



CHAPTER 2

The Power of the Criminal Corpse in the Medieval World

GETTING MEDIEVAL ON YOUR ASS

It is ironic that one of the most notoriously violent characters in one of the most notoriously violent films of the late twentieth century, Marcellus in Quentin Tarantino's *Pulp Fiction*, is remembered for introducing his most gruesome brutality with a warning that he was about to 'git medieval on your ass'.¹ Violent punishment seems to have been both more common and bloodier in Tarantinoland than in actual medieval Europe, when justice was often more likely to take the form of a fine or be put in the hands of God than anything involving ironmongery or slow torture. But the assumption that medieval punishment was bloodthirsty and was spendthrift of lives and limbs was not limited to the world of popular film. Even academics, outside the tradition of medieval specialists, sometimes employ this stereotype.

The assumed brutality of medieval justice was given a fillip by the well-known and widely cited model of the history of punishment in the West developed by Michel Foucault. Foucault's *Discipline and Punish* famously opens by contrasting the extreme pain and cruelty of the execution of the regicide Damiens in 1757, with the official documentation of a reforming prison discipline dated only eighty years later.² Foucault's thesis is that 'modern' punishment is aimed at reforming criminals into conforming members of capitalist society through the enforcement of authoritarian disciplinary regimes. This, he contrasts with an

earlier ‘medieval’ kind of bodily punishment which was retributive and deterrent, and which exercised State power in an overt and demonstrative show of force. His model of changes to criminal punishment has been massively influential (less so among historians than in many other areas of the social sciences and humanities) but, as Dean notes, the assumption that a piece of mid-eighteenth-century penal theatre represents the direct and unchanged legacy of the Middle Ages is wrong; the ‘Foucault effect’ perpetuated a number of misconceptions about medieval justice.³ For a start, although one can easily find examples of extreme bodily cruelty in punishment, one of the striking features of medieval law in action is its reliance on fines and even imprisonment. In the early medieval period, and up until about the twelfth century, many crimes, even serious and violent ones, were amendable through the payment of compensatory ‘wer’ or ‘wergeld’—literally ‘man-money’—to the victim or their kin.⁴ Reynolds notes that of the 178 lawsuits of tenth to eleventh century date considered by Wormald, only six mention capital punishment; the majority of crimes up to and including murder, were punished with fines.⁵ Medieval punishment, therefore, should not be seen as a poorly differentiated ‘premodern’ state of culture, of which early modern spectacular justice was a manifestation.

The same is true of medieval beliefs about death generally. The work of another influential French thinker—also not a historian—is responsible for perpetuating the view that ‘medieval’ death was part of an organic, undifferentiated, premodern mindset. Phillippe Ariès claims that death in the Middle Ages was the same as death for ‘the ancients’ and probably in prehistory too.⁶ It also, says Ariès, characterises the Russian peasants described by Tolstoy as calmly accepting their own death without fear or resistance, and some other naïve and uneducated people in modern history. Ariès’s ‘tamed death’ is a death that is expected, not feared and not agonised over. It is a simple, almost animal, acceptance of the inevitable. Ariès’s view is problematic on a number of levels. First, he offers not a shred of evidence that such an attitude characterises his homogenous ‘prehistory’, and evidence for the Middle Ages is anecdotal and promiscuous in time and place, with a concentration on literary sources. Ultimately, Ariès’s medieval functions mostly as a foil for the development of cultural attitudes during modernity. Accordingly, the ‘premodern’, as for Foucault, is ahistorical and almost outside culture, an undifferentiated mass of hessian-wearing, mud-bespattered peasantry persisting down the ages.

In fact, attitudes to death in the Middle Ages, like attitudes to punishment at that time, are not reducible to any unified and coherent position that would be recognisable throughout the period and throughout Europe, let alone beyond it.

Early Medieval Death and the Context of Punitive Death

The Middle Ages (a term used in this chapter synonymously with ‘the medieval period’) are customarily divided into early and late, or early, high and late periods. In England, the early Middle Ages embrace the years between the end of Roman rule in the fifth century AD and the eleventh-century Norman conquest, whilst the late period lasts until about the time of the Reformation in the sixteenth century. The early period can be further divided into pre-Christian and Christian times. Historical sources on the history of the body, death and criminal execution are scanty for this period, but the shortfall of historical evidence of medieval criminal bodies is to some extent made good by a wealth of interesting and provocative archaeological evidence, particularly in the Anglo-Saxon areas of south and east England.

Where historians can start from the fact that the body of a criminal known from historical records must have been disposed of somehow, archaeologists, especially in earlier periods, start with the disposed body and work backwards to suggest that it might be the body of a criminal. In such cases the inference of criminality is mostly made when a body has been subject to non-normative mortuary treatment, conventionally known by archaeologists as ‘deviant burial’.⁷

Deviant burial in the Anglo-Saxon parts of Britain during the early medieval period has been the subject of extensive research recently.⁸ During the earliest part of the Anglo-Saxon period the victims of judicial execution are hard to recognise archaeologically due to the diversity of normal burial practices. However, in the post-conversion period ‘execution cemeteries’ are clearly identifiable, characterised by regularly occurring non-normative practices including prone burial (in which the body is laid flat and facing down), multiple interments, decapitation, evidence of restraint (tied wrists and ankles), shallow and cramped burial and ante- and peri-mortem mutilation (i.e., damage to the body occurring before or around the time of death). Execution cemeteries frequently contain burials of varied orientation, often intercutting one another. Intercutting burial is evidence that the locations of previous burials were not remembered,

marked out or consciously avoided afterwards, in contrast to community cemeteries which generally buried all people with heads to the west, supine and in neat rows. Execution cemeteries are frequently sited on or near boundaries and close to older or contemporary earthworks.

Reynolds infers from these burial practices a clear distinction between ‘members’ of the community and ‘others’; otherness being signalled by prone burial and decapitation.⁹ Some early medievalists suggest that these practices, and others such as ‘weighing down’ the corpse with stones, might also have been attempts to prevent the dead from returning to trouble the living.¹⁰ His hand list of 27 execution cemeteries shows their frequent occurrence in marginal locations, another clear statement of sociocultural liminality.

Overall, the power of the State is increasingly evident from the seventh century, but there is also evidence, in the persistence of local customs of burial and stigmatisation, of continuity from well-established local traditions.¹¹

Foxhall Forbes puts this evidence into a religious context, and demonstrates how, in the Christian Anglo-Saxon period, religious belief shaped and was shaped by popular understandings and practices as well as recon-dite theological disquisitions.¹² The tradition of burying people with their heads to the west, for example, is pretty much continuous from the Neolithic or Bronze Age through to the medieval period and indeed to the present day. Although sometimes glossed as the correct orientation for a Christian resurrection, the custom was already ubiquitous thousands of years before Christianity.

