weighed in on this debate. The Queen of Heart’s repeated, impulsive and usually absurd calls for various individuals to be executed satirize this longstanding civic practice and add a new, and previously neglected, area of cultural commentary within the novel: the anti-gallows movement.

Of all the villainous characters in children’s literature, the Queen of Hearts from Lewis Carroll’s *Alice’s Adventures in Wonderland* (1865) is one of the most infamous. With her haughty attitude, volatile mood and tempestuous personality, she has become arguably as well-known as the book’s title character. Even those who have never read Carroll’s novel are likely familiar with her murderous refrain, ‘Off with their heads!’

The Queen’s calls for various individuals to be put to death inspires terror in the book’s characters: the Hatter flees the courtroom without even stopping for his shoes to avoid her henchmen; meanwhile, the three playing-card gardeners paint white roses red in a futile attempt to assuage her anger; finally, the royal soldiers immediately cease whatever they are doing whenever she give an

order, lest their execution be next. To be sure, when the Queen shouts at one point: ““Now, I give you fair warning,” . . . stamping on the ground as she spoke; “either you or your head must be off, and that in about half no time! Take your choice!”” (p.93), no characters question the veracity of this vow.

Far from a detail that is unique to Carroll’s imaginary Wonderland, state-sanctioned executions were a vivid social reality and the subject of heated public controversy in England during the period when he composed *Alice*. Throughout the nineteenth century but especially during the 1860s, the humanity, efficacy and even wisdom of the practice were discussed in popular newspapers, among British citizens, and by elected officials. While some made a case for retaining this centuries-old practice as a useful means of deterring crime as well an appropriate punishment for serious offenders, others argued for its abolition. To those who comprised what became known as the anti-gallows movement, execution was cruel, ineffective, and even barbaric. In short, it was a relic from Great Britain’s less-enlightened past whose presence in contemporary culture was as unwelcome as it was unwarranted. Far from a fringe social issue, debate over the death penalty occupied the socio-political spotlight throughout the mid-nineteenth century, with individuals ranging from lawyers and judges to clergy and even writers weighing in on the issue. Indeed, literary celebrities Charles Dickens, William Makepeace Thackeray, and Coventry Patmore all wrote about capital punishment: condemning its brutality, chastising its capriciousness, and calling attention to its overall futility for deterring crime.

This essay makes the case that, in *Alice’s Adventures in Wonderland*, Lewis Carroll also participated in the debate about judicial execution. State-sanctioned death sentences form a poignant and pervasive feature in the narrative. The Queen may be the character who is most well-known for ordering beheadings, but she is not the only one to do so: the Duchess, the King and the dog, Fury, all call for executions at various points. Being condemned to death is so common a fate for the figures in Wonderland that, at one point, Alice notes how nearly everyone except herself and the King and Queen ‘were in custody and under sentences of execution’ (p.94).

While hanging and not beheading ‘was by far the most common form of execution’ in England (Clark 2009, p.11),¹ the Queen’s cry ‘Off with their Heads’ evokes the linguistic roots of the term ‘capital punishment’. As the *Oxford English Dictionary* reveals, the word ‘capital’ comes from the Latin *capitalis* for ‘regarding the head’. Hence, the phrase ‘capital punishment’ literally means ‘Affecting, or involving loss of, the head or life’. This etymology assumes added significance given Carroll’s lifelong interest in word play, puns and philology—elements that figure prominently in *Alice*.

Reading *Alice’s Adventures in Wonderland* in light of contemporaneous debates surrounding capital punishment adds another element of cultural commentary to Carroll’s already rich text. Richard Kelly has written that, from the initial publication of the narrative in 1865, ‘it has become the treasure of philosophers, literary critics, biographers, clergymen, psychoanalysts, and linguists, not to mention mathematicians, theologians, and logicians’ (Kelly 1990. p.78). Given both the volume and the variety of subjects addressed in the text, Kelly aptly concludes: ‘There appears to be something in *Alice* for everyone, and there are almost as many explanations of the work as there are

commentators' (p.78). This essay uncovers the presence of yet another topic: criminal law. Through the characters of the King, Queen and Duchess, Carroll does not simply matter-of-factly present capital punishment; akin to his inclusion of other facets of Victorian life, he offers a satirical portrayal of it. The frequent, impulsive and often unfounded calls for various individuals to be executed throughout the narrative lampoon this longstanding British legal policy and civic practice. Rather than presenting the death penalty as sage and serious, *Alice* portrays it as ridiculous and unreasonable. In so doing, Carroll reveals that elements of nonsense are not limited to ostensibly purely amusing and seemingly socially vacuous literature for children; they permeate even the most sober and serious facets of adult society.

These details complicate common historical views about Carroll's engagement with Victorian views of children and childhood. As figures like Marah Gubar have discussed, critics and biographers have long argued that *Alice's Adventures in Wonderland* subscribes to the era's emerging conception of young people as pure, innocent and blissfully ignorant of the problems in the adult world—and the responsibility of children's literature to maintain this state (Gubar 2009, pp.vii – 7). Both the frequency and the centrality of capital punishment in *Alice*, however, call such beliefs into question. Instead of seeking to shelter his juvenile readers from morality-laden adult issues like state-sanctioned execution, Carroll introduces, educates, and even calls them to action. In so doing, *Alice's Adventures in Wonderland* demonstrates the desirability of fully acculturating children and the powerful social agency that they possess in the wake of doing so. As Alice's outburst 'Stuff and Nonsense!', which does not simply neutralize but eradicate the murderous Queen of Hearts in final few pages of the novel, reveals, far from protecting children from the problem of capital punishment, Carroll positions them as a vital part of the solution.

'Every Page of Our Statute-Book Smelt of Blood': Capital Punishment, the Bloody Code, and the Anti-Gallows Movement in England

With a lifetime spanning from 1832 to 1898, Charles Lutwidge Dodgson—better known by his pen name Lewis Carroll—witnessed one of the most bloody, controversial, and transformative periods in the history of capital punishment in Great Britain. Michael Meranze has written that, contrary to perceptions of Georgian and Victorian England as a demure and even decorous period, 'execution remained a central fact of English life during the late eighteenth and early nineteenth centuries' (Meranze 1997, p.374). The death penalty was not only imposed frequently, but it was also carried out publicly, with executions taking place in the town square, at the scene of the crime, or outside the walls of the local jail.

Such gruesome events were an all-too common occurrence throughout Britain. According to V. A. C. Gatrell, in England and Wales alone between 1770 and 1830, citizens witnessed 'between 6,322 and 7,713 executions—probably nearer the higher total than the lower' (Gatrell 1994, p.618). While conventional wisdom might suggest that as British society progressed and became increasingly refined its use of brutal practices like the death penalty would decrease, the opposite was actually true. 'From 1805 to 1830, prosecutions for capital crimes in England and Wales increased almost 300 percent' (Meranze 1997, p.374). As such statistics suggest, the death penalty was anything but

a marginal social practice. On the contrary, according to historian Harry Potter, ‘capital punishment was a constant and growing part of English criminal justice’ (Potter 1993, p.2). Indeed, in one form or another throughout Carroll’s life ‘execution loomed over England’ (Meranze 1997, p.374).

Great Britain did not witness so many men and women put to death during the Georgian and Victorian periods because its population was exceptionally criminal; rather, the death penalty flourished because of the presence of a particularly harsh and draconian legal code. Potter has documented: ‘In 1688 there had been only fifty capital offenses in England, over forty of which were statutory additions to the small common law quota of treason, murder, arson, robbery, and grand larceny’ (Potter 1993, p.4). With the passage of the Waltham Black Act in 1723, however, the number of crimes punishable by death increased exponentially. In the words of Auberon Waugh, the new legislation ‘made practically everything a capital offense’ (Waugh 1989, p.19). For example, ‘[a]ll felonies except petty larceny and mayhem (maiming) were capital’ (Potter 1993, p.4). In addition, many property offenses, including stealing sheep, horses or cattle, as well as poaching one of the king’s deer or rabbits, were subject to the death penalty (Hay 1980, p.51; Waugh 1989, p.19; Potter 1993, p.4).

