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## BOURGEOIS BODIES— DEAD CRIMINALS

ENGLAND c. 1750-1830

In 1795 Jeremiah Aversham went to execution bearing a flower in his mouth. “He was afterwards hung in chains on Wimbledon common, and for several months,” it was reported, “thousands of the London populace passed their Sundays near the spot as if consecrated by the remains of a hero.”<sup>1</sup> From the perspective of bourgeois morality this was an intolerable scandal. The display of the dead body had become one of those suspicious or ill-defined areas of life that were treated as indecent or marginalised as offensive. The general rearrangement of values in the society transformed the body into an object of aversion as opposed to representation. The change of attitude made it impossible to

<sup>1</sup> G. Barrow, (ed.), *Celebrated Trials* (London, 1825), vol. 5, p. 368.

continue inscribing the bodies of criminals with the degradation of public exposure.

The elusive territory of values and assumptions that formed the basis of this transformation were hidden in the construction of bourgeois hegemony. The concealment was effected not by conspiratorial intent, but by diversion. Eyes directed away from unpalatable objects remained blind to the cultural basis of previous practice. The bourgeois aversion for the dead criminal mentioned earlier was a part of this process. The fact that the body aroused this uneasiness is particularly important, because for centuries it was the visible target of punishment. The floggings, the brandings, the pillory, and executions all revealed the body in degrading circumstances. But toward the end of the eighteenth century the publicity of these corporal punishments becomes suspect. Increasingly the confinement of criminals in solitude and silence, under observation and surveillance, served as an alternative. In Michel Foucault's *Discipline and Punish* we discover how "the expiation that once rained down upon the body was replaced by a punishment that acts in depth on the heart, the will, the inclinations."<sup>2</sup> Foucault describes the dispersion of this abstract discipline into the penal institutions, but neglects the bourgeois discourse on public and violent forms of punishment that contributed to the shift in practice. The reconstruction of that discourse in terms of the treatment of the dead criminal provides the basis for this essay.

## THE DEPRIVATION OF BURIAL

In pursuit of this change of perception it is first necessary to trace the corporeal familiarity of previous penal practice. The appropriation of the dead body of the criminal served for a number of purposes. The gibbet at the scene of the crime was intended as a warning to like-minded individuals. A reinforcement of the criminal's fate was achieved by this deliberate association of the

<sup>2</sup> Michel Foucault, *Discipline and Punish* (Penguin ed., 1977), p. 16.

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punishment and the crime. In 1790 *The Times* reported that William Saville was “ordered to be executed near the spot where he committed the murder, and there to be hung in chains.”<sup>3</sup> A few weeks later it was the fate of Thomas Jackson to be gibbeted “near where he robbed the mail.”<sup>4</sup> But the actual terror aroused by the practice is best understood in the context of burial *ad sanctos*. From the Middle Ages the sanctified territory of the churchyard was reserved for those deserving the protection of a saint or martyr of the church. The dead sought this protection to ensure resurrection of the body and the soul on the day of Judgement.<sup>5</sup> By contrast the bodies of criminals were unworthy of consideration. Their place of burial often coincided with the gallows. For instance in the sixteenth century the *carcase* of an executed person refused burial in the parish church “was returned to the grounde neer Tyberne.”<sup>6</sup> In 1860 excavations on a roadway in that area unearthed numerous human bones. According to a correspondent in *The Times*, “These were obviously the relics of the unhappy persons buried under the gallows.”<sup>7</sup>

The feeling against the burial of criminals on sacred ground had faded by the eighteenth century. Notorious characters such as Richard Turpin and Jonathan Wild were interred in York and St. Martin-in-the-Fields churchyards respectively.<sup>8</sup> This relaxation of popular attitudes affected the judicial authorities. In 1752 legal sanction was given for the first time to the custom of gibbeting the dead criminal.<sup>9</sup> The court order deprived the relatives of the right to dispose of the dead body. But frequent efforts were made to overcome these restrictions. The annual register of 1763 reported that “all the gibbets on Edgeware road were cut down by persons unknown.”<sup>10</sup> In 1832 the body of William Jobling was

<sup>3</sup> *The Times*, 15th March, 1790.

<sup>4</sup> *Ibid.*, 23rd March, 1790. For other examples see the *Gentleman's Magazine*, April, 1770 and April, 1780.

<sup>5</sup> Philippe Aries, *The Hour of our Death* (Penguin ed., 1983), pp. 32-40.

<sup>6</sup> Alfred Marks, *Tyburn Tree: its History and Annals* (London, n.d.), pp. 50-1

<sup>7</sup> *The Times*, 9th May, 1860.

<sup>8</sup> Barrow, *op. cit.*, vol. 4, p. 172.

<sup>9</sup> James Stephens, *A History of the Criminal Law of England* (London, 1883), vol. 3, p. 105.

<sup>10</sup> Leon Radzinowicz, *A History of English Criminal Law* (London, 1948), vol. 1, p. 219.

taken from the gibbet and buried in Jarrow churchyard.<sup>11</sup> Not surprisingly the gibbet posts were strengthened against resistance. Thomas Kerrich's illustration of a gibbet on Brandon sands, Suffolk, shows the post bound with iron bands to prevent cutting down. Others had thousands of nails to inhibit attempts at removing the body.<sup>12</sup> The importance of religious beliefs are represented in these efforts at resistance. Deprivation of a burial on consecrated ground was a terrible fate. Not even the reformation in England altered the practice. The Puritans were the only ones untroubled by the place of burial.<sup>13</sup> But awareness of popular resistance was not a major factor in the decline of the gibbet. A more obvious source of anxiety was the body's decomposition. The stench of death aroused fears of plague and disease.

