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Hurren ET. *Dissecting the Criminal Corpse: Staging Post-Execution Punishment in Early Modern England*. Basingstoke (UK): Palgrave Macmillan; 2016.

## Chapter 7 'He that Hath an Ill-Name Is Half-Hanged': The Anatomical Legacy of the Criminal Corpse

Basic biology informed the legal limits of capital sentencing under the Murder Act in 1752.<sup>1</sup> Human beings sentenced to death shared physical traits when hanged. These had a biological timing that determined how to establish medical death. After which, the criminal corpse underwent post-mortem rites. By devoting so much scholarly attention since the 1960s to developing a theoretical apparatus to speculate about the crowd, embodiment and criminal justice in the eighteenth-century, ironically actual criminal bodies about to be dissected were left unattended. Once these were cut down from the gallows, they were neither organically stable nor individually invariant, but they did all have flesh, skin, blood, bones, brain matter, and viscera. Those corporeal features often appear in standard historical accounts but not in terms of actual medico-legal rituals that reconstruct punishment journeys from anti-mortem to post-mortem results. The 'historized<sup>2</sup> body' still needs to be relocated in criminal histories and the medical humanities to reach a revisionist standpoint.<sup>3</sup> This book has therefore approached the condemned in distinctive ways by trying to envisage another side of the criminal justice process. One that was embodied upside down, outside inside, dehumanised to be refabricated, in ways that resemble the image<sup>4</sup> opposite (Illustration 7.1) of a flayed criminal corpse drawn from a different angle on a dissection table in 1815.

After the Murder Act, historical actors who attended executions and criminal dissections both internalised and externalised their 'natural curiosity'. They had sensory agency to see and hear a biological soundscape; to stare, gasp, gossip, joke, and half-remember conversations amongst post-execution crowds about how it made them feel to be part of the spectacular. Lacking first-hand evidence penned by ordinary people in an oral culture, this book has explored the physical qualities of a shared emotional history at criminal dissections that was accessible and stimulating in some respect to everyone. Seeing something reachable did not necessarily make it a reductionist experience in terms of medicine wielding power. Instead when the criminal body was about to be dissected, uppermost was not the pathology of death. It was a head, hand, foot, and arm resembling fleshy normality that was dangerously deviant. The enticement to see a bloody mess made the picture of punishment somehow 'alive'. This was the punitive price of being in close proximity and those penal surgeons working in London knew it very well, as the *Morning Chronicle* reported on 28 May, 1776: 'Yesterday being a holiday for working men and apprentices great multitudes attended the execution of the two men at Tyburn for murder, and not content with this sight, great numbers returned to see them dissected at Surgeon's Hall'.<sup>4</sup> The adjective used to describe what motivated the crowd is deliberate—it was 'this sight'—a mental picture that animated an execution spectacle and its equally spectacular post-mortem encore. Rethinking the material synaesthesia being staged, Adam Bencard has thought-provokingly speculated:

There is a possible way in which the study of the body in history might be opened towards more direct understandings of embodiment... This notion of presence presents a possible way of refiguring the study of the body in history which embraces the inability of language to fully frame our interaction with reality and the importance of examining the unspoken, the unconscious, the sensual, the affective, the lived and the felt "stuff" of the body in history... presence is a result of our biographies, of history within the flesh. Presence does not transcend history, it is history; history as it works upon us, within and without language, both as individuals and as societies. Presence, then, offers a possible way of speaking about, examining and appropriating into the study of history the fleshy experience of history and the historical experience of fleshiness.<sup>5</sup>

Yet fresh flesh approaching organic death was kept animated in the popular imagination by the physical presence of the crowd and their human impulses that found expression in the criminal justice process. In this book liminal experiential spaces have been relocated in the archives to explore what William Reddy terms '*emotives*'—that is, a contemporary navigation of feelings, implicit and explicit, revealing emotional characteristics embedded in curiosity-driven embodied experiences at criminal dissections.<sup>6</sup> These the English state sought to harness with mixed-results, for there is little doubt that material stories were powerful tools in the hands of eighteenth-century medico-legal officials; nevertheless their cultural reception was difficult to control or predict for the forces of law and order. Arriving then at an empirical appreciation of punishment rites is about developing a more nuanced historical awareness of just how much post-mortem retribution was powerfully in transition once the Murder Act was enforced.

Accepting that the anatomical sciences were modified—literally and symbolically—and went on being so—means taking a fleshy step-by-step approach; finding out precisely how medico-legal mechanisms were choreographed and where exactly, so that contemporaries could accumulate knowledge of post-mortem ‘harm’. Potentially this was a discretionary form of popular justice at punishment events for everyone in Georgian life, a status quo that involves disembowelling historical clichés. Taken together six distinctive contributions encourage scholarship to look anew at ‘the historized body’ as we arrive at the end of a punitive enterprise and engage with its anatomical legacy.