Over time, more crimes were added to this list. By 1815, in fact, the number had ballooned to ‘over two hundred and twenty’ (Potter 1993, p.4). Judged from any standpoint, many of these offenses were minor. Capital crimes in late Georgian and early Victorian England included: cutting down trees; stealing a loaf of bread; keeping the company of Gypsies for one month; being out all night with a blackened face; damaging the Westminster Bridge; impersonating a Chelsea Pensioner; stealing gathered or harvested fruit; pick-pocketing; forging certificates of birth, marriage or baptism; and shoplifting goods worth five shillings (Potter 1993, p.6; Jacobson 2005, p.11).

In light of both the lengthy nature and expansive scope of this list, ‘[t]he end result was that the courts could hang anyone they felt like hanging’ (Waugh 1989, p.19). Waugh explains how this was effected: ‘If theft of a handkerchief was not specifically listed as a capital offense, they could charge the wretched felon with robbery after dark, or in a public place, or conspiracy to rob, and string him up just the same’ (Waugh 1989, p.19). And ‘string people up’ they did. In the words of Gatrell: ‘In theory, a Londoner growing up in the 1780s could by 1840 have attended some four hundred execution days outside Newgate alone, discounting other locations. If he was unimaginably diligent he could have watched 1,200 people hang (and there were such obsessives)’ (Gatrell 1994, p.32). By the 1820s, a decade before Carroll’s birth, death sentences had become so common that British officials calculated that ‘if you hanged all of the condemned, you would have to hang four people every day of the year, excluding Sundays’ (Gatrell 1994, p.21). In light of the large number of crimes punishable by death and the thousands of men and women executed for them, the criminal laws during this era earned the pejorative nickname ‘The Bloody Code’. Samuel Johnson wrote that these statutes gave rise to an ‘indiscriminate judicial massacre’ (cited in Potter 1993, p.10). Indeed, in an observation that was as macabre as it was true, Charles Philips asserted in 1857 about the nation’s criminal history: ‘every page of our statute book smelt of blood’ (cited in Gatrell 1994, p.11).

After generations of operating under what Phil Handler called this ‘monolithic mass of draconian measures’ (Handler 2004, p.250), the decade of Lewis Carroll’s birth marked the gradual repeal of the Bloody Code: ‘Piecemeal reform gave way to a series of sweeping measures that removed the death penalty from the vast majority of felonies’ (Handler 2007, p.195). The Punishment of Death Act, passed the year that Carroll was born, marked the first major turning point. The Act reduced the number of capital offenses from over two-hundred to around sixty. In its wake, an array of additional statutes limited the application of the death penalty even further. By 1861, capital offenses had been reduced to a mere four: ‘murder, treason, piracy with violence, and arson in Her Majesty’s dockyards’ (Potter 1993, p.43).

In spite of this vast reduction in the number of capital crimes, executions still numbered well into the hundreds. According to Gatrell, between 1837 and 1868 in England and Wales, more than 340 men and women were hanged for the crime of murder alone (Gatrell 1994, p.594). Although representing only a fraction of the total put to death during the height of the Bloody Code, he continues: ‘This number was enough to ensure that executions remained a familiar urban spectacle’ (Gatrell 1994, p.594).

British citizens were doing more than simply reconsidering the broad issue of which offenses ought to be punishable by death during the Victorian era; they were also reexamining their specific practice of public execution. For centuries, the rationale for hanging individuals in full view before the community was that their deaths would serve as a powerful deterrent to others who might be contemplating similar behavior. Exemplifying this viewpoint, Sir Francis Buller famously commented to one thief in the late eighteenth century: ‘You are to be hanged not for stealing horses, but that horses may not be stolen’ (cited in Potter 1993, p.1). Capital punishment was a means to showcase the power of the state, inspire terror in the individuals who witnessed the execution, and thus promote good civic behavior. As Michel Foucault contends, ‘The public execution is a ceremonial by which a momentarily injured sovereign is reconstituted’ (Foucault 1977, p.9). Capital punishment sought to showcase ‘the dysmetry between the subject who has dared to violate the law and the all-powerful sovereign who displays his strength’ (Foucault 1977, p.23). For this reason, Foucault asserts, ‘The public execution did not re-establish justice; it reactivated power’ (p.48-49).

Victorian Britons agreed. ‘A Tory solicitor general said in 1830 that “he thought the appalling punishment of death, executed as it was with so much ignominy in the public streets, where criminals were suspended before a gazing populace, was greatly calculated to deter men from the commission of crime”’ (McGowen 1986, p.316). In a powerful indication of the era’s overarching belief in the positive influence of hangings: ‘People took their children to see the criminal executed and learn a moral lesson’ (‘Victorian England’ 2004, p.336).

The actual atmosphere at most executions, however, was markedly different. Far from sombre and serious moments, ‘They were scenes of carnival and public holiday, where the most extravagant and ostentatious villains were cheered and toasted, and only certain categories of offenders were booed. More particularly, they were traditionally the favourite hunting ground of pickpockets and footpads’ (Waugh 1989, p.19).

By the mid-nineteenth century, the drunken, unruly and irreverent behavior at public executions had become cause for concern. In July 1840, for example, novelist Charles Dickens was appalled by the behavior of the crowd at the execution of Francois Courvoisier. As a consequence, Gatrell reports,

Dickens recommended ending public execution not out of pity for the victim but to deny the crowd occasion for its 'odious' levity. Attending Courvoisier's hanging in 1840, he saw in the audience no 'emotion suitable to the occasion. . . . No sorrow, no salutary terror, no abhorrence, no seriousness; nothing but ribaldry, debauchery, levity, drunkenness, and flaunting vice in fifty other shapes'.

(Gatrell 1994, p.59-60)

A few years later, poet and critic Coventry Patmore went even further. He argued that, far from deterring the crowd from crime, witnessing an execution actually inspired delinquent and often violent behavior. In a poem called 'The Murderer's Sacrament' (1845), he offered the following unflattering description of the scaffold audience:

*Mother held up their babes to see
Who spread their hands, and crow'd for glee; , . .
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A baby strung its doll to a stick
A mother raised the pretty trick
Two children caught and hanged a cat
Two friends walk'd on, in lively chat;
And two, who had disputed places,
Went forth to fight, with murderous faces*

(cited in Gatrell 1994, p.56-57)

In light of the numerous problems associated with public hangings, critics like Patmore and Dickens argued that they should be conducted privately. By moving executions behind prison walls, officials could dictate the composition of the audience and, more importantly, the atmosphere surrounding the event. As Annulla Linders has written 'the construction of private audiences became a matter of not only controlling the class and gender composition of those invited to watch, but also of producing appropriate emotional responses to the execution' (Linders 2002, p.626). Witnesses could be invited specifically because 'they could be trusted not to defile the moment with coarseness, laughter, and eagerness' (Linders 2002, p.629).

For many British subjects, however, the problem with capital punishment was not rooted in the composition or comportment of the audience; it lay with the practice itself. As Gatrell reports, whether the scaffold was used publically or placed behind the confines of the prison walls, 'People did not die on it neatly. . . . they urinated, defecated, screamed, kicked, fainted, and choked as they died' (Gatrell 1994, p.vii). Mistakes and mishaps were also common: 'Sometimes the rope snapped or the cross-beam fell loose' (Gatrell 1994, p.50). In such cases, the condemned had to endure an agonizing wait while repairs were made and they could be hanged for a second time. Other problems were more serious. For example, if the length of rope used to hang them was too long, the jerking force on the noose would be strong enough to cause decapitation; a gruesome and bloody scene.