Late Medieval Death and the Changing Context of Punishment

Over the late medieval period, the structures of the Church became ever more elaborate and more aspects of private life and practice came to be controlled by the Church and by secular law, including bodily processes such as consumption and sexuality.¹³ Thus, religious laws specified periods of fasting and complex dietary restrictions; codes of celibacy and controlled sexuality were specified for different orders, genders and times. However, the manner of death and burial was subject to a lesser degree of formal control, and the ideal or stereotyped normal death seems to have changed little over the whole medieval period. Around the twelfth century, however, approaches to crime and punishment altered. The shift in justice was from an oppositional to an

inquisitorial framework. Whereas in the earlier period an accusation would be adjudicated by God through an ordeal, in the later Middle Ages trials came to be about reviewing evidence and making a judgement. At the same time, a new code of punishment emerged. Serious crimes could no longer be compensated by the payment of a fine.

If a jury convicted a person of a serious crime, their judgement took the place of the corporeal ordeal, and punishment was then handed down and carried out. Punishment options included imprisonment, payment of fines or forfeiture of estate, and various corporal sanctions including whipping, stocks, pillory, branding or the removal of a body part such as a hand or foot, or capital punishment, normally by hanging, though certain crimes were punished by burning.¹⁴ As discussed below, the capital punishment that followed a conviction for treason was subject to special symbolic elaboration.

Medieval Bodies: Living, Lived, Dead and Damned

Harris and Robb note that scholarship on ‘the medieval body’ is fragmented—perhaps more so than the history of the body in any other time period.¹⁵ They identify three kinds of ‘medieval body’, across which a number of other themes cut. The three kinds are the theological, the scientific and the actual lived body. Cross-cutting themes include gender, normal and abnormal bodies (monsters and so on), and metaphor—both the metaphors by which the body is described and body metaphors as used to describe other things such as the organisation of the cosmos or the political system. Broadly, scholarship about the medieval body tends to focus on one kind of body, and/or one theme, though much interesting thought has emerged from exploring the tensions between different and often incompatible beliefs about the body.¹⁶

The question ‘what did medieval people believe about the body?’ is, unsurprisingly, impossible to answer. Not only does the label ‘medieval’ encompass more than a thousand years of history over three continents, but it is also fair to assume that the preoccupations of a Merovingian peasant woman, a fourteenth-century bishop and a twelfth-century Irish poet were necessarily very different. Moreover, the body was significant in context rather than as an encompassing abstraction. It is unlikely that the question ‘What do you believe about the body?’ would have made any more sense to a medieval person than it would to most non-academics today.

In this chapter, medieval beliefs about the lived body, that is, the body needing medical attention, or giving birth, or eating, drinking, copulating, excreting, fighting, crafting or riding, are not our main concern. Nor is it highly relevant to look at the gendered body, or its age categories, or at animal bodies. Rather, our focus here is particularly the body in death, and more particularly, the body whose death is the result of having committed a criminal act or being subject to the processes of law. As we shall see, in the Middle Ages the criminal body and the operation of justice were inseparable from religious beliefs about sin and judgement. One of the main questions addressed in this book is how the various contextual discourses in which the criminal corpse features—religion, science, magic, social order, political power and so on—relate to each other. We suggested in the previous chapter that in the medieval period those discourses often mapped very closely onto each other, and that, although context would have affected the kind of belief discourse that was prevalent, categories that became very different later on were not necessarily distinguished during the Middle Ages. These included religion and magic, for example, or State and divine ordering.

DEATH AND THE DEAD BODY IN THE MEDIEVAL WORLD

There is, then, no single or unified ‘medieval belief about the body’. Different bodies are relevant to different kinds of discourses, at different times and places. And just as modern scholarship on the Middle Ages is fragmented by discipline, tradition, and approach, so in the medieval period there were also disagreements and variations. There were, however, broad areas of shared ‘background consensus... embodied in shared terms of disagreement’.¹⁷ These areas of consensus and overlap were greater during the Middle Ages than later on and constituted the kind of necessary commensurability that made disagreement possible. Among these shared taken-for-granted was a dualistic and oppositional belief in body and soul as a cosmological organising principle. Where the body was temporary, sinful and earthly, the soul was eternal, unsullied and heavenly. In modernity a further dichotomy emerged, aligning on one side the body, the heavy and the material, and on the other the soul, the immaterial and insubstantial. In the Middle Ages, however, there is little doubt that the soul or spirit was no less solid and material than the body. There is a clear tradition of regarding the body, when opposed to the soul, as insignificant at best, and a vile, polluting source of sin at worst.

This kind of somatophobia, related to a profoundly misogynist philosophical outlook, reached its apogee in the early modern period but is built on the opposition between, and differential valuation of, body and soul that had had its roots in the medieval period, and indeed earlier.¹⁸

At death, the soul departed from the body (though as we shall see, this separation was sometimes incomplete and occasionally reversible). In medieval art, this departure is conventionally depicted as a naked child rising from the body at the moment of death, and being taken up by angels (Fig. 2.1). The dead body was a body without a soul, and was thus a thing to be despised. An early fourteenth-century Franciscan preacher said that ‘nothing is more abhorrent than a corpse’.¹⁹ Without the presence of the divine, a body was just an object. Because of its polluting nature, he continued, a dead body could not be put into water or hung in the air where it would spread contagion, but needed to be buried in the earth, and the ground tamped down well ‘so that it may not rise again’.²⁰

However, medieval beliefs about the body were not consistent or unambiguous. A parallel tradition suggests that the dead body retained some kind of what Horrox calls ‘awareness’ after death.²¹ Katherine Park distinguishes between a northern European recognition that the new corpse retained some ‘life-force’ until the flesh decayed, and an Italian position that held that life was extinguished utterly with the final breath.²² The care taken to prepare and place the body in medieval Europe might be evidence of this. In the case of members of high-born families with financial resources this might mean that the body was divided after death so that its parts could be put to rest in more than one location, reflecting the emotional attachments of the individual who had died. The resulting traditions of ‘heart burial’, known as *mos teutonicus* where an embalmed heart was taken to another location than the rest of its body, was considered repugnant by Italian Pope Boniface VIII who banned the practice in 1300.

