CHAPTER 1

Introduction

This book is about the power of the dead body. This power is rooted in paradox: deprived of will and the capacity to take action, to think, speak, coerce or persuade, deprived of life itself, the human body can still be a powerful agent of change.

On 3 September 2015 news media around the world carried a photograph distributed by a Turkish news agency of the tiny body of 3-year-old Alan Kurdi washed up on a beach. The little boy, dressed in a red T-shirt and blue shorts, drowned when the boat carrying him and his family from Turkey to the nearby Greek island of Lesbos sank. The photograph was released at the height of the European migrant crisis of 2015. Hundreds of thousands of people, many from Syria but also substantial numbers from Iraq, Afghanistan, and sub-Saharan Africa were travelling to Europe, many in extremely dangerous ways due to their desperation to reach safety. Five days before Alan Kurdi lost his life the number of migrants drowned in the Mediterranean during this crisis was already over 2400.¹

The European reaction to these migrants—both political and popular—had not been positive. Many European leaders reacted by trying to strengthen their borders, police the Mediterranean, and institute rigorous and deterrent immigration policies. But the publication of the Alan Kurdi photographs proved a salutary and transformative moment. In the United Kingdom, the British Prime Minister David Cameron changed his rhetoric from how best to protect the nation from the

‘swarm’ of migrants to announcing new, much higher numbers of Syrian refugees that would be taken in by the United Kingdom.² Marches in London, Vienna and elsewhere mobilised popular support and sympathy for the human plight and suffering of the migrants. Crowds gathered at German stations to welcome new arrivals with gifts of food, toys, and clothes. It would be an exaggeration to claim that one picture turned the tide of political opinion, but it is fair to say that the unutterably tragic and affecting photograph of a drowned toddler on a Turkish beach made more of a difference than the raw numbers of drowned migrants that had featured in almost every news broadcast of the previous six months.³ Alan Kurdi was far from the only child to die in this crisis, but the image of his tiny corpse struck a nerve with viewers across Europe and around the world.

The remarkable response to the images of Alan Kurdi’s corpse illustrates the emotive power of a dead body. In death, although he was a member of a group widely reviled and feared in Europe, he was named and individualised. In the image of his lifeless corpse, many commentators found a connection: he ‘could have been my child’.

There is universality to the corporeal nature of being human. Across a vast range of experiences, what we have in common is that we each inhabit a body and that at some point it will die. It is easy to see how the living body is a powerful, active and agentive thing. As we write, as you read, our bodies are engaged and critical to the experience of creation and relation taking place via these pages. But a dead body is surely an utterly different kind of thing. Insensibly inanimate, the corpse is not a person as we usually understand it, but a thing, an object, or even what Julia Kristeva calls an ‘abject’.⁴ How can a thing, incapable of independent movement, thought or utterance, be active? This question, usually applied to material artefacts, or particular arrangements of space, is an essential one for theorists of archaeology, and one which has been addressed with great sophistication over the last 30 years, notably by Ian Hodder and the post-processual school of archaeological theory.⁵

Hodder claimed that the traditional archaeological interpretation that material culture passively signals or records past events, intentions and sociocultural realities is flawed. Instead, he argued, material culture is actively involved in structuring social reality.⁶ Thus for example, wearing high-heeled strappy shoes is not (only) a way of signalling or codifying womanhood in contemporary society, but high heels are actively part of what creates a woman in particular cultural contexts.

This means that particular forms of organised space, technology, clothes or objects actively create situations and relationships. Whether we serve tea or coffee in a fine china cup and saucer, as part of a matching set, or in a big, chunky, earthenware mug works to structure an encounter and constitute an identity; it gives the thing a certain active power.

Archaeologists have not usually included the dead body in their discussions of the agentive power of things, despite cogent arguments that the body can and often should be regarded as material culture.⁷ Like a ceramic vessel or a flint axe, the body is shaped by technologies that can thicken a bone, shape a skull or remodel the flesh. And like a pot or an axe, bodies bear the marks of use, stress, repair, and ornamentation. If the body is a thing, then it is sometimes useful to understand it as an active thing.

This book, then, proceeds from an understanding that dead bodies can be powerful and can, indeed, play significant roles in the negotiation of social and cultural beliefs. We also take the position that there is no contradiction between a dead body that is powerful and one that is manipulable, although there are constraints on how far a body can be manipulated, and the possibility of unintended or subversive meanings emerging from them cannot be entirely controlled.

THE CRIMINAL CORPSE

Our study is of a particular kind of body—the criminal corpse—and of how its power was harnessed, channelled and sometimes subverted or resisted to bring about a multitude of intended and unintended ends. In particular, we address three key concerns: to place the history of legislated post-mortem punishment in eighteenth- and nineteenth-century Britain into the *longue durée*; to complete the journey of the condemned which until now has ended at the gallows by following the corpse from execution through to the conclusion of mandated post-mortem punishments; and to identify the ways the power of these criminal corpses has been harnessed in Britain including up to the present day.

Our attempt to produce a comprehensive response to these questions is rooted in the findings of the 5-year Wellcome Trust-funded project ‘Harnessing the Power of the Criminal Corpse’. The project arose from Sarah Tarlow’s long-term concern with the nature of beliefs about the dead body in early modern Britain and Ireland.⁸ In previous work, her key question ‘What did people really believe about the dead body?’

turned out to be unanswerable. She found that beliefs in early modern theological discourse were quite different to beliefs about the medical and scientific body. Both of these kinds of beliefs were incompatible with those evident in actual material practice and by popular accounts or folklore. Rather than the result of doctors having different beliefs from vicars, or the common people having different beliefs from the educated, these multiple discourses existed in parallel and any single person might draw on one set of beliefs or another, dependent on context.