Conversely, if the length of rope was too short, the drop would not break their neck and cause instant death. Instead, the condemned would die slowly and painfully by strangulation, a process that ‘could take up to 30 minutes’ (Clark 2009, p.20). For the bulk of this period, it was not uncommon for the condemned to thrash violently around, gasping for air and even desperately trying to hook their legs on the scaffold to obtain some relief. Clark documents the case of one condemned woman who did not die instantly when the trap door released: ‘People in the crowd, her friends perhaps, hung on her legs to shorten her sufferings, a not unusual occurrence’ (Clark 2009, p.20).

Such gruesome facts prompted many men and women to conclude that judicial murder was no different from criminal murder. As a consequence, they made a case for the complete abolition of capital punishment and alternative means of punishing offenders: via monetary fines, property forfeiture or—echoing the newest idea in criminal justice—a period of incarceration. Louis Masur has discussed how these proposals signaled the beginning of a shift in societal attitudes about both the causes of crime and the purpose of punishment. Whereas civic transgressions had formerly been seen as resulting from an individual’s innate depravity, they were now being viewed as the product of free will and even circumstance. Similarly, while the primary purpose of punishment had long been retributive—a means for the state to dispense punishment and thereby reassert its authority—it was now being recast as rehabilitative: as a method to reform the individual and restore him or her to society as a law-abiding citizen (Masur 1989, p.5). Capital punishment stood in contradistinction to both of these sentiments; the execution of criminals by the state sent the message that some citizens were either beyond rehabilitation or were not worth the effort. For those in the anti-gallows movement, either standpoint was unacceptable. As McGowen has written, ‘In their minds, death was quite simply inconsistent with the values of a humane civilization’ (McGowen 1994, p.259).

While Enlightenment-inspired beliefs in proportionality, humanity and even mercy eventually formed the foundation for the penal code in Great Britain, those who subscribed to them remained in the minority for the duration of the nineteenth century. As the Victorian era progressed, the anti-gallows movement steadily lost members and, as a result, cultural momentum. McGowen records this shift: ‘Whereas in the 1840s the abolition of the gallows had been a popular cause with intellectuals, by the 1860s most writers supported capital punishment’ (McGowen 1994, p.258). So, too, did the bulk of the British public. In fact, anti-gallows sentiments grew so low that, ‘In 1862 the Society for the Abolition of Capital Punishment was so diminished that it had to suspend its operations several times owing to lack of support’ (Potter 1993, p.88). Great Britain would not abolish the death penalty until more than a century later, in 1968. Meanwhile, they would permit the public execution until 1868.

As a consequence, capital punishment remained a central facet of Victorian life. V. A. C. Gatrell has written that the practice was not simply an integral part of British criminal law, it was ‘also embedded in the collective imagination, the subject of anxiety, defence, and denial, of jokes, ballads, images, and satire’ among its citizens (Gatrell 1994, p.32). In this way, while the scaffold literally constituted a simple wooden structure, it figuratively signified a far more powerful cultural institution.

‘A Stern Critic of Personal Behavior and Social Conduct’: Lewis Carroll on Current Events, Religious Convictions, and Moral Debates

While Lewis Carroll never explicitly wrote about capital punishment in any of his extant poems, diaries, letters, essays, or books, it seems likely that he was aware of the issue and the debates surrounding it. The author had sustained interest in current social, political and cultural events. As biographer Morton Cohen has written, ‘Although [Carroll] worked hard at his profession, he did not altogether neglect the larger world, as most Oxford academics were inclined to do’ (Cohen 1996, p.71). On the contrary, letters and diary entries from the time he was a young man are filled with commentary about happenings both at home and abroad. Derek Hudson, for instance, has discussed Carroll’s various comments concerning the Crimean War. Likewise, Cohen has documented the way in which the question of Irish independence preoccupied him throughout his life. Some matters even inspired Carroll to compose an editorial for the local newspaper or write a letter to Parliament.² Through these and other actions, he developed a reputation as having an ‘uncompromising moral stance’ (Cohen 1996, p.308). In the words of biographer Morton Cohen, Carroll ‘kept a critical eye on the life of his college, his university, his society, and the world. When he uncovered ugliness or injustice, he put his pen to paper and wrote scathing attacks and proposed reasonable remedies’ (Cohen 1996, p.386).

Another equally probable point of contact with contemporaneous debates concerning capital punishment was Lewis Carroll’s various reading habits. At the time of his death, a catalogue of his library revealed hundreds of volumes ranging from works of literature, history, geography, philosophy, linguistics and religion to politics, biology, philology, natural science, classics and economics (Stern 1981, p.17-44). Significantly, one of his favorite novelists was also one of the most outspoken critics of the death penalty: Charles Dickens (Kelly 1990, p. 19; Arnoldi 1972, p.91).

Carroll’s love for Dickens was rivaled only by his love for the British humor magazine *Punch*. Founded in 1841, the weekly publication contained articles, essays and cartoons that offered comic and often satirical commentary on current events. As Frankie Morris has documented, ‘Carroll had been a *Punch* reader since his teens’ (Morris 2005, p.139); he would remain one for the rest of his life. Of course, when Carroll was looking for an artist to illustrate *Alice’s Adventures in Wonderland*, he turned to a member of the *Punch* staff, John Tenniel. As Morris documents, ‘In a letter in late 1863 [Carroll] asked *Punch* writer Tom Taylor to see if the famed cartoonist would be open to drawing ‘a dozen wood-cuts’ for him, acknowledging, “Of all artists on wood I should prefer Mr. Tenniel”’ (Morris 2005, p.139).

Over the years, *Punch* published numerous articles addressing the issue of capital punishment. In an anti-gallows piece from July 26th, 1856, for example, the magazine asserted that a bishop officiating at a recent hanging would be ‘better employed in the vineyard of his master, than in the ropery of the Judges’ (cited in Potter 1993, p.85). Meanwhile, another essay that appeared the following year ridiculed the role of the clergy and their confidence in being able to reform the condemned. In the words of historian Harry Potter, the feature ‘concluded that the attention paid by the convict to the discourses of his spiritual advisor “was about equal to the pleasure which he derived from them”’

(Potter 1993, p.53). Finally, illustrator John Leech penned a cartoon for *Punch* after accompanying Charles Dickens to the hanging of husband-and-wife killers, Mr. and Mrs. Manning, in 1849. Titled 'The Great Moral Lesson at Horsemonger Gaol, Nov 13,' the image satirized the common belief that public executions served as a solemn object lesson. Leech's illustration did not even depict the gallows; instead, it showcased the disorderly conduct, disrespectful manner and drunken merry-making of the audience (reprinted in Gatrell 1993, p.607). Morris has commented about the powerful influence that the humor magazine had on Lewis Carroll's views: 'A devotee of *Punch* from his teens, Carroll would come to agree with many of the paper's positions' (Morris 2005, p.206).

Informing Carroll's viewpoint on many social issues was his powerful Christian faith. The eldest son of an Archdeacon in the Anglican Church,³ the famed children's author was a devout man. On December 22nd, 1861, in fact, he even took Deacon's orders.⁴ Lewis Carroll, however, did not blindly absorb Christian dogma. Instead, as he explained in a letter to friend Mary Brown in December 1889, he believed that individuals must carefully consider questions of right and wrong and conduct themselves in accordance with their convictions, even if those beliefs differ from convention (Cohen 1996, p.373). At numerous points throughout his life, Carroll made comments about the nature of Christianity and the proper deportment of its followers that could be extrapolated to the question of capital punishment. In a letter from June 1889, for example, he argued in opposition to the Anglican Church's belief in eternal punishment (Cohen 1996, p.362). Similarly, years earlier, Carroll had articulated his conviction about the sanctity of all life and equally strong repugnance for cruelty towards any living thing. In the 1870s, he fact, he wrote a series of editorials denouncing the practice of vivisection. One of Carroll's central points in these articles was whether 'the question of whether vivisection, if practiced on animals, will not, in time, lead to experiments with human beings' (cited in Cohen 1996, p.391). Significantly, among the various classes of individuals that the author identified as being particular vulnerable to such inhumane treatment was criminals (Cohen 1996, pp.391-392). Mirroring a common critique of capital punishment at the time, Carroll was concerned that vivisection had a corruptive influence, desensitizing individuals to the suffering of others. As the author said of mankind, 'he is constructed with enough of the 'wild beast' in him to enable vivisectioners to grow accustomed to inflicting pain without qualms, to become ensnared in the process, and ultimately to take pleasure in it' (cited in Cohen 1996, p.392). In a powerful indication of how much Carroll cared about this issue, Stuart Dodgson Collingswood noted that his normally shy uncle who shrank from the public spotlight and often even vociferously denied that he was the famous children's author, signed the article with his well-known pseudonym 'in order that whatever influence or power his writings had gained him might tell in the controversy' (Collingswood 1967, p.166).

