

Extract of a lecture of corporal punishments, delivered to the students of military surgery in the University of Edinburgh, on the 23d of March 1847 / by Sir George Ballingall.

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EXTRACT
OF A
LECTURE ON CORPORAL PUNISHMENTS,

DELIVERED TO
THE STUDENTS OF MILITARY SURGERY IN THE UNIVERSITY OF
EDINBURGH, ON THE 23^d OF MARCH 1847.

BY SIR GEORGE BALLINGALL,
REGIUS PROFESSOR OF MILITARY SURGERY.

[Extracted from the Monthly Journal of Medical Science.]

SUCH, gentlemen, are the general sentiments which I have for some years expressed in this place, upon corporal punishment; as regards the surgeon's duty in superintending its infliction, and in treating its consequences. If, upon the present occasion, I am induced to add anything of a more particular, of a more personal character, it is from a desire to state fully and unequivocally the result of my individual experience, as bearing upon a case which has recently been the subject of deep interest both to the profession and to the public.

You will readily suppose that I allude to the case of the soldier Frederick White, of the 7th Hussars, who died in the month of July last, in the Cavalry barracks at Hounslow, recently after having been subjected to corporal punishment. Upon the medical evidence given before the coroner's inquest on that case, I was induced to offer some remarks, which you will find in the "Monthly Journal of Medical Science" for October last. These remarks have called forth a reply from Mr Erasmus Wilson, published in the "Lancet" for October 31st, 1846; both of which papers I trust you will do me the favour to read. It is not my intention to occupy your time at present with a minute or detailed criticism on Mr Wilson's letter, but to notice some few points on which I have had the misfortune to be misunderstood. My opinion as to the cause of this soldier's death is given in the following words: "I can only look upon this as a case of thoracic inflammation, *supervening from atmospheric changes*, in the case of an individual who had recently been subjected to corporal punishment,—not necessarily connected with that punishment; except in so far that I hold

every man who may have undergone such punishment, *and who may in consequence have been confined to hospital*, to be in a condition which renders him more than usually susceptible of morbid influences, and particularly of those arising from atmospheric causes."

Here Mr Wilson seems to think I have made an admission that this man's death was distinctly the consequence of his punishment. But observe, gentlemen, the words upon which I have laid an emphasis, and which I shall take the liberty of printing in italics. Observe also that a man is not of necessity confined to hospital because he may have undergone a slight punishment, not even such a punishment as that inflicted upon the soldier White; and which, in former times, would have been considered a moderate one. It is the assumed connexion between punishment and pleurisy which I am disposed to question. It were altogether unfair to take Mr Wilson's evidence as given in the newspaper reports, or to say how far some of the expressions put into his mouth countenance the parallel which has been drawn between the effects of burns and of corporal punishment; but he is well aware of the relation which exists "between the skin and the internal organs," and how much this relation has been dwelt upon, as explaining the fatal result in the present case. Mr Wilson's own explanation of this result is distinctly given in the following words: "the pulpy condition of the muscles existing in close relation with the pleura, was the real cause of the pleuritis which was found on that side of the chest."

Now, it is the immediate connexion of the fatal pleuritis either with the state of the skin, or with the state of the muscles which, in my opinion, remains to be proved. If this is not the professional question at issue, I should be glad to know what that question is? And why this persevering attempt to ascribe to a peculiar—I had almost said a nondescript-state of the muscles of the back, those morbid appearances within the thorax, which are abundantly common where no such cause can exist? The concatenation of extraneous or accessory circumstances in this case—the soldier's trial—his punishment—his reception into the regimental hospital—the healing of his back—his subsequent death, and repeated dissections, have never been denied.

Mr Wilson then places me hypothetically before the coroner, and after having delivered my opinion as formerly expressed, supposes the following question to have been asked of me: "If the deceased had not been flogged, would he in your opinion have been alive at the present time?" To this I should at once have answered, "I can give no opinion on the subject. I cannot tell." A coroner's inquest is to me by no means so novel a scene as may be supposed. I have been repeatedly a witness before that officer, and have never met with anything in the least degree puzzling or unpleasant; which I attribute to my having uniformly adhered to the following simple rules: to make my answers as brief and concise as possible, to avoid any "medical dissertations on the relative depen-

dencies of predisposing, exciting, or proximate causes," to abide rigidly by the dictates of "common sense," and to eschew all professional refinements into which it were impossible for a jury to follow me.