Beliefs about the dead body in Britain were (and are today) ill-defined, multiple and often incommensurable. Theological writings in the early modern period insisted that the dead body was meaningless, and that what mattered was the soul. Contrary to what is sometimes asserted, no early modern theologian appears to have claimed that a whole body was necessary for bodily resurrection in the Christian tradition: quite the reverse. Similarly, anatomical and medical science at the time was developing a paradigm of the body as a machine of predictably interacting systems. Furthermore, and intriguingly, Tarlow found that the complex polyvalence of beliefs about the dead body was especially evident in the case of the executed criminal body and that attitudes to execution and the executed body in particular highlighted these incompatibilities.⁹

For this reason, Tarlow put the criminal body, around which numerous traditions of discourse spin and have spun out, at the centre of the multidisciplinary 'Harnessing the Power of the Criminal Corpse' project. Led by Tarlow in archaeology, the structure and scope of the project was developed and managed in close collaboration with Owen Davies in folklore, Peter King in legal history, and Elizabeth Hurren in medical history. The project focusses on the post-mortem treatment of criminals who were executed, mainly in Britain, between the mid-eighteenth and the mid-nineteenth centuries.

These dates demarcate the core period of the study because of the impact of the Murder Act. In 1752 a new act came into force, aimed at marking out those convicted of murder for particular judicial censure. The Act states:

[W]hereas the horrid Crime of Murder has of late been more frequently perpetrated than formerly... And whereas it is thereby become necessary that some further Terror and peculiar Mark of Infamy be added to the Punishment of Death, now by Law inflicted on such as shall be guilty of the said heinous Offence... Sentence shall be pronounced in open Court,

immediately after the Conviction of such Murderer... in which Sentence shall be expressed, not only the usual Judgment of Death, but also the Time appointed for the Execution thereof, and the Marks of Infamy hereby directed for such Offenders, in order to impress a just Horror in the Mind of such Offender, and on the Minds of such as shall be present, of the heinous Crime of Murder.

And after Sentence is pronounced, it shall be in the Power of any such Judge, or Justice, to appoint the Body of any such Criminal to be hung in Chains; but that in no Case whatsoever, the Body of any Murderer shall be suffered to be buried, unless after such Body shall have been dissected and anatomized.¹⁰

In practice this usually meant that a judge sentencing a murderer would specify that following execution the criminal's body should be sent to an appointed surgeon or anatomist for dissection, or turned over to the sheriff to be hung in chains ('gibbeted').

The Murder Act remained in force until it was superseded by the Anatomy Act of 1832. Under that Act, inspired by the convergence of the growing need of medical scientists for a more secure and plentiful supply of cadavers for dissection, the public outcry over grave robbing scandals, and the notorious Burke and Hare murders of the 1820s (in which sixteen people on the fringes of society were murdered in order for their bodies to be sold to Edinburgh's anatomists), the bodies of the 'unclaimed' poor from workhouses and hospitals replaced the bodies of criminals as the main legal source of dissection material.¹¹ The post-mortem punishment of gibbeting ended in 1832 and was taken off the books two years later in response to changing sensibilities and ideas about punishment.

The project team assembled to accomplish the goal of examining the shifting power of the criminal corpse centred on the Murder Act, and the broader implications for Britons then and now, included archaeologists, historians, folklorists, philosophers and sociologists, and proceeded along six distinct research themes, each of which used the disciplinary tools best suited to understanding and investigating the questions arising in that area. Each strand produced original research and published their findings in the forms of monographs (books) and articles. Importantly, these outputs are available online for free thanks to the financial support of the Wellcome Trust and in accordance with their mandate to make research public.

In the first research strand, *The Criminal Justice System and the Criminal Corpse*, historians Peter King and Richard Ward investigated the debates and historical context in which the Murder Act was created. This strand paid particular attention to the role of print culture and the use of pre-execution aggravated punishment in Europe in the development of the British government's legislative response to the perceived problem of rising murder rates in mid-eighteenth century England. King and Ward's work not only addressed the specific history of the emergence and construction of the Murder Act, but also of how the Act worked in practice. Close attention to the relationship between court records and the expense claims that indicate which punishments were actually carried out under the Act shed new light on regional differences in rates of conviction and post-mortem punishment and in so doing drew attention to the discretion exercised by law-keepers during the life of the Act. The work of King and Ward was key to understanding the legislative and legal processes by which criminal corpses destined for formalised post-mortem punishment were created in the eighteenth and nineteenth centuries in Britain.¹²

Historian of medicine Elizabeth Hurren carried out the second research strand, *The Criminal Corpse in the Expanding Anatomical and Medical World of Georgian Society*. This work focused on the first of two post-mortem punishments mandated under the Murder Act: 'anatomisation and dissection'. Hurren examined not only the medical procedures this punishment involved, but also the competing interests of the execution crowd, the state, and the medical men for whom legal access to criminal corpses represented valuable possibilities in terms of research, profit, and renown. Further, this strand involved groundbreaking work in understanding the role of the crowd and of display spaces involved in this spectacular form of punishment.¹³

Sarah Tarlow and Zoë Dyndor traced the journey of the criminal corpses into forms of display, particularly on the gibbet, in the strand *Placing the Criminal Corpse*. This strand involved not only a full survey of the whole and partial gibbet cages that exist today in Britain, but also a spatial survey and analysis of the practice of gibbeting. The analysis of extant cages laid alongside investigation of the expense claims made by Sheriffs for the construction of gibbets made possible new and detailed understandings of this previously understudied and peculiarly British form of punishment. Tarlow and Dyndor traced the journey of the criminal corpse from the gallows to the gibbet and into the days, months,

years, or decades suspended between earth and sky during which its significance and meaning shifted and slipped from deterrent display to macabre spectacle to mundane marker on the landscape.¹⁴

It is not only as a cultural signifier that the criminal corpse had power in the world of the Murder Act. The very substance of the body had power. In some ways not fully understood or articulated by contemporaries, a vigorous body suddenly cut off—which was the case with most executed criminals who were overwhelmingly young adult men—was believed to have some residual life force which could be channelled for the benefit of the living. This involved physical contact or even ingestion of the material body itself. In *The Dead Sustaining Life: Criminal Corpses in European Medicine and Magic, 1700–1900*, Owen Davies and Francesca Matteoni took a folkloric approach to investigate how criminal corpses—both those created under the Murder Act in Britain but also criminal corpses more broadly—were used for medicinal and magical purposes. This strand went beyond the Murder Act both in temporal scope and also geographically to investigate the varied uses of criminal corpses in over two hundred years in Europe (including Britain). In this strand, Davies and Matteoni traced how the criminal corpse journeyed, usually in pieces, into new contexts and in so doing, how it acquired new meaning and potency.¹⁵