Although this overview is brief, it affirms Morton Cohen's characterization of Carroll as a 'stern critic of personal behavior and social conduct, especially in matters concerning religion' (Cohen 1996, p.370). Even when it was unpopular or even socially unacceptable, he was 'a man who thought carefully, deeply, and constantly about what is right and wrong, who asked all the crucial questions about life and death, good and evil, seeking answers from congenial guides, and ultimately tested and shaped his faith and destiny' (Cohen 1996, p.372).

‘Come, I’ll Take No Denial: We Must Have the Trial’: Lampooning the Law in *Alice*

Martin Gardner once pointed out: ‘No other books written for children are more in need of explication than the *Alice* books. Much of their wit is interwoven with Victorian events and customs unfamiliar to American readers today, and even to readers in England. Many jokes in the book could be appreciated only by Oxford residents, and others were private jokes intended solely for Alice’ (Gardner 2000, p.xxiii). Character names, plot points, and poems and songs often embed references to actual people, places or events in Carroll’s life.⁵ Given the prevalence of cultural allusions and even inside jokes, Jan Susina has asserted that *Alice’s Adventures in Wonderland* ‘is a text firmly rooted in the codes and conventions of the Victorian period’ (Susina 2010, p.33). Indeed, in the words of Gardner, Carroll’s narrative was ‘written for British readers of another century, and we need to know a great many things that are not part of the text if we wish to capture its full wit and flavor’ (Gardner 2000, p.xiii).

The book’s discussion of criminal offenses and jury trials also benefit from such contextual decoding. *Alice* contains two formal judicial hearings, and—echoing many of the criticisms levied against Victorian legal system—both are farcical. The first hearing appears in the third chapter of the book and recounts the playtime prosecution of the Mouse by a dog named Fury. The trial begins casually and even capriciously. As the narrator reveals, it is spurned more out the dog’s boredom than the rodent’s misbehavior: ‘Fury said to a mouse, That he met in the house, “Let us both go to law: I will prosecute you.—Come, I’ll take no denial: We must have the trial; For really this morning I’ve nothing to do”’ (Carroll 1865, p.34). The manner in which the hearing is conducted is even more ludicrous. The Mouse points out to his canine accuser, “Such a trial, dear sir, With no jury or judge, would be wasting our breath”’ (p.34). The dog is undeterred, however, offering an easy if grossly unfair and inappropriate solution to this situation: “I’ll be judge, I’ll be jury,” said cunning old Fury’ (p.34).

Akin to numerous other scenes in *Alice*, this seemingly silly scenario reflects Victorian social reality. As V. A. C. Gatrell has written, British criminal law had long been seen as capricious, incompetent and corrupt. Echoing the predicament of Carroll’s Mouse, men and women were often sentenced ‘to the scaffolds or exile for puny as well as casually tried crimes’ (Gatrell 1994, p.vi).⁶

This brief legal scenario foreshadows the lengthy trial that occupies the final two chapters of the book: the prosecution of the Knave for his alleged theft of the Queen’s tarts. As Morris has written, from the very beginning, the proceeding ‘is a total travesty’ (Morris 2005, p.213):

The twelve jurors were all writing very busily on slates. ‘What are they doing?’ Alice whispered to the Gryphon. ‘They ca’n’t [sic] have anything to put down yet, before the trial’s begun.

‘They’re putting down their names,’ the Gryphon whispered in reply, ‘for fear they should forget them before the end of the trial.’

‘Stupid things!’ Alice began in a loud indignant voice. . . .

(Carroll 1865, p.111)

Even worse, the jurors display a complete lack of ability to determine relevant information and noteworthy events from unimportant occurrences. ‘Alice could see, as well as if she were looking over their shoulders, that all of the jurors were writing down “Stupid things!” on their slates, and she could even make out that one of them didn’t know how to spell “stupid,” and that he had to ask his neighbor to tell him. “A nice muddle their slates’ll be in, before the trial’s over!” thought Alice’ (p.111). When Alice takes the pencil away from one of the jurors to stop its annoying squeaking, he is both baffled and undeterred. The Lizard ‘could not make out what had become of [the pencil]; so, after hunting all about for it, he was obliged to write with one finger for the rest of the day; and this was of very little use, as it left no mark on the slate’ (p.112).

Rather than becoming more experienced as the trial progresses, the jurors seemingly become more incompetent. When the Hatter, March Hare and Dormouse debate the day on which the tea-party commenced—citing the fourteenth, fifteenth and sixteenth of March, respectively—the King must order them to make a note of these important dates. However, the reason for keeping this record eludes them. As the narrator notes, ‘the jury eagerly wrote down all three dates on their slates, and then added them up, and reduced the answer to shillings and pence’ (p.113).

Once again, these details reflect various criticisms levied against the British legal system during the nineteenth century. Sally Lloyd-Bostock and Cheryl Thomas have written that, while the sanctity of trial by jury was ‘burnt into the consciousness of every Englishman’ (Lloyd-Bostock & Thomas 1999, p.10), the fitness of jurors was often called into question. ‘In 1848, for example, the editors of *The Times* commented that at the Assizes held at Monmouth “the composition of common jury lists seems to be conducted on the principle of selecting the most uneducated and incompetent persons to be found in the respective counties with the requisite qualifications”’ (cited in Hanly 2005, p.265). Such sentiments were echoed by various legal experts. An article that appeared in the serial *Jurist* ‘regretted that juries were usually composed of “persons with scarcely sufficient education to understand the ordinary conversational language of educated men, and quite incapable of any close or acute reasoning”’ (cited Hanly 2005, p.265).⁷ Given the absurdist nature of the jury in *Alice*, Michael Hancher has commented on the seeming symbolism encoded in the specific animals that Tenniel chose to represent the jurors. As he points out, one of them is a parrot (Hancher 1985, p.37).

The ill-behavior of the jurors in *Alice* is exceeded only by that of the judge. First, reflecting the historical reality that ‘Until the Revolution of 1688 – 89, judges held their offices at the pleasure of the Crown, and were regarded as Crown servants’ (Hanly 2005, p.255), the King himself officiates at the Knave’s trial. Carroll details the many legal, ethical and procedural problems that arise when the chief monarch is also the chief adjudicant. Lacking any professional training, courtroom experience, or legal expertise, the King commits many gaffes. For instance, immediately after the White Rabbit finishes reading the accusation, he asks the jury to render their decision: ““Consider your verdict,” the King said to the jury’ (Carroll 1865, p.112). Luckily, the hare Herald intervenes: ““Not yet, not yet!” the Rabbit hastily interrupted. “There’s a great deal to come before that!”” (p.112).

A central feature of this proceeding, of course, is the hearing of testimony. Throughout this process, the King repeatedly interrupts, insults, and even intimidates the witnesses. As the narrator notes,

after numerous such threats, ‘the wretched Hatter trembled so, that he shook off both shoes’ (p.114). The following chapter, when Alice herself is called to testify, builds on such criticisms. Before taking the stand, the young girl is informed that she is in violation of ‘Rule Forty-Two,’ which dictates height limitations for witnesses. In an exchange with the King, Alice protests the rule and, in so doing, reveals its contrived, manufactured nature:

‘Well, I sha’n’t go [out of the courtroom], at any rate,’ said Alice: ‘besides: that’s not a regular rule: you invented it just now.’

