

Legislation on Moral Anatomy in Eighteenth to Nineteenth Century Scotland

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The study of anatomy in the United Kingdom from the late 1700s to the early 1800s was a highly amoral practice, not only due to those involved but also the lack of legislation in place. The science of anatomy and surgery were steadily improving with the use of anatomy theatres and practicing on cadavers by medical students, but “by the nineteenth century the balance of cadaver supply and demand was exceedingly unfavourable for the students of medicine.”¹ As soon as a shortage in the market was recognized, a new business began. A handful of people who “engaged in the illegal procurement of cadavers, [known as] body-snatcher[s], resurrectionist[s], sack-‘em-up gentlemen and ghouls” were roused, filling the gap in the market.² This was the case in Edinburgh, Scotland in the 1820s, during the West Port Murders, aided by the involvement of Dr. Robert Knox. Though he was involved, Dr. Knox’s awareness of his involvement remains debated by scholars.³ Despite these modern debates, his career has remained tarnished by the rumours surrounding the murders. There was previously no governing power in the Anatomical Society to overlook the blossoming operations in the cadaver industry because there had been no need. Thus, at disturbing rates, the perfect “system that efficiently and dispassionately put bodies on tables for young anatomy students” was formed.⁴ Though the body-snatchers and practitioners of medicine facilitated these actions, the lack of legislation enabled and practically encouraged the entire operation. With the implementation of new laws, which gave licensed physicians and their students the legal rights to a specified number of unclaimed corpses a year, anatomical studies and its disciples were allowed the opportunity to return to ethical science, sound medical practice, and their morality.

In the 1800s, as medical anatomy grew in universities, the need for cadavers grew alongside it. This happened for multiple reasons, one of which being “a proliferation of medical schools offering students the benefits of practical knowledge gained through

¹ Ian Ross and Carol Urquhart Ross, “Body Snatching in Nineteenth Century Britain: From Exhumation to Murder,” *British Journal of Law and Society* 6, no. 1 (1979): 112.

² Ross and Ross, *Body Snatching in Nineteenth Century Britain*, 112

³ Montgomery, Horace, “Resurrection Times,” *The Georgia Review* 43, no. 3 (1989): 540.

⁴ Guerrini, Anita, “The Anatomy of Robert Knox: Murder, Mad Science and Medical Regulation in Nineteenth-Century Edinburgh,” *The Journal of Modern History* 83, no. 3 (2011): 645.

participation in dissection” in their education of surgery, which had previously been offered through demonstration alone.⁵ The novel offer to practice on cadavers led universities to gain more attention from prospective students, and allowed for more experimentation of the surgical processes, which was becoming increasingly important due to the demand for better medical care by the wealthier classes.⁶ These requirements of anatomical studies in the surgical curriculum meant more cadavers were needed by more universities. This also meant that when the rise of men hoping to become surgeons due to the Napoleonic wars occurred, more professors and student practice became necessary, meaning even more cadavers.⁷ A third reason the need for cadavers was rising was that students’ tuition funded these universities, and more opportunities for more students to practice meant additional tuition for the universities.⁸ Professors like Dr. Robert Knox at the University of Edinburgh would have felt the pressure to supply his students with the practice they so needed to become efficacious surgeons, to encourage large numbers of students to choose to enroll themselves at his university. Being as successful as he was, running one of Edinburgh’s largest and most successful anatomy schools, Knox would have felt a heightened level of the pressure fueling the United Kingdom’s cadaver craze.⁹ In other words, the vast number of students attending his lectures would all have needed the ability to practice their surgical technique on bodies, Knox, more than most other professors in the United Kingdom, required a larger than average sum of cadavers. Regardless of if he was aware of the situation or not, this pressure, coming from within himself or the actual institution, would be enough to encourage Knox to resort to desperate measures and questionable medical practices.

