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ABBREVIATIONS

AA	Anatomy Act (1832)
ANS	Autonomic Nervous System
BPP	British Parliamentary Papers
De.RO	Devon Record Office
Do.RO	Dorset Record Office
ESRO	East Sussex Record Office
HRO	Huntingdon Record Office
Le.RO	Leicestershire Record Office
Li.RO	Lincoln Record Office
LL	London Lives
LPL	Lambeth Palace Library
LUL	Leeds University Library
MA	Murder Act (1752)
Nor.RO	Norfolk Record Office
Not.RO	Nottingham Record Office
PNS	Parasympathetic Nervous System
RCS	Royal College of Surgeons
SNS	Sympathetic Nervous System
TNA	The National Archives
WT	Wellcome Trust library
WYAS	West Yorkshire Archive Service

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All academic books have their critics. There will be those who will seek to learn more about medical education, crime and justice, the curative powers of the body, magic and medicine, anatomical literature, image creation, and the sundry other topics that encompass a history of the body. These are covered in some depth by those authors already listed above, and the *Select Bibliography* therefore attempts to guide readers to material regarding the areas they may wish to learn more about. This book is therefore very much about rediscovering punishment pathways inside a judicial system. Like all who travel historically, the sight-seeing has to be selective, or those on the journey would soon tire of the guide. Hence, what you are about to read, like other books that have preceded it, is

an expression of scholarly endeavour; for it seeks to make *a* contribution to *the* contribution of academic life. It is not therefore going to repeat what is already known, but rather is based on a substantial amount of new research in the archives because it is seeking to ask new questions of things that might seem familiar, but are not. Having written about the impact of the Anatomy Act of 1832 on Victorian society, this book steps back to the intervening Georgian period from the Murder Act of 1752. This is a time period that has seldom been studied from the vantage point of the criminal corpse in the way that the next seven chapters recount. There is therefore no overlap with this author's previous publications. Instead the approach has been very much about responding to remarks made to me by Hayden White over dinner at High Table at New College Oxford in 2012: 'If you are a morally sensitive person, then you would not want to see or know about some criminal acts of human history. Disbelief is triggered when knowledge rushes in to smooth over the unbelievable. This would be something you don't see *and* something you don't *want* to see. How do you then write a history of undocumented events—the sort of truth you disavow because it is so unbelievable—something that was deliberately destroyed, edited or refashioned for public consumption—If this really happened, what should I do as an historian?' I soon discovered that the criminal corpse was a central character in a dissection drama that long ago was cleaned up for public tastes. I hope that by inviting you to take part in the punishment options, their realism proves startling, for that will create new conversations, renew historical models, and refine ways of seeing the criminal past.

For the past fifteen years, since becoming an academic, I have always been amazed by the kindness of strangers. Private houses have opened, cups of Earl Grey tea were brewed, and invitations to delicious lunches extended. I am in point of fact also indebted to all those libraries, county record offices, and national repositories that welcomed me over the past two years. In particular, I would like to express my sincere thanks to the Wellcome Trust library, the archivist at the Royal College of Surgeons, as well as numerous County Record Offices in the Midlands, most particularly Leicestershire Record Office. Many County Record Offices now find themselves under exceptional financial constraints with staff maintaining their professionalism in the face of some extraordinary funding cutbacks. It is a testimony to their continued kindness and unique expertise that all scholars still benefit from their accumulated knowledge of the source material. I am all too aware that this may not be for much longer and

that the research career that I embarked on in the 1990s might not be feasible in the near future. It is surely one of the saddest outcomes of the global financial crisis in 2008 that the short-sightedness of profiteers in financial markets has in seven years undermined the public access of documents collected on English local history for the past 500 years. The irony of e-globalisation, open access and its digital highway, is that for all its technological innovation it cannot prevent the locking up of knowledge written on paper for centuries.

Often academics rush around from one lecture to another, time being precious, and there never being enough hours in the day to get things done. Those therefore that people our personal lives often have to be that extra bit understanding. I would consequently like to pay a short tribute to friends and family. This book is dedicated with love to my ‘baby brother’, David John Wright (because a ‘big sister’ is for life, not just for Xmas!), and my beautiful god-daughter Ellen Rose De Banke. Life for them both promises much and I look forward to seeing their bright futures unfold. The foundation-stone of home and the things that are heartfelt there, could not continually be regenerated without Professor Steven King and HMKB. It will, I know, make them both laugh to read that at last *you know who* has organised *the* party—*phew!*

Pro Sempra Contra

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PREFACE

There comes a time in every academic career when the amount of reading a scholar has done can be a hindrance to genuine creative thinking. For this reason, the ability to see familiar things with renewed vision has always been valued by historians since Antiquity. Challenging the status quo in the medical humanities has often been about finding simpler solutions to complex human situations. Confounding traditional values is not however an easy task when established views have strong roots in the public imagination. Historically, curious coincidences have sometimes been as informative as years of pain-staking research. As frustrating as this is for those that work diligently in the darkest corners of research laboratories and academic libraries, it is nevertheless irrefutable that some of the most unexpected observations have been the key to solving the mysterious. Without the wild card alerting us to the solutions to troubling scientific conundrums, there might never have been new ways of seeing and believing in the human capacity for medical innovation.