‘It’s the oldest rule in the book,’ said the King.

‘Then it ought to be Number One,’ said Alice.

The King turned pale, and shut his note-book.

(p.120)

As before, these problems all reflect common criticisms of the bench at the time. Echoing the King’s ignorance of the law and courtroom procedure, Hanly documents the battles over what he calls ‘judicial amateurism’ (Hanly 2005, p.264). ‘Legal education was in a poor state in the first third of the nineteenth century’ and many judges lacked formal training (Hanly 2005, p.263). As a result, magistrates engaged in various mishandlings of justice. Commenting on such abuses, an article that appeared in *The Times* in 1850 lamented how ‘the “mere pantomomical expression of disgust or incredulity on the part of the presiding magistrate will be sufficient to neutralize the hypothesis of an advocate or to shake the testimony of a witness”’ (cited in Hanly 2005, p.259). In some courtrooms, such behavior became so egregious that the atmosphere was likened to a ‘petty tyranny’ (Hanly 2005, p.268)—a characterization that aptly describes the environment created by the judge-King in *Alice*.

Before the trial of the Knave concludes, *Alice* lampoons other legal procedures. For instance, when one of the guinea-pig jurors erupts in an inappropriate cheer, the creature ‘was immediately suppressed by the court’ (Carroll 1865, p.115). With typical Carrollian humor, the author includes the parenthetical aside: ‘(As this is a rather hard word, I will just explain to you how it is done. They had a large canvas bag, which tied up at the mouth with strings: into this they slipped the guinea-pig, head first, and then sat upon it)’ (p.115). Underscoring Carroll’s desire that parodic elements in his fictional narrative be linked to factual facets of Victorian life, he provides a rare reference to the world outside of Wonderland: “‘I’m glad I’ve seen that done,” thought Alice. “I’ve so often read in the newspapers, at the end of trials, ‘There was some attempt at applause, which was immediately suppressed by the officers of the court,’ and I never understood what it meant until now”’ (p.115).

‘They’re Dreadfully Fond of Beheading People Here’: Critiquing Capital Punishment Inside—and Outside—of Wonderland

The two trials presented in the novel are more than simply criminal cases; they are capital ones. After Fury informs the Mouse ‘I’ll be judge, I’ll be jury,’ he offers another even more unsettling proclamation: ‘I’ll try the whole cause, and condemn you to death’ (Carroll 1865, p.34). Likewise, echoing the many petty property crimes that carried the penalty of death during the height of the Bloody Code, the Knave of Hearts is facing execution for the theft of the Queen’s tarts.

Far from being limited to these two legal scenarios, capital punishment as both a legal policy and civic practice permeates *Alice's Adventures in Wonderland*. For example, in chapter four, while the White Rabbit frantically searches for his missing gloves, Alice learns the reason for his distress: 'and she heard it [the White Rabbit] muttering to itself, "The Duchess! The Duchess! Oh my dear paws! Oh my fur and whiskers! She'll get me executed, as sure as ferrets are ferrets!"' (p.37). The expression 'as sure as ferrets are ferrets' gives this passage an added criminal element. As the *Oxford English Dictionary* reveals, the term 'ferret' was slang during the nineteenth century for a 'dunning tradesman', a 'pawnbroker' or, more bluntly, a 'thief'.

When Alice meets the Duchess a few chapters later, she discovers that the White Rabbit has good cause to be alarmed, for the noblewoman is fond of commanding that individuals be put to death. After the young girl points out the astrological fact that 'the earth takes twenty-four hours to turn round on its axis', the sound of her final word prompts the Duchess to threaten her life. For seemingly no reason whatsoever, she erupts: "'Talking of axes. . . chop off her head!'" (Carroll 1865, p.61).

The King is likewise fond of threatening individuals with execution. When the Hatter is testifying during the trial of the Knave of Hearts, the male monarch barks: 'Give your evidence, . . . and don't be nervous, or I'll have you executed on the spot' (p.113). This violent vow is reiterated several times. On the following page, for example, "'Give your evidence," the King repeated angrily, "or I'll have you executed, whether you're nervous or not"' (p.114). Then, a few moments later, when the Hatter is unable to recall a conversation he had with the Dormouse, the King warns: "'You *must* remember. . . or I'll have you executed"' (p.115, italics in original).

Of all the characters who order executions, however, the Queen of Hearts is the most infamous. As the narrator says of her Majesty, 'The Queen had only one way of settling all difficulties, great or small. 'Off with his head!' she said without even looking round' (p.87). This remark is far from hyperbole. When Alice is unable to identify some of the members in the royal procession, the monarch becomes incensed: 'The Queen turned crimson with fury, and after glaring at her for a moment like a wild beast, began screaming "Off with her head!"' (p.82). On the following page, when her Majesty learns that the playing-card gardeners have mistakenly planted white roses when she requested red, she decides that death is the appropriate penalty for this blunder: 'Off with their heads!' (p.83). During the croquet match, this pronouncement becomes even more common. As the narrator reveals, 'in a very short time the Queen was in a furious passion, and went stamping about, and shouting "Off with his head!" or "Off with her head!" about once a minute' (p.85). In a detail that takes historical critiques about the overly expansive list of capital crimes even further, the offenses that the condemned have allegedly committed are not merely trivial, they are often purely imaginary, existing as crimes only in the Queen's head.⁸ For example, Alice hears the monarch 'sentence three of the players to be executed for having missed their turns' (p.87). Likewise, she threatens the Duchess with execution for simply commenting that it is a nice day (p.93). Finally, she orders the Cheshire Cat be executed for seemingly no reason whatsoever; perhaps for simply appearing in her line of sight.

Although the King serves as the officiating judge during the trial of the Knave, the Queen does not relinquish her authority to order executions. The Hatter avoids being beheaded by his Majesty while testifying, but he is quickly sentenced to death by *her* Majesty upon being dismissed: ““You may go,” said the King. . . . “—and just take off his head outside,” the Queen added to one of the officers’ (p.116). Similarly, when the Dormouse comments during the testimony of the cook, he too ignites the monarch’s ire: ““Collar that Dormouse!” the Queen shrieked out. “Behead the Dormouse! Turn that Dormouse out of court! Suppress him! Pinch him! Off with his whiskers!”” (p.117).

Together with these explicit references, capital punishment also appears in more subtle and coded ways in Carroll’s narrative. When Alice first arrives in Wonderland, the White Rabbit mistakes her for his servant girl. The harried hare ‘called out to her, in an angry tone, “Why Mary Ann, what *are* you doing out here?”’ (pp.37-38; italics in original). While this passage seems to have little to do with capital punishment, ‘Mary Ann’ was both a widely known British euphemism for a ‘servant girl’ and—as *Brewer’s Dictionary of Phrase and Fable* notes—a slang term for the guillotine (p.674). The name acquired this meaning around the time of the French Revolution and, given the frequent calls for beheadings in the text, this association would likely have come to mind for Carroll’s original readership. Indeed, given the fondness for ordering executions in Wonderland, the narrator notes that within roughly thirty minutes time from the start of the croquet match, ‘all the players, except the King, the Queen and Alice, were in custody and under sentences of execution’ (Carroll 1865, p.94). This situation affirms the young protagonist’s previous observation, ‘They’re dreadfully fond of beheading people here: the great wonder is, that there’s any one left alive!’ (p.87).

The recurring presence of state-sanctioned executions gives new meaning to the age that Carroll chose for his title character. Peter Heath has called Alice ‘the best-known seven-year-old in literature’ (Heath 1974, p.3). The author’s decision to make his protagonist seven when the real-life Alice Liddell was ten at the time when he first created the story has been the source of much speculation by critics and biographers. Martin Gardner, for example, points out: ‘The number forty-two held a special meaning for Carroll. . . . and seven is a factor of forty-two’ (120). Meanwhile, the entry for the author in *The Oxford Companion to Fairy Tales* suggests ‘perhaps Dodgson wistfully regarded [seven years old] as the perfect age in Alice Liddell’ (Zipes 2000, p.88).