Mr Wilson, in the course of his reply, enters again upon ground over which I have already professed my inability to follow him—the softening of the muscular tissue, analogous to the softening (*ramollissement*) of the brain. The latter is an affection with which we are all familiar; the former is to me altogether unknown. I have no inclination and no title to deny its existence, but I am entitled to say that after a period of upwards of forty years' service in hospitals, civil and military, I have never seen, and, until within these few months, never heard of such a morbid affection. I regret that the knowledge of such a degeneration of the muscular tissue, has come upon me at a late period of life, when many valuable opportunities of investigating its nature have passed away; and when the state of my eyesight, independently of other considerations, renders it now impossible for me to pursue with any advantage the "slim unravellings of minute anatomy." I have repeatedly seen the superficial muscles of the back twittering under the lash, and I know something of the rupture of the long muscles of the extremities; but I have a difficulty in conceiving how a muscle like the multifidus *spinæ*, peculiar in its structure, thickly covered by the superincumbent parts, and limited in its range of action, should be so powerfully affected as to lead to its rupture and subsequent degeneration. And here an important practical question presents itself. In cases of severe contusion it is not unfrequent for suppuration, and even sloughing, to go on in deep seated parts while the texture of the skin remains unbroken. But in a complicated injury of the superficial parts like that from flogging, consisting of laceration, contusion, and extravasation of blood, is it usual, *or is it known*, that such superficial parts recover themselves, and that this recovery goes on to a complete cicatrization of the skin, while such a morbid process as that described by Mr Wilson is going on below?

In opposition to my opinion of the infrequent connexion of corporal punishment, *as inflicted in our army*, with inflammation of the thorax, and in reply to my repeated demand for evidence of such connexion, I am referred to the testimony of Lord Hardinge, the present governor-general of India, to that of Kirckhoff, formerly a physician in the army of the Netherlands, and to the memorable case of sergeant Armstrong, as supporting Mr Wilson's belief, "that diseases of the thoracic viscera are far from being an uncommon result of corporal punishment." It so happens that there is not a man in the British army, from right to left, for whom I entertain a more sincere respect than for Lord Hardinge, but upon a matter of professional opinion I shall not be expected to yield my judgment even to the matured experience of his lordship. But is Lord Hardinge's evidence upon this subject fully and fairly

represented? I have looked over the "Blue Book" containing the "Report of the Commissioners for inquiring into the system of military punishments in the army," and there I find the following questions submitted to Major-General Sir Henry Hardinge, with the replies respectively annexed to them.

"5656. Are you at all acquainted with the discipline of any of the other armies of Europe, from having served with them?"

"No, except of the Portuguese army, of which I was the Deputy Quarter-Master-General from 1809 to 1813.

"5657. In the Portuguese army there are very severe punishments by strokes of the sword?"

"Having commanded five battalions of Portuguese in the Pyrenees, the result of my observation is, that the soldier, from his nature and character, is not so difficult to manage as the British soldier, and principally because he is much more sober than the British soldier; he has less personal resolution to resist authority; more submission from his previous habits as a peasant. Punishment was inflicted by a corporal seizing the culprit, and striking him with the flat of the sword upon the back. It was necessary to be done with the utmost caution, for it shook the chest so severely that sometimes consumption and lingering complaints were the consequence.

"5658. It did not leave any mark?"

"No, it bruised the body, and frequently led to spitting of blood and very serious complaints; and it was not calculated to have the same effect of deterring from crime that our system has, because being given with the clothes on, and the man not appearing to suffer much from it, if he had the resolution to conceal his suffering, which many firm men have, it had not the effect which our punishment has of deterring by the appearance of a more severe punishment."