The minimal supply of cadavers in the face of substantial demand became an exceptional opportunity for those who had noticed the sizable gap in the medical market, and as the perfect stage for people to make a livable wage outside of the usual and legal ways, suppliers turned to grave robbing and body snatching.¹⁰ These terms were occasionally replaced with other, more disturbing terms such as ‘sack-‘em-ups’ and ‘resurrection men,’ referring to the snatcher’s inhuman and immoral removal of bodies from their graves and

⁵ Ross and Ross, *Body Snatching in Nineteenth Century Britain*, 110.

⁶ Ross and Ross, *Body Snatching in Nineteenth Century Britain*, 110.

⁷ Guerrini, *The Anatomy of Robert Knox*, 645.

⁸ Ross and Ross, *Body Snatching in Nineteenth Century Britain*, 111.

⁹ Richards, Evelleen, “The ‘Moral Anatomy’ of Robert Knox: The Interplay between Biological and Social Thought in Victorian Scientific Naturalism,” *Journal of the History of Biology* 22, no. 3 (1989), 380.

¹⁰ Ross and Ross, *Body Snatching in Nineteenth Century Britain*, 111.

proceeding to bag them for transportation.¹¹ Those who took advantage of the university's desperation were desperate themselves; those who were willing to commit crimes to earn a profit. The universities and their professors were willing to pay any fee, so the body snatchers would ensure a steady supply of cadavers.¹² These poor souls found the easiest, most accessible and well-paying job on the market; and with no regulation of the exchanges, body-snatching was a job where one could be their own boss. Soon enough, the suppliers began resorting to other illegal methods that would morally stain them forever. The patience of waiting for people to die eventually ran out, and the "body snatcher's greed for fresh corpses led them to bypass all middlemen by resorting to murder," arousing fear in the public.¹³ Every one of their malicious actions were self-justified through the profit made after delivery. The rush of earning money after having none encouraged the speed of their actions, and through this stimulated the growth of the industry, expanding the market at unexpected speeds. The men fulfilling these demands were desperate, and their "hunger for money overwhelmed whatever respect they might have had for the dignity of human life" at the start of their corrupt business.¹⁴ Their greed and desperation fueled the continual provision of cadavers to the universities, both party's grateful for the business, most not able to, or refusing to ease and reflect on the horrors of the exchange, many not slowing enough to ask important questions about the sourcing of the materials, and many not caring. Body-snatchers made a substantial living of around £10 a corpse.¹⁵ Though the occasional one-off exchange was probably typical, others found ways to keep their vicious income continual.

In the 1820s in Edinburgh, Scotland, a pair of men named William Burke and William Hare involved themselves in the grave-robbing trade when a man entered Hare's inn and died, and the deplorable duo quickly grasped his body and sold it to the university.¹⁶ They recognized the rare opportunity that had presented itself, and ran with it, as it was not every day that an unknown somebody came to one's doorstep and died. Initially looking for Alexander Munro, a second renowned anatomist at the University of Edinburgh, Burke and Hare ran into a student of Robert Knox's, who informed them that they would make more

¹¹ Montgomery, *Resurrection Times*, 532.

¹² Montgomery, *Resurrection Times*, 531.

¹³ Montgomery, *Resurrection Times*, 531.

¹⁴ Montgomery, *Resurrection Times*, 532.

¹⁵ Guerrini, *The Anatomy of Robert Knox*, 645.