This book, first and foremost, has stressed the vital importance of going back to the archives to better understand the biological basis of execution and post-mortem punishment in tandem. This needs to happen before historians can begin to re-assess the complex historical processes in a ‘history of the body’ deployed for socio-political and medico-legal ends after the Murder Act. In eighteenth-century criminal studies the intellectual baggage of academic life was loaded up onto a cartload of ‘historized bodies’ from the 1960s. Ironically researchers seldom thought anatomically about the criminal bodies they claimed to have rescued from the gallows.<sup>7</sup> As a theoretical corpus accumulated, its intellectual credentials seemed very persuasive even though few criminal studies examined the materialism of punishment taken to its logical conclusion. It is still rare to be able to engage with an organic instability that is inescapable in all human beings condemned to die, regardless of class, gender and ethnicity. This is what made Vic Gatrell’s work exceptionally creative, and which this book has sought to encompass by going to the hanging tree and journeying with the condemned body until the punishment choreography was completed.<sup>8</sup> Admittedly, it is ‘reductionist’ in the history of medicine to start with a body to punish (its organic processes, confusing medical death, cut into pieces, subjected to original research, and refabricated for cultural consumption). Yet, in every chapter being ‘essentialist’ has been very necessary when the material basis of a criminal history is flesh, blood and bone. What then Michel Foucault felt so uneasy about in *Discipline and Punish* (1977)—an emphasis on ‘the purely biological basis of existence’ that had served ‘historical processes’—turns out in this book to be a fundamental step in reappraising what it meant to take life, when, where and how to punish in death after the Murder Act.<sup>9</sup> Only then can a researcher attempt to do what Roger Cooter terms, ‘interpret, problematize and destabilise...knowledge /power creation’.<sup>10</sup> Keeping that historical process ‘alive’ means starting at its ‘dead-end’. To be ‘anti-essentialist’ (an intellectual position Foucault aspired to), entails first being ‘essentialist’. A related contribution has been the ability to locate forgotten and overlooked sources like the Sherriff’s Cravings at the National Archives and put them together with familiar sources such as newspaper accounts and court records in more creative ways. For the first time this study has handled the actual body material of a criminal history that has contained too many misleading medical oversimplifications. This sort of methodological advance moreover strongly suggests that the balance of the evidence presented supports an intellectual position that French thinkers perhaps should have taken literally in writing about the history of capital punishment, ‘*reculer pour mieux sauter*’.<sup>11</sup> In a history of the body it is sometimes indispensable to ‘*step backward in order to leap farther forward*’.

Having done so, a second major finding in this book is that the conundrum of medical death mattered a lot to the forces of law and order in early modern society. It is a crucial missing part of a medico-legal jigsaw puzzle that became the working choreography of the Murder Act. It is incongruous of criminal historians to have been so concerned with the wording of the new legislation—seeing it as substantially correct—that they neglected to question whether there was any material substance to the letter of the law after 1752. A related issue is that what has been misread as a catch-all medico-legal penalty—‘*dissection and anatomization*’—was nothing of the sort. It has been mistakenly elided into a single, linear, post-mortem punishment rite, refuted from Chapter 2. The historical insights provided by Jonathan Sawday that the early modern body was ‘a locus of all doubt’ and Thomas Laqueur that ‘becoming *really* dead... takes time’ in the eighteenth-century, have been invaluable when researching the ‘half-hanged’, dying, and ‘*truly* dead’.<sup>12</sup> Again, the balance of the medical evidence presented indicates that although ‘*dissection and anatomization*’ were interchangeable in the history of the body for centuries, under the Murder Act they came to mean something different, differential, and distinctive. By the time of Earl Ferrers’ execution in the 1760s ‘*anatomization*’ was ‘*splanchnology*’; it redefined the working definitions of the discretionary justice in the hands of penal surgeons. And that new anatomical procedure was one of seven types of post-mortem ‘harm’ that could be done for official purposes to the criminal body. A ‘crucial incision’ was a legal checking-mechanism for medical death once the condemned was moved from hangman’s gallows to medical jurisdiction. This meant that ‘*anatomization*’ did not simply mean ‘*dissection*’, and it is erroneous to claim so in crime or cultural studies. They often took place in different medical venues, emphasising their separate punishment roles. The medical stipulations of the Murder Act are a classic case of what Joanna Innes calls an eighteenth-century statement of legal redress that was to be refined when the law was applied in provincial and metropolitan life.<sup>13</sup>

Throughout England, the history of early modern anatomy in relation to crime and justice became a very British enterprise. Penal surgeons adapted to fluid forms of retribution for murder because how to punish was in transition in the change-over from 'old' to 'new' anatomy by the 1790s: a time Andrew Cunningham has described as 'seismic'.<sup>14</sup> *Lex talionis* had considerable moral authority, especially if the method of homicide was brutal and violent, or indeed was a copy-cat killing that mirrored execution or dissection methods. *Kill and be killed* was a popular mantra that the medical profession carefully aligned with to avoid any further bad publicity on a troubled path to establishing a professional status quo. In all of this making and remaking of criminal justice from the margins or at the centre, the body was privileged because it had to be so. It was never inert or value-neutral. Yet, in archive searches for popular mentalities, medical discourses, and political representations of fleshiness, one finding remains constant. The timetabling of medical death by medico-legal officials was a scientific riddle in the Enlightenment. Recalibrating that finding in the history of crime and punishment involves questioning the timing of capital punishment *per se*. It is therefore worth keeping in mind that a distinguishing feature of scientific thinking is the search for falsifying, as well as confirming evidence. At times in the history of science, doctors and scientists have resisted new discoveries by selectively interpreting or ignoring unfavourable data. Historians of crime have seldom reflected that it is ahistorical to follow suit. If the material evidence for medical death was ambiguous in 1752 (and remained so by 1832) then relying on that ambiguity to support a statistical position that the criminal was a corpse when cut down from the gallows has created a 'confirmation bias' that has not served a history of punishment well. Penal surgeons knew they were sometimes in an ethical quandary of human vivisection—in one third of documented cases from Surgeon's Hall in London even by the 1810s—and therefore likely to be a much higher percentage of cases—perhaps as many as up to a third—before the introduction of the 'new drop'. That degree of medical complicity can only be investigated thoroughly by developing historical antennae more receptive to what penal surgeons said *and* did under the Murder Act.