Here it will be observed that Lord Hardinge is contrasting, morally and physically, two punishments of a very different description, that of the forcible blows with the flat of the sabre, as practised in the continental armies, with the cat-o-nine-tails as employed in our own. It is of the former alone that the spitting of blood is said to be an occasional consequence—and this is an event which I confidently affirm that I have never observed as a sequel of the most severe punishments as inflicted in our service.

For the authority of Kirckhoff, to whom I had occasion to refer in the introductory part of the course, you are aware that I entertain all possible respect when treating of subjects with which he is personally conversant. He speaks of the "coup de baton" as productive of hæmoptysis; but in reference to corporal punishments, *as inflicted in our army*, his authority must go for very little. Upon the latter subject he could have had little if any experience, infinitely less than what Lord Hardinge has had of the "coup de plat de sabre;" and no one who has had an opportunity of seeing the two punishments inflicted will, for a moment, look upon them as likely to be productive of the same results.

Of the case of sergeant Armstrong, whose life was sacrificed to the violence of his commanding officer, governor Wall, I am not at the present moment in possession of any perfect detail. He is said to have passed blood constantly after his punishment, both by urine and by stool; and the surgeon stated also *that he had an asthma from the extraordinary absorption of the blood.* It is altogether unnecessary for my present purpose to inquire how far "the flogging occasioned *disease of his lungs,*" as stated by Mr Wilson, because, if my memory serves me, sergeant Armstrong was said to have been punished with *a rope an inch in diameter.* If this is correctly stated, it will be seen at once how completely it takes the case out of the category of punishments as usually inflicted in the British service, and how far it assimilates this case to those punishments spoken of by Lord Hardinge and by Kirckhoff.

I have now disposed of all the evidence adduced in support of Mr Wilson's position; and of the several analogies brought forward in illustration of the views of those from whom I differ as to the nature of White's case, it will be observed that there is not one of them which I can admit. The parallel between burns and flogging I stated, in my former paper, to have been, in my opinion, "pushed much too far;" the parallel between the ramollissement of the brain and a correspondent state of the muscular tissue is a point upon which I am unable to speak; and anything like a parallel between the punishment with the flat of the sabre, or with "a rope an inch in diameter" and the cat-o'-nine-tails, I altogether deny.

I come next to what was the principal object of my former communication, and what now becomes to me the most important object of this, the statement of my personal experience. Upon this, Mr Wilson observes, "Sir George Ballingall's assertion, that in the two hundred cases above referred to, there had not been any prominent or dangerous symptoms of thoracic inflammation, is most disagreeably qualified by the adjectives prominent and dangerous." Now, I beg to assure Mr Wilson that in making the above statement, I had no equivocation nor mental reservation in view, and that I had studiously and purposely understated both the extent and the result of my experience, as bearing on the question at issue. Mr Wilson goes on to ask, "What was the proportion of thoracic disease of whatever kind? For what period after punishment were these men observed? Might they not, months after, nay, perhaps years, have languished with disease of the thoracic viscera, the seeds of which had been sown by the punishment to which they had been subjected?"

These are most proper, most pertinent, and most legitimate questions; and it is to me a source of regret that I am unable to give a more direct and specific answer. I can only state generally that I have served in four different battalions, and in three different quarters of the world. I was painfully reminded by an old brother officer, a few days ago, that there can be but few men living who

have seen more corporal punishment than I have, or under a greater variety of circumstances. I have seen such punishments inflicted, both at sea and on shore, in the field and in quarters, in the cold of a severe English winter, and under the heat of a tropical sun. I have seen them inflicted by the powerful arm of a boatswain's mate, and by the tiny hand of a puny drummer, the number of lashes varying from one dozen with the heavy naval cat to six hundred with the less formidable instrument, used in the army; both of which are now in your hands. And, in reply to Mr Wilson's questions, I can only say that in all this variety of circumstances, I have not only seen no "prominent or dangerous symptoms of thoracic inflammation," but, so far as my recollection serves me, I have seen no such symptoms whatever. I say this with all the increased confidence which further reflection gives me; and I repeat that in no case under my own care has there been a direct or obvious connexion between punishment and pleurisy or carditis. There was no such connexion as to induce any soldier to attribute the occurrence of such diseases to a preceding punishment, so long as I remained in the regiment with him.