¹⁶ Neher, Allister, "Robert Knox and the Anatomy of Beauty." *Medical Humanities* 37, no. 1 (2011): 46.

money if they sold their cadaver to Knox – an offer they could not refuse.¹⁷ After doing so, a successful industry connection had been made, and all parties were satisfied to their knowledge; the buyer, the seller, the university and the students. Some of the parties containing more information than others, regardless of the want or need. The satisfaction lasted, until it could no longer, and the pair's greed and desperation grew, and as they were so, "pleased by their good fortune ... [they] took to killing [sixteen] street people and others who had no apparent family" leaving no trace of their violence behind, thanks to the technique, "burking," named after William Burke.¹⁸

With a more significant sum than they had imagined and therefore, an increase in their excessive drinking habits, the two eventually became lazy, leaving their victims unattended, stuffed under the beds of Hare's inn to be accidentally stumbled upon during their drunken orgies. Though increasingly careless as the money came in, and their assumed dissonance subsided, they were not questioned until Mary Paterson, a missing person from the community, arrived at the University.¹⁹ The recognition of Mary altered the ignorant acceptance of Burke and Hare's corpses, and their consistent procurement grew exceedingly suspicious. Eventually, Mary was identified as having been a patient "from the Royal Infirmary, where she had been treated for rheumatic fever from 15 to 29 March 1828, just a few months before her death in September;" at the hospital, because of her stay, she would have become familiar to some of Knox's students.²⁰ Though Burke and Hare's involvement in the West Port murders is evident, ambiguity clouds Knox's awareness. Though avidly purchasing from the two murders, scholars argue how informed Knox's entanglement may have been.

Though unknown by the truth, scholars debate Knox's intellectual stake in the West Port murders. Returning to the recognition of Mary Paterson, some believe that "Knox's first acquaintance with Mary Paterson was as a new specimen for his dissection room," unlike the first acquaintance of many of his students, who had recognized her as a recovered and healthy young woman, just a few months prior.²¹ If Knox, even by the latter half of Burke and Hare's murderous rampage, had not recognized the cadavers or questioned the body's production, it was possible that he truly experienced the ignorant bliss of the enjoyment he gained teaching

¹⁷ Neher, *Robert Knox and the Anatomy of Beauty*, 46.

¹⁸ Neher, *Robert Knox and the Anatomy of Beauty*, 46.

¹⁹ Neher, *Robert Knox and the Anatomy of Beauty*, 46.

²⁰ Neher, *Robert Knox and the Anatomy of Beauty*, 47.

²¹ Neher, *Robert Knox and the Anatomy of Beauty*, 47.

dissection. If unencumbered by the knowledge of the illicit procurement of Burke and Hare's cadavers, Knox's reputation should not have crumbled in the way that it did, this story haunted him for the rest of his life.²² Others have disagreed, believing more was occurring under the surface than had ever been known to the public. Through the trials and charges of Burke and Hare, Knox remained steadfast, even as the country dragged his reputation, and "though his complicity in the murders was never proved, his failure to explain himself gave rise to public speculation. [Thus,] for the remainder of his life this sizzling scandal swirled around him, ruining his professional career."²³ Many claim it is unclear how involved he was, but regardless of this belief, he was forever shamed for his participation.²⁴ The suggestion of his potential involvement affects how one may see Dr. Knox. Feeling responsible to supply his lectures of over 500 students with more than the twenty-five legally allotted cadavers a year, Knox condemned himself, deserving his ravaged reputation.²⁵ Knox's hypothetical involvement and the unmistakable amoral participation from Burke and Hare suggests a much greater fault; that in which the exchanges were made. The system was fundamentally unable to correct its wrongs, in that there was no regulating system at all.

Cadavers were required at an incredulous speed when they could not be supplied. That is, until body snatchers rose to the occasion, filling the gap in the market. This exchange, though illegal, benefitted almost all parties, except the directly involved and targeted public, who were increasingly frightened.²⁶ The physicians and body-snatchers who were aware of the actions occurring in the dark knew, "there [were] no indications [of anyone] attempt[ing] to develop a legislative solution to the problem of supplying cadavers to medical schools. Anatomist[s] and body snatcher[s] were to continue in complicity until public outcry and violence, both real and threatened, forced a change."²⁷ None of the informed or possibly informed, successful parties wanted to change, and those who were unaware of the illicit activities occurring would not have been concerned, as they would not have known that change needed to happen. All the pieces worked together to continue an anatomical structure and society that allowed the West Port murders and other crimes to happen; "the system with

²² Richards, *The 'Moral Anatomy' of Robert Knox*, 378.