A third contribution is that executed bodies that were left unattended at the gallows by crime histories have been repositioned in this book, transposed from anti-mortem to post-mortem settings. There were four official step-changes in the medico-legal status of a homicide culprit convicted under the Murder Act. Figure 7.1 (below) thus provides a more sophisticated paradigm of punishment for the world of eighteenth-century England. Procedurally, to this, it is essential to add another element when material afterlives were created.

Again, it is mistaken to see this as a set of linear punishment practices by penal surgeons: the choreography was triangulated by a quality of mercy that might be constrained by the body taking time to become a corpse. It was funnelled through a set of physical procedures, until, that is, a criminal dissection could happen. In the process of which the body was cut a little, enough, or a lot. Those involved came and went, congregated and dispersed, got excited and recoiled, queued and jostled to position themselves. And it is credible that they did so, since human beings are motivated by curiosity, can act contradictory, and are often captivated by a deviant version of the 'wounded storyteller'.<sup>15</sup> The murderer condemned was not ill in a conventional medical sense, but they had corrupted the social well-being of a society that demanded physical restitution. Just as a patient with a fatal illness can transform their deadly diagnosis into a lived experience by becoming not a victim but a storyteller, so the murderer's body was the main protagonist in a penitent tragedy. This was not however a Greek tragedy where violent acts took place off-stage because of refined public sensibilities. Instead eighteenth-century capital justice was an immersive form of theatre in which an eager audience was an actor in a punishment script co-ordinated by medico-legal officials and the state. It is worth recalling that 'pre-modern people had rich descriptors for disease and its remedies' because there was so much uncertainty and since death was the ultimate 'uncertain certainty' the potential for storytelling at criminal dissections became extensive. Choreographing the rituals was then one way to try to stage-manage the knowledge flow stimulated by a circulation of anatomical storylines.

It follows that a fourth finding is that accumulating anatomical knowledge of dissection rites relied on body-supply trends which for convicted murderers was a total of 1, 150 criminal corpses made available in English regions between 1752 and 1832. In identifying that the availability of those sentenced to dissection shifted considerably over time from the capital to the provinces, we can begin to reassess why it was that so many in medical circles regarded London's Surgeon's Hall as lacklustre by the 1790s. The Hunter brothers were prepared to buy resurrected bodies to expand their entrepreneurial private anatomy sessions in the capital, at the same time as sheriffs in provincial life made more criminal bodies available for dissection compared to their London counterparts by 1800. These two supply factors led to a fundamental shift in central-local relations in decades when future professional recognition seemed to be so reliant on securing body-supply lines to meet growing medical student demand or to establish a business reputation for originality in a competitive medical marketplace. The symbolism of capital sentencing was thus

influenced by four body-supply phases that delivered bodies for dissection.<sup>10</sup> Against this backdrop, crime historians need to revise the extent, nature and scale of post-mortem punishment rites, and their settings.

A related historical issue is that criminal historians have mistakenly elided a diminishment in the quantity of punishments with a qualitative dropping off in the 'harm' done to the criminal body, even though quantity and quality can go in different historical directions. Simon Devereaux has helpfully calculated that immediately after the Murder Act the execution rate increased.<sup>17</sup> Then it started to fall back until there was a crime wave in the 1780s when the number hanged rose sharply. By 1785 however the government had been criticised severely for the sheer number of people being executed under the Bloody Code. In response, in 1785–6 the pardoning rate rose and less people were hanged for capital offences but, as Devereaux points out, this did not lessen punishment on the condemned body especially for murder at a time of moral panic. If fewer criminals were being executed, but the legal state still wanted to be seen to be strong-armed in cases of homicide, then it was logical to sentence to death fewer but punish their bodies more. After all, those condemned represented the very worst type of criminality. The early modern sentiment —'Hanging is not Enough'—the subject of an upcoming book by Peter King—was all about making relevant punishment choices so that the Murder Act pained those it targeted.<sup>18</sup> In the history of pain the development of criminal dissections was a very divisive instrument of criminal justice that still needs to be resituated since it could differ a lot on location throughout eighteenth-century England. This observation leads us to the need for a fundamental reappraisal of post-mortem options and their public profile.