Not only the body but also the late medieval soul was consistently described in bodily terms; it was, to use Bynum’s word, ‘somatomorphic’.²³ From the representation of the departing soul as a small body that comes out of a person’s mouth at the moment of death, to the experiences of the soul as it journeys through the geography of the afterlife, the experience of the medieval soul is essentially a corporeal one. The separated soul, for example, the soul after death as it progressed to the afterlife, experienced bodily discomforts and confronted physical obstacles, such as thorny moors, rivers of water and of fire.²⁴



Fig. 2.1 A man dies and his soul ascends to heaven. Etching by Karel van Mallery after Jan van der Straet (Wellcome Collection)

Moreover, sometimes experience and identity post-mortem was directly attributed to the same body as the earthly one now lying in the ground. Although according to theological thinking the body in the ground should be empty of personal meaning and spiritual significance, a number of practices suggest that it retained considerable identity and importance. For example, the practice of partitive or heart burial, where the entrails, heart and sometimes head were buried separately from the rest of the body for emotional rather than pragmatic reasons, is evidence that the corpse was still thought to affect and be affected by its placement and treatment.²⁵ Similarly, the veneration of saintly relics, well studied by Patrick Geary and recently reviewed by Walsham, demonstrates that spiritual and personal ‘essence’ inheres in the body as well as the separated soul.²⁶ Both heart/partitive burial and the holy power of saintly relics parallel the somatic kind of spirituality that also informed key medieval religious practices, such as transubstantiation, which depended on the miraculous manifestation of the actual body of Christ.²⁷

Westerhof describes how medieval attitudes to the body after death were shaped far more profoundly by religion than our beliefs are today.²⁸ In the Middle Ages, death was conceived of more as a transition than an end, and therefore it was not death itself but dying in sin that was the really frightening prospect.²⁹ Accordingly, proper management of that transition, minimising the amount of sin, and thus the time spent atoning for it in Purgatory, and maximising the soul’s prospects for resurrection, was of crucial importance.

The ideal death, according to the *ars moriendi* (art of dying) manuals that emerge towards the end of the period, was one that was fully accepted and prepared for (Fig. 2.2).³⁰ The key preparations were not secular concerns like the disposition of property or funeral arrangements, though these might also be considered, but spiritual ones.³¹ Ideally, the death itself takes place peacefully in the heart of family and community, if possible in one’s own bed with kin and clergy nearby. This is a death that is predicted, that proceeds slowly—perhaps rather too slowly by modern standards, as the pious final thoughts and prayers can go on for hundreds of pages—giving ample time to prepare the soul, as the organs and powers of the body close down in an orderly and predictable way. A thirteenth-century English verse describes the bodily processes of death thus:



Fig. 2.2 Woodcut illustration from *'Questa operetta tracta dell arte del ben morire cioe in gratia di Dio'* 1503 (Wellcome Collection)

*Wanne mine eyhnen misten,
 And mine heren sissen,
 And my nose coldet,
 And my tunge foldet,
 And my rude slaket,
 And mine lippes blaken,
 And my muth grennet,
 And my spottel rennet,
 And mine her riset,
 And mine herte grisiet,
 And mine bonden bivien,
 And mine fet stivien –
 Al to late! al to late!
 Wanne the bere is ate gate.*

(When my eyes mist/And my hearing hisses/And my nose gets cold/And my tongue folds/And my face slackens/And my lips blacken/And my mouth grins/And my spittle runs/And my hair falls out/And my heart shudders/And my hands shake/And my feet stiffen/All too late! All too late!/When the bier is at the gate).³²

The execution of a criminal might at first appear to be the very opposite of a good death—a death with crime or sin on one’s conscience, violent, away from home and rejected by community. However, as we shall see, medieval judicial execution was not designed to punish the soul in any way and, in fact, could even be seen as a merciful act which would, if anything, improve the malefactor’s chances of salvation.

Scary Monsters

Most of all, the materiality of the soul, and the frequent slippage between the earthly and the heavenly body is evident in ghost beliefs. In the medieval period the ghosts and revenant spirits of the dead do not manifest as wispy, translucent, floaty spectres, nor little lights or funny feelings. Rather, as Joynes’ extensive anthology of medieval ghost stories demonstrates, the dead are likely to take very solid form—of cadavers, beasts or men, and often with monstrous features.³³ They might violently attack the living or attempt to have sexual relations with them. The ghosts of the dead might also take the form of their dead bodies, especially in English high medieval ghost stories, where the body of the

deceased is often the medium of communication between the living and the dead. William of Newburgh's *Historia Rerum Anglicorum* and the fragmentary tales of the fourteenth-century monk of Byland, both contain stories of vexatious ghosts who harass their kin and neighbours until they are laid to rest by digging up the body and placing a scroll of absolution in their grave.³⁴ In a thirteenth-century German story related by Caesarius of Heisterbach, a living knight tries to protect the ghost of a woman who is being hunted by diabolical figures. He attempts to hold onto the woman, but she struggles free and the knight is left with only a handful of her hair. Since he recognised the woman as a lady who had recently died and was known in her lifetime for unchaste behaviour, he orders her grave to be opened and discovers her body to be missing a clump of hair.³⁵ The revenant body and the formerly living corporeal body are one and the same.

In most medieval tales, the ghost has a purpose in haunting the living. Commonly, this is to warn a sinful person to mend their ways lest they suffer the same purgatorial pains as the deceased, who now regrets that they did not repent and reform when alive, or to ask the living person to obtain posthumous absolution for sins of the deceased, usually through prayers or masses or by getting a written absolution from a priest. Sometimes the living are asked to rectify a particular wrong as when, in one tale, the ghost of a man appeared to a traveller to ask that his heirs return some sheepskins he had stolen from a widow and a parcel of land that he had obtained by deception. In Purgatory, the ghost had found himself condemned to wear the stolen sheepskins which were burning hot against his skin, and to carry the whole crushing weight of the field on his back.³⁶

The majority of ghosts in religious *exempla* and courtly tales were not criminals who had been accorded the justice of the courts, but sinners whose sins had gone undiscovered or unpunished in life. This adds some weight to the suggestion that medieval judicial punishments of the body could act as payment of a debt of atonement that would otherwise be paid in Purgatory.

Magic and Mummia

Because the actual material body was imbued with spiritual power, the material body was also a potent source of curative and totemic magico-religious agency. As Gilchrist has observed, magic and religion in the Middle Ages were not 'mutually exclusive categories', nor were either of them separable from medicine.³⁷ Most archaeological evidence of magic

pertains to the use of magical objects to protect the dead or to mediate the relationship between the living and the deceased. However, the use of the dead body as a place of magical divination was also known, albeit as a sin according to a twelfth-century penitential.³⁸

As we shall see in chapter seven, the magical or superstitious use of the criminal corpse does not end with the development of medical science in modernity; medicine and magic continued to overlap well into the nineteenth century and arguably even to the present day.

Crime Is to Sin as Punishment Is to Penance

Criminal justice in the late medieval period, perhaps more than at any other time, was inextricable from religious law. This went beyond an association between Canon (Church) law and Common or customary (state or local) law. Rather, it placed human justice in the same conceptual sphere as divine justice. Crime was an infringement of God's laws as much as of human laws, and therefore secular punishments were not just analogous to holy penance but on a continuum with it.

The late medieval period doctrine of Purgatory introduced an important symbolic territory to the mystical geography of the afterlife.³⁹ While saints and martyrs had always been able to travel directly to heaven, and unrepentant evil-doers and unbelievers would go directly to eternal torment, what of the majority of people: the not-very-bad? Purgatory provided a temporary stage on the way to redemption: a place where sins could be burned away and bad thoughts paid for. The pains of Purgatory were undeniably horrible, but they were finite and, usefully, of variable duration capable of being affected by the intervention of saints, or reduced by masses and prayers said by the living, and by penances undertaken or indulgences purchased before death.⁴⁰ According to some medievalists, pain in the late Middle Ages was a blessing from God, and the means to atonement and redemption.⁴¹ Agony in this world reduced the bill of pain to be paid in the next. Suffering on earth purified and cleansed the sinful soul. This is the principle that underlay the practices of medieval orders of flagellants and other mortifiers of the flesh.