The realisation that the corruption of the body was a hazard to the health of the population arose from observations regarding the practice of burial *ad sanctos*. Until the eighteenth century this proximity of the dead in the centre of towns and cities aroused no particular anxiety. On the contrary these cemeteries were often the focus of social life. On the burial grounds there were markets, and a variety of recreations and games. The site was a rendezvous for lovers or for meetings of a more religious kind.<sup>14</sup> All this activity implied a certain familiarity with the process of decay, for on the limited grounds of the churchyard were deposited an enormous number of bodies. "In the poor neighbourhoods," wrote an observer regarding London, "the graves are dug and left open from one Sunday to another, or till they are filled with bodies; no more earth is thrown on them than will just fill up the sides of each coffin."<sup>15</sup> The demand for places necessitated the constant reuse of older graves. The remains of bones and skulls were removed to charnel houses or reservoirs. But it seems the demand sometimes exceeded the natural time of decomposition. "In the bone house,"

<sup>11</sup> Albert Hartshorne, *Hanging in Chains* (London, 1891), pp. 108-9.

<sup>12</sup> *Ibid.*, pp. 82 and 91.

<sup>13</sup> Clare Gittings, *Death, Burial and the Individual in Early Modern England* (London, 1984), p. 139.

<sup>14</sup> Aries, *op. cit.*, pp. 62-71. J. Huizinga, *The Waning of the Middle Ages* (Penguin ed., 1955), p. 150.

<sup>15</sup> G. A. Walker, *Gatherings from the Graveyards* (London, 1839), p. 142. See also the *Public Advertiser*, 21st April, 1774.

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wrote a horrified witness of the nineteenth century, “you may see human heads covered with hair ... and human bones with flesh still adhering to them.”<sup>16</sup> The public’s indifference regarding this arrangement of burials was not just a matter of ignorance and poverty. The bones and skulls of the charnel house were for display. They formed part of that moral lesson of the macabre.

Let us to the charnel, Christians, let us see the bones of our brothers...

Let us see the pitiful state they have come to...

You see them broken, crumbled into dust...

Listen to their lesson, listen well...<sup>17</sup>

The meaning of this familiarity of the living and the dead began to fall apart in the eighteenth century. The unhealthiness of it became an issue in pamphlets and newspapers. “Medical writers,” claimed *The Times*, had long regarded it “as pernicious to the health of the inhabitants and the cause of epidemical disorders.”<sup>18</sup> Of particular concern was the ill-effect of putrefaction in relation to the air. Reports regarding the sudden deaths of gravediggers began to circulate more widely. Exhalations from the burial grounds were offered in explanation. “What amazing instances,” wrote the Rev. Thomas Lewis, “do we find in the History of Vaults that have been opened and the pestilential Stenches that have suddenly killed the Workmen, and all that were within reach of the Destroying Blast.”<sup>19</sup> Not surprisingly these anxieties spread to the practice of hanging in chains. Lewis adverted to the unhealthiness of it as early as 1721, “Truly the Stenches of Dead bodies when they begin to corrupt are exceeding hurtful to the Health of the Living, and destructive of Life too. And that I verily believe was the principal Reason why God would not suffer any person that was executed to continue unburied.”<sup>20</sup> This realisation of the

<sup>16</sup> Philantropist, *The Living and the Dead: a Letter to the People of England on the State of their Churchyards* (London, 1841), p. 41.

<sup>17</sup> Aries, *op. cit.*, p. 61.

<sup>18</sup> *The Times*, 13th June, 1788.

<sup>19</sup> Thomas Lewis, *Seasonable Considerations on the Indecent and Dangerous Custom of Burying in Churches and Churchyards* (London, 1721), p. 61.

<sup>20</sup> *Ibid.*, p. 64.

unsanitary nature of the practice made no immediate impact. The authorities continued to expose the dead body of the criminal at the scene of the crime, but the frequency of the practice began to decline. The attempted revival of it in 1832 was a failure. The body of William Jobling was removed by relatives, and the only other gibbet, that of James Cook, was taken down after a petition of the inhabitants of Leicester complained that it had become an "intolerable nuisance."<sup>21</sup>

One factor in the decline was the 1752 act that added dissection to the punishment for murder. The legislation provided the judges with a cleaner alternative to the gibbet without detracting from the infamy of exposure. Ever since the sixteenth century surgeons were granted the corpses of four malefactors per annum. They in turn undertook to perform their anatomy lessons in public.<sup>22</sup> The event acquired elements of theatre: the purchase of tickets for a performance and the solemn ritual of the performers.<sup>23</sup> The public's fascination was not related to the scientific value of these lessons; a far greater attraction was the perceived degradation of the criminal's body. "The crowds of the lower rank of the people," complained *The Times* in 1786, "who have attended for these three days past at Surgeon's Hall, to see the body of Hogan, the mulatto, exposed has made the Old Bailey almost impassable from eleven o'clock till two."<sup>24</sup> Restrictions in 1829 regarding the spectacle of William Burke's dissected body provoked near riot. Eventually upwards of twenty-four thousand individuals enjoyed the exhibition.<sup>25</sup>

From the perspective of the judicial authorities this punishment

<sup>21</sup> *Notes and queries*, Jan-June, 1873, 4th series, vol. 11, p. 63. There is no reference to the unsanitary nature of the gibbet in the letter authorising this removal. See Public Record Office, Kew, H.O.13/60, 11th August, 1832.