In crime history it has been commonplace to mistake gibbeting and dissection as punishment rites with different public and private functions respectively. Randy McGowan has for instance recently observed that at dissections: 'The seeing was limited to a select audience, whose viewing was not supposed to be voyeuristic but was intended rather to promote the progress of knowledge'.<sup>19</sup> This, he asserts, contrasted with the gibbeted body 'exposed to all eyes, the grim fact of the human mortality on display'. Yet, these generalisations are not based on substantial archive research of the sort presented in this book. The criminal corpse sent for dissection was punished over three-days in a high-profile set of public rituals. The audience composition contained different sorts of penal surgeons, many thousands of ordinary people, as well as local elites. It was a spectacle open to everyone and that was a deliberate policy. Medico-legal officials had autonomy which they deployed to stage procedures in medical spaces that were accessible to try to ensure that criminal dissection had symbolic meaning that was robust in the localities. This explains why in hanging-towns across the North of England like Lancaster, Leeds and York, post-mortem rites took place in small medical dispensaries until voluntary hospitals were built. The utility of Shire Halls for criminal dissections in the Midlands is likewise self-evident at Derby, Nottingham and Leicester. In major industrialising cities such as Manchester or mineral-rich economies at Newcastle the pace of population growth justified the cost of purpose-built dissection spaces inside a major hospital site and at a dedicated Surgeon's Hall. Meantime, across areas of the West Country like Cornwall and Dorset, a gaol or business premises of a surgeon was utilised, unless the criminal dissection took place in Devon or Somerset where punishment rites could be hospitalised from the 1750s in premises already constructed. Gibbeting did of course display the body for a much longer period of physical time but at criminal dissections the body was nevertheless punished in a very public manner by a large community of interested parties. At many dissections ordinary people walked past the body on a table in a public space. This gave each person present an opportunity to compare their fleshiness to that of a deviant spectacle, with whom they shared an anatomical-design. And a crucial part of this face-to-face process of popular justice was taking the time to do so: clock-watching in a market-square before filing past the body at a rate of eighty-three people per minute for five thousand spectators in the first hour after hanging,<sup>20</sup> up to a more manageable forty-two an hour for ten hours when crowds peaked at twenty five thousand in a day.<sup>20</sup> Small wonder perhaps that diarists of the period recorded curious spectators returning up to five times in one public session to get a proper look at the criminal corpse. The spatial dimensions of these dissection venues and their highly symbolic time-tabling are no less deserving of an accurate criminal history than the detailed geo-mapping of gibbet sites in the forthcoming work of Sarah Tarlow on *Hanging in Chains*.<sup>21</sup>

Turning then to a fifth contribution, when the criminal body became a narrative for punishment rites it had a life-story with a life-force capable of defying medical death. This then complicated the original research opportunities and material afterlives that were created by the remit of the Murder Act. The transition from a fatal diagnosis of heart-lung to brain death in many respects ran counter-intuitively to popularly held beliefs about latent 'sensibility' in the corpse. The mysterious nature of vitality was often associated with the Romantic notion of being 'heartfelt', whereas becoming 'mindful' of brain-death was akin to the Neo-Classical values of rationality and reason promoted by science and medicine in the Enlightenment. Just then as the quantity and quality of punishment rites could go in different

directions at the same time, so too could confusion about the potency of heart/lung or head. These brought to the surface popular beliefs about the criminal corpse having medicinal powers: 'the science of extremities' had to somehow contain a 'cultural compost' of magic, medicine, and materialism.<sup>22</sup> Increasingly then medico-legal language was 'symptomatically and painfully status aware'<sup>23</sup>: moreover, 'material things had supposedly taken over from human relations' when a murderer was deprived of life, and, this, the anatomical sciences tried to control to enhance their professionalism. In that process a lesson was learned that medicine could not instigate reform to improve its body-supply: a trend exemplified by the failure of Wilberforce's Anatomy Bill (1786) to expand dissection to all capital convictions. Instead the best way to proceed was to align with, and be the beneficiary of, future legislation associated with public health and welfare issues to which anatomy became attached.<sup>24</sup> Meantime brain dissection was a discipline-defining endeavour when quasi-sciences like phrenology produced plaster casts and brain matter was kneaded like dough at criminal dissections. In its broadest sense, neuroscience did take its first modern scientific steps and it is this under-researched perspective that collar heads displayed. Yet, a lot more still needs to be known about the career choices penal surgeons made from doing 'brain speculations' and whether any original research they carried out was robust scientifically to convince fee-paying patients. For on this punishment journey there was also a strong current of curiosity in which the crowd's actions in following the body throughout expressed almost every sort of feeling it was feasible to utter and this too energised retribution in death.