Shane McCorristine followed the criminal corpse into narrative, in particular literary fiction in eighteenth- and nineteenth-century Britain. *The Criminal Corpse in Pieces* considered the way fiction writing of this period is replete with criminal bodies in the form of punished corpses, vengeful ghosts, and powerful relics. The way these stories were constructed, told, and read reveals a remarkably wide engagement between the public and the criminal corpse, one far beyond the thousands who participated in the spectacles of post-mortem punishment directly, for example in the anatomisation displays described by Hurren or the carnival crowd that attended gibbets in the work of Tarlow and Dyndor.¹⁶

In the final strand, *The Criminal Corpse Remembered: Historical and Contemporary Perspectives on Power, Agency, Values and Ethics*, philosopher Floris Tomasini engaged with the ethical legacies of the Murder Act and the Anatomy Act, the legislation that replaced criminal corpses with those of the poor and unclaimed for the use of medical science. Issues of ownership and use around criminal bodies are thus tied to a longer trajectory of the use of corpses for purposes other than those involved in end-of-life ceremonies. Tomasini calls for greater historical awareness of developing cultural attitudes towards the proper treatment of the dead

body. A deeper time context enables a more sophisticated approach to contemporary ethical debates.¹⁷

Work within the six strands proceeded according to the disciplinary parameters and protocols of those directly involved, but was informed by the work taking place in the other strands. Throughout the life of the project, the teams met, exchanged draft work, and discussed their ideas and findings. These regular project meetings facilitated multidisciplinary discussions at all stages of the research process and supported the effective sharing of evidence, sources, and techniques. The statistics compiled by Ward and King for their crime history work provided the framework for Hurren's medical history and Tarlow's gibbet study. A 2013 discussion of the dissection of William Corder sent McCorristine onto a new research trajectory, resulting in his monograph on the popular reception of this notorious case.¹⁸ Though critical to the success of the project, these discussions were not necessarily easy. The criteria and evidential basis required to make a claim or conclusion in the history of law are very different from, say, those required to make a claim or conclusion in archaeology. In this case, not only the types of evidence differ (textual versus material), but the quantity of evidence required to substantiate a conclusion or claim differs between disciplines. Where archaeologists are generally happy—indeed obliged—to make a case on the basis of very scanty evidence and a plausible hypothesis, historians of law in modern Britain are used to having huge, statistically robust databases capable of demonstrating quite subtle chronological and geographical patterning. Project members had to come to terms with seeing from a new perspective the limitations and benefits of our respective disciplines, and maintaining our communication and collaboration, both despite and in relationship with, our divergent practices. The publications and findings of the individual strands clearly show, however, that these deeper epistemological challenges can result in exciting and illuminating results.

This book is the capstone to the 'Harnessing the Power of the Criminal Corpse' project. It brings together the research and findings from across the project to create an intentionally interdisciplinary work that is at once relevant and useful to the disciplines involved in its production, but also responds to broader questions that may escape the bounds of any individual scholarly approach. We have tried to make use of the project findings to build a coherent scholarly narrative on the criminal corpse focused on the period of the Murder Act that

synthetically extends historical knowledge about Britain in the eighteenth and nineteenth centuries, and speaks more specifically to questions of materiality and the body, criminality, treatment of the dead and the history of punishment.

This endeavour is made possible not only by the depth and range of research conducted by the wider project team, but also by the combination of the experience of the authors, and their collaborative process. Sarah Tarlow is an archaeologist who has worked extensively on the history and archaeology of the dead body. Emma Battell Lowman is an interdisciplinary historian whose work pays particular attention to issues of power, language, the body and story. She joined the project specifically to work on final outputs and benefits from an outsider's view of the research conducted in the project strands. From the early days of work on this book, Tarlow and Battell Lowman have cultivated a close collaborative relationship that has made space for creative approaches to research and writing, and allowed all elements of the book to be truly the result of co-production and co-authorship.

To investigate the tensions around the criminal corpse during the life of the Murder Act, the book's first section seeks to put this 80-year period into a wider historical context. This *longue durée* approach begins in medieval Britain then continues into the early modern period. The culturally rich meanings of the dead criminal body in the Middle Ages and into early modernity derive in part from the symbolic resonance of the crucified Christ. The blurred line between outcast and martyr was an ongoing semiotic problem in this period.

Section II "[The World of the Murder Act](#)" concentrates on the specific historical moment of the Murder Act (1752–1832). Investigations centre on the Act in legislation and in practice, and follow the corpse into the two distinct post-mortem punishments the Act mandated, dissection and gibbeting. Though equal in the eyes of the law, these two treatments diverge sharply from one another in terms of impact, process, and legacy. This section is structured by what King has described as the journey of the criminal body: we start with the legal processes (and their socioeconomic roots) that created the particular criminal corpses at the centre of our study, the Murder Act, which takes the criminal/body from the gaol to the courtroom, to the gallows; we then continue the journey from the foot of the gallows, diverging to trace the path of those convicted murderers sentenced to dissection and those sentenced to hang in chains.

Section “[Body and Power](#)” extends the journey of the criminal/body from the sites and physical state of post-mortem punishment to the after-lives of the criminal corpses, first by following the physical remains, then by following their stories, and finally by pursuing the multifaceted legacies of the criminal corpse today. The bodies of executed criminals were not only the passive bearers of statements about political power, social deviancy, or religious orthodoxy; they were also actively involved in the creation of certain sets of power relationships, social codes, and spiritual conformities. Moreover, the discourses in which they participated were not hegemonic: dead bodies were appropriated in the construction of competing or subversive positions, as well as for socially dominant claims to power.

This volume showcases the work of the entire ‘Harnessing the Power of the Criminal Corpse’ team. However, it is authored by Battell Lowman and Tarlow and we have drawn selectively on colleagues’ research and have not necessarily chosen to tell the histories they would tell. We have drawn on additional evidence to construct arguments which might not be the same as those which most intrigue our colleagues. Further, we write cognisant of the relevance the project findings may have for those working in other disciplines and connected areas who may not otherwise encounter the specific project strand outputs (including in particular historical sociology, historical geography and cultural history); and to respond to public interest in this subject: in Britain and beyond, people encounter legacies of the Murder Act every day—in museums, at sites of post-mortem punishment that dot the landscape, and in stories, songs and popular representations.