²³ Montgomery, *Resurrection Times*, 540.

²⁴ Hammer, R.R., et al., "Students as resurrectionists—A multimodal humanities project in anatomy putting ethics and professionalism in historical context," *Anat Sci* (Ed, 3 2010), 244-248.

²⁵ Montgomery, *Resurrection Times*, 539.

²⁶ Ross and Ross, *Body Snatching in Nineteenth Century Britain*, 112.

²⁷ Montgomery, *Resurrection Times*, 536.

all its components — anatomists, enterprising laborers, the government’s blind eye [and potentially] Knox’s, dislocated poor people — fit beautifully and worked well.”²⁸ Thus, the cycle continued, and the supply and demand were managed until the public could take it no longer; the system overseeing medical anatomy was not fit to successfully manage all its workings.

The lack of legislation was to be addressed first among the public, and eventually in the law. The fear the people held for the system enabling medical education led Henry Warburton to begin a government inquiry about the anatomy school incidents.²⁹ Bringing the concerns of the people to the House of Commons, as well as “proposing to legalize the dissection of any subject upon consent of the executor ... mandate the state to make available to anatomists the bodies of those who requested dissections, as well as all unclaimed bodies of the nation’s poor;” with this proposal, the Warburton Anatomy Act of 1832 was formed.³⁰ Warburton’s act invited a larger influx of legal cadavers to enter the anatomical market and to the universities, diminishing the need for illegal procurement. Once the Anatomy Act of 1832 commenced, the illegal cadaver market was silenced.³¹ Alongside the securing of additional cadavers for anatomical schools, the new act also began the organization of a new program, one which required prerequisites for people hoping to attend medical examinations, established locations for anatomical studies, and allotted inspectors to ensure ethical and moral practice were in place.³² Had these legislations been at work previously, it is hard to imagine the work of Burke and Hare and the involvement of Knox would have been possible at all.

The amoral actions of Burke and Hare and the potentially immoral actions of Dr. Knox were enabled by the lack of legislation in the anatomical society in United Kingdom medical universities. With the rise of medical students, the prerequisite of surgical practice before becoming a surgeon and the legal restraints on cadaver access left the anatomical cadaver supply exhausted, and unable to support all its aspects.³³ This gap in the market encouraged and forced those financially struggling to find a supply for the rising demand, and the stage for the perfect crime was set.³⁴ The lack of administration in place allowed

²⁸ Guerrini, *The Anatomy of Robert Knox*, 645.

²⁹ Montgomery, *Resurrection Times*, 536.

³⁰ Montgomery, *Resurrection Times*, 542.

³¹ Montgomery, *Resurrection Times*, 543.

³² Montgomery, *Resurrection Times*, 542-543.

³³ Ross and Ross, *Body Snatching in Nineteenth Century Britain*, 111.

³⁴ Montgomery, *Resurrection Times*, 537.

“anatomists to take full advantage of the court’s tunnel vision” and continue their amoral studies, aware or not of the crimes they were participating in.³⁵ With the introduction of the Anatomy Act in 1832, reform in the anatomical legislation, organization and administration occurred, and jobs similar to those of Burke and Hare, and situations like Knox’s entanglement, would not have been possible.³⁶ The lacking structure itself did not allow for a change in the system, and continually encouraged those with the insight and who knew better to complacently remain, perpetuating the amoral science that was anatomy at the time. Knox, Burke, and Hare only took advantage of a weak and lacking legislation in order to improve their own livelihoods, regardless of its morality. With stronger and better-prepared legislation on the schools of anatomy, a more moral, ethical, and reliable science could be founded.

³⁵ Montgomery, *Resurrection Times*, 536.

³⁶ Montgomery, *Resurrection Times*, 542.

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