For centuries, serendipity was a scientific secret. It was seldom exposed to public scrutiny. Academe is now much more open about disclosing the fortunate nature of the misfortunate. The poet Robert Graves, in 1929, celebrated this process of intellectual liberation in his famous poem *Broken Images* when he described how confusion was an emancipation. In the course of which, natural curiosity (a major theme in this book) always sustains more and more creative thinking.¹ In all sorts of scientific settings historians are continually reminded of the timely nature of human failure. Basic errors, being mistaken, intellectual setbacks, and the sorts of practical misfortunes that befall all researchers, can ironically open up

hidden knowledge. The courageous ability to think foolish thoughts, to have a change of heart, or do a volte-face are as energising to the human spirit of endeavour in modern biomedicine, as they once were to medical men working with limited equipment in the early modern era. If this book encourages its readership to think more about these very necessary historical skills, then it will have achieved its ultimate goal.

Imagine then a criminal corpse lying on a dissection table in eighteenth century England. The condemned has been punished for a murder conviction by being hanged on the gallows and is about to be dissected by anatomists in the Georgian era. The body in question has been washed clean. As a member of the audience you are about to be being given access to it before the post-mortem punitive rites begin. You believe this to be a just outcome because it has been decreed that this is what will happen to homicide perpetrators under new capital legislation known as the Murder Act (1752) that will remain in force until the Anatomy Act (1832). But as you figuratively gaze at the body you find it very hard to see the clean flesh. Your fresh historical eyes are distracted by skin that is pinpricked all over. The effect is a bit like pointillism, the technique of Impressionist painters who applied small dots of paint with a brush to a canvas. Up close, it is very difficult to see what image of punishment is being performed in this criminal tragedy. The chief character, the corpse, though centre-stage is punctured with so many moral ideals, medical musings, and scientific speculations that it is difficult to see the physical circumstances of the punishment choreography itself. It is also hard to separate out a state policy of deliberate medical obfuscation from genuine scientific confusion; or, to know with certainty whether what is about to take place should be taken at face value or not. Nor can you apprehend easily to what extent the physical facts have a basis in a material reality or are about to become an historical cliché. Nowadays, at this historical distance the pinpricks seem to make visible sense, but as a viewer you are wary of this perspective. It seems misleading to decide things from the vantage point of historical hindsight; and you are right to distrust conventional images of criminal dissections distorted in eighteenth century studies.

Traditionally the criminal corpse has been an academic dartboard for over three centuries. Since the 1960s in particular, the history of the body has become so pin-marked with theoretical ideas that few historians can actually see the punished corpse up close anymore. In cultural studies there has often been a lack of appreciation that a theory evolves to fit the known facts. If it has merit, it will survive the discovery of unknown facts

too. At no point in its history should the chosen theory stand in for, or displace empiricism. Nor should the theoretical perspective ever be a fixed point of academic reference. It can inform but its real task is to stimulate debate. It may become an accepted theory by testing it against archive material but over time it must remain open to revision. This much seems obvious. But in a history of the criminal corpse accepted theories are often presented as material facts without scholars checking their medical veracity. This shortcoming has a particular Anglo-centric flavour. Too often, crime and cultural studies have effectively abandoned the condemned body left beneath the hanging-tree. The logical reaction is to step aside, read about why this has happened, and thus redress the historical gap. But the real difficulty is that there is no reliable historical account of the entire punishment journey of the criminal corpse because scholars have so seldom focused on it in England. New ways of understanding this criminal past are not necessarily rediscovered in university libraries.

From the outset this book signposts, rather than exhausts its chapters with historiography. This is a deliberate choice, so that the capacity for curiosity and surprise is not distorted. It happens that the criminal corpse sits at the intersection of a number of very large historical disciplines. These include crime and punishment; medicine and science; religion and theology; magic and popular belief; as well as social structure, politics and state power in the ‘civilising processes’ of early modern European history. To read this backstory requires two character traits: resilience and tolerance. Shelves of books heaving with historical texts have to be assimilated. It is not an exaggeration to say that it would take the average reader about six months just to get to grips with the scale of the task. The real difficulty with this scholarly endeavour is not that it would be futile—the reader would encounter many thought-provoking opinions—but at its conclusion there would be a lot to filter out. And the information left would not necessarily provide new insights into the sorts of unanswered questions that historians have never tackled in the historical archives. In other words, you could expend a vast amount of energy finding out what everyone already knows about the criminal corpse in the course of which your precious capacity for original thinking could be beleaguered by so-called facts that are nothing of the sort. It is not therefore narrow-minded to want to dissect the criminal corpse from the eighteenth century in the twenty-first century. It was after all the foundation of so much medical and scientific speculation in the Enlightenment. Avoiding the historical pitfall of the confirmation bias of accepted theories requires a more enlightened approach.