In the case of criminals, a sentence of corporal or capital punishment, especially if it involved intense or prolonged pain, could be not only a punishment but also a spiritually redemptive blessing. A painful and brutal death could, on its own, constitute a pathway to salvation. The story of Engelbert of Cologne, though he was not a criminal, illustrates this. Engelbert was an early thirteenth-century archbishop.

Although he was a man of the Church, he was not a particularly good or virtuous one, and was living a not-very-good, not-very-bad life when in 1225 he was murdered in a bungled abduction plotted by his own cousin, Frederick of Isenberg. He was set upon in a narrow gorge by a gang of armed men while travelling back from consecrating a church and received 47 stab wounds. When his retainers, who had fled the scene, returned to find his dead body, they placed the corpse on a dung cart and brought it to the nearest church, where immediately it began to work healing miracles, restoring the health of those who attended it. Seventy-nine miracles were associated with his relics over the next ten years. The author of Engelbert's *vita*, Caesarius, says,

The sanctity which he lacked in life was replenished in full by his death; and if he was less than perfect in his manner of living, he was nonetheless made holy through his suffering.⁴²

Engelbert's sanctity then, owed nothing to either his good deeds or his piety. It was entirely the especially gruesome manner of his death that made him holy. His actual material body was transformed into a thing of holiness—his own blood anointed his body in the same places that holy oil would have been used for the last rites attending a more peaceful death.⁴³

A year later, Engelbert's murderer, his cousin Frederick, was captured and put to death. He died by breaking on a wheel, penitent, patient, silent and in prayer. Jung notes the symmetry between the two deaths.⁴⁴ In Frederick's case, his bodily fragmentation allows the possibility of redemption. The wheel of fortune has turned and the worst of criminals—a man who was responsible for the death of an archbishop and a kinsman—dies in hope of resurrection. The first shall be last and the criminal who dies in pain and shame, like the thief crucified next to Christ, shall be with Him in Paradise.

The redemptive potential of the awful death in the age of the glorification of bodily suffering meant that a criminal execution was an ambiguous spectacle. Its aim was to deter, through public, visible suffering and humiliation, but what the mortified body evoked was also the holy purification of pain. The death of Christ is 'far and away' the most frequently represented death in medieval art, whilst the archetype and the primary association for the late medieval execution crowd was the body of Christ in his passion (Fig. 2.3).⁴⁵ Art historian Mitchell Merback notes that late medieval depictions of the passions of Christ owe much to studies

Hæc est
 una alia figu
 ra similis se/
 cunde: i qua
 uidetur etiã
 musculi par
 tis anterioris
 hois imedia
 te sub cuti lo
 catis/ in q̄t
 optime uidē
 tur musculi
 partis dome
 stice brachio
 rum ut p̄ si/
 guram suam
 reddant me
 dici cauti in
 aũditis ope
 rationibus.

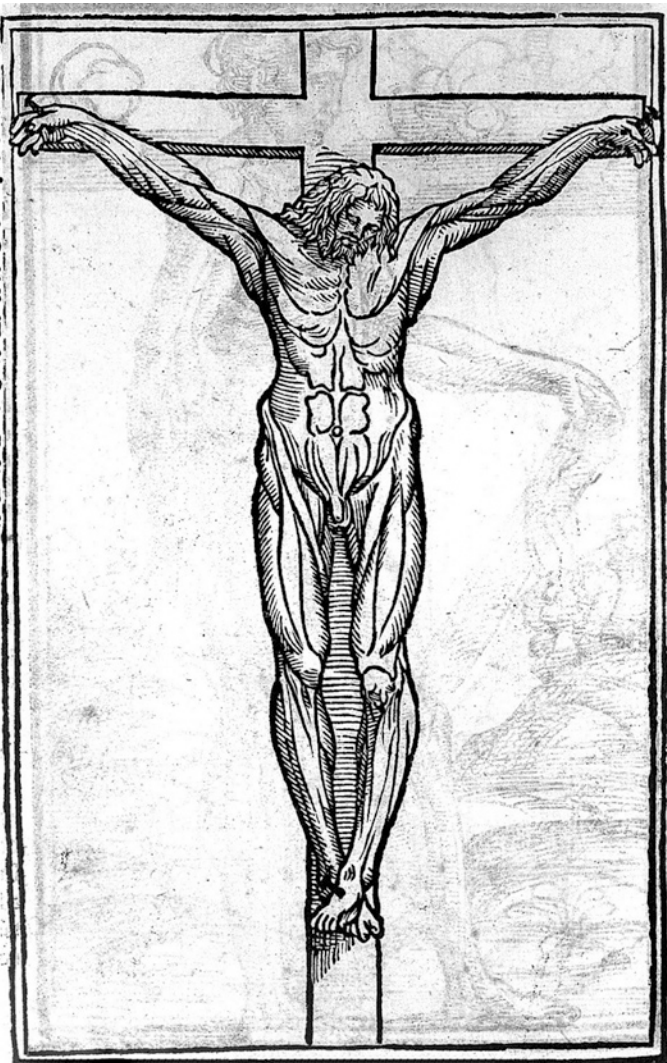


Fig. 2.3 Crucified écorché figure, early sixteenth century (Wellcome Collection)

of criminal bodies hanging or broken (as we will see in Chapter 7, during the time of the Murder Act, the flayed body of a murderer was used as the model for a depiction of the crucified Christ).⁴⁶ Meditations on Christ's passion emphasised the bodily aspects of his experience, just as the witnesses to an execution focused on the body of the condemned, 'trembling, sweating, resisting, gesturing, crying, ejaculating blood'.⁴⁷ Christ's death, though a criminal execution, was nevertheless a 'good death'—in fact the model of the good death: he 'died a criminal, but he died well' as Binski notes.⁴⁸ Other criminal deaths could thus be evaluated according to how close they came to the death of Christ. Did the condemned bear pain with patience, penitence, prayer and hope?

Similarly, dramatic enactments of the crucifixion, the late medieval 'passion plays' which were popular throughout Europe as both pious acts and popular entertainments, emphasised the torture and physical suffering of Jesus, to the point that actors playing Jesus and the thieves were sometimes in danger of their lives.⁴⁹ For this reason, all executions had as their ultimate reference point the body of Christ on the cross; and the pain of the condemned was not only an alienating or vengeful outcome of secular justice, but also the basis of an empathetic bond between spectator and sufferer.⁵⁰

As noted before, death by execution was the ultimate known and scheduled death. Death at an appointed moment allowed the subject to repent, to confess, to pray, to prepare their soul as best they can. Execution shared this feature with the ideal, expected 'tame' medieval death, as described by Ariès.⁵¹ By the same token, a sudden and unexpected death was the worst death and could compromise the spiritual afterlife of the individual, even when they had lived a good life: Ariès cites a number of medieval sources that interpret sudden death as the mark of a curse.⁵² Thus, although knowing the exact time and place of one's death might sound frightening to a modern sensibility, to a medieval mind it was a state to be hoped and prayed for.