A sixth and final discovery is that this book ends up by giving us a completely different sense of how ordinary people experienced the drama of anatomy—it speaks to issues of power, professionalization and the relationship of the crowd—with a direct and appropriated arming of the state. The dramatic license of this rule of law was continually dependent on a relational sense of personal agency and its emotional representation expressed by physical actions. Emotions were continually exchanged and given free expression at capital punishment events in an English state that ironically sought to limit ordinary people's freedoms during a century in which revolutionary forces across Europe threatened the status quo. Ceremonies of capital punishment—whether *pre-mortem*, *peri-mortem* or *post-mortem*—facilitated different forms of cathartic release—giving voice to the social fabric of well-being in a world starting to be inverted by the secularism of the Enlightenment. Emoting feelings of anger and revenge, disgust and dread, as well as curiosity and prying over the criminal corpse had therefore to somehow be harnessed by the judicial system. Delving deeper into the archaeology of emotions expressed in this competitive atmosphere of conservative forces battling radical ideas involves the recognition that fear of the body had a large part to play in the Enlightenment endeavour. English penal surgeons were at pains to explain how viewing the dead was nothing to be frightened of since human anatomy was all about finding out more about the body's extraordinary capacity to surprise medicine and scientific thinking. Disease could be reduced to a site of scientific enquiry. And yet, this reason and rationality must begin with the fear-provoking prospect of seeing a vicious murderer pay for a heinous crime with post-mortem 'harm'. Logically an empirical approach to punishment meant that the person punished had forfeited their life, but their capital death espoused a darker medical truism too. Death has always had, and always will have, dominion over everyone. There was no escaping the fearful prospect that one day everyone in front of the criminal corpse would have to face an equivalent material fate. Engaging with the crowd's capacity for awe and horror, sympathy and pathos, as well as curiosity and fascination with the 'dangerous dead' hence meant a tacit acceptance that some sort of co-creation was inevitable in the exchange of medical and popular ideas. Spectators thus came to the spectacle of punishment with an inherent inquisitiveness, novelty, and wonder, and it was precisely these attributes that might in turn trouble the early modern state. So long as capital death had the capacity to be 'self-exploring and self-altering'—in ways that William Reddy has envisaged—agency by ordinary people—in their actions based on emotional encounters—could neither be controlled, nor predicted at criminal dissections.<sup>25</sup> This made the Murder Act melodramatic for audiences everywhere. In a sustained process of continuity and change, condemned body after condemned body imposed these deadly dramatics for criminal malady on everybody.

The criminal corpse dissected was an emblem of anatomy from Newcastle to Penzance, as much as London and Edinburgh, at times of moral panic and political upheaval. County-by-county the local attachment of medico-legal officials to the Murder Act was the culmination of a literal and figurative rendering of shared curiosity. These characterised 'the unforgiving assertion of a violent authority' on which rested a social order in transition from a moral to political economy.<sup>26</sup> Looking beneath the surface of the criminal corpse ironically increased the 'vulnerability of what the forces of law and order sought to defend', their at times shaky grasp of a body politic. This was part of the 1790s paradox of being 'caught between radicalising political circumstances' and the religious requirement for good government of the self. As Adam Nicolson points out—'*Uneasy* [sic] is the eighteenth-century word' for it; and an apt medical one too.<sup>27</sup> So long as the criminal being cut open had a recognisable human face and body-shell, dramatic punishment for homicide remained deeply embedded in contemporary conversations about post-mortem 'harm' from

1752. Even a generation later, concerns about physical retribution being excessive did not diminish a public appetite for dissection spectacles. The irony was that as penal reform pressure gathered support from humanitarians, ordinary people continued to crowd out the criminal corpse whether in a 'good', 'bad' or 'contaminated' condition in provincial life. It was perfectly possible of course in the midst of all this ghoulish theatricality to adopt two frames of mind, one compelled to look, the other determined to look away.<sup>28</sup> To be Janus-like was 'sensible', 'polite', 'gentlemanly' and 'honourable'. In the political dance however between personal dignity and material fragmentation, the crowd stayed to play their part. Just as theatre-goers often paid extra to buy a ticket to sit on the actual stage with the actors in eighteenth-century playhouses, so the post-execution crowd leaned over the free-for-all or pay-as-you-go dissection drama that had a spectacular denouement.

Discretionary justice thus continued to be taken to its logical conclusion, especially in cases of ethnicity and gender, unless that is class intervened to pardon or lessen the cutting of the body in controversial cases like Earl Ferrers. Underlying moral qualities of good sense and decorum meantime was a harsh criminal reality that eighteenth-century life was competitive, diseased, and hazardous. The crowd 'contained such threats and were in turn the chief source of its greatest danger'.<sup>29</sup> So they had somehow to be encouraged to get involved, to shape the reception of discretionary justice alongside penal surgeons. The quandary was how to dramatize a material reality that was so culturally offensive yet the focus of curiosity, and at the same time required to show that physical retribution had substance that was trustworthy enough to maintain social equilibrium. Only by walking with the crowd from the gallows to the grave—capturing anew a synaesthesia at criminal dissections—are the shortcomings of the state's legal reach to enhance the deterrence value of punishment for murder fully exposed. Revealingly, public engagement by penal surgeons had to be an act of co-creation on a case-by-case basis, or it had little legal bite. It meant of course opening up a system of punishment to a disturbing conjunction of 'curiosity'—the deviant but normal—more alive than dead—compelling but repellent—disintegrated yet refabricated—faceless but not headless—shamed until forgotten.