THE WORLD OF THE MURDER ACT

Centuries are convenient slices of time for historians. Unfortunately, the most significant cultural, political and economic changes do not always occur at regular 100 year intervals, nor do they neatly coincide with years ending in 00. Historians of the period on which we focus therefore conventionally use the term ‘long eighteenth century’ to define the social and political world of the time, but with enough elasticity to pull in up to half of the seventeenth century and half of the nineteenth, although its period is often slightly shorter at approximately 1688–1815 or 1832.¹⁹ The coherence of this extended century derives from its particular importance as the location of Britain’s transition to the modern.

In the areas of technology, industry, sociopolitical organisation/structure and sensibilities, Britain's long eighteenth century is, quite rightly, a critical period of study. Our temporal focus, the period from the mid-eighteenth century to the mid-nineteenth century, fits within the bounds of the long eighteenth century, though we have focused our parameters by using the years during which a particular piece of legislation was in force.

In the mid-eighteenth century, Britain was industrialising rapidly and expanding its overseas territories. New industrial and agricultural practices and structures reshaped the nation's human and physical geography. Culturally, new ideologies and codes of personal and political behaviour formed rapidly. Protestant culture underlay emerging ideologies of improvement, stressing not only the possibility of changing one's own fate and the wider world, but also the ethical imperative of doing so. New emotional codes valorised emotion and sensibility. Society was being stratigraphically reorganised from 'sorts' into classes, and movement within the system depended somewhat less on wealth alone and more on cultivation of the self and one's image. These changes all had effects on ideas about crime and punishment, disease and the body, death and mourning, and aesthetics, which directly inform the history of the criminal corpse.

In placing the period of the Murder Act into a wider historical context in order to better probe the power and significance of the criminal corpse, we not only bring together the specific findings of the different research strands of our project, we also argue for the enduring power and potency of the criminal corpse today. Our review of the centuries before the Murder Act is key to developing a *long durée* history of the criminal corpse with the potential to correct a widespread assumption about the history of punishment. Although a critique of progressivist and Whiggish historical metanarratives is nothing new, an expectation that the history of punishment follows a trajectory from more physical to more psychological, from torture to reform, from brutal to civilised, is still common. By considering more than a thousand years of capital punishment and its aftermath in Britain, even a whistle-stop and cursory examination shows that any such slow progression from savagery to civilisation is a fallacy.

Sociologist Norbert Elias famously suggested that a 'civilising process' was at work in early modern and modern European history, refining manners, softening interpersonal relationships and promoting humanitarian thinking.²⁰ But the history of post-mortem punishment shows that the most brutal post-mortem punishments—dissection and gibbeting—came

into legal force and reached their peak popularity just at the time when the civilising process was supposed to be achieving its greatest victories: the middle of the eighteenth century.²¹ This not only disrupts core understandings of broad social change in the eighteenth and nineteenth centuries, it also requires deeper investigation. This is why we have chosen to tell a story with deeper roots and an extended reach.

The core period around which our project focuses is the age of the Murder Act, from 1752 when the law first stipulated that no murderer could be buried in holy ground unless their body had first been dissected or hung in chains, to 1832, when the Anatomy Act made the Murder Act redundant. Our intent is twofold: to construct a synthesis that for the first time comprehensively follows the criminal corpse created under the Murder Act beyond the gallows, and to address a new set of questions raised by this process in combination with our own specific interests. For example, Battell Lowman's interest in the use of gibbeting in the overseas British world was prompted by her wider research into knowledge transmission in colonial contexts.

The intellectual genealogy of this book owes a great deal to the pioneering work of VAC Gatrell on the history and public reception of execution in late eighteenth- and early nineteenth-century Britain.²² His comprehensive and at times shocking investigation into capital punishment in Britain sheds light on how executions were staged by the state and were consumed by the crowd. Gatrell's work directed our interest, and that of the project, to similar themes and concerns. In the more than two decades since its publication, Gatrell's *The Hanging Tree* energised the study of the history of crime and punishment in Britain, opening new avenues of inquiry in which scholars including Simon Devereaux, Randall McGowen and Peter King have published excellent work.²³ However, where Gatrell's investigation ended—at the gallows—ours begins. Punishment and spectacle in no way concluded with the death of the condemned, and continuing the journey into the spaces and practices of post-mortem punishment is critical to understanding the history of crime and punishment and also the social history of this period in Britain.

We also position our intervention as a complication, if not a challenge, to the civilising narrative mentioned above. In addition to Elias's civilising progress, Michael Ignatieff's influential *A Just Measure of Pain* argued that from the eighteenth century public and bodily punishments in England were replaced with the moral management of the prison and

the prisoner.²⁴ Not just the formalised, legislated use of post-mortem punishment under the Murder Act, but also the enthusiasm of the crowd who were entertained, enlightened, or affected by the displays of such punishments throughout the life of the Act pushes back against Ignatieff and Elias's frameworks. This should disrupt assumptions of progressive social progress in Britain or metanarratives relying on a civilising trajectory. The criminal corpse always resists being closed down into a single narrative: its meanings are multiple and mutable.

We should note, finally, that our approach pursues many themes which will be familiar to historical sociologists: for example, power, performance, identity, the body, alterity. These themes have been explored widely by many scholars across the humanities and we hope that we have also been able to contribute to those ongoing interdisciplinary conversations.

BODY AND POWER

At the centre of this enquiry is the physical body of the condemned criminal in the long eighteenth century: a body whose owner was tried, found guilty, executed and which was then subject to further punishment by being either 'anatomised and dissected' or 'hung in chains'. Both punishments involved public display and usually resulted in the obliteration of the corpse. However, these grisly post-mortem fates were not reserved exclusively for murderers. For judges, hanging in chains fell within their sentencing repertoire. This punishment was used before the Murder Act, though usually reserved for those condemned for particularly serious crimes (see Chapter 6). The corpses of executed criminals could also make their way into the hands of anatomists and surgeons, but their use did not include public display of the cut body before transfer to the rooms of the surgeons or anatomists as occurred under the Murder Act. Condemned criminals could sell their body by private agreement with the surgeons in exchange for money for themselves or their families. Some criminal corpses were given over to the medical men by the Crown as part of special annual grants (see Chapter 5). Whether mandated by law or handed down at the discretion of a judge, harming the corpse of an individual executed by the state was intended to increase the horror and deterrence of the punishment. This book examines attitudes to the post-mortem punishment of the criminal body as a prism through which beliefs about the human body and its death are refracted.