Rereading the story in light of the history of capital punishment in Great Britain offers another possible explanation for this decision. Richard Clark has written that, throughout the late eighteenth and into the nineteenth centuries, ‘There was a different concept of the criminal responsibility of children and at this time the age of criminal responsibility of children was originally just seven’ (Clark 2009, p.106). Contrary to contemporary attitudes: ‘The law did not see children as distinct from adults until much later (1933) and. . . still mandated the death sentence for children above the age of seven convicted of a capital felony’ (Clark 2009, p.106). While the lives of many juveniles were spared through pardons or commuted sentences, they were nonetheless eligible for the gallows. Clark recounts numerous instances during the Georgian and Victorian periods where adolescents were executed for crimes ranging from murder and rape to arson and discharging a firearm (Clark 2009, pp.106 – 117). Moreover, given that the ‘legal requirement to register a birth’ was not mandated in

Great Britain until 1837—coupled with the fact that many jails did not record the age of those hanged on the gallows—the execution of many more young people seems likely (Clark 2009, p.107).

In what has become an oft-discussed issue in Carroll criticism, the published version of *Alice's Adventures in Wonderland* differed significantly from the original gift version that he presented to Alice Liddell. As Derek Hudson relays, the author 'enlarged the 18,000 words of *Alice's Adventures Under Ground* into the 35,000 words of his famous book' (Hudson 1977, p. 118). Carroll offered the following explanation for this change in length: 'In writing it out, I added many fresh ideas, which seemed to grow of themselves upon the original stock; and many more added themselves when, years afterward, I wrote it all over again for publication' (cited in Cohen 1996, p.90).

While alterations to the Britain's capital code occurred throughout the nineteenth century, they were especially prevalent during the early 1860s when Carroll was conceiving and composing *Alice*. As mentioned previously, in 1861, the year before the mathematics don created the story for the Liddell sisters, the Criminal Law Consolidation Act 'reduced the number of capital crimes to four: murder, high treason, piracy and arson in a Royal Dockyard' (Clark 2009, p.136). Meanwhile, in 1864, when he was rewriting and expanding the tale for commercial publication, the question of capital punishment was frequently in the news. As Clark has documented, 'The year 1864 was an unusually busy one for hangings at Newgate' (Clark 2009, p.134). Although Carroll lived in Oxford, he made frequent trips to London—where the infamous jail was located—to visit friends, hear lectures, and attend the theater (Cohen 1996, p.261). Martin J. Weiner notes that one capital case especially captured the public's imagination: that of convicted wife-murderer George Hall. In 1864, efforts to have this man, whom many believed had acted justifiably, spared the noose comprised 'a large campaign that for several weeks attracted an immense amount of public attention' (Wiener 1999, p.175).

Growing antipathy towards the death penalty in general and the practice of public executions in particular prompted Queen Victoria to convene the Royal Commission on Capital Punishment in May 1864. Chaired by the Duke of Richmond, the committee was asked 'to inquire into the Provisions and Operation of the Laws now in force in the United Kingdom, under and by virtue of which the Punishment of Death may be inflicted upon persons convicted of certain crimes, and also into the manner in which Capital Sentences are carried into execution, and to report whether any, and if any what alteration is desirable in such Laws, or any of them, or in the manner in which such sentences are carried into execution' (Royal Commission 1866, p.2). For two years, the Commission reviewed existing research and conducted interviews with judges, lawyers, chaplains and prison officials to determine the efficacy of capital punishment in Great Britain.

The Royal Commission published their report in 1866, and the more than 600-page document proposed an array of modifications to the legal code: from dividing the crime of murder into degrees and clarifying the meaning of *malice aforethought* to adding the crime of infanticide and permitting judges, not juries, to determine sentences (Royal Commission 1866, pp.xlviii-li). The alteration for which the Commission is most well-known, however, was ironically one of the last ones that they listed: 'the abolition of the present system of public executions' (Royal Commission

1866, p.1). While not all of the recommendations made by the Royal Commission were adopted, this one became law. In 1868, the Capital Punishment Amendment Act decreed: ‘Judgment of death to be executed on any prisoner sentenced on any indictment or inquisition for murder shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution’ (‘Capital Punishment Amendment Act 1868’).

Given the widespread public debate over capital punishment in general and the work of the Royal Commission in particular, it comes as no surprise that among those ‘many fresh ideas’ which Carroll mentioned adding to *Alice* are ones concerning the criminal code and state-sanctioned execution. While *Alice’s Adventures Under Ground* contains calls for characters to be put to death—by the Queen of Hearts and by the Marchioness (who is renamed the Duchess in the revised edition)—these elements are greatly expanded in the published text. The original gift edition, for instance, does not contain the Mouse’s comic, corrupt and capricious trial by the dog Fury. Instead, the rodent’s ‘long sad, tale’ concerns his family’s troubles with a local feline and the feline’s problems, in turn, with a neighborhood dog. The Mouse begins: ‘We lived beneath the mat / Warm and smug and fat / But one woe & that / Was the *cat!*’ (Carroll 1865, p.22, italics in original). While the poem does discuss the deaths of many members of the Mouse’s family, they are not by judicial execution. Rather, his siblings perish by accident, from being in the unfortunate locale of under the mat:

But alas!
one day, (So they say)
Came the dog and
cat, Hunting
for a
rat,
Crushed
the mice
all flat

(p.22, emphasis in original)

Even more noticeably, the trial of the Knave of Hearts in the gift edition of *Alice* is extremely short. It consists merely of the White Rabbit reading the accusation about the stolen tarts and then the Queen demanding that the sentence come before the evidence. Unlike in the published version, there is no testimony by the Hatter, Cook, Dormouse or Alice, and thus no repeated threats by her Majesty or the King for beheadings.

The public debates concerning the death penalty during the period in which Lewis Carroll composed *Alice’s Adventures in Wonderland* gives new literary meaning and added social significance to the trial for Knave of Hearts. Of all the passages that Carroll could have developed, his decision to focus on this section is significant. By presenting criminal law, jury trials, and state-sanction death sentences as silly and even ridiculous, Carroll extends his exploration of nonsense from songs, poems and games intended for children to some of the most serious, solemn and

seemingly sacrosanct aspects of adult society. Indeed, while the Queen of Hearts' cry 'Off with their Heads' evokes the etymology of the phrase capital punishment, it also signifies a form of execution commonly considered the most dignified. Steve Fielding has documented that hanging 'was the usual punishment of commoners, noblemen being given a more honourable death by beheading' (p.1). Given that all of the calls for execution in *Alice* are beheadings, Carroll shows how even this allegedly esteemed form of capital punishment is cruel and absurd. In so doing, the narrative adopts an ideological position that was typical of the author's iconoclastic personality. Instead of debating whether executions should be held in public or private, it pushes the issue one step further, questioning—to use the words of Ann Widdecombe— 'the very validity of the State's taking life' (p.7).

In what has become an oft-quoted line from *Alice*, the Cheshire Cat informs the title character about the general state of insanity in Wonderland: 'we're all mad here' (p.66). When the 1865 narrative is viewed in light of contemporaneous debates concerning capital punishment, this quality of lunacy is no longer limited to the fictional residents of Wonderland; it encompasses factual inhabitants of British society. In this way, while Carroll would title the 1871 sequel to Alice's adventures *Through the Looking-Glass*, it is clear that the initial narrative also functions as a mirror onto Victorian society, reflecting its ideology, institutions and injustices back to readers.