<sup>22</sup> Sir George Clark, *A History of the Royal College of Physicians of London* (Oxford, 1964), p. 122.

<sup>23</sup> David Rumbelow, *The Triple Tree* (London, 1982), p. 179. See also R. Latham and W. Matthews (eds.) *The Diary of Samuel Pepys* (London, 1971), vol. iv, p. 59. "About 11 a-clock Commissioner Pett and I walked to Chyrurgeons hall (we being all invited thither and promised to dine there), where we were led into the Theatre; and by the by came the Reader, Dr. Tearne, with the Maister and Company, in a very handsome manner."

<sup>24</sup> *The Times*, 20th January, 1786.

<sup>25</sup> *The Scotsman*, 31st January, 1829.

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of the body was again effected by the deprivation of a burial but there was an additional factor: the terror of the surgeon's scalpel. "But when the judge informed them," it was observed at a trial, "that their bodies were to undergo a public dissection, their countenance changed, they grew suddenly pale, trembled and exhibited a visible appearance of the extremest horror."<sup>26</sup> This extraordinary fear of anatomy originated in popular notions about bodily sensation after death. The stories that survive regarding this vestige of life are numerous. The following instances imply some capacity for reciprocity. It was believed that the wounds of a murdered person bled afresh at the touch of the murderer or that kissing a dead body prevented dreaming of it. A certain sensibility was also implied in the medicinal benefits of the corpse. The touch of executed criminals in particular served to dispel tumours or strumous swellings.<sup>27</sup> Even the body itself continued to perform certain functions. The growth of hair, nails, and teeth, it was believed, was for a while uninterrupted by death.<sup>28</sup> No wonder then that Hogarth's last print in the series *The Four Stages of Cruelty* replicates exactly the contemporary fear of the surgeons. The agony of that face and the apparent contortions of that body are expressive of a punishment, not a scientific lesson, of a vivisection, not an anatomy.<sup>29</sup>

If the excess of violence in this print merely reflects intentions and beliefs that were mistaken, the same cannot be said for the treatment extended to suicides. The body was used to represent the ignominy of offence by burial at a crossroads with a stake driven

<sup>26</sup> *Parliamentary History*, vol. 26, 1786-88, p. 197. This feeling was not entirely unanimous. *The Times* of the 10th January, 1787, noted in surprise that two criminals "sent to an eminent anatomist, a few days previous to their ignominious exit, to offer their bodies after execution for a certain sum."

<sup>27</sup> Francis Grose, *A Provincial Glossary with a Collection of Local Proverbs and Popular Superstitions* (London, 1787), p. 59; John Symonds Udal, *Dorsetshire Folklore* (Hertford, 1922), p. 185; Robert Hunt, *Popular Romances of the West of England* (London, 1903 ed.), p. 379.

<sup>28</sup> Aries, *op. cit.*, p. 356.

<sup>29</sup> See William Heckscher, *Rembrandt's Anatomy of Dr. Nicholaas Tulp: an Iconological Study* (New York, 1958), pp. 103-5 for some further comments on this print. Peter Linebaugh's "The Tyburn riot against the surgeons" in Hay, Linebaugh, Rule, Thompson, and Winslow, *Albion's Fatal Tree* (Penguin ed., 1977) does not allude to this aspect of the popular perception of the surgeons.

into the chest. The forms of the ritual were, in this instance, unambiguously derived from popular beliefs. The fourways of the crossroads were intended to disperse the evil energy of the suicide, and the stake to inhibit the inclination to wander.<sup>30</sup> But for the authorities the signification of a punishment was more important than the dispersal of dangerous spirits. “If the burial on the public highway and the stake,” declared *The Times* in 1786, “was put in force against a very few suicides of rank the crime of self murder would soon be extinguished.”<sup>31</sup> In 1811 the man arrested for the Ratcliffe murders committed suicide in Cold Bath Fields prison. “A salutary example,” it was suggested to the Home Office, “might be presented to the lower orders by parading the body of Williams.”<sup>32</sup> After the proper arrangements were made Williams was taken to a crossroads where, according to the *Morning Chronicle*, “a stake was driven through the corpse amidst the shouts and execrations of the multitude.”<sup>33</sup> In both these instances it is the body that is appropriated in the name of the community and traversed again and again by the violence of punishment.

## SPECTATORS AND VICTIMS

This representation of justice no longer accorded with the values of the whole society. An important shift had occurred in the perception of the dead body. Its exposure to the violence and degradation implied in previous customs and statutes had become intolerable. “We leave each other to rot,” complained William Eden in 1771, “like scarecrows in the hedges; and our gibbets are crowded with human carcasses. May it not be doubted whether a forced familiarity with such objects can have any other effect than to blunt the feelings and destroy the benevolent sentiments of the people?”<sup>34</sup> The *Morning Herald's* objections in 1832 to the display

<sup>30</sup> Edward Westermarck, *The Origin and Development of Moral Ideas* (London, 1908), vol. 2, p. 256. See also Hunt, *op. cit.*, p. 293.

<sup>31</sup> *The Times*, 17th November, 1786.

<sup>32</sup> P.R.O., Kew, H.O. 42/118, 29th December, 1811.

<sup>33</sup> *Morning Chronicle*, 1st January, 1812.

<sup>34</sup> William Eden, *Principles of Penal Law* (London, 1771), p. 80.



