

## **Anatomy laws versus body-snatching.**

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*From "The Forum" for Decr. 1896*

### ANATOMY LAWS *VERSUS* BODY-SNATCHING.

A COMMITTEE, of which I was a member, reported to the Association of American Anatomists, at its meeting in December, 1895, on the question of the supply of subjects for dissection.<sup>1</sup> More than a year earlier this committee had addressed to all professors of anatomy in the United States, and to many in Europe, a circular asking for information. The answers were so curious and interesting that I have been tempted to pursue the matter further; for it opens many historical and social questions which are well worthy the consideration of thinking people in general, and of legislators in particular. In my presidential address to the anatomists, I referred to the report of the committee as their contribution to civilization and to science: I hope to show that it fully deserves that title.

Since the Middle Ages it has been understood that a knowledge of anatomy is necessary for the treatment of disease, and that it can be acquired only by dissection. Nevertheless, law-makers have dealt with the question timidly, knowing the universality of public aversion to dissection. Owing to their timidity on the one hand, and to the zeal of anatomists on the other, glaring abuses in the obtaining of bodies have everywhere occurred. It is instructive to see how the problem of securing a sufficient number of subjects for dissection has been more or less perfectly solved; to study the successive phases; to note the repetition of similar scenes in widely different countries; and to observe the uniformity of human nature at several epochs and among diverse races. It is particularly interesting to Americans because, in this country, the question has passed through the same phases with greater rapidity. In some States, however, it is still far behind the point which it has reached in others. In comparatively few, if indeed in any, has a satisfactory solution been obtained; and in none is the system so perfect as it should and might be.

<sup>1</sup> This report was published in "Science," January 17, 1896. A paper by Dr. HARTWELL on the study of anatomy, in the "Journal of Social Science," No. XIII, 1881, contains much information and a good account of the laws of the several States with regard to this subject at that time. The latter have, however, been considerably changed since the paper was written.

The rise of modern anatomy is rightly attributed to Vesalius (1514–1564); but, beyond question, the dissection of human bodies was practised before his time. Mondino dissected in the first part of the fourteenth century, and occasional dissections were made in Italy in the thirteenth. Whether any bodies were at that time openly given for the purposes of dissection is doubtful: that some were irregularly taken seems certain. A teacher and four pupils were tried at Bologna in 1319 on the charge of having taken from the grave, for anatomical purposes, the body of a man who had been executed. Apparently it was of this time that Corradi<sup>1</sup> wrote: "The laws against the desecration of graves were silent without being abolished, and the authorities interfered only if decided violence had been used or a great scandal raised." In the latter half of the fourteenth century laws were passed in various countries apparently allowing a limited number of dissections of executed criminals. It was decreed in the statutes of the University of Bologna, in 1405, that "no doctor or student or anyone else shall appropriate a corpse without the permission of the Rector." Later, Ferdinand, the Catholic, allowed physicians at Saragossa to open the bodies of those who died in the hospital if, in their opinion, any useful purpose would be thereby served.

The question of the attitude of the Church to dissection is an interesting one. If in the full tide of her mediæval power the Church had opposed dissection, it is inconceivable that it should have been practised at the Italian universities, as it undoubtedly was. The bull of Boniface VIII, in 1300, against eviscerating and boiling the dead—a custom that had sprung up in the Crusades, to admit of the bones of the fallen being returned to their homes—was not in any way levelled at anatomy. Dissection has never been forbidden; on the contrary the theologians of Salamanca at the time of Vesalius pronounced it lawful. Nothing can be produced to the contrary. How strong or general private repugnance to it may have been among ecclesiastics, it is impossible to say. Probably all shades of opinion were held. In any case, it would appear that dissection was at first tolerated and then more openly favored by law. Indeed, there is some reason to think that the toleration of irregularities may have been excessive; for in 1550 the people of Padua demanded that the laws against the desecration of graves and the stealing of bodies be more strictly administered. The raids of Vesalius on graveyard and gallows seem to have been chiefly, if not wholly, perpetrated in France; for, during

<sup>1</sup> Rendiconti del. R. istit. Lombardo, 1873,

his successful career in the universities of Padua, Pisa, and Bologna, he had all the subjects that he needed delivered to him from the scaffolds and the hospitals. It is even said that the judges were so obliging as to execute criminals by such methods and at such times as suited the convenience of the Professor.