Alice's Evidence of Alice's Activism: Juvenile Agency and the Fully-Acculturated Victorian Child

While nearly every character is sentenced to death at some point in *Alice*, none are actually executed. As Nina Demurova observes, the animals and humans in Carroll's novel are 'always hitting, banging, beating, kicking, teasing, threatening, scolding, or killing (but not quite)' (Demurova 1982, p.82). Through various means, all those condemned are able to avoid the gallows: the playing-card gardeners hide from the axe-man in a flowerpot; the Hatter runs out of the courtroom before the royal henchman can catch him; and the Cheshire Cat fades away while the Queen is distracted. Even those characters who do not actively evade the executioner are spared. From the Duchess's command that her servants to chop off Alice's head to the Queen's desire to put to death nearly everyone in the croquet game, orders for beheadings are forgotten almost as quickly as they are uttered.

Akin to numerous other details in *Alice*, this disjunction between the number of death sentences imposed and executions carried out reflects another prominent criticism of capital punishment during Carroll's life. Michael Meranze suggests that at the same time as prosecutions for capital crimes were on the increase, executions remained stagnant, ensuring that 'the actual numbers of executions did not grow apace and the sheer arbitrariness of the system became impossible to hide' (Meranze 1997, p.374). Capital law was not enforced fairly or applied uniformly. Individuals from powerful, wealthy or well-connected families were often able to avoid prosecution, while others escaped charges or even punishment by evoking an array of special circumstances: claiming the benefit of clergy, demonstrating proof of literacy, or enjoying 'the discretionary power of

prosecutors' (Masur 1989, p.3). Richard Clark has written how these elements were both often interrelated and steadily expanded over time.

Initially to get the benefit [of clergy] the accused had to appear in court wearing ecclesiastical regalia, but over time this provision was removed and they had to read a passage from the Bible instead. Obviously this extended the benefit to anyone who was literate, not just priests. In fact it could be extended to the illiterate as in most cases the passage to be read was from the 51st Psalm and could be memorized. It became known as 'the neck verse' as it saved many a neck from the noose.

(Clark 2009, p.13)

These abuses created what Gatrell has characterized as a system of 'slap-happy justice' (Gatrell 1994, p.vi). Indeed, in a comment that could be applied to almost all of the calls for execution in *Alice*, by the Victorian era in Great Britain 'capital law had come to look randomly cruel and terminally silly' (Gatrell 1994, p.21).

Even if prisoners could not avail themselves of protections like the benefit of clergy, juries often spared their life by returning what was known as a partial verdict: they found the accused guilty, but refused to order the person be put to death. As a result, 'scores of crimes were considered capital offenses, but execution rates for those convicted of capital crimes generally remained well below 50 percent' (Masur 1989, p.3). During the late eighteenth and into the nineteenth centuries, such provisions in 'criminal law enabled hundreds of condemned prisoners to sidestep the gallows' (Masur 1989, p.3). This phenomenon was even true for those who had been sentenced to death. Echoing the situation in Wonderland, Potter notes that, as English history progressed,

only a small and declining proportion of those capitally condemned were actually executed. Between 1749 and 1758 more than two-thirds of the capitally convicted were executed. Less than a third died in the last decade of the century. By 1810 it was about one in seven, and half that proportion again by the mid 1830s

(Potter 1993, p.9).

Alice satirizes this real-world situation in which capital convictions had been rendered almost meaningless. The Gryphon points out to the title character in the wake of one of the Queen's calls for mass beheadings: 'they never executes [sic] nobody, you know' (Carroll 1865, p.95). While readers never see an accused claim the benefit of clergy, a prosecutor exercise discretionary power, or a jury return a partial verdict to spare an individual from the gallows, they do witness a royal pardon. At the end of the croquet match, when all of the players except the title character and monarchs have been sentenced to death, 'Alice heard the King say in a low voice, to the company generally, "You are all pardoned." "Come, *that's* a good thing!" she said to herself, for she had felt quite unhappy at the number of executions the Queen had ordered' (p.94; italics in original).

Given that capital punishment is merely an empty threat in Wonderland, the policy—along with the individuals who invoke it—loses its power. Contrary to arguments by defenders of the practice that executions inspire fear and thus good behavior in citizens, the Gryphon finds the beheading-loving Queen entertaining rather than terrifying:

*The Gryphon sat up and rubbed its eyes: then it watched the Queen till she was out of sight: then it chuckled. ‘What fun!’ said the Gryphon, half to itself, half to Alice.
‘What is the fun?’ said Alice.
‘Why, she,’ said the Gryphon.*

(p.95)

As these comments indicate, the Queen’s frequent calls for execution function more as an amusing leisure-time sport than an effective means of social control. Indeed, in a detail that typifies Carroll’s use of oxymorons, paradoxes, and reversals throughout *Alice*, while her Majesty’s frequent command ‘Off with their heads!’ may evoke fear in the novel’s characters, it often evokes laughter or at least amusement from the book’s readers.

Alice’s Adventures in Wonderland may incorporate many of the contemporaneous criticisms of capital punishment, but it offers another, more original, and by far more powerful argument against it: the individual’s ability to question, challenge, and even openly defy the practice along with the authority of those who order it. The first of these acts of rebellion occurs when the Queen asks Alice the names of the three playing-card gardeners. Aware that if her Majesty realizes that they are the ones who planted the wrong color roses she will order their execution, the young girl engages in a bold act of defiance to protect them. “‘And who are all these?’” said the Queen, pointing to the three gardeners. . . . “‘How should *I* know?’” said Alice, surprised at her own courage. “‘It’s no business of *mine*’” (p.82; italics in original). Not surprisingly, the monarch is incensed by the youth’s insolence: ‘The Queen turned crimson with fury, and, after glaring at her for a moment like a wild beast, began screaming “Off with her head!”’ (p.82). Alice rebels, and it is once again effective: “‘Nonsense!’” said Alice, very loudly and decidedly and the Queen was silent’ (p.82).

Seemingly emboldened by this victory, when the Queen discovers the gardeners’ efforts to paint the white roses red and predictably cries ‘Off with their heads!’, Alice intervenes even more directly on their behalf: “‘You shan’t be beheaded!’” said Alice, and she put them into a large flower-pot that stood near’ (p.83). As before, her actions prove effective. As the narrator notes: ‘The three soldiers wandered about for a minute or two, looking for [the condemned cards], and then quietly marched off after the others’ (p.83).

Of course, Alice’s boldest work of activism as well as her greatest triumph along these lines occurs in the final chapter. In yet another absurd moment during the trial of the Knave of Hearts, the Queen insists ‘Sentence first—verdict afterwards!’ (p.124). Having already endured jurors who cannot remember their own names and a judge who intimidates witnesses by threatening them with execution among other travesties of justice, Alice can take no more. The exasperated young girl erupts: “‘Stuff and nonsense!. . . The idea of having the sentence first!’” (p.124). When an enraged Queen orders her to be silent, she refuses: “‘I won’t!’” said Alice’ (p.124). At this point, her Majesty predictably orders that the young girl be beheaded and the entire courtroom realizes they are witnessing if not a full-fledged *coup d’etat* at least a dramatic power struggle between the two figures. Indeed, unlike previous instances when soldiers scurried after the Queen shouted ‘Off with her head!’ this time Carroll’s narrator notes: ‘Nobody moved’ (p.124). Possibly sensing this

support, the youth is even more daring. In a derisive tone, she tells the Queen ‘Who cares for you? . . . You’re nothing but a pack of cards!’ (p.124). This seemingly imaginary insult—for the Queen of Hearts is, indeed, part of a playing deck—trounces not only her Majesty but Wonderland itself. Alice’s comment ends the dream, which gave life to this world and the characters in it:

At this the whole pack rose up into the air, and came flying down upon her, she gave a little scream, half of fright and half of anger, and tried to beat them off, and found herself lying on the bank, with her head in the lap of her sister, who was gently brushing away some dead leaves that had fluttered down from the trees upon her face.

(p.124)

In this way, the young girl’s activism saves not only a handful of characters from annihilation, but, ultimately, herself. Rather than relying on outside forces—like parents, tutors, governesses, judges or even the monarchy itself—to protect and defend her, she uses her own agency.