Criminal death then had some important characteristics which gave it redemptive potential:

- It was scheduled and could thus be prepared for;
- The suffering of the earthly body could directly redeem some of the necessary pains of Purgatory;
- Analogy with the suffering body of Christ in passion and with tortured and mutilated saints' bodies made the interpretation of criminal death 'perilous'.⁵³ Regulated violence was 'sanctified' because suffering was part of God's plan.⁵⁴

Pain: The Aim of Punishment or Its By-Product?

If death, even shameful and painful death by public execution at the hands of the State, could be reimagined as a holy path to redemption, was execution also expected to act as a deterrent? There is evidence from both the early and late medieval periods to suggest that it was, though it may be the case that the meaning taken by witnesses of an execution was never entirely within the control of the State, and that alternative, possibly subversive, parallel meanings could not be suppressed, given the pervasive symbolism of holy passion.

First, although it might have been the fate of one's soul after death that was the frightening prospect, rather than death per se, medieval executions were frequently painful and horrible deaths. Bodily pain was an element in many punitive sanctions in the medieval period, including whipping, or the removal of a hand, ear or another body part. However, inflicting pain was not such a central element of medieval punitive regimes as is sometimes imagined. As we saw earlier, and even in the case of strangulation hanging, branding, flogging, dismemberment or enduring the stocks or rough music, other aspects of those corporal and capital sentences such as humiliation or the bestowing of an enduring social stigma, were probably just as significant as pain in making the punishment fearful. Violence in punishment, therefore, was a necessary part of maintaining the social order, but its employment was always controlled, ordered and licensed, rather than being used for its own sake or in a way that might risk destabilising the social order.⁵⁵

These other elements, though, were effective in evoking dread in most medieval minds. Public shaming and dramatic exclusion from the community were more important than pain, which was often incidental to the punishment. The main purpose of removing a hand, for example, was to render the criminal always visible and to mark their deviancy permanently and inescapably on their body. Such a procedure made full reintegration as a respectable member of the group all but impossible. Similarly, the memory of having been bound in the stocks or paraded through the streets endured long after the cuts and bruises had gone. Social exclusion was a very powerful sanction, especially in the early and High Middle Ages. In our modern age of quick and easy travel, voluntary emigration and reliable communication, leaving one community and joining another does not seem like a punishment. However, like a sentence of transportation in the eighteenth century, a sentence of banishment or exile in the medieval period was almost equivalent to death.

Reynolds notes that in the Anglo-Saxon period the clear distinction between ‘members’ and ‘others’ in society was maintained through geographical segregation as well as bodily practice.⁵⁶ Westerhof adds that whether by exile or excommunication, erasure from society was a dreaded fate, and cites John of Salisbury’s observation that exclusion from society during life does not end at death.⁵⁷ ‘Strangers’ occupied lowly and disadvantaged positions in society, and could be excluded even from normal burial places.

Given the dread of being excluded from the community of the saved, it might seem surprising that medieval human justice did not try to impede the souls of notorious criminals from finding redemption. In fact, on the contrary, they seem to have been given every opportunity to save their souls: a scheduled time of death and provision of a priest to make confession: in short, the chance to die an exemplary death with prayer and penitence. Foxhall Forbes notes that some legal codes advocated giving enough time between sentence and execution so that the convict had the opportunity to express true penitence and ask for God’s forgiveness, as well as to begin their penance.⁵⁸ This comes from another important and largely implicit cornerstone of medieval justice; that ultimately punishment is decided by God. Until the twelfth century, God’s supremacy over human judgement was evident in the general practice of trial by ordeal. When an accusation was brought against a person, rather than attempting to enquire into the details of the evidence or the fairness of the accusation, the whole question was turned over to God. Ordeals might use cold or hot water, hot iron or armed combat to manifest the will of God. All were preceded by a period of prayer and spiritual cleansing. The ordeal by cold water involved submersion of the accused in a body of water, analogous to baptismal water which would embrace (i.e., pull under) the innocent and pure of soul, but float the impure. An accused person undergoing the hot water ordeal had to retrieve an object such as a stone from the bottom of a cauldron of boiling water. Like the ordeal by iron, which involved carrying a red-hot iron bar a distance of nine feet, divine judgement was manifested in how the wounds healed. If, after being bandaged for a few days, the scalded or burned flesh had recovered cleanly then the accused was innocent; a festering wound was an indicator of guilt. Ordeal by combat was, as it sounds, the will of God made manifest in a fight between the accuser or the defendant or their champions. The replacement of trial by ordeal with trial by jury was one of the conditions of the Magna Carta of 1215, and earlier

in the thirteenth century, King John had tried to force a treason trial to be decided in gladiatorial combat between his own nominee and that of the Poitevin barons who, in an era-defining act of resistance, refused to recognise any other kind of trial than peer jury.⁵⁹

The role of ordeal in British medieval punishment shows two things. First, the lack of distinction between sin and crime—God was to be the ultimate judge of both, and the role of the earthly judicial Establishment, like the role of the Church, was merely to control and operate structures in which the will of God could be exercised. Second, the ordeal shows how crime, like sin, was written into the material substance of the body. The body's buoyancy in water, its ability to heal from injury or prevail in combat was dependent on its spiritual state, which, in turn, was determined by the nature of unatoned sins or crimes carried by its soul. Not only was God's omniscience thus harnessed to resolve questions of guilt, but the ordeal enabled the process of punishment/penance to begin. The ordeal 'asked God to reveal guilt in the body so that the soul may be saved'.⁶⁰

MEDIEVAL CRIMINAL LAW AND SANCTIONS ON THE BODY

Despite the stereotype of medieval punishment being brutal and bloody, as discussed above, many crimes in the Middle Ages were punished in other ways, particularly through the payment of fines or the forfeiture of estates. Even those found guilty of treason could often escape with their lives in the period before the fourteenth century, provided they were willing to make an apology, swear loyalty to the monarch, and forfeit all or a large part of their estate.⁶¹ Banishment and exile were also common punishments for serious crime in the period, though they seem to have lost some of their sting by the late Middle Ages. Exclusion from the community appears to have been a particularly harsh fate in the early medieval period, and this is significant in understanding the symbolic importance of the Anglo-Saxon execution cemetery.

Powerful Punishments and Traitors' Bodies

So, was the power of the medieval criminal body harnessed? The answer is that it was—both as a material lesson in the power of the State and for its inherent potency. However, the first of these purposes was never unambiguously successful, as we shall see.