Practical teaching in anatomy was developed in the universities of other countries at a later period and to a much smaller extent than in those of Italy. Not until the fifteenth century were such demonstrations given in Paris. Apparently all bodies that were delivered for dissection in that city originally went to the *Faculté de Médecine*, and, by a law of 1552, none could go elsewhere without special permission of the dean. A century or more later the savants of the *Jardin Royal*—afterward the *Jardin des Plantes*—became restive. There exists a very curious account of their capturing a body, and of the vigorous but fruitless pursuit of the followers of the *Faculté*. Ultimately the Garden was victorious, for in 1673 a royal ordinance gave its professors priority; and they being required to give gratuitous demonstrations to the public. This, however, was long after the beginning of these exhibitions; for in the statutes of Paris it was decreed, in 1598, that at least two public dissections should be made yearly. In the latter half of the seventeenth century many of the fashionable world, and even ladies of high rank, attended public dissections. Molière alludes to an actual practice when he makes *Thomas Diafoirus* invite the lady he is courting to a dissection; at which the soubrette exclaims: “Le divertissement sera agréable. Il y en a qui donnent la comédie à leurs maîtresses; mais donner une dissection est quelque chose de plus galant.” The company was not, however, always select, for Lamy, an anatomist of that time, relates that once, when Cressé lectured against him, “plusieurs canailles du faux bourg empeschaient les honnêtes gens d’avoir place.” On the lecturer continuing a controversial discourse for three hours, they stamped and threw stones.

In the seventeenth century the supply of subjects on the Continent was fair, if not large. “Yet many difficulties were thrown in the way of anatomical teaching by the neglect of the authorities to supply the necessary bodies, by the tedious prolixities and time-killing scribblings of stupid officials who were connected with this matter, and above all by the prejudices prevailing among the people.” These words of Puschmann<sup>1</sup> might admirably be applied to some of the States of the Union to-day; but of this later. There would appear to have been

<sup>1</sup> “A History of Medical Education.” English translation, London, 1891.

some grave-robberies; for in the days of Prof. Rolfink of Jena, the graves were watched lest the dead should be, in common parlance, "Rolfinked." Moreover, mobs gathered at Berlin and Lyons. It is worth noting that the morbid curiosity to see dissections existed in Germany as well as in France; for when this same Rolfink was appointed to the court of Weimar, he, at the request of the Duke, performed a dissection for the entertainment of distinguished guests. It is gratifying that this particular custom has never been introduced in this country.

In Great Britain, in the sixteenth and seventeenth centuries, the conditions seem to have been practically the same as on the greater part of the Continent; namely, that a few bodies of criminals, or some from the hospitals, were allowed by law, that they were insufficient, that anatomy languished, and that subjects were obtained surreptitiously. Thus the Charter of the Surgeons and Barbers of Edinburgh (1505) granted them yearly one condemned man "after he be dead to make anatomy of." In 1694, the Council Register of that city records a grant of the unknown dead. There is little doubt that in the early part of the eighteenth century body-snatching was practised in Greyfriars Churchyard. It is to the credit of the College of Surgeons that they seem to have tried honestly to put it down; for in 1721 a clause was inserted in the indentures of apprentices against the violation of graveyards, and a more stringent one was substituted the next year; nevertheless, a mob threatened to destroy the college building in 1725, on account of alleged snatching. It is curious to note that dissection was at times added to the sentence for certain offences,—not for the good of medicine, but to add horror to the punishment.

To sum up the condition on the Continent from the time of Vesalius to the last quarter of the eighteenth century: Gradual progress had been made everywhere; but in Italy anatomy had flourished more than in other countries, as is shown by the long list of anatomists whose names are household words to those of the craft. In Italy, however, we hear nothing further of the desecration of graves, nor of mobs; which implies a more enlightened policy.