We close this book at the 'dead-end' of all this punishment sightseeing with an old English proverb that still held sway for the early modern crowd but was freighted with anatomical meaning after the Murder Act. It ran: '*He that hath an ill-name, is half-hanged*'.<sup>30</sup> By 1754 when the skeleton of Ewen MacDonald (who opened this book) was dissected and displayed at Newcastle Surgeon's Hall, a sense of rank and place was distinguished by one's reputation in Georgian society. As a convicted murderer the nineteen year old had despoiled his moral reputation. His degraded body, displayed in a named niche, exuded ill-repute, and it did so for the foreseeable future. Yet, it was his disputed medical death as *Half-Hanged MacDonald* at a criminal dissection that truly earned him posthumous notoriety in the old-wives tales of the North-country. In *Dissecting the Criminal Corpse* however many scientific labels were attached to the condemned body in the name of good government, it was the emotional capacity of the crowd's 'curiosity' to appropriate the '*dangerous dead*' that went on testing the state's ability to transfigure popular mentalities. For it was a compelling anatomical legacy that criminal justice in a punishment history of the body consigned to posterity from 1752 to 1832. Hence it happened that in the proverbial retelling—'*He that hath an ill-name, is half-hanged*'—the wordplay '*only half-hanged*' got added to a Georgian lexis. The criminal corpse that struck a note of infamy in popular culture was never punished cleanly by dissection under the Murder Act.<sup>31</sup>

## Footnotes

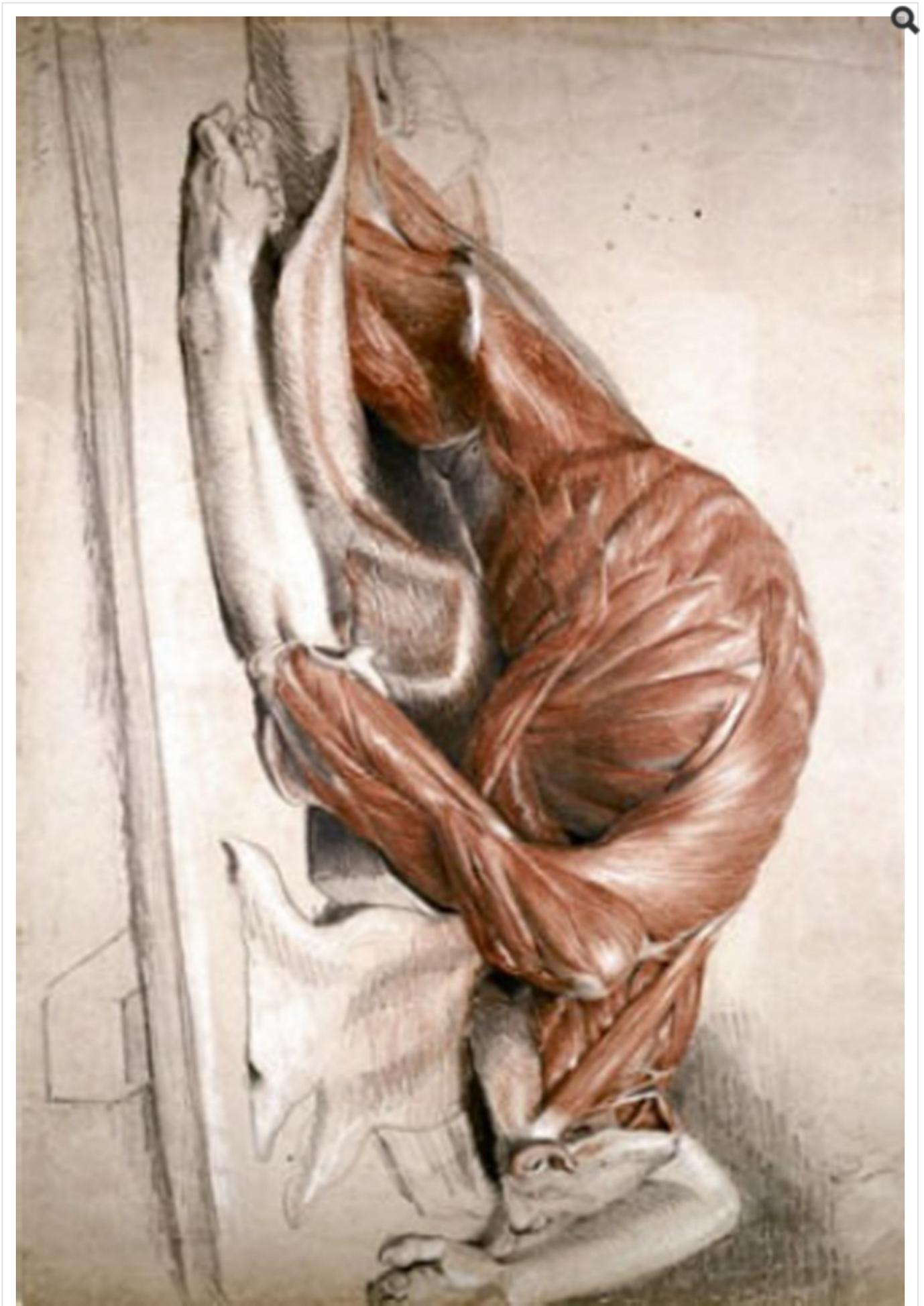
- 1 Refer to the last paragraph of this conclusion and *Oxford Book of Proverbs*, "Ho-so hath a wicked name Me semeth for sothe half hongid he is" [a 1400 in C. Brown *Religious Lyrics of XIVth Century* (1957) 193]; 'He that hath an yll name, is halfe hangd' [1546 J. Heywood *Dialogue of Proverbs* ii. vi. I2; 'It is a very ominous and suspitious thing to haue an ill name, The Prouerbe saith, he is halfe hangd', [1614 T. Adams *Devil's Banquet* iv. 156].
- 2 For an excellent summary of the theoretical debates, see, Cooter Roger. The Turn of the Body: History and the Politics of the Corporeal. *ARBOR Ciencia, Pensamiento y Cultural*. 2010 May–June;CLXXXVI 743:393–405. ISSN: 0210–1963. doi: 10.3989/arbor.2010.743n1204..
- 3 *Illustration 7.1*, ©Wellcome Trust, Image Collection, L0013340, Landseer Charles. Lateral view of the trunk of a flayed corpse. 1815; Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License (CC BY-NC-SA 4.0).
- 4 Morning Chronicle. 1776 May 28;, column 1, page 1.
- 5 Bencard Adam. unpublished PhD. Københavns Universitet. Institut for Folkesundhedsvidenskab. Medicinsk Museion, University of Copenhagen; 2008. History in the Flesh..
- 6 Reddy William. *The Navigation of Feeling: A Framework for the History of Emotions*. CUP: Cambridge; 2001. .

