

***Let Him Have It* (1991, P Medak director)**

Mark Coen, UCD, 2016

The fourth instalment in our Law and Film series was *Let Him Have It*, the British film from 1991 that depicts the events leading up to the controversial hanging of Derek Bentley in 1953. It is an uncompromising film that poses challenging questions about the authority and legitimacy of law, and its capacity to be rigid, corrupt and self-righteous.

The film begins amid the chaos and horror of the London Blitz. This contextualises both the lives of the Bentleys and the post-war panic about the perceived breakdown of law and order, which would be so instrumental in Derek's execution. The protagonist is pulled from the rubble of his home, alive but indelibly scarred. When next we encounter him he is trespassing in a shed with other children. They are disturbed by the owner and Derek is cornered. The property owner's attitude quickly shifts from ferocity to horror as Derek slumps in a corner, convulsed by an epileptic fit. Following this episode Derek was sent to an Approved School, a residential institution for young offenders. After his release he lived reclusively at his family home for a long period, interacting only with his parents, sister and a number of dogs.

The family life of the Bentleys is portrayed in the film as stable but stifling. The adult Derek (Christopher Eccleston) is depicted as being cowed by his father, although the parental approach appears to be one of vigilant concern rather than aggression. It is implied that the father-son relationship has been more difficult in the past, perhaps prior to acceptance of Derek's severely impaired mental development. The greyness of Austerity Britain pervades the film, with rationing a visible reminder that a war has been won but its privations continue. Called up for National Service, Derek is attached to equipment that induces a fit in order to satisfy the authorities that he has epilepsy. The army medics also categorise him as mentally subnormal.

Derek's child-like attitude to risk and life in general is highly evident throughout the film. To his parents' alarm, he falls under the fatal spell of Christopher Craig, a younger boy who carries a gun and is in turn very influenced by the law-breaking activities of his older brother Niven. Christopher seeks Derek out and introduces him to gang

culture; an exciting world of colourful jackets and fast cars. In a memorable scene a gang member presents as a bespectacled and serious young man at the Bentley front door, in order to collect Derek without arousing suspicion.

The crucial sequence of the film unfolds on the roof of a confectionary warehouse, on which Derek is trespassing with Craig. Craig had given Derek a knuckleduster and a knife, and was himself armed with a gun. Following a tip off, a detective appears on the roof, detains Derek and tells Craig to surrender the weapon. In the film, Derek cries out "Let him have it, Chris." At this point Craig shoots the detective, wounding him. Twenty minutes later, Craig shoots and kills a policeman. Failing to take his own life with the jammed weapon, Craig throws himself off the building, falling through a glass roof below.

The court scenes of the murder trial are brilliantly evoked. Michael Gough plays Lord Goddard as an exacting figure presiding over a deeply ritualistic process; a man born in 1877 imbuing proceedings with Victorian values. The camera pans the all-male jury. They are middle-aged or older, and would have had to satisfy a property qualification for jury service (removed in England and Wales by the Juries Act 1974). Derek Bentley's parents are diminutive figures in the enormous courtroom. The defendants deny the allegation that the words "Let him have it, Chris" were ever said. The defence of diminished responsibility, allowing for a manslaughter conviction where an accused suffered from "an abnormality of the mind" short of insanity, did not exist in English law at the time of the trial. It was introduced by the Homicide Act 1957, partially as a means of mitigating capital punishment. The Oxford Dictionary of National Biography is critical of defence counsel in Bentley's case, pointing out that it did not draw attention to his mental incapacity.

In his charge to the jury, Lord Goddard effectively stated that an acquittal of Bentley would amount to a finding that the "conspicuously brave" police witnesses were lying. The jury convicted Craig and Bentley, appending a recommendation to mercy in Derek's case. Because he was below the age of 18 Craig escaped the death penalty. In one of the most chilling scenes in the film, Lord Goddard dons the black cap and pronounces sentence of death on Bentley using the stark formula of words prescribed

by law. Later it would emerge that the judge informed the Home Secretary that he saw no reason to support the jury's recommendation to mercy.

Employing scenes of a bathtub full of letters and Derek's father standing alone in a massive hall at Westminster awaiting the outcome of a parliamentary debate, the film captures the determined campaign organised by the Bentley family to have the death sentence commuted. In spite of growing public unease and the signatures of over 200 MPs, Derek Bentley's death sentence was duly carried out within two months of the jury verdict. In the film, his family tearfully clutching each other in their sitting room is juxtaposed with the warders bursting into the Condemned Cell and pulling back a screen to reveal the gallows.

If the film was made today it would probably be different. This is particularly arguable in relation to the title of the film and its depiction of Bentley stating the words in question. In the years following the making of the film, evidence emerged that a written statement supposedly made by Bentley was not consistent with his use of language and may have been fabricated by the police. Various witnesses, including a policeman who was not called as a witness at trial, came forward and said that the official police version of what transpired on the warehouse roof was incorrect in a number of respects. Critically, this included a denial by PC Claude Pain that the words of alleged incitement were ever uttered. In 1993 the Court of Appeal found that Derek Bentley should have had his death sentence commuted to life imprisonment and should not have been executed. Bentley's sister Iris, who campaigned tirelessly to clear her brother's name, did not live to see the quashing of his conviction by the Court of Appeal in 1998. The Court held that Lord Goddard had conducted the trial in a highly partisan manner and had not charged the jury correctly on the burden and standard of proof. It did not, however, accept the arguments made in relation to police fabrication of evidence. Nonetheless, it would be difficult for a film about the case now to avoid the question of police conduct at the investigative stage.

This is a troubling film that lingers in the memory. One could quibble with some details. Would a working class family in the early 1950s have had a television? Is the film's treatment of the phrase "Let him have it" as skilful as it could be? Overall, however, it

is a powerful depiction of post-war Britain, the struggle and pain of a family, and the immorality of capital punishment.