Great Britain was, apparently, behind the rest of Europe; for toward the close of the last century a new era of unprecedented horror began—that of the resurrectionist. The number of medical students had multiplied, the supply of bodies was inadequate, even if the laws had been honestly carried out; hence, till the year 1832, stealing was practised in a manner absolutely startling. The reader with a taste for

horrors will find the account of the resurrectionists in Bransby Cooper's life of his uncle, Sir Astley Cooper, very entertaining, if he can stomach it. Here are most extraordinary records of the doings of these men, showing their courage, cunning, and endurance; their utter want of principle; how they betrayed their employers, and betrayed each other; how utterly vile they were; that, during their reign, no grave in England was safe,—till one is aghast at the thought of such a phase of civilization in modern times. For instance, in London, through the connivance of a servant, the body of a gentleman was stolen from the coffin in his own house the night before the funeral. The coffin-lid having been screwed down, and a proportionate weight of earth having been substituted for the body, the theft was never suspected. Bransby Cooper intimates that this was no isolated case. The era culminated in the Burke and Hare murders at Edinburgh, which led to the passage of an anatomy act in 1832. At the preliminary hearings, Sir Astley Cooper testified to the effect, that the graves of the highest subjects in the realm were at the mercy of the resurrectionists; that additional precautions merely increased the difficulty and the expense of securing the body, and were in the end futile. Such a condition of affairs was without parallel; but, with the passage of the act, body-snatching in Great Britain ceased at once and forever.

In our own country we have rapidly reënacted the longer history of Europe. With the exception of the morbid curiosity that favored public dissections, we have passed through all the old phases; and one, which in England existed only in embryo, has here taken an astonishing development. In the days of the Revolution, subjects were plentiful, and, in the absence of prohibitory laws, snatching went on gaily. Naturally English methods were in vogue; only the business was at first done in an amateurish way by students and young doctors. In 1788 the "doctors' riot" occurred in New York. A student of the *Bob Sawyer* type, at the New York Hospital, showed a boy an amputated arm, telling him it was his mother's. It so happened that the mother had recently died, and on her grave being opened no body was found. The hospital was sacked. Students and doctors were imprisoned for protection, and subsequently the mob, having vainly searched for them in suspected places, discovered their retreat and tried to take them from jail. The soldiers at last fired, killing several persons.

Very curious is the conduct of the New York Legislature of the succeeding year: it first provided severe punishment for the violation of graves, and then, in order that science might not suffer, gave to it

the bodies of those executed for murder, arson, and burglary,—always, however, at the discretion of the court, who thus could nullify even this niggardly concession.

A similar state of affairs existed in Massachusetts, though no actual outbreak occurred. In the memoirs of my grandfather, Dr. John C. Warren, the second professor of anatomy at Harvard, and who succeeded his father in that chair, is an interesting passage describing how, when a student, he, with others, "raised" a body. He says: "When my father came up in the morning to lecture, and found I had been engaged in this scrape, he was very much alarmed; but when the body was uncovered, and he saw what a fine healthy subject it was, he seemed to be as much pleased as I ever saw him."

Later in his own career, the difficulties in obtaining subjects increasing, he states that they were driven to "the most dangerous expedients." "Two or three times," he writes, "our agents were actually seized by the police and recognized to appear in court. One or two were brought in guilty, and punished by fine; but the law officers, being more liberal in their views than the city officers, made the penalty as small as possible." "Sometimes," he adds, "popular excitement was got up and the Medical College threatened. I had reason, at some periods, even to apprehend attacks on my dwelling-house."

At length, largely through Dr. Warren's efforts, the first anatomy act deserving the name was passed in 1831—one year before that of Great Britain. When Dr. Warren died, he left directions—by way of showing that if he had done what might shock many, he had at least done nothing to others that he would not have done to himself—that his body should be dissected and that his skeleton should be placed in the museum of the Harvard Medical School named after him, its founder. It hangs there to-day.