So, why should the threat of dissection or hanging in chains be considered sufficiently effective to justify its enshrinement in law in the mid-eighteenth century? Although the number of people punished under the Murder Act was fairly small, the social and cultural impact of their punishment was high. It has been argued that in premodern Britain the frequency and ubiquity of death resulted in a somewhat desensitised population, for whom an encounter with a dead body was an almost mundane experience.²⁵ In a period where the mean life expectancy was about 40 years, a figure affected heavily by high infant mortality—about a fifth of the population failed to reach the age of ten—compared to British life expectancy of about 80 years today,²⁶ most adults would have seen the dead bodies of siblings and at least one parent by the age of 20. However, as social historians including Alan McFarlane and Lawrence Stone have demonstrated, neither the emotional impact of bereavement nor the fear of one's own mortality was diminished by familiarity.²⁷ Death was common indeed, but the impact of a death, especially a death that occurred under heightened dramatic and emotional circumstances such as murder or execution, was still profound.

At the heart of our fundamental question is an important interpretive tension: is the criminal body the same as any other body except for the circumstances in which it finds itself, or is there something inherent in the body which determines its criminality and makes the criminal body an essentially different thing to a noncriminal one?

During the period of the Murder Act there were two schools of thought on that issue: the environmental and the anthropological. It was not until the early nineteenth century that there arose a coherent 'scientific' discourse on the determination of character by somatic features, considering criminality to be an essential variable of personhood. In the middle and later nineteenth century, racialised discourses of phrenology and anthropometry were dominant in criminology. Shane McCorristine studied the collections of skulls assembled by both phrenologists and their opponents, in order to demonstrate or refute the anatomical origin of criminality and other personality traits. Of the collection established by Francis Gall himself, the founder of phrenology, McCorristine says:

Gall's own collection of skulls and casts, now mostly at the Musée de L'Homme, Paris, contained specimens of over one hundred criminals. The catalogue listing gives us an idea of what they were intended to demonstrate:

Skull 5600-4-2-3. A soldier who was executed for having killed a prison guard. The organisation which produces proud, unmanageable personalities who cannot bear authority, is very noticeable here.

Cast 5624-35-3-8. A young Prussian boy of fifteen who had an irrepressible tendency toward stealing. He died in a reformatory where he was to spend all his life. Seen before last condemnation by Gall, who considered him incurable.

...Phrenologists constructed hierarchies of cranial types and the criminal was an important piece in the jigsaw of their unscientific and prejudiced system.²⁸

According to this view, there was very clearly a criminal body preceding any criminal act. That is to say, one did not become a criminal because one had committed a crime, but one was likely to commit a crime because one had, congenitally, a criminal body. The unfortunate man with a low forehead, small eyes, and a sloping profile was pretty much doomed by birth to be a criminal. Whole races were judged to have criminality literally in the blood. Such a view supported imperialist and expansionist ideologies of racial hierarchy since, unsurprisingly, the northern European racial type was (supposedly) endowed with superior intelligence, character and a proclivity for civilisation. Further down the scale came Mediterranean, Semitic and Asian types, and at the bottom the 'negro' and 'aboriginal' races. This classification was buttressed by huge collections of bodily measurements and indeed, huge comparative collections of skeletal examples. Scientists and anthropologists created these collections through grave robbing on nearly every continent—clandestinely or coercively obtaining human remains that were 'interred as people and ... extracted as resources'.²⁹ People made vulnerable through colonial dispossession and enslavement were particularly frequent targets, and the power dynamics exploited to build and interpret these collections inheres in them today. As Megan J. Highet has identified, there are strong parallels between 'collecting' human remains for these purposes and obtaining the corpses of the unwilling or unknowing for medical practice and research.³⁰

Although the scientific legitimation of racism through biological anthropology did not become dominant until the mid-nineteenth century, the precursors to this movement were established earlier in the period. Phrenology, for example, was already popular by the 1820s, and appeared to offer a scientific and rigorous approach to determining character. By the 1830s it had become normal to make plaster models

of the heads of executed criminals for the purposes of phrenological study. The case of Eugene Aram is an instructive one.³¹ Aram's actual skull was, in the 1830s, the focus of a phrenological investigation into whether he was, in fact, guilty of the murder for which he was executed in 1759 or whether he was rather a gentle, scholarly type and therefore not, *by reason of biology*, capable of killing another person. The existence of another report interpreting Aram's skull as that of a morally weak and venial man, however, was used by detractors of the 'science' to ridicule its methods and claims. The biological determinism of phrenology was not uncontested.

Another approach to criminality in the early nineteenth century was the environmentalist school. Rather than locating criminality in original sin or rooted in a bad bloodline and therefore inherent in a criminal body, environmentalists ascribed criminal behaviour to extrinsic factors.³² These particularly included the nature of housing and neighbourhood amenities, the influence of family and friends, and the quality of education. The environmentalist approach to crime was implicit in nineteenth-century prison reform, which aimed at removing the offender from their bad surroundings and relocating them into the rational environment of the prison, where rules of silence or segregation minimised the influence of other, more intractable villains.³³ Improvement of the living conditions of the poor, and the extension of education reform also arose from nineteenth-century environmentalist perspectives.³⁴

There were, then, broadly two schools of thought: criminals were born, or they were made. According to the first, a criminal body was the inherent and congenital origin of criminality. A criminal was born that way, and condemned by their own body. Or, a criminal body was produced only by committing crime: there was nothing in one's physical makeup to predispose a person to criminality. A further complication comes from the sociocultural, and thus mutable, understanding of what constitutes a crime. Sixty years ago, in Britain, seeking or carrying out any kind of abortion was a crime, as was a consensual sexual act between two men. At the same time, 'light physical chastisement', including beating with a slim stick, of a wife by her husband, was considered acceptable by law.³⁵ Social attitudes have changed, and so has the law: neither abortion nor homosexuality is a crime, and assault, regardless of the relationship of the people involved, is unambiguously a criminal act. With these changes, various sets of criminal bodies ceased to be criminal. Diachronic change in what makes a criminal body can be even more extreme: in our

concluding chapter we consider the case of the men condemned and executed for cowardice during the First World War, who are now commemorated and celebrated as heroes and victims following revisionist campaigns to pardon and remember those who were ‘shot at dawn’.