- 7 And the list was extensive: whether 'young', 'male', 'female', 'deviant', 'dangerous', 'bull-necked', 'strong-willed', 'Irish', 'Jewish', 'non-European', 'good bodies', 'bad bodies', 'contaminated bodies', 'extras', or 'social outcasts'.
- 8 Gattrell VAC. *The Hanging Tree: Execution and the English People, 1770–1868*. 1996 edition. Oxford: Oxford University Press; .
- 9 This he clarified in Foucault Michel. *The Order of Things*. 1970 edition. Routledge: New York and London; , English translation), preface, p. xvii.
- 10 See, <http://arbor.revistas.csic.es/index.php/arbor/article/viewFile/807/814>, Cooter Roger. *The Turn of the Body*. :394–405., a central theme throughout his article.
- 11 It is also used figuratively to mean pick your battles or 'bide your time and wait for the opportune moment': both literal and figurative are relevant to the application of the Murder Act in England.
- 12 Sawday Jonathan. *The Body Emblazoned: Dissection and the Human Body in Renaissance Culture*. New York and London: Routledge; 1996. p. 88.; Laqueur Thomas. *Social Research*. III. Vol. 78. Fall. 2011. *The Deep Time of the Dead*; pp. 799–820., quote at p. 802.
- 13 Innes J. *Inferior Politics: Social Problems and Social Policies in Eighteenth Century Britain*. Oxford: Oxford University Press; 2009. .
- 14 Cunningham Andrew. *Anatomy, Anatomiz'd' An Experimental Discipline in Enlightenment Europe*. 2010 (Aldershot, Hampshire; Ashgate), cited in the preface.
- 15 Rank Arthur W. *The Wounded Storyteller: Body, Illness and Ethics*. Chicago: University of Chicago Press; 1997. p. 5..
- 16 These were: 17 bodies per year 1752 and 1800; a low of 4 in 1801 recovering to 15 by 1809; 18 a year by 1812, 25 by 1813, falling back to 15 in 1815, before doubling to a sharp peak of 30 in 1816; and finally 10 bodies per year on the eve of 1832, see chapter 5.
- 17 Devereaux Simon. *England's 'Bloody Code' in Crisis and Transition: Executions at the Old Bailey, 1760–1837*. *Journal of the Canadian Historical Association*. 2013;Vol. 2(Issue 34):71–113..
- 18 I am grateful to Peter King for sharing with me his new research on the early modern sentiment 'Hanging is Not Enough' (taken from the title of contemporary pamphlet literature), which he expands upon in his forthcoming book, King PJR. *Criminal Justice, the Criminal Code and aggravated forms of Capital Punishment in England and Wales, 1700–1834*. Basingstoke: Palgrave Pivot; 2016. .
- 19 McGowen R. *Making Examples' and the Crisis of Punishment in Mid-Eighteenth-Century England*. In: Lemmings David, editor. *The British and Their Laws in the Eighteenth Century*. Woodbridge: Boydell; 2005. pp. 182–205..
- 20 Refer, forthcoming article by this author, on 'Time, Spectatorship and the Criminal Corpse in Eighteenth and Nineteenth-Century England' on the time-management of criminal justice. It has not been discussed more fully here to avoid intellectual overlap.
- 21 I am grateful to Sarah Tarlow for sharing her new research on gibbeting for *Hanging in Chains: Gibbeting and the Murder Act* (forthcoming, Palgrave Pivot, 2016).
- 22 I am grateful to Owen Davies for sharing his latest research on the medicinal power of the criminal corpse in Davies O, Matteoni F. *Executing Magic: The Power of Criminal Bodies*. Basingstoke: Palgrave; 2016. .
- 23 These concluding reflections owe an intellectual debt to some of the broader eighteenth-century themes discussed throughout Nicolson Adam. *The Gentry: Stories of the English*. London: Harper Press; 2011. p. 318.. The general intellectual framework of his and this book obviously differ quite a lot because of the medical context under discussion here; nevertheless, it should be acknowledged that Nicolson's framing and phrasing of ideas merits a scholarly credit.
- 24 Hurren ET. *Dying for Victorian Medicine: English Anatomy and its Trade in the Dead Poor c 1832–1929*. Basingstoke: Palgrave Macmillan; 2011. , explains that anatomists never succeeded in enacting legislation to improve body supply in their own right.
- 25 Refer, endnote 6.
- 26 Nicolson. *The Gentry*. :12..
- 27 *Ibid.*, p. 229.
- 28 Indeed as Nicolson. *The Gentry*. :209., points out the middling-sorts (the gentry class of magistrates and jurymen for instance) often did this as a matter of social discourse.
- 29 Again I am grateful here to Nicolson, *The Gentry*, who argues in the conclusion to his book that in England the gentry were intrinsic to a 'cloudlike economic constancy—rarely the same but always the same—... combined with a control of the political and judicial