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of malefactors in chains referred to it in terms of violence. It described the body as “mangled by hundreds of birds, and falling piecemeal to the earth with every gust of wind.”<sup>35</sup> The unburied corpse no longer served as the transparent sign of a punishment. Now it seemed a torn and fragmented body. The transformation implied in the observation extended to all the old practices and punishments. The difference was noticeable even in comments about burial *ad sanctos*. The arrangement of bones and skulls in the charnel house appeared to be a desecration of graves. “Look into the churchyards in this city,” insisted *The Times*, “and see with what indecency and brutality the remains of the deceased are used—here a skull, there another knocked about.”<sup>36</sup> The reward for the good life and the punishment for the criminal are now interpreted in similar terms: a palpable and irreverent violence directed at a dead body.

The most violent punishment of all was reserved for the offence of high treason. The excess of violence was intended to signify the general abhorrence of the crime. The following account of one such execution is taken from Howell’s *State Trials*.

“The prisoner Townley was executed according to his sentence, on Kennington common, on Wednesday the 30th July, 1746. After he had hung six minutes he was cut down, and having life in him as he lay upon the block to be quartered, the executioner gave him several blows upon the chest, which not having the effect designed, he immediately cut his throat, after which he cut his head off; then ripped him open, and took out his bowels and heart, and threw them into a fire which consumed them; he slashed his four quarters, and put them with the head into a coffin, and they were carried to the new gaol in Southwark, where they were deposited till Saturday August 2nd, when his head was put on Temple-bar, and his body and limbs suffered to be buried.”<sup>37</sup>

<sup>35</sup> *Morning Herald*, 11th August, 1832.

<sup>36</sup> *The Times*, 17th June, 1785. A year later the same newspaper complained, “How indecent, how shocking to the delicate mind is the custom of burying in paved churchyards! How horrid to see the body of a fellow creature pounded into the earth, and rammed down as if it was the wish of the surviving relatives that it should never rise again.” 8th May, 1786.

<sup>37</sup> T. B. Howell, *A Complete Collection of State Trials* (London, 1816-26), vol. 18. p. 351.

As usual the objections to this punishment are made in terms of its effect on the crowd. The spectacle of blood and mutilation it is assumed deteriorates the public morals. But the ill-effects of the violence are not all abstract. "The physical suffering will not be confined to the offender," claimed Jeremy Bentham in his *Principles of Penal Law*, "the spectators will partake of it: the most melancholy accidents, swoonings, and dangerous convulsions, will be the accompaniments of these tragic exhibitions."<sup>38</sup> The faintness aroused by the spectacle was based in part on fears for the viewer's own body: the witnesses in Bentham's account seem to have fixed upon themselves the terrible image of destruction.

The change of attitude implied in this criticism was an important development. It was no longer possible to inscribe the dead criminal in the old corporeal terms. The rearrangement of values necessitated by this transformation was particularly noticeable in the literature of the period. Ann Radcliffe's heroine in *The Mysteries of Udolpho* faints after uncovering "a corpse stretched on a kind of low couch which was crimsoned with human blood, as was the floor beneath."<sup>39</sup> The hero of Regina Maria Roche's *Clermont* inflicts a malicious wound on his brother only to discover, "There is something dreadful in the sight of human blood to the heart not entirely callous."<sup>40</sup> The emphasis in both these encounters on the human origins of the blood points toward a particular anxiety. The open wounds reveal to the witness his or her vulnerability. In the intensity of the situation the spectator becomes, for a moment, the victim.<sup>41</sup>

The importance of this feeling lies not in its reality or otherwise but in its impact on the values and practices of the society. Attendance at a dissection for instance now requires a certain hardiness. As the eager crowds of Edinburgh queued impatiently

<sup>38</sup> J. Bentham, *Works* (Edinburgh, 1838-43), vol. 1, p. 443. See also *Parliamentary Debates*, vol. 28, 1814, appendix, pp. clxxix-clxxxviii. In the debate on Samuel Romilly's Bill to alter the punishment for high treason, William Smith supported it "not from compassion for the criminals, but for the public."

<sup>39</sup> Ann Radcliffe, *The mysteries of Udolpho* (London, 1931 ed.), vol. 2, p. 18.

<sup>40</sup> Regina Maria Roche, *Clermont* (London, 1968 ed.), p. 291.

<sup>41</sup> See James Lacan, "Aggressivity in psychoanalysis" in *Écrits: A Selection* (London, 1977), pp. 8-29, for a discussion of this phenomenon.

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to view the body of William Burke *The Scotsman* admitted that “the sight upon the whole was very far from being agreeable.<sup>42</sup> Perhaps the journalist’s reaction was similar to that of other witnesses. *Monthly Magazine* claimed “the horrid scene at Hick’s Hall, London, drove out the sick and faint, as we have heard some of them relate, and with pale and terrified features, to get a breath of air.”<sup>43</sup> For the educated public the dissected body now becomes unfamiliar territory. The bourgeoisie gladly resign it to the medical practitioners.

This physical discomfort did not of course extend to the surgeons. But the particular bodies delivered for anatomy did arouse other anxieties. A parliamentary report of 1828 admitted that the dissection of murderers only brought ignominy to the practice.<sup>44</sup> According to *The Lancet* the obligation to complete the office commenced at the Old Bailey degraded the profession.<sup>45</sup> The uneasiness of the surgeons was reflected in the wider society. The general drift of penal policy was toward consigning criminals to obscurity, or at least removing them from the centre-stage in exhibitions of punishment to the institutional margins. But the Murder Act of 1752 had never provided an adequate supply of corpses for anatomy lessons. The requirements of the profession determined that it seek its dead elsewhere. Persons that became known as the “resurrection men” were employed to supply bodies from the burial grounds.<sup>46</sup> The practice, already notorious, took on a more sinister character after it was discovered that murder was the source of several bodies in Edinburgh. The subsequent legislation of 1832 abolished the practice of dissection for criminals. Instead the surgeons were allowed the unclaimed bodies of those that died in public or charitable institutions.<sup>47</sup>

<sup>42</sup> *The Scotsman*, 31st January, 1829.