If we accept that criminality is not inherent in the body, but rather arises from the actions of the individual in combination with the judgement of law-keepers and the laws put in place in their society, then what is the source of the power of the criminal corpse, and in what ways can it be considered powerful?

First, the criminal corpse was literally powerful as the source of a magical or medical healing energy. The touch of the newly hanged man’s hand was a powerful cure, extensively sought well into the nineteenth century. Parts of the criminal body—its bones, blood or dried flesh—formed the basis of several remedies in Britain and around Europe. The dried hand of a hanged man could be used as a ‘hand of glory’, which had magical properties to thieves and burglars.³⁶

Second, the execution scene and the subsequent display of the criminal body being opened or decaying in a gibbet was socially powerful as a symbolic resource that could be recruited to further particular ends, including the creation or maintenance of certain relationships of power and inequality. This kind of political and social power underlies the changes in the law of punishment and how those punishments were carried out. More subtly, this kind of power affected the way that the public viewed and talked about the drama and exhibition of the criminal corpse, not always in the ways that the legal and governmental authorities intended or hoped.

Third, dead bodies of all kinds, but maybe especially the dead bodies of executed criminals were culturally powerful as a resonant signifier of a bad death, or frightening ghoulishness (even today). One of the key findings of our research is that during the long eighteenth century, many people found the public display of dead and decomposing bodies creepy and ghoulish. Methods of gibbeting and features of the gibbet accentuated the unsettling and disturbing aspects of the gibbeted body. Though a dead body, it remained upright and above ground. Its visibility was enhanced by locating the gibbet in a prominent place, and as close as possible to the scene of the crime. Though a dead body, it moved. The gibbet cage was suspended from the gibbet arm using a hook and a short length of chain, so that it would move in the wind, and turn about. Though a dead body, it made a noise. Contemporaries described the

erie sound of the creaking of chains and the cawing of carrion birds. Though a dead body, hanging above the road it seemed to watch people coming past. Letters, diaries, petitions, and common folktales tell of people's reluctance to pass by a gibbet, especially at night.

Last October, a local supermarket devoted an entire aisle to Halloween paraphernalia. Among the decorative cobwebs and inappropriately horrific children's costumes was a startlingly gruesome hanging gibbet ornament. A semi-skeletal figure dressed in prisoners stripes gripped the bars of a cage and, when the contraption was switched on, croaked 'Let me out', accompanied by some scene-setting rattling chains. This gibbeted figure was a grotesque and mildly frightening piece of Halloween tat, not a pedantically correct historical reconstruction; it was intended to be 'good fun', insofar as murder, execution and humiliation, and post-mortem violations of the body count as fun. But in another way, it would be wrong to draw too sharp a distinction between the past and the present. If the customers of a budget supermarket in the British East Midlands find the gibbeted criminal creepy, rather than an awe-inspiring demonstration of the power of the State and the implacability of Justice, so too did their eighteenth-century forebears. The government that passed the 1752 Murder Act hoped that it would deter criminals by graphically demonstrating the consequences of crime. Much like a farmer nailing up the corpses of shot crows on a field gate, hanging in chains was intended to impress a specific message on the hearts and minds of others. Even at the time, however, creepy nastiness rather than moral reflection was often the result. In this light, the appropriation of a misremembered and 'gored-up' version of the eighteenth-century gibbet for the expanding commercial blood-fest that is twenty-first century Halloween is a fitting tribute to a post-mortem punishment that never quite achieved what its legislators hoped it would.

So the criminal corpse was and is a polyvalent object, capable of being co-opted into subversive discourses. Its meaning was hard to control and it could easily slip from an object of terror to one of pity, or from demonstrating the might of the law to religious sacrifice or folk hero.

The dead body is an especially potent symbol. It is always already freighted with cultural meaning—in some ways a 'hypersignifier'. From the grinning plastic skeletons of Halloween to the ubiquitous artistic and devotional representations of Christ on the cross, the human body does not lose significance when it loses life. Cultural historian Thomas

Laqueur recently compiled a history of the cultural work done by the dead, both as abstracted memories and as surviving bodies or body parts. The history of the work of the dead is, claims Laqueur, a history of how the living invest 'the dead body with meaning and is thus the greatest possible history of the imagination.'³⁷ He cites historian Richard Cobb who noted 'The most dangerous person at a funeral is the body in the coffin'.³⁸

What is true of the dead body in general is especially true of the executed body. That the criminal body is the central focus and principal player in the drama of the execution is well known. What is less well documented, and what this book explores, is how the criminal body continued to play a focal role in the ongoing performance of post-mortem corporal punishment. The signifying power of the corpse is enhanced in particular by two things.

First: Every death has the power to evoke other dead bodies. Each new corpse partakes of a cultural tradition of representing death and the dead. In Christian contexts the most potent of these is the crucified Christ. The next chapter considers how, in the medieval period, the resemblance between the executed criminal and the body of Christ could be enhanced to promote particular interpretations of the execution event, and how an unintended evocation of the Christian sacrifice could undermine other, authoritative, readings.

There is a tension between the unique story of each individual criminal whose body ends up being executed, and the universal body or representative criminal that comes to stand for something more than itself. This is clearly evident in the physical exploitation of executed criminal bodies in the demonstration and development of modern medical science. Practical anatomy and the value of dissections depend precisely on the universality and interchangeability of human beings. A surgeon or doctor must be able to assume that the interior configuration of bodily organs and systems should be predictable and should not vary significantly between people. Similarly the efficacy of ostentatious bodily punishment is wholly consequent upon the representativeness of a single criminal. The identity of an individual as a murderer must exceed their identity as, say, Mary Ann Higgins or John Holloway in order to function as a demonstration of the consequences of crime. They could be any murderer, and any murderer's body could do duty for theirs.