The power of the State was manifest most clearly in the criminal body of the traitor. More than any other crime (except perhaps suicide), treason was an affront to the natural order of God and man. The majority of those sentenced for treason were of aristocratic birth, these being the only people, as a rule, who had the status and resources to mobilise effectively against the monarch. Their crime was compounded by their failure to 'live up to the standards of aristocratic identity and community'.⁶² Because aristocratic identity was realised through the practice and appearance of an ideal, highly gendered, aristocratic body, so too their 'dishonour was rendered visible within and upon the body'.⁶³

The 1352 Statute of Treason formalised existing customary jurisprudence and practice. Particularly during the late medieval period the punishment of the traitor's body was a highly symbolic restitution of the social and divine order. Until the late Middle Ages treason was punished with 'a remarkable degree of clemency'.⁶⁴ No earl was executed for treason in England between the death of Waltheof in 1076 and that of John, Earl of Atholl in 1306; only direct attempts on the king's life were always punishable by death. In 1238 an *armiger literatus* (sergeant at law) was given the traitor's death of drawing, hanging, beheading, and quartering, and in 1242 William de Marisco was drawn, hanged, disembowelled and quartered, for example.⁶⁵ Both of these men had threatened the life of the king and thus the authority of God, since the king ruled by divine order. By the start of the fourteenth century the definition of treason had expanded to include offences such as making false coin and, in 1278, 293 Jews were executed in London for coin clipping in London.⁶⁶ However, the death of a single traitor in 1305 occasioned far more comment at the time and ever since. William Wallace was one of the leaders of a sustained Scottish revolt against Edward I in the late thirteenth century. After their eventual defeat, most other Scottish leaders agreed to the king's terms, and were granted a pardon in exchange for forfeiture of their estates. Wallace, however, refused to acknowledge the authority of the English king and was therefore punished very severely. Edward I appears to have directed particular enmity towards Wallace, perhaps because of his sustained defiance to the English king's claim to rule Scotland. In any case, he was not given a proper trial or the opportunity to defend himself after his capture in 1305. According to the chronicles of the time, William Wallace was drawn 'at the horse's tail' to the place of execution where he was hanged, but not to death. He was then taken down and beheaded. His entrails were removed and burned and his

remains quartered and sent to Newcastle, Berwick, Stirling and Perth. His head was put on a spike and fixed to London Bridge.⁶⁷

All the elements of Wallace's punishment had symbolic meaning. To be drawn to execution on a sled or hurdle was the mark of a traitor. The crowd that witnessed the procession of shame could augment this part of the punishment with jeers and missiles, performing the process of rejection and exclusion from the community of the faithful. Hanging alive, noted the author of the Dunstable annals in relation to the execution of Dafydd ap Gruffydd 22 years earlier, is the punishment for those who had killed men of high rank.⁶⁸ He was beheaded because of his outlaw status, and disembowelled because it was in his entrails that his acts of blasphemy were generated.⁶⁹ Dismemberment was the price of sedition and also allowed the deterrent effect of public display to work at several locations of treasonous activity. The northern towns to which Wallace's quartered body was sent were selected because of their significance in his rebellion. His head remained in London, the metaphorical head ('capital') of the country. In the years following the death of Wallace, a number of other Scottish rebels were also executed for treason. While these deaths generally followed the same pattern as Wallace's, there were some variations. Disembowelling could occur before beheading so that, in the worst cases, convicts would see their own entrails burning before they lost consciousness or died.

The symbolic elements of Wallace's trial execution were augmented by those who placed on his head a chaplet of laurel (or, in some accounts, of oak), in mockery of the crown he once claimed he would wear (though he did not claim the throne of Scotland for himself).⁷⁰ While intended to humiliate the body through parody of kingly regalia, it must surely have increased the resemblance of Wallace's ignoble end to that of Jesus Christ, wearing his crown of thorns in another parody of kingship. Because this representation of the body of the dying Christ was so extremely well-known and ubiquitous at the time, to crown Wallace with vegetation must surely have been an ideological own goal. Given that the traitor, Earl Waltheof, executed in 1076, was within a few years the subject of a cult of saintly veneration, the State might have realised that playing with the polyvalent symbolism of execution was a dangerous game. However, a few years later, Hugh le Despenser the Younger, executed for treason in 1326, was also made to wear a symbolic crown, this time of nettles. Musson suggests that the choice of plant might relate to heresy or be an indication that he had 'stung' people, but nettles,

like Christ's crown of thorns, might have had no meaning beyond the ironic subversion of a hoped-for real crown into an ornament that would only add to his bodily suffering.⁷¹ Despenser was also robed in a tabard with his family arms reversed, to signify the dishonour his treason had brought on his name. In other cases, a servant executed for a serious crime might be hanged wearing his master's livery.⁷² In various ways, then, the bodies of criminals might be elaborated with clothing or ornamentation in order to clarify the symbolic meaning of their execution.

The geography of execution and its aftermath was also symbolically freighted. The recurrent use of traditional locations for the punishment of traitors and the display of their remains were meaningful in their own right and gained additional weight by repeated use. Traitors were usually tried and executed in London—a capital city for a capital offence—and specifically at Tower Hill, in the most secure and loyal heart of royal power. It is interesting that during the Peasants' Revolt in 1381, 'traitors' to Wat Tyler's cause were also beheaded at Tower Hill, both to mimic the judicial spectacle of power and to appropriate it.⁷³

The overt symbolism of medieval bodily punishment was not limited only to executions for treason. Merback notes that a German sentencing formula specified that criminals executed by hanging should be suspended high up, using a new rope, and then left on the gallows for some time, 'so that it shall be given over to the birds in the air and taken away from earth so that furthermore neither persons nor property may be damaged by this man'.⁷⁴ The criminal corpse in this understanding is a source of moral pollution, and its emblematic nature demonstrates how judicial process occurred at the 'crossroads of law and belief'.⁷⁵

Although post-mortem punishments did not become formalised until the Early Modern period in Britain, it is clear that already in the Middle Ages there were degrees of execution. A death penalty could be made 'worse' by the addition of extra elements of bodily suffering, but more commonly, the particular execution was given a more precise and nuanced meaning through the addition of connotative or moral elements that varied with the nature of the crime and the status of the criminal. These elements had a role to play in the restoration of society and the rebalancing of the social and spiritual disordering occasioned by crime.

For medieval people, the distinction between secular crime and religious sin was not blurred and often not meaningful. The process of penance and absolution for sin was continuous with the process of punishment for crime.

INTO MODERNITY

At the time that the medieval period segued into early modernity in the sixteenth century, the criminal corpse was already a significant symbolic locus which could be made to act as moral lesson, and a tool of State authority, or a source of medical and magical healing. However, the two post-mortem treatments that dominated the core period of the Murder Act—anatomical dissection and hanging in chains—were not part of the punitive repertoire. Although the punishment of treason had already developed the characteristics it would retain for the next few centuries, the aggravation of execution by the strategic and brutal use of pain was not yet widely practised, and pain in medieval punishment was sometimes incidental to the emphasis of a symbolic point. The criminal body—dying and dead—in the medieval period was an ambiguous thing at best. Because of the ubiquity of religious iconography featuring the suffering of Jesus Christ and the saints, the sanctifying and spiritual nature of physical punishment was inseparable from the secular judicial elements. Moreover, the division between demonstrative political uses of the criminal body, and the Purgatorial atonement for sin was blurred, if not meaningless at this time.