<sup>43</sup> *New Monthly Magazine*, vol. 105, 1855, p. 376.

<sup>44</sup> *Report of Select Committee on Anatomy*, 1828, (588), vii, p. 11.

<sup>45</sup> *The Lancet*, 27th March, 1830.

<sup>46</sup> John Flint South, *Memorials* (Sussex, 1970 ed.), pp. 93-6.

<sup>47</sup> *Acts of Parliament, Great Britain, 2 & 3 William IV*, c. 75. See also *Select Committee, op. cit.* p. 9.

## THE REPRESENTATION OF DEATH

In that legislation the government facilitated a revival of the gibbet because it felt the punishment for murder still required some extra mark of degradation. The subsequent protests proved that the appropriation of the dead body for such purposes had become intolerable. The intended signification of a punishment no longer seemed proper. An editorial in the *Morning Herald* opposed “such a spectacle being presented to the eyes of the people in the nineteenth century, to disgust the enlightened, and brutalize the ignorant.”<sup>48</sup> No doubt for the enlightened members of the society it was the sight of “human bodies in a state of rotteness” that excited their disgust. The tendency towards concealment of the process of decay formed part of an on-going change in representations of death. The repulsive images of bodily corruption from the middle ages had been refined in the funerary art of the seventeenth and eighteenth centuries. The macabre had passed from the horror of the animated corpse, distorted by worms, to the more abstract reassurance of the skull and crossbones.<sup>49</sup>

There was a revival of the fascination of decomposition in the horror novels of the 1790s. In Matthew Lewis’s *The Monk* a nun, imprisoned in the convent’s burial vaults, attempted to escape. She related how “as I raised myself with this design my hand rested upon something soft.” Her discovery of a human head and “the worms that preyed on it” excited a suitable emotion, “I threw it from me and sank almost lifeless on my bier.”<sup>50</sup> The macabre theme of death as the leveller of all was absent from this account. In literature and funerary art the decomposition of the dead was a reminder of the temporal limitations of this life as compared to the eternity of the soul. Now putrefaction represented the terror of nothingness. Imprisonment in the burial vault intensified the horror of the situation and served no religious purpose.

The representation of death in the work of Ann Radcliffe was more ambiguous. In *The Mysteries of Udolpho* an unfortunate propensity for terror led Emily St. Aubert to uncover a forbidden

<sup>48</sup> *Morning Herald*, 17th August, 1832.

<sup>49</sup> Gittings, *op. cit.*, pp. 34-5; p. 149. Aries, *op. cit.*, p. 331.

<sup>50</sup> Matthew G. Lewis, *The Monk* (London, 1907 ed.), p. 323.

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picture frame. Underneath she discovered a wax figure “within a recess of the wall and dressed in the habiliments of the grave. The face appeared partly decayed and disfigured by worms visible on the features and hands.” The irresolution in this writing marked an important difference from that of Lewis. The black veil that covered the figure represented a desire for concealment. In the end it failed to prevent exposure to the details. But an adjustment was made for the sensitive and feeling person. “On such an object,” we are told, “it will be readily believed that no person could endure to look twice.”<sup>51</sup>

A more thorough concealment of the body’s decay was effected by the mid-nineteenth century. Oblique references to an unsavoury task at the beginning of *Our Mutual Friend* by Charles Dickens are indicative of the change of feeling. Two figures in a boat, a man and his daughter, recover some indefinite object. The situation arouses dread and horror in the man’s daughter. “No, no, father! No! I cannot sit so near it.” Dickens himself dare not name the thing. “What he had in tow lunged itself at him, sometimes in an awful manner when the boat was checked.” Only the experienced scavenger/father can glance at the “ripples passing over it like faint changes of expression on a sightless face,”<sup>52</sup> At length these opaque waters reveal the badly decomposed body of a drowned man. The reader infers this from a conversation in a subsequent chapter between a police inspector and one of those in the queue to identify the body.

“Turned you faint, sir! Seems you’re not accustomed to this kind of work?

No. It’s a horrible sight.

You expected to identify I am told sir?

Yes.

Have you identified?

No. It’s a horrible sight. O! a horrible, horrible sight!”<sup>53</sup>

The negative character of this writing illustrates nicely the bourgeois sentiment regarding the representation of death: an

<sup>51</sup> Radcliffe, *op. cit.*, vol. 2, p. 334.

<sup>52</sup> Charles Dickens, *Our Mutual Friend* (London, 1952 ed.), pp. 3-5.

<sup>53</sup> *Ibid.*, p. 25.

elusive almost abstract thing that effaces all images of corruption and decay. The bodiless tendency is reflected too in the new funerary art: a draped urn, its flame of life extinguished; a marble column, broken.