The late Christopher Hitchens said that the Enlightenment exalted all human beings to question everything, and, having done so, to keep doing so, repeatedly:

I would define the Enlightenment as the belief in free enquiry, the belief in the scientific experiment, the ability to conduct and test such things, and the belief that this in itself was an emancipation – not just from disease or ignorance or stupidity – though there were such conflicts – but that it was time that human beings took responsibility for themselves, rather than relying on a divine suasion of any sort, and that essentially secular insight was what made possible the American revolution and its French equivalent.²

In the long-eighteenth century, the criminal corpse in so many respects became the bedrock of that free enquiry. It is then an historical irony that it has been poked and prodded with all sorts of theoretical discourses (usually about power and disempowerment) that are not based on a concerted study of the physical characteristics of actual post-execution punishments. In discovering the body about to be dissected, some historians forgot that they were not the ones originally charged with carrying out the dissecting! It was the task of penal surgeons, often working in non-descript dissection venues, to enact the penalties of the capital legislation, and yet we still know very little about their working practices. Broadly-speaking, a lot has been written about how these medical men arrived in the punishment room, the sort of educational credentials they obtained to get there, and the best places to learn human anatomy in early modern Europe—with Padua, Montpellier, Paris, Edinburgh and London leading the medical field. That however is where the medical story tends to become fuzzy. Once anatomists stood on the threshold of eighteenth century dissection rooms, historians of crime and medicine tend to lose interest in what actually happened next across England. The fine detail it is argued could distract attention from wider scientific trends in European culture. Historically this is nonsensical. If, as the late Roy Porter observed the criminal body was the basis of so much Enlightenment thinking, then to figuratively hand it over to a medical fraternity and neglect to ask exactly what they did with it, is a serious omission.

There remain major gaps in our understanding of the role that punishment played in the furtherance of human anatomy in early modern England compared to Europe (the latter being well-documented). This

book has tried to develop historical antennae that seek to re-engage with those things in a history of dissection that are often contrary to expectations from 1752. Did for example everyone die on the gallows at a time of so much scientific uncertainty is a fundamental question that merits substantive archival answers. The chapters that follow therefore firstly contain a lot of scholarship cited in the bibliography. This has however been carefully sifted down to its essentials. You will not find long summaries of previously published work on the nature of a medical education or the relationship between political upheaval and statistical trends in crime rates. Others (including this author in her previous books) have written at length about these factors elsewhere. Instead major gaps in our historical understanding have been concentrated on. To do otherwise it is argued would be counter-productive to original thinking. This book then secondly is the result of a deliberate research fusion. There was no mapping out in advance of potential archives to concentrate on to the exclusion of others. To maintain the element of surprise, lots of different types of sources have been brought together as never before, and this is again a strategic decision to stimulate creative thinking. A third objective is that the new material builds upon but also continually questions conventional historical opinions. This might seem an obvious thing for an historian to do but it is surprisingly radical for this neglected topic area. Crime histories have tended to ignore the criminal corpse, and have left cultural historians to fumble around in the dark of dissection rooms making careless medical statements. There have been countless shelves of books printed on what early modern historians thought happened next, but they seldom examine what actually did occur from a medico-legal standpoint. Added to which, there is little human sense of the experiential nature of the post-execution choreography, rituals, or its material aftermath.

There are then things that this book is seeking to do very differently, not for the sake of being contrary, but to test the limits of our human understanding. There will be times when it is necessary to step back and look at the condemned body intensely, but not exclusively from the vantage point of what has already been written about it. Humanism—the ability we all share to know something about our body's natural functions which have stood the test of time—will play a large part in what follows. The histories of emotion, pain and punishment also feature predominately. These emphasise the need to engage with the five senses and their historical biological continuities. Some findings will be disturbing. But they are all about asking: have we got that right, can we see it from another per-

spective, and what if we have taken too much for granted by forgetting that bodies looked and felt different in early modern times? No book is then perfect, especially one based on so much human imperfection and violent behaviour. In eighteenth century England, unconventional medical men were determined to work with the dead-end of the morally deficient. They envisaged that the deviant could delight scientific knowledge. Hence this monograph has been inspired by a Latin exhortation once very familiar to eighteenth century anatomists that dissected the criminal corpse: *pro sempra contra*—surely now is the time ‘*for the balance of things contrary to expectations*’.

NOTES

1. Robert Graves (1929), ‘In Broken Images’ published in (1961), *Poems Collected by Himself* (London and New York: Doubleday).
2. Christopher Hitchens (2005) talk on ‘Thomas Jefferson: Enlightenment, Nation-Building and Slavery’, The Film Archives, You-tube, 1hr 05 minutes, <https://www.youtube.com/watch?v=99-72amEijM>.