As the Tudor period began, England moved into early modernity. The religious upheavals of the fifteenth century would see the end of Purgatory for Protestants and a shift in the relationship between living and dead. The meanings of the body—and especially of the dead body—were altered in ways that seem in some ways unexpected, and this had an effect on the uses of the criminal corpse. As we shall see, as the medieval became the modern, punishment of the body became rather more brutal, and the suffering body was universalised less by the suffering Christ and more by the emergence of a new discourse of modern medical science.

NOTES

1. Tarantino, Q. (1994), *Pulp Fiction: A Quentin Tarantino Screenplay* (New York: Hyperion), quote at p. 108.
2. See, Foucault, M. (1977), *Discipline and Punish: The Birth of the Prison* (Harmondsworth: Penguin).
3. See, Dean, T. (2001), *Crime in Medieval Europe 1200–1550* (Harlow: Longman), pp. 119–120.
4. See, Bellamy, J.G. (1998), *The Criminal Trial in Later Medieval England: Felony Before the Courts from Edward I to the Sixteenth Century* (Stroud: Sutton), p. 57.

5. See, Wormald, P. (1988), 'A Handlist of Anglo-Saxon Lawsuits', *Anglo-Saxon England*, Vol. 17, 247–281, referenced in, Reynolds, A. (2009), *Anglo-Saxon Deviant Burial Customs* (Oxford: Oxford University Press), p. 10.
6. See, Ariès, P. (1974), *Western Attitudes Towards Death from the Middle Ages to the Present* (Baltimore: Johns Hopkins); Ariès, P. (1981), *The Hour of Our Death* (Harmondsworth: Peregrine).
7. For a critique of the term 'deviant burial', see Aspöck, E. (2008), 'What Actually Is a 'Deviant Burial'? Comparing German-Language and Anglophone Research on 'Deviant Burials'', in Murphy, E.M. (ed.), *Deviant Burial in the Archaeological Record* (Oxford: Oxbow Books), pp. 17–34.
8. See for example, Reynolds, A. (2009), *Anglo-Saxon Deviant Burial Customs* (Oxford: Oxford University Press); Murphy, E.M. ed. (2008), *Deviant Burial in the Archaeological Record*, Vol. 2 (Oxford: Oxbow Books); Cherryson, A.K. (2008), 'Normal, Deviant and Atypical: Burial Variation in Late Saxon Wessex, c.AD 700–1100', in Murphy, E.M. (ed.), *Deviant Burial in the Archaeological Record* (Oxford: Oxbow Books), pp. 115–130; Buckberry, J. (2008), 'Off with Their Heads: The Anglo-Saxon Execution Cemetery at Walkington Wold, East Yorkshire', in Murphy, E.M. (ed.), *Deviant Burial in the Archaeological Record* (Oxford: Oxbow Books), pp. 148–168. Not all deviant burials are criminal burials: there are many other reasons why an individual might be given unusual mortuary treatment, including circumstances of death, ethnic or other identity, religion, belief, being a victim of crime, a stillbirth or neonate, a casualty of war, a religious sacrifice or because their life or death made them more likely to become a revenant or to trouble the living. By the same token, not all criminals were necessarily distinguished by non-normative burial practices. In many circumstances, we have no way of knowing archaeologically whether a body is an executed criminal or not. A woman who had been judicially drowned and then interred in the normal local burial ground, for example, would be indistinguishable from the rest of the community in death.
9. See, Reynolds, A. (2009), *Anglo-Saxon Deviant Burial Customs* (Oxford: Oxford University Press), p. 5, pp. 61–95.
10. Meaney and Hawkes (1970), pp. 31–32.
11. See, Reynolds, A. (2009), *Anglo-Saxon Deviant Burial Customs* (Oxford: Oxford University Press), p. 234.
12. See, Foxhall Forbes, H. (2013), *Heaven and Earth in Anglo-Saxon England* (Farnham: Ashgate).
13. See, Harris, O.J.T. and Robb, J. (2013), 'The Body and God', in Robb, J. and Harris, O.J.T. (eds.), *The Body in History: Europe from the Palaeolithic to the Future* (Cambridge: Cambridge University Press), p. 136.

14. See, Mills, R. (2006), *Suspended Animation: Pain, Pleasure and Punishment in Medieval Culture* (London: Reaktion books).
15. See, Harris, O.J.T. and Robb, J. (2013), 'The Body and God', in Robb, J. and Harris, O.J.T. (eds.), *The Body in History: Europe from the Palaeolithic to the Future* (Cambridge: Cambridge University Press), pp. 129–163, p. 132.
16. Most recently, Tarlow, S. (2010), *Ritual, Belief and the Dead in Early Modern Britain and Ireland* (Cambridge: Cambridge University Press); Robb, J. and Harris, O.J.T. (2013), *The Body in History: Europe from the Palaeolithic to the Future* (Cambridge: Cambridge University Press).
17. See, Robb, J. and Harris, O.J.T. (2013), *The Body in History: Europe from the Palaeolithic to the Future* (Cambridge: Cambridge University Press), pp. 136–137.
18. For a discussion of somatophobia in the early modern period see for example, Berger, H. (2000), 'Second World Prosthetics: Supplying Deficiencies of Nature in Renaissance Italy', in Erickson, P. and Hulse, C. (eds.), *Early Modern Visual Culture: Representation, Race and Empire in Renaissance England* (Philadelphia: University of Pennsylvania Press), pp. 98–147.
19. See, Horrox, R. (1999), 'Purgatory, Prayer and Plague: 1150–1380', in Jupp, P. and Gittings, C. (eds.), *Death in England: An Illustrated History* (Manchester: Manchester University Press), pp. 90–118, quote at p. 93.
20. *Ibid.*, p. 93.
21. *Ibid.*, p. 100.
22. See, Park, K. (1995), 'The Life of the Corpse: Division and Dissection in Late Medieval Europe', *Journal of the History of Medicine and Allied Sciences*, Vol. 50, Issue 1, 111–133.
23. See, Bynum, C.W. and Freedman, P. eds. (2000), *Last Things: Death and the Apocalypse in the Middle Ages* (Philadelphia: University of Pennsylvania Press), p. 6.
24. See, De Wilde, P.M. (1999), 'Between Life and Death: The Journey into the Other World', in DuBruck, E. and Gusick, B. (eds.), *Death and Dying in the Middle Ages* (New York: Peter Lang), pp. 175–187, p. 175.
25. See for example, Bradford, C.A. (1933), *Heart Burial* (London: George Allen & Unwin); Weiss-Krejci, E. (2010), 'Heart Burial in Medieval and Early Post-Medieval Central Europe', in Rebay-Salisbury, K., Sørensen, M.L.S., and Hughes, J. (eds.), *Body Parts and Bodies Whole: Changing Relations and Meanings* (Oxford: Oxbow Books), pp. 119–134.
26. See, Geary, P.J. (1994), *Living with the Dead in the Middle Ages* (Ithaca: Cornell University Press); Walsham, A. ed. (2010), *Relics and Remains Volume 13* (Oxford: Oxford Journals).

