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Book Reviews

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Gruesome Spectacles: Botched Executions and America's Death Penalty. By Austin Sarat. Stanford, CA: Stanford Univ. Press, 2014. 288 pp. $24.00 cloth.

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The marketing team at Stanford University Press could not have picked a more grimly appropriate release date for Austin Sarat's latest book, *Gruesome Spectacles: Botched Executions and America's Death Penalty*. In April of 2014, on the eve of the book's publication, the state of Oklahoma botched the execution by lethal injection of Clayton D. Lockett. After being declared unconscious, Lockett began writhing and attempted to sit up. Forty-three minutes after the execution began and seven minutes after officials tried to abort it, he died of a heart attack. On editorial pages across the world, writers decried the horror of what appeared to be a torturous, lingering death.

But such deaths, Sarat shows in his history of executions gone wrong, have been anything but anomalous in the twentieth and twenty-first centuries. Working with four collaborators—Katherine Blumstein, Aubrey Jones, Heather Richard, and Madeline Sprung-Keyser—Sarat used newspapers to survey 8,776 executions from 1900 to 2010. His sobering finding: 3 percent of all executions since 1900 have been botched. Over 8.5 percent have been botched since 1980: Americans have gotten worse, not better, at executing offenders.

The book is sure to become an essential resource for scholars wishing to pursue the important theoretical and empirical questions botched executions raise about the practice of capital punishment in the United States. Beyond giving us an unprecedented understanding of the frequency and nature of botched executions (an appendix provides short summaries of each of the 276 botched executions Sarat and his collaborators found), *Gruesome Spectacles* compellingly situates them in a larger history of the American death penalty. In four chapters dedicated to each mode of execution (hanging, electricity, lethal gas, and lethal injection), Sarat charts

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cycles of reform and disillusionment: from 1890 to 2010, a dark idealism persisted as elites turned from one technology of death to another, each time with the hope that they had finally found a way to kill painlessly and instantaneously. Perfect sovereign control over life and death was always on the horizon.

Journalists oddly enabled this bizarre optimism. When ropes decapitated the condemned, electric chairs lit them on fire, or lethal gas left made them retch, newspapers described the events as "unavoidable misfortunes rather than as symptoms of injustices crying out for rectification" (p. 175). Reporters would contort their prose when describing botched executions, using the passive voice to avoid assigning blame to any one person for burning flesh or heaving chests. And when they did assign a cause, it would often be superhuman, as when one reporter blamed a botched hanging on a morning rain that had stretched the rope. This "misfortune narrative," Sarat compellingly argues, explains why "throughout the twentieth century botched executions played only a minor role in efforts to end the death penalty" (p. 6).

Theoretically and empirically rich, *Gruesome Spectacles* should inspire further inquiries into the meaning and history of botched executions, a topic that has until now received scant attention from scholars. Indeed, the newspaper discourse Sarat critically examines is so fertile that one can imagine other interpretations of them beyond the one he offers here. When the state of New York took five shocks and eight minutes to kill Antonio Ferraro in 1900, for instance, one paper informed readers that he was "of a brutish nature" and that "men of that stamp offer more resistance to the electric current" (quoted on p. 155). Sarat identifies this as another instance of journalists turning to misfortune to defend the state, but *justice* may have also been the subtext here for some readers: by describing him as brutish, the paper may have been hinting that the extra pain Ferraro incurred was deserved, or at least more easily tolerated—his exceptionally long punishment a fitting response to his exceptionally dark nature. Indeed, we might also see a more perfect justice, rather than mere chance, evoked in more recent explanations of botched lethal injections: time and again, journalists have uncritically reported that an offender's past drug use was to blame for the pain he incurred when officials took a torturously long time to find a suitable vein. Future work might explore the degree to which journalists have subtly used desert, as well as misfortune, to exculpate the state when executions go wrong.

Minnesota's early twentieth century experience with a botched execution provides an important, albeit isolated, exception to the story Sarat tells. A gruesome spectacle there *did* play a major role in abolition: journalists' response to the bungled hanging of William

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Williams in 1906 inspired shifts in attitude that John D. Bessler (2003) has shown were crucial to the state's abolition of capital punishment in 1911. Angry at a state law forbidding media coverage of executions, newspapers seized on Williams' death as an example of the dangerous consequences the censorship law could have if it were obeyed: secrecy left state actors unaccountable to the public and the condemned vulnerable to injustices. Bessler demonstrates that a press at odds with the state can produce the subversive narratives that were so often missing in coverage of botched executions.

Indeed, we might ask whether something similar may be underway in the aftermath of Lockett's execution. Like their counterparts in other states, Oklahoma officials had refused to identify the domestic compounding pharmacies they have been forced to use after being cut off by more reputable international suppliers. The atmosphere of secrecy that preceded the execution had generated quite a bit of coverage and might explain why, in its aftermath, a state official's attempt to blame the problems on "vein failure" fell flat. Journalists presented a narrative of incompetence rather than misfortune to explain what went wrong.

Such a narrative cuts to the core of the death penalty's contemporary raison d'etre. Since the 1970s, supporters of the death penalty have imagined it as an uncomplicated antidote to an opaque criminal justice system incompetently run by liberal technocrats. But new levels of secrecy in the practice of state killing have given the death penalty an antidemocratic gestalt, calling to mind the larger anxieties about government competence that capital punishment was supposed to allay.

It is, of course, not obvious that the isolated experience of one progressive Midwestern state over a century ago has any bearing on the present. But if government opacity and botched executions are still a uniquely powerful recipe for abolitionist sentiment, the "misfortune narrative" that Sarat brilliantly uncovers in so many accounts of botched executions might finally be falling upon hard times.

Reference

Bessler, John D. (2003) *Legacy of Violence: Lynch Mobs and Executions in Minnesota*. Minneapolis: Univ. of Minnesota Press.

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