So, each newly executed and dissected or gibbeted body was reminiscent of others that had gone before. Each death carried the memory of

earlier deaths; each criminal corpse evoked other criminal corpses; each pained, humiliated and ultimately extinguished person on the scaffold or the dissection table or swaying in a gibbet high above the ground called to mind others that had been witnessed or whose representations were familiar from pictures and stories.

At the same time, the distinct histories and individual bodies of executed criminals were eagerly consumed by the readers of pamphlet literature—the original ‘true crime’ genre—and the names of particular murderers came to be fossilised in place names and ballads. Sometimes the distance between an actual suffering body and the well-known representations of other executed bodies were what struck the observer: the difference between an ugly corpse with a black, swollen tongue and a smell of urine, and the beautiful depictions of the crucified Christ in glory, or the elegantly composed and artfully lit painting of an anatomy by Rembrandt.

Second: Being dead, the body has limited potential to challenge its co-option into other stories. We have established that the corpse still has power—indeed that is the fundamental argument of this whole book—but its power is inarticulate, inchoate, and requires cultural interpretation and trammelling to shape it to particular ends. Zoë Crossland has unpicked the common trope of forensic study of the dead body, in particular of fictional representations of such study in TV dramas and popular novels.³⁹ She notes that the metaphors of reading the body and of hearing the dead body speak are popular interpretations of the science of forensic pathology. However, dead bodies do not give clear and unambiguous testimony. They do not ‘tell’ their stories in any unmediated way, nor are they amenable to being ‘read’ in any straightforward way. They require interpretation. The forensic pathologist does not simply decode the body.

Similarly, in this book, the corpse does not tell its own story. We do. This has required research, contemplation, conversation, and engaging with the challenges of speaking with and for these histories. And as discussed in the final chapter, we have struggled with the ethical implications of focusing on criminal corpses, not the stories and legacies of victims. Here the corpse offers a number of potentials and constraints, but the dead body itself has limited capacity to resist the narratives and arguments into which it is brought. A dead body does not answer back, but we cannot escape the power of the criminal corpse.

NOTES

1. Reported by the *International Organisation for Migration*, 28 August 2015, 'Mediterranean Migrant Arrivals, Deaths at Sea Soar'. Available at <https://www.iom.int/news/mediterranean-migrant-arrivals-deaths-sea-soar> (Accessed 1 June 2017).
2. <http://www.bbc.co.uk/news/av/uk-politics-33714282/david-cameron-swarm-of-migrants-crossing-mediterranean>.
3. A poll a few days after the event found that Britons who had seen the photographs were nearly twice as likely to want to take in more refugees than those who had not (44% of those who had as opposed to 24% of those who had not). The poll was undertaken by BBC Newsnight and reported by ComRes (Communicate Research Ltd.), available at <http://comres.co.uk/polls/bbc-newsnight-refugee-poll/> (Accessed 1 June 2017).
4. See, Kristeva, J. (1982), *Powers of Horror: An Essay on Abjection* (New York: Columbia University Press).
5. See, Hodder, I. (1985), 'Postprocessual Archaeology', *Advances in Archaeological Method and Theory*, Vol. 8, 1–26.
6. Amongst others, see Hodder, I. (1986), *Reading the Past: Current Approaches to Interpretation in Archaeology* (Cambridge: Cambridge University Press); Hodder, I. (1989), 'This Is Not an Article About Material Culture as Text', *Journal of Anthropological Archaeology*, Vol. 8, Issue 3, 250–269; Hodder, I. (1992), *Theory and Practice in Archaeology* (London: Routledge).
7. See for example, Sofaer, J.R. (2006), *The Body as Material Culture: A Theoretical Osteoarchaeology* (Cambridge: Cambridge University Press).
8. See for example, Tarlow, S. (2011), *Ritual, Belief and the Dead in Early Modern Britain and Ireland* (Cambridge: Cambridge University Press); Cherryson, A., Crossland, Z., and Tarlow, S. (2012), *A Fine and Private Place: The Archaeology of Death and Burial in Post-Medieval Britain and Ireland* (Leicester: University of Leicester Press).
9. Tarlow, *Ritual, Belief and the Dead*, pp. 145–152.
10. 25 Geo II c.37. An Act for Better Preventing the Horrid Crime of Murder.
11. The replacement of murder by poverty as the 'crime' most likely to result in dissection is an intriguing aspect of political history with some contemporary resonances. On this subject we recommend the excellent work of Richardson, R. (2000), *Death, Dissection and the Destitute* (Chicago: University of Chicago Press, 2nd Edition); Hurren, E.T. (2012), *Dying for Victorian Medicine: English Anatomy and Its Trade in the Dead Poor, 1832–1929* (Basingstoke: Palgrave Macmillan).