This concealment of the decomposed body was not just a matter of aesthetics. It formed part of a more general transformation in the representation of ideas. For instance in the macabre era putrefaction signified the common fate of all. "My mouth shall be filled with dust," wrote John Donne as late as the seventeenth century, "and the worm shall feed, and feed sweetly upon me; the ambitious man shall have no satisfaction, if the poorest alive tread upon him, nor the poorest receive any contentment in being made equal to the Princes, for they shall be equal but in dust."<sup>54</sup> The corporeal representation of this death was of a part with contemporary signification. The public punishment of criminals in particular was centred on the body: the mutilation of the offensive parts served to represent the justice of the criminal fate. The sentence passed on John Owen for treason decreed that "his privy members be cut off to show that his issue is disinherited with the corruption of blood... his bowels burned because in them he hatched the treason."<sup>55</sup> The body in this punishment and likewise in Donne's sermon is the medium of explanation: the dismemberment of the traitor made legible in one instance and the contemporary meaning of death inscribed in the other.

This use of the body becomes problematic in the context of the bourgeois emphasis on the individual life. In terms of earlier attitudes the death of a king or a beggar reduced both to the same level. A similar disregard for personal circumstances and status was intended in the punishment of criminal offenders. The ritual of the gibbet or dissection in effect erased the particular person in favour of a punishment that served as a sign or warning to the rest of the community. This effacement became almost obscene in the context

<sup>54</sup> John Donne, *Deaths Duell, or, A consolation to the soul against the dying life and the living death of the body* (London, 1632), p. 21. Also "Hamlet. A man may fish with the worm that hath eat of a king, and eat of a fish that hath fed of that worm./ King. What dost thou mean by this?/ Hamlet. Nothing but to show you how a king may go a progress through the guts of a beggar." William Shakespeare, *Hamlet* (Penguin ed., 1980), p. 158.

<sup>55</sup> Howell, *op. cit.*, vol. 1, pp. 1084-6.

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of new literary explorations of the self. The new forms of writing such as the diary and the novel were intended as expressions of a private life.<sup>56</sup> Into that domain were situated the personal and emotional aspects of the mundane existence. Samuel Pepys never intended his *journall* for the eyes of others. On the discovery that Sir William Coventry kept one he acknowledged the existence of his own. “He is the only man that I ever told it to I think... and I am sorry almost that I told it him—it not being necessary, nor may be convenient to have it known.”<sup>57</sup>

The representation of death that emerged from these writings was very different from that of the macabre. On exposure to the anatomical preparations of a medical friend James Boswell wrote, “The survey of skulls and other parts of the human body, and the reflection upon all of us being so frail and liable to so many painful diseases, made me dreary.”<sup>58</sup> These morbid thoughts on illness and death in the Boswell diaries are of particular interest. A fascination for the subject made him a frequent spectator at executions. “When I first attended one, I was shocked to the greatest degree. I was in a manner convulsed with pity and terror, and for several days, but especially nights after, I was in a very dismal situation.”<sup>59</sup> The execution as a punishment was of no concern to Boswell. The attraction for him was the behaviour of the condemned individual in the moments before death. “I always used to compare the conduct of malefactors with what I suppose my conduct might be.”<sup>60</sup> The effacement of the criminal through punishment was in this instance a failure. Boswell’s preoccupation with his own emotions undermined the penal intentions of the authorities.

The almost incorporeal death of Clarissa Harlowe in Samuel Richardson’s novel was an earlier manifestation of the morbid. In the novel Clarissa endured first the threat of a marriage convenient to the landed interests of her family and later imprisonment and abuse at the hands of the man who promised protection and affection. “Is not this the hour of her trial—and in her, of the trial

<sup>56</sup> Lawrence Stone, *The Family, Sex and Marriage* (London, 1977), pp. 225-9.

<sup>57</sup> Pepys, *op. cit.*, vol. ix, p. 475.

<sup>58</sup> J. Boswell, *For the Defence, 1769-1774* (London, 1959), p. 281.

<sup>59</sup> *Boswell’s Column* (London, 1951), p. 345.

<sup>60</sup> James Boswell, *In Search of a Wife, 1766-1769* (London, 1957), p. 151.

of the virtue of her whole sex?"<sup>61</sup> Robert Lovelace's response to the rejection of his offer of cohabitation was a violent one. The rape of Clarissa set in motion the decline of her health, but not her character. The tranquil nature of her departure from this life was contrasted with that of Sinclair, the prostitute. The death of the former represented in "a smile, a charming serenity overspreading her sweet face at the instant"; the latter howling in a frenzy, in a dreadful condition.<sup>62</sup> The words her dearest friend Anna Howe addressed to a male companion were indicative of the singular perception of the woman. "See you not here," she asked in sight of the corpse, "the glory of her sex? Thus by the most villainous of yours—thus—laid low."<sup>63</sup> Her exceptional nature was also reproduced in the choice of funerary emblems. The principal device was a crowned serpent, "with its tail in its mouth, forming a ring, the emblem of eternity. For ornaments; at top, an hour-glass winged. At bottom, an urn."<sup>64</sup>

The absence of decomposition or the skull and bones in these devices was significant. The death of the individual, it seemed, no longer had the same meaning. The evidence from changes in burial practice suggests that the dead had been transformed into objects of particular veneration. For instance the exposure of fragments of the body in the old churchyards was regarded as an irreverence. Dr. George Walker's treatise on the dangers to health of burial *ad sanctos* included this sentimental observation, "Possibly I am now treading over the mouldering remains of many once the cherished idols of the heart's best and purest affections, here, thought I, may repose one who had his cares, who has tasted life's pleasures and its sorrows, here he sleeps as I must sleep; yet I could not but desire that I might have a better resting place."<sup>65</sup> The new cemeteries were situated outside the cities (considerations of health were included in this relocation) and served as an exclusive site for this cult of the dead and the mourners. In the private cemeteries of Kensal

<sup>61</sup> Samuel Richardson, *Clarissa* (London, 1932 ed.), vol. iii, p. 190.