These details call into question commonly held assumptions concerning changing conceptions of childhood during the Victorian era and the role that they played in Carroll’s construction of *Alice*. Marah Gubar, in her book about children’s literature from the period commonly referred to as the ‘Golden Age’, aptly summarizes this viewpoint. She argues that, in narratives for young readers published from the late nineteenth century through the early decades of the twentieth century, various ‘political, social, and religious crises led Victorian and Edwardian authors to construct childhood itself as a golden age, a refuge from the painful complexities of modern life’ (Gubar 2009, p.4). Drawing on highly romanticized views, children were seen as the antithesis of adults in many ways: whereas men and women were worldly, boys and girls were innocent; while adults were corrupt, children were pure; where grown-ups were aware of injustice, juveniles were blissfully ignorant. As Judith Plotz notes, this dichotomy cast children as existing ‘outside of the context. . . of schools, of the state, and especially of their families’ (Plotz 2001, p.14). Of course, in order for children to maintain this state of unsullied purity, adults must actively shield them from the unsettling, unpleasant and especially unseemly aspects of the world. For these reasons, Gubar has written ‘when children’s authors whisk child characters away to Wonderlands, secret gardens, or uninhabited islands, [this move is often viewed as a testament] to their ‘regressive desire for a preindustrial, rural world,’ as well as their longing to believe in the existence of a natural, autonomous self, free from the imprint of culture’ (Gubar 2009, p.4).

Such views about the inherent innocence of children and the need for adults to protect this quality played a significant role in arguments calling for the abolition of public execution. As Annulla Linders argues about the Victorian period, ‘With children increasingly viewed as separate and innocent beings, the stern warning of the gallows, having previously provided the justification for parading school children in front of it, could no longer be defended’ (Linders 2002, p.623). Members of the anti-gallows movement argued that public execution was not only a corruptive influence on adult witnesses, but—even worse—their more impressionable juvenile counterparts. Because children were viewed ‘as vulnerable and in need of protection, [they] were to be spared the horrors of the gallows rather than being intentionally frightened by it’ (Linders 2002, p.623). For

these reasons, by the mid-nineteenth century, ‘An outward veneer of respectability, the hallmark of the Victorian age, was to apply also to hanging: not in front of the children’ (Potter 1993, p.79).

Lewis Carroll is commonly seen as having subscribed to analogous views about the inherent innocence, purity and even naivety of children—and the responsibility that adults have to protect these qualities. As Morton Cohen has documented, Carroll lamented that Alice Liddell, along with the many other young girls he befriended over the course of his life, had to grow up. In various letters and diary entries, he wished that these pre-pubescent girls could stay young, pure and innocent forever (Cohen 1996, pp.102 – 3, 156, 172, 181, 187). As Jan Susina argues, critics and biographers routinely extrapolate these beliefs to the author’s view about all children and to the period of childhood as a whole (Susina 2010, p.7).

The recurrence of capital punishment, the frequency of jury trials, and the persistence of criminal violations throughout *Alice’s Adventures in Wonderland* call this belief into question. Far from trying to shield his child audience from the problems, debates and controversies of the adult world, he sought to educate young people about such issues. The numerous facets of British criminal law incorporated into the narrative suggest Carroll’s belief that young people need to be informed about rather than sheltered from the world. Indeed, Richard Kelly remarked of the author: ‘As a man who considered to his dying day that life was a puzzle, Carroll always held the art of teaching to be an essential part of his work’ (Kelly 1990, p.19). Moreover, given the success of Alice’s verbal activism, the book demonstrates that boys and girls whom Victorian culture had classified as socially weak, defenseless and even impotent actually have the power to effect change. Ernest Dowson, in what has become an oft-quoted remark from his 1889 essay, asserted: ‘There is no more distinctive feature of the age than the enormous importance which children have assumed’ (Dowson 1889, p.434). Carroll would have agreed, but perhaps for a different reason than critics and biographers have commonly imagined.

Endnotes

¹As he goes on to reveal, the reason that this means was preferred over others was simple: ‘It became the normal method because it was convenient, not excessively cruel and could be carried out anywhere upon either individual prisoners or groups by unskilled executioners’ (Clark 2009, p.11). Clark speculates that hanging was introduced to the region that would become Great Britain by the Saxons in the 6th century (p.11).

²In March 1882, for example, Carroll’s essay on parliamentary cloture appeared in the *St. James Gazette* (Cohen 1996, p.425). Meanwhile, in the 1880s and 1890s, he wrote various Members of Parliament about issues ranging from the best method for curbing the outbreak fires in London and the need for legislation establishing an eight-hour work day to his views on how officials ought to structure the rules for a major lawn tennis tournament to his firm belief that ‘Members of the Government of either House be allowed to appear in the other, to answer questions, and join in discussion’ (Cohen 1996, pp.425, 483-4).

³For an informative overview of the secular life, religious views and ministerial career of the elder Charles Dodson, see Ivor Davis's (1976) article 'Archdeacon Dodgson', in *Jabberwocky*, 5.2, 46–9.

⁴Admittedly, ordination was a requirement for all Oxford dons during this time. But it is clear that taking holy orders was more than merely a professional obligation for Carroll; on the contrary, it was an act that he took both willingly and very seriously. As Martin Gardner has written 'There is no doubt about the depth and sincerity of his Church of England views' (Gardner 2000, p.xvi).

⁵For example, the names that Carroll chose for his central characters were coded references to participants on the rowing expedition on July 4th, 1862 during which he first told the tale: Alice, of course, for Alice Liddell, the story's muse and dedicatee; Lory, for her older sister, Lorinda Liddell; the Eagle, for the younger sibling Edith Liddell; the Duck, for Reverend Robinson Duckworth; and the Dodo for the Carroll himself, whose stutter often caused him to pronounce his real surname 'Do-Do-Dodgson'. Likewise, most of the poems and songs that appear throughout the narrative 'are parodies of poems or popular songs that were well known to Carroll's contemporary readers' (Gardner 2000, p.23n5). For example, when Alice recites 'How doth the little crocodile. . . How cheerfully he seems to grin, / How neatly he spreads his claws, / And welcomes little fishes in, / With gently smiling jaws!' (Carroll 1865, p.23) she is parodying a then well-known verse by Isaac Watts: 'How doth the busy bee / Improve each shining hour, / And gather honey all the day / From every opening flower!' Finally, the chapter title 'The Lobster-Quadrille' 'is a play on "Lancer's Quadrille", a walking squared dance for eight to sixteen couples that was enormously popular in English ballrooms at the time' (Gardner 2000, p.100n1). Similarly the simile 'grin like a Cheshire cat' 'was a common phrase in Carroll's day', appearing on signboards and even rounds of cheese (Gardner 2000, p.61n3).

⁶The trial segments are not the only ones that satirize judicial authority in Carroll's narrative. As Frankie Morris has written, Tenniel's illustration of the Caterpillar is evocative of a judge: 'the Caterpillar's segmented back seems to separate from the shaded "face" to form the curls of a full-bottomed wig such as Tenniel had frequently drawn for *Punch*' (Morris 2005, pp.213-214). Morris continues: 'The creature's ample sleeve, falling back to show another sleeve beneath, suggests judicial raiment. In fact, our squint has revealed a veritable robed judge who interrogates Alice from the heights of a mushroom bench—"Who are *you*?". . . "What do you mean by that?". . . "Explain yourself"' (p.214).

⁷As Conor Hanley records, some articles went even further in their criticisms. An editorial that was printed in the *Law Times* in 1848 compared the jury to 'a quack doctor' (Hanley 2005, p.265). Meanwhile, a journalistic piece that appeared that same year in *The Times* railed against the "'blunder-headed stupidity" of juries' (cited in Hanley 2005, p.265n87).

⁸The one exception to this phenomenon is the Duchess being placed under sentence of death for, as the White Rabbit reveals to Alice, 'boxing the Queen's ears' (Carroll 1865, p.84). Given that the noblewoman assaulted the monarch, this act of insubordination could be viewed as treason.

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