The mode of dressing punished men's backs, in this and other cold climates, during the war—a practice still in use—appears to me a very powerful argument against anything like a general or frequent connexion between punishment and pleurisy. This dressing consisted of a solution of the acetate of lead, with which the contused or broken surface was kept continually wet, by means of a pledget of cloth or charpie soaked in the solution; the patient's body linen, his sheets and bedding, being not unfrequently imbued with moisture; and this at all periods of the year.

In a matter of this grave importance, upon which I have expressed myself so strongly, it is a great comfort to know that my experience is by no means singular or isolated. I have looked into all the cases mentioned in Mr Marshall's recent work on military punishments. I have looked into those detailed in Hamilton's *Regimental Surgeon*, into a few that are noticed in the periodicals, medical or military, and into some manuscript cases in my own possession; and, singular as it may be, it does not appear in any of those cases, that life was either lost or endangered from the supervention of acute thoracic disease.

I have also been favoured in the course of the bygone winter with a voluntary and unsolicited statement of the experience of five medical officers of long standing in the public service, three of them holding the rank of Inspectors of hospitals, and all assuring me that their observation is coincident with my own. The dangers have been, as formerly stated, from "profuse suppuration, sloughing, or hospital gangrene;" or as Mr Marshall has expressed it, "fever and sloughing of the back are the consequences of flogging most to be dreaded."

Fatal cases of acute inflammation within the chest from atmo-

spheric changes (and to which men depressed and debilitated by confinement to hospital are particularly obnoxious) are, in this country, cases of every day occurrence; while, on the other hand, I trust I have been able to show that such complaints, as a consequence of punishment are, in our service, exceedingly rare, if not altogether unknown. That White's case was an example of the more frequent, not of the more rare occurrence, I am firmly persuaded; and I am bound to conclude that the only one of the five medical gentlemen examined in the case who entertains an opposite opinion, is equally sincere in his belief. Had any doubt existed in his mind, I must presume that he would have given to the surgeon more immediately concerned the benefit of that doubt. That he would have been slow to lend the weight of his testimony to the support of those who had evidently prejudged the question, while, on the other hand, that testimony was calculated to injure the character of a professional brother, to impair his usefulness, to expose him to public odium, and to destroy his peace of mind.

I would, gentlemen, most willingly forego the necessity of coming again before the public, in reference to the case upon which I have just been commenting. For professional controversies I have ever entertained but little respect, and the tardiness of my reply, upon the present occasion will, I trust, be admitted as some indication of the little taste I have for what frequently proves a most unprofitable waste of time. There are circumstances also in the present case which render any protracted discussion of it to me more than ordinarily disagreeable. I have found from experience, that it is difficult, in the eyes of many, to controvert the professional opinions of the Coroner and Mr Wilson, without being at the same time supposed to counteract their praiseworthy object.

Upon the propriety of abolishing corporal punishment in the army and navy, I have never permitted myself to enlarge in this place, being of opinion that it is a question not within my province; but I have elsewhere stated, many years ago, the result of my professional experience as to the unequal operation of this punishment on different individuals; and I have stated a fact which ought never to be absent from your recollection—that those who most deserve this punishment are often the least able to bear it. Trusting then to these statements for the vindication of my humanity, I go on to observe, that if I can hope to be of any use to you, it is by the accuracy of the professional opinions which I may deliver from this chair, and by being always prepared to defend them. I feel, at the same time, that I am not entitled to take advantage of my position here, to say any thing to you which I am not prepared to say to the public. It is not then in the spirit of controversy, nor is it for the purpose of qualifying or retracting one syllable of my former statement that I again resort to the press. No, gentlemen, it is from a desire to repel something like an insinuation of *mala fides*, that I have been thus

prolix and thus egotistical. If there is anything for which I have obtained or desired to obtain credit, in my intercourse with my pupils, it is for a candid statement of the results of my experience, and I am not willing to forego any character I may possess in this respect, now that I am looking forward to the termination of my professional life.