12. For published work from this strand see, Ward, R. ed. (2015), *A Global History of Execution and the Criminal Corpse* (Palgrave Macmillan), available at <http://www.palgrave.com/us/book/9781137443991>; Ward, R. (2014), *Print Culture, Crime and Justice in Eighteenth-Century London* (London: Bloomsbury), available at <http://www.bloomsbury.com/uk/print-culture-crime-and-justice-in-18th-century-london-9781472507112/>; King, P. ed. (2016), *Punishing the Criminal Corpse, 1700–1840* (Palgrave Macmillan), available at <http://www.palgrave.com/de/book/9781137513601>; King, P. and Ward, R. (2015), ‘Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery’, *Past and Present*, Vol. 228, 159–205; Ward, R. (2015), ‘The Criminal Corpse, Anatomists and the Criminal Law: Parliamentary Attempts to Extend the Dissection of Offenders in Late Eighteenth-Century England’, *Journal of British Studies*, Vol. 54, 63–87; Ward, R. (2012), ‘Print Culture, Moral Panic, and the Administration of the Law: The London Crime Wave of 1744’, *Crime, History & Societies*, Vol. 16, 5–24.
13. For published work on this strand, see Hurren, E.T. (2016), *Dissecting the Criminal Corpse: Staging Post-execution Punishment in Early Modern England* (Palgrave Macmillan), available at <http://www.palgrave.com/br/book/9781137582485>; Hurren, E.T. (2013), ‘The Dangerous Dead: Dissecting the Criminal Corpse’, *The Lancet*, Vol. 382, No. 9889.
14. For published work on this strand see, Tarlow, S. and Dyndor, Z. (2015), ‘The Landscape of the Gibbet’, *Landscape History*, Vol. 36, Issue 1, 71–88; Tarlow, S. (2017), *The Golden and Ghoulish Age of the Gibbet in Britain* (Palgrave Macmillan), available at <http://www.palgrave.com/de/book/9781137600882>.
15. See, Davies, O. and Matteoni, F. (2017), *Executing Magic in the Modern Era: Criminal Bodies and the Gallows in Popular Medicine* (Palgrave Macmillan), available at <http://www.palgrave.com/de/book/9783319595184>; Davies, O. and Matteoni, F. (2015), ‘“A Virtue Beyond All Medicine”: The Hanged Man’s Hand, Gallows Tradition and Healing in Eighteenth- and Nineteenth-Century England’, *Social History of Medicine*, Vol. 28, Issue 4, 686–705.
16. For published work on this strand see, McCorristine, S. (2017), *Interdisciplinary Perspectives on Mortality and Its Timings* (Palgrave Macmillan), available at <http://www.palgrave.com/de/book/9781137583277>; Matteoni, F. (2016), ‘The Criminal Corpse in Pieces’, *Mortality*, Vol. 21, Issue 3, 198–209.
17. See, Tomasini, F. (2017), *Remembering and Disremembering the Dead* (Palgrave Macmillan), available at <http://www.palgrave.com/de/book/9781137538277>.

18. See, McCorristine, S. (2014), *William Corder and the Red Barn Murder* (Palgrave Macmillan).
19. Amongst others, see, O’Gorman, F. (2016), *The Long Eighteenth Century: British Political and Social History 1688–1832* (London: Bloomsbury, 2nd Edition). The long eighteenth century is the most popular of an extensive suite of long centuries in historical scholarship from the second up to the twentieth. There is also a sprinkling of short centuries, but to our knowledge no fat or thin ones.
20. Norbert Elias, *The Civilizing Process* (first published in German in 1939 as *Über den Prozeß der Zivilisation*). It was republished in English translation in 1969 after which it gained widespread prominence.
21. See for example, Tarlow, S. (2017), *The Golden and Ghoulish Age of the Gibbet in Britain* (Palgrave Macmillan); Hurren, E.T. (2016), *Dissecting the Criminal Corpse: Staging Post-execution Punishment in Early Modern England* (Palgrave Macmillan).
22. See, Gatrell, V.A.C. (1994), *The Hanging Tree: Execution and the English People 1770–1868* (Oxford: Oxford University Press).
23. See for example, McGowen, R. (2004), ‘The Problem of Punishment in Eighteenth-Century England’, in Devereaux, S. and Griffiths, P. (eds.), *Penal Practice and Culture 1500–1900: Punishing the English* (Basingstoke: Palgrave Macmillan); Devereaux, S. (2009), ‘Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual’, *Past & Present*, Vol. 202, Issue 1, 127–174; King, P. (2006), *Crime and Law in England 1750–1850. Remaking Justice from the Margins* (Cambridge: Cambridge University Press).
24. See, Ignatieff, M. (1978), *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Pantheon Books).
25. See the discussion in Linton, A. (2008), *Poetry and Parental Bereavement in Early Modern Lutheran Germany* (Oxford: Oxford University Press), pp. 1–5.
26. Statistics on changes in life expectancy are available from the Office for National Statistics (ONS) and are summarised here, <http://visual.ons.gov.uk/how-has-life-expectancy-changed-over-time/> (Accessed 1 June 2017).
27. See, MacFarlane, A. (1986), *Marriage and Love in England: Modes of Reproduction 1300–1840* (Oxford: Blackwell); Stone, L. (1977), *The Family, Sex and Marriage in England 1500–1800* (London: Penguin Books).
28. See the Power of the Criminal Corpse blogpost, ‘Being Disturbingly Informative’, written by project member Shane McCorristine on the work of phrenologists and the continuing fate of collections of human skulls and casts. Available at <http://staffblogs.le.ac.uk/crim-corpse/2016/10/31/disturbingly-informative/> (Accessed 1 June 2017).

29. See, Highet, M.J. (2005), 'Body Snatching & Grave Robbing: Bodies for Science', *History and Anthropology*, Vol. 16, Issue 4, 415–440.
30. Ibid.
31. On the case of Eugene Aram, see Tarlow, S. (2017), *The Golden and Ghoulish Age of the Gibbet in Britain* (Palgrave Macmillan); Tarlow, S. (2016), 'Curious afterlives: The Enduring Appeal of the Criminal Corpse', *Mortality*, Vol. 21, Issue 3, 210–228. Aram is also discussed in Chapter 8 of this book.
32. See for example, Driver, F. (1988), 'Moral Geographies: Social Science and the Urban Environment in Mid-Nineteenth Century England', *Transactions of the Institute of British Geographers*, Vol. 13, Issue 3, 275–287.
33. See, Ignatieff, M. (1978), *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Pantheon Books).
34. See, Tarlow, S. (2007), *The Archaeology of Improvement in Britain 1750–1850* (Cambridge: Cambridge University Press).
35. See, Siegel, R.B. (1996), "'The Rule of Love": Wife Beating as Prerogative and Privacy', *The Yale Law Journal*, Vol. 105, Issue 8, 2117–2207.
36. See, Davies, O. and Matteoni, F. (2015), "'A Virtue Beyond All Medicine": The Hanged Man's Hand, Gallows Tradition and Healing in Eighteenth- and Nineteenth-Century England', *Social History of Medicine*, Vol. 28, Issue 4, 686–705.
37. See, Laqueur, T.W. (2015), *The Work of the Dead: A Cultural History of Mortal Remains* (Oxford: Princeton University Press), quote at p. 17.
38. Ibid., p. 18.
39. See, Crossland, Z. (2009), 'Of Clues and Signs: the Dead Body and Its Evidential Traces', *American Anthropologist*, Vol. 111, Issue 1, 69–80.

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