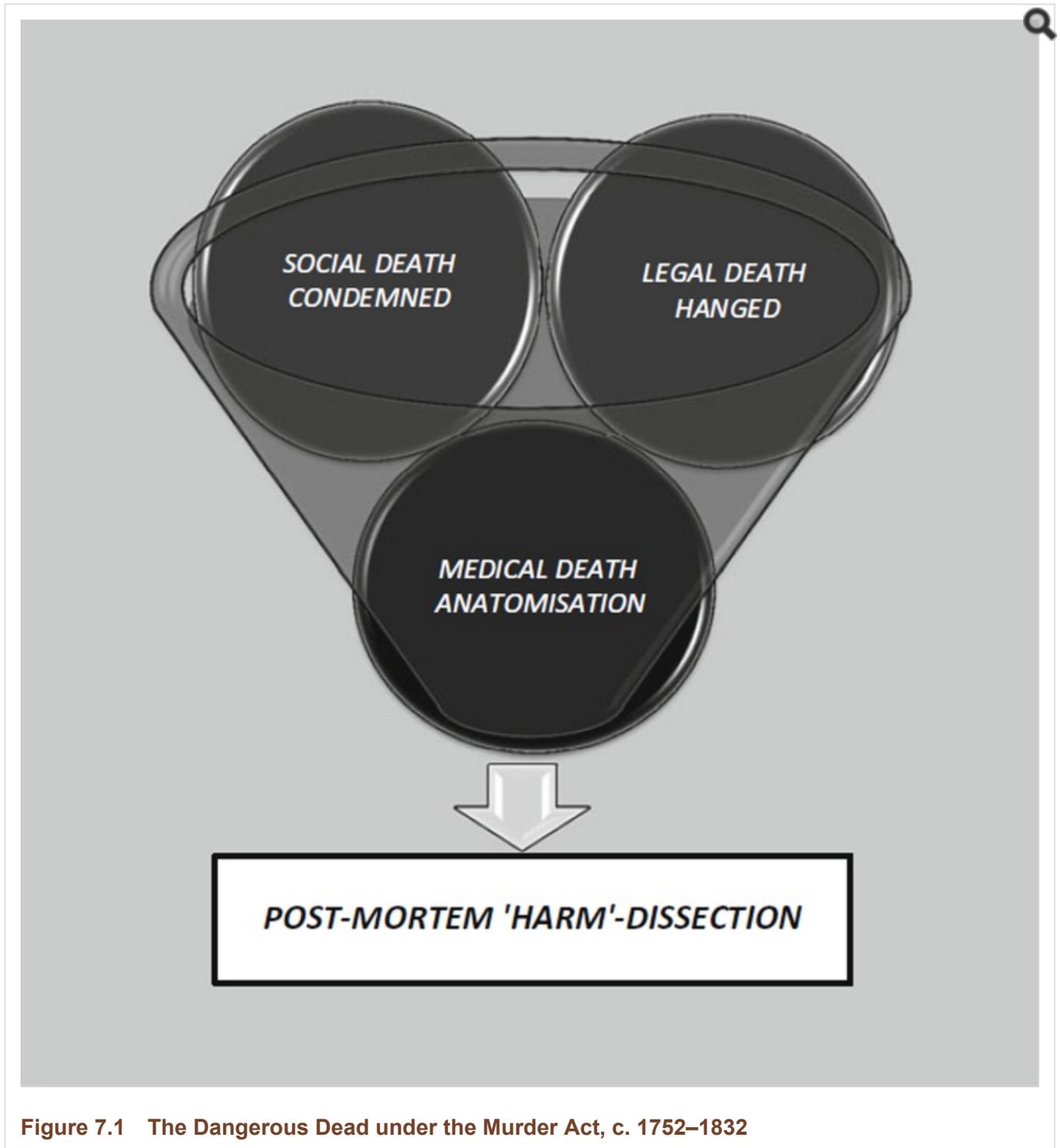
systems which placed them on little summits all over the English counties' p. 414. Yet they could never escape the agency of the crowd, since, as he also points out, behind all the rhetoric of husbandry and claims to landed status, it remained the case that—'Life is a struggle and community is political', whether in the eighteenth or twenty-first centuries p. 418.

- 30 Under the Murder Act, the same was said of female criminals too.
- 31 Reflecting the central tension in *deterrent* or *retributive* theories of capital punishment, see, Kaufman WRP. Honour and Revenge: A Theory of Punishment. London and New York: Springer Dordrecht; 2013. .

## Figures



**Illustration 7.1** © Wellcome Trust, Image Collection, L0013340, '*Lateral view of the trunk of a flayed corpse*', by Charles Landseer, 1815; Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License (CC BY-NC-SA 4.0)



**Figure 7.1 The Dangerous Dead under the Murder Act, c. 1752–1832**

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