<sup>62</sup> *Ibid.*, vol. iv, pp. 347 & 390.

<sup>63</sup> *Ibid.*, p. 402.

<sup>64</sup> *Ibid.*, p. 247. The novelty value of the emblems was represented by the considerable interest in them at Clarissa's funeral. See pp. 396 & 409.

<sup>65</sup> Walker, *op. cit.*, pp. 157-8. William Godwin, *An Essay on Sepulchres* (London, 1809), pp. 17-18, wrote of a similar attachment to the burial place of a loved one.



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Green and Highgate the mixture of nature in the form of trees and plants and the classical order of the memorials were an expression of the nostalgia. But the sentiment was limited to the bourgeois elite because of the expense of burial in such places.

### THE TENDER-HEARTED EXECUTIONER

The discourse of the feeling person that emerged from this bourgeois art effected in slow motion the treatment of dead criminals. The first parliamentary debates on the matter occurred as late as the 1800s. In those discussions it was assumed that individuals were either soft or hard. The reformers argued that the violent treatment of criminals tended to produce persons of the latter kind. References to the ill-effects of violence in terms of this division occurred as early as the mid-eighteenth century. In Henry Fielding's *Enquiry into the Causes of the Late Increase of Robbers* the last moments of the condemned criminal are presented as "all triumphant; attended with the compassion of the meek and the tenderhearted, and with the applause, admiration and envy of all the bold and hardened."<sup>66</sup> Hogarth's *The Reward of Cruelty* was a more ambiguous manifestation of this attitude. The stated purpose of the series was "to correct that barbarous treatment of animals, the sight of which renders the streets of our Metropolis so distressing to every feeling mind."<sup>67</sup> In the series the hero/victim progresses from cruelty to animals to murder: a man hardened by the small acts of violence for the perpetration of a major offence. But the surgeons that inflict the final part of his punishment are also represented as an insensitive lot. The roughness of the anatomists does not correspond with the precision normally associated with the profession. As emphasis two previous victims of the dissecting table point derisively at the president of the surgeon's guild, Dr. John Freke. But this criticism of penal dissection remained implicit. The caption of the print merely referred to it as the just reward of cruelty.

<sup>66</sup> Henry Fielding, *An Enquiry into the Causes of the Late Increase of Robbers* (London, 1751), pp. 189-90.

<sup>67</sup> Heckscher, *op. cit.*, p. 169.

The notion that certain individuals were more feeling than others pervaded the writings of the period. The discussion of the problem was centred in particular on differences between the sexes. The argument developed in the context of the enlightenment debate on the political rights of men and women. The state of things in nature provided the basis of demands for freedom of the individual and reform of the laws. But the principle of freedom on the basis of natural law was limited to men. The realisation of the natural woman seemed to require no abandonment of social institutions. The domestic subordination of women became in this context a law of nature.<sup>68</sup>

This perception of natural differences in the sexes was reflected in medical tracts and diagrams. In the anatomical drawings of Andreas Vesalius (sixteenth century) sex differences were limited to the outline of the body and the organs of reproduction.<sup>69</sup> But in the representations of the eighteenth century the differences were diffused in the entire sex. For instance the female skeleton differed from the male in the narrow ribs of the feminine woman and the wider hips of the mother.<sup>70</sup> The tendency towards the representation of women in terms of a *natural* difference extended to the nervous system. Various treatises on women assumed knowledge of a physiological distinction. In Priscella Wakefield's *Reflections on the Present Condition of the Female Sex* it was claimed, "The delicacy of their frame, and the dependence on the other sex in which nature has placed them, have produced virtues of the most amiable kind... affection toward connexions, sympathy with the distressed."<sup>71</sup> In Thomas Gisborne's *An Enquiry into the Duties of the Female Sex* the more sensitive nerves of women are offered as an explanation "of delicacy, of sensibility, of warmth

<sup>68</sup> Susan Okin, *Women in Western Political Thought* (London, 1980), pp. 106-139.

<sup>69</sup> Londa Schiebinger, "Skeletons in the closet: the first illustrations of the female skeleton in female anatomy" in *The making of the modern body*, ed. Catherine Gallagher and Thomas Laqueur (Berkeley, 1987), p. 48. See also Thomas Laqueur, "Orgasm, generation, and the politics of reproductive biology" pp. 1-41.

<sup>70</sup> *Ibid.*, p. 58-9.

<sup>71</sup> Priscella Wakefield, *Reflections on the Present Condition of the Female Sex* (London, 1797), pp. 8-9.

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and tenderness of attachment.”<sup>72</sup> The delineation of difference had extended from bones and nerves to more abstract attributes: kindness and concern. In the designation of persons as soft and hard the former had become feminine and the latter masculine.