27. See, Binski, P. (1996), *Medieval Death* (London: British Museum Press), p. 65.
28. See, Westerhof, D. (2008), *Death and the Noble Body in Medieval England* (London: Boydell and Brewer).
29. *Ibid.*, p. 31.
30. See, O'Connor, M.C. (1942), *The Art of Dying Well: The Development of the Ars Moriendi* (New York: Columbia University Press).
31. *Ibid.*; Appleford, A. (2015), *Learning to Die in London, 1380–1540* (Philadelphia: University of Pennsylvania Press).
32. See, Davies, R.T. ed. (1964), *Medieval English Lyrics: A Critical Anthology* (London: Northwestern University Press), p. 74.
33. See, Joynes, A. (2001), *Medieval Ghost Stories: An Anthology of Miracles, Marvels and Prodigies* (Woodbridge: Boydell).
34. *Ibid.*, pp. 97–98, 121.
35. *Ibid.*, pp. 37–38.
36. *Ibid.*, p. 35.
37. See, Gilchrist, R. (2008), 'Magic for the Dead? The Archaeology of Magic in Later Medieval Burials', *Medieval Archaeology*, Vol. 52, Issue 1, 119–159, quote at p. 120.
38. *Ibid.*, p. 140.
39. See, Le Goff, J. (1984), *The Birth of Purgatory* (Chicago: University of Chicago Press).
40. See, Merback, M.B. (1999), *The Thief, the Cross, and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (London: Reaktion Books), p. 150.
41. T. Olsen 2005. 'The Medieval Blood Sanction and the Divine Beneficence of Pain: 1100–1450'. Bepress Legal Series Paper 1334. (http://www.academia.edu/1339016/The_Medieval_Blood_Sanction_and_the_Divine_Beneficence_of_Pain_1100_-1450).
42. Jung, J.E. (2000), 'From Jericho to Jerusalem: The Violent Transformation of Archbishop Engelbert of Cologne', in Bynum, C.W. and Freedman, P. (eds.), *Last Things: Death and the Apocalypse in the Middle Ages* (Philadelphia: University of Pennsylvania Press), pp. 60–78, quote at p. 68.
43. *Ibid.*, p. 71.
44. *Ibid.*, p. 78.
45. See, Daniell, C. and Thompson, V. (1999), 'Pagans and Christians: 400–1150', in Jupp, P. and Gittings, C. (eds.), *Death in England* (Manchester: Manchester University Press), pp. 65–89, quote at p. 83.
46. See, Merback, M.B. (1999), *The Thief, the Cross and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (London: Reaktion Books).
47. *Ibid.*, p. 19.

48. See, Binski, P. (1996), *Medieval Death* (London: British Museum Press), quote at p. 47.
49. Passion plays are still regularly performed around the world, especially at Easter. The most recent fatality was not a Jesus, but a Brazilian actor playing Judas who was accidentally hanged when his safety equipment failed. For a discussion of ‘passion plays’ in the late medieval period see DuBruck, E. (1999), ‘The Death of Christ on the Late Medieval Stage: A Theatre of Salvation’, in DuBruck, E. and Gusick, B. (eds.), *Death and Dying in the Middle Ages* (New York: Peter Lang), pp. 355–370.
50. See, DuBruck, E. and Gusick, B. eds. (1999), *Death and Dying in the Middle Ages* (New York: Peter Lang), pp. 20–21.
51. See, Ariès, P. (1981), *The Hour of Our Death* (Harmondsworth: Peregrine).
52. *Ibid.*, pp. 10–12.
53. See, Morgan, P. (1999), ‘Of Worms and War: 1380–1558’, in Jupp, P. and Gittings, C. (eds.), *Death in England* (Manchester: Manchester University Press), pp. 119–146, quote at p. 124.
54. See, Maddern, P. (1992), *Violence and Social Order: East Anglia 1422–1442* (Oxford: Clarendon Press), quote at p. 82.
55. *Ibid.*, p. 115.
56. See, Reynolds, A. (2009), *Anglo-Saxon Deviant Burial Customs* (Oxford: Oxford University Press).
57. See, Westerhof, D. (2008), *Death and the Noble Body in Medieval England* (London: Boydell and Brewer), pp. 16–17.
58. See, Foxhall Forbes, H. (2013), *Heaven and Earth in Anglo-Saxon England* (Farnham: Ashgate), p. 185.
59. See, Fryde, N. (2001), *Why Magna Carta?: Angevin England Revisited* (Münster: LIT Verlag), p. 164.
60. *Ibid.*, p. 200.
61. See, Bellamy, J.G. (1970), *The Law of Treason in England in the Later Middle Ages* (Cambridge: Cambridge University Press).
62. See, Westerhof, D. (2008), *Death and the Noble Body in Medieval England* (London: Boydell and Brewer), quote at p. 96.
63. *Ibid.*
64. See, Bellamy, J.G. (1970), *The Law of Treason in England in the Later Middle Ages* (Cambridge: Cambridge University Press), quote at p. 23.
65. Bellamy, *The Law of Treason*, p. 23.
66. Joseph Jacobs, ‘England’, *Jewish Encyclopedia*, 1901–1906.
67. The execution of William Wallace is related in, Westerhof, D. (2008), *Death and the Noble Body in Medieval England* (London: Boydell and Brewer), pp. 97–100; Bellamy, J.G. (1970), *The Law of Treason in England in the Later Middle Ages* (Cambridge: Cambridge University Press), pp. 33–39.

68. See, Bellamy, J.G. (1970), *The Law of Treason in England in the Later Middle Ages* (Cambridge: Cambridge University Press), p. 26.
69. The head of an outlaw—the ‘wolf’s head’ that meant that an outlaw could be beheaded on sight with impunity—seems to have had particular symbolic resonance in the Middle Ages. See, Musson, A. (2001), *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester: Manchester University Press), p. 20.
70. See, Stevenson, J. ed. (1841), *Documents Illustrative of Sir William Wallace: His Life and Times* (Printed for the Maitland Club), p. xxxiii.
71. See, Musson, A. (2001), *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester: Manchester University Press), p. 232.
72. See, Bellamy, J.G. (1998), *The Criminal Trial in Later Medieval England: Felony Before the Courts from Edward I to the Sixteenth Century* (Stroud: Sutton), p. 154.
73. See, Musson, A. (2001), *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester: Manchester University Press), pp. 246–247.
74. See, Merback, M.B. (1999), *The Thief, the Cross and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (London: Reaktion Books), quote at p. 139.
75. Ibid.

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