The parameters of these attributes were never well-defined. The exclusion of the male from the domain of feminine values was never total. Henry Mackenzie’s *The Man of Feeling*, for instance, was an exemplar of tenderness and consideration. The series of incidents in the novel were contrived as illustrations. The dismal situation of a female inmate of Bedlam inspired him to deliver a few coins into the keeper’s hand, “Be kind to that unfortunate.” The man of feeling departed in tears.<sup>73</sup> In the case of Samuel Richardson perpetual ill-health was indicative of his sensitive nature. “One too often finds softness and tenderness of mind,” commiserated a female admirer, “in a body equally remarkable for those qualities.”<sup>74</sup> But the nerves of these men were not as tender as those of women. The same admirer cautioned Richardson as regards his efforts to form in writing a man of a more gentle disposition. “’Tis impossible to give a man so delicate a distress as a woman; he cannot possibly shew the sort of noble fortitude Clarissa does, as he cannot be in her sort of distress.”<sup>75</sup>

The effort to define the sexes in terms of distinct and natural differences influenced the perception of public punishment. If women were capable of frequent attendance at spectacles of pain and suffering then the notion of their more sensitive nerves was mistaken. From the late eighteenth century onwards the female part of the crowd in exhibitions of punishment became an object of attention. In 1786 the gender of the spectators at Surgeons Hall was of particular concern to *The Times*. “The numbers of women,” it observed, “who daily unsex themselves to see the remains of this atrocious criminal, are uncommonly great.”<sup>76</sup> In 1829 the exposure

<sup>72</sup> Thomas Gisborne, *An Enquiry into the Duties of the Female Sex* (London, 1797), p. 23.

<sup>73</sup> Henry Mackenzie, *The Man of Feeling* (London, 1967), p. 35.

<sup>74</sup> Anna Barbauld, *The Correspondence of Samuel Richardson* (London, 1804), vol. iv, p. 30.

<sup>75</sup> *Ibid.*, pp. 31-2.

<sup>76</sup> *The Times*, 20th January, 1786.

of William Burke aroused the interest of far fewer women. "Yet incredible as it may appear," announced *The Scotsman*, "seven females pressed in among the crowd. They were treated as their utter want of decency and right feeling deserved."<sup>77</sup> The sight of women at such an event seemed perverse in the context of the delicate and benevolent representations in the writings of the period. The reinforcement of difference in terms of these attributes required the absence of women.

But this perception of women also undermined the punishment of the dead criminal. The discussion established kindness and affection as important points of reference. In a parliamentary debate in 1823 on the criminal laws Sir James Mackintosh protested against the ritual burial of suicides. "A tenderness for the remains of the dead," he argued, "would have a far more happy effect than all the unmeaning cruelties which could be inflicted upon them."<sup>78</sup> The *Morning Herald* encouraged a similar attitude in its protests against the gibbet. Mindful of events in the past the government made it an indictable offence to steal the dead body. "To support one barbarity"; declared the newspaper in amazement, "the law must have recourse to another; and to preserve a public nuisance, must wage war on the natural affections of the human heart."<sup>79</sup> The talk of affection and tenderness rendered the older significations obsolete. Now the more positive emotions of relatives and friends are to be allowed free expression.

It was believed at the time that the violent tenor of life obstructed the development of these better feelings. The frequent references to the cruel pastimes of the lower orders, as for example in *The Four Stages of Cruelty*, were indicative of this attitude. The reinforcement of more benign feelings required prohibition. The reform of the law would, it was claimed by Lord Erskine in parliament, "soften their natures, and moderate their passions in their dealings with one another."<sup>80</sup> The use of the dead body for penal purposes aroused fears of the opposite kind. This was particularly evident in the *Morning Herald's* claim that an indecent

<sup>77</sup> *The Scotsman*, 31st January, 1829.

<sup>78</sup> *Parliamentary Debates*, new series, vol. 9, pp. 417-8.

<sup>79</sup> *Morning Herald*, 14th August, 1832.

<sup>80</sup> *Parliamentary Debates*, vol. 14, 1809, pp. 556-7.

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treatment of the dead only served to brutalise the ignorant. The task of moral training necessitated the abolition of such treatment. In 1823 the burial of suicides at a crossroads disappeared by legislative enactment. In 1834 the practice of hanging in chains was abolished without a murmur of protest. In the debate, Samuel Lushington asserted that the event was further “proof of the increased civilization of this nation.”<sup>81</sup>

The displacement of the body in these exhibitions did not end the violence and aggression inherent in the people or their government. Even the language used against these practices was ambivalent. The dissection of criminals affected the relatives, Michael Sadler claimed in parliament, by “tearing from the heart some of the best feelings of human nature.”<sup>82</sup> In this image all those concerned in the transaction are passed onto the dissecting table. The spectators become victims again. The bourgeois reaction to the treatment of dead criminals reflected a similar ambivalence. The anxieties aroused at the spectacle of decomposition or dismemberment were based in part on fears for the viewer’s own body. But reference to these feelings raises again the problem of their existence. Why the expression of disgust at that particular time and with that success?

The fear of changes to the penal system had sustained the exposure of the dead criminal longer than the culture that produced it. The deprivation of burial was intended to inscribe the degradation of punishment on the remains of the criminal. Likewise the gibbet at the scene of the crime made in a criminal’s fate a legible part of the punishment. Each element operated as the signs of a penal code: the individual or person of the criminal was erased in the process. In the eighteenth century representations of a different kind emerged from bourgeois writings. Now the experience of each person was formulated as different. The veneration of the individual in death was one manifestation of the attitude. The discourse of the feeling person (with particular emphasis on the construction of feminine values) was another. In this context the elimination of the individual in death or

<sup>81</sup> *Ibid.*, third series, vol. 22, 1834, p. 157.

<sup>82</sup> *Ibid.*, vol. 9, 1831, p. 303.

punishment was impossible. The delivery of the criminal's corpse to the surgeons became an "absurd presumption of the law."<sup>83</sup> The gibbet at the scene of the crime seemed no better or worse than burial in the churchyard. The treatment of suicides was regarded as a useless attack on a corpse. The signification of a punishment was no longer apparent. The change of meaning left only the perception of violence.

John Delaney  
(*Canberra*)

<sup>83</sup> *The Lancet*, 27th March, 1830.