It would take too long to follow in detail the progress of events throughout this country. In brief, the demand for subjects increased, and anatomy laws were enacted but slowly. Officials, through prejudice or superstition, tried to evade the laws where any existed. On the other hand, there seems to have been no determined effort to suppress body-snatching in places where it flourished. Civilization spread unequally. Thus, while in some States the grave has long been practically safe, in others, even at the present day, it is not so. On December 9, 1895, a body which, apparently, should not have been there, was found in the Kansas Medical College. This discovery led to others and to the examination of graves. It is stated that of thirty

graves, twenty-six had been rifled. The justly enraged mob was so threatening that the militia had to be called out.

Just ten years ago, a murder similar to those that put an end to body-snatching in England occurred near Baltimore. An old woman of bad habits, who lived among negroes, was killed by one of the latter, and her body was sold to a medical school. The man employed in collecting bodies for the school was suspected of complicity and tried, but the only evidence against him being that of the actual murderer, he was acquitted. His occupation was, however, gone, and he lived in fear of his life. The murderer, it is satisfactory to note, was duly hanged on September 9, 1887.

Not only has the professional body-snatcher flourished, but a new figure has arisen,—the dealer in human bodies, who, procuring corpses, either by theft or by corruption, is able to distribute them at a high rate of payment to colleges throughout the country. Sometimes the same man has combined the two professions. The history of the District of Columbia is in this respect a truly disgraceful one. Not until the last Congress was an anatomy act passed. We have had the demoralizing spectacle of some five hundred students among several schools, almost under the shadow of the Capitol, dissecting bodies that everyone knew had been illegally obtained. Washington, especially at the close of the war and for some years after, was a great field for the above-mentioned gentry. They did a large business in several States. Some of them had all the characteristics of their English prototypes. One of the fraternity, Janssen by name, was repeatedly arrested. At Baltimore he departed from the prudent line of stealing only the bodies of the poor, and carried on his depredations in a cemetery for the better class. At Washington, he stole the body of a criminal who had been hanged and sold it to a medical school: the next night he stole it again to sell it to another, but was caught with his booty in a hack. After serving his sentence he actually lectured on body-snatching in one of the smaller theatres, giving practical illustrations with a sham corpse. But the most instructive part of his career is the story of his final departure from Washington. The medical schools made up a purse to induce him to leave, as, during his presence, the police were so active that what may be termed the quiet and respectable pursuit of the business was impossible. His last arrest for grave-robbery was so late as 1884.

What has occurred in the West has not come to my knowledge at first hand; but exceedingly ghastly stories are so plentiful and precise



that one cannot doubt that, till within a few years, the state of affairs has been scandalous. A marked improvement has been general in the last twelve years, due largely to the passage, in 1883, of the Pennsylvania law—since imitated in many States—creating a receiving and distributing board, which gives each institution its due share of subjects. In reading the laws of various States it is very curious to find how often the heading of the act contains the statement that it is for the better protection of the grave; as if its violation were, like the ravages of the gypsy moth, one of the misfortunes to which nature is liable. Reckless body-snatching is, I believe, now unknown, except in the wilder parts of the West; but probably in many places bodies are illegally taken which, in a more enlightened community would, as a matter of course, be granted for the purposes of medical instruction. I was particularly struck with the peculiar condition of affairs in one State, as shown by the answers to our circular. Subjects were plentiful, they were cheap, they were received in good condition; yet there was no law authorizing dissection, and, what is more remarkable, there seemed to be none protecting graves. Truly a comfortable place for anatomists, though not one of the most respectable arrangements!

The business of the dealer in bodies is not what it has been, but it is still larger than it should be. This is a source of danger. The mere fact that a man is engaged in such a business suggests the suspicion that he may not be over-nice in choosing his sources of supply: doubts arise whether, under the stress of circumstances, he might not go to considerable lengths rather than disappoint a valuable client. Such conditions are, moreover, injurious to the schools in the same State, to which the bodies should properly go,—assuming, of course, that they are unclaimed. Nearly all the States have now anatomy laws; but there is great variation in their nature and enforcement. In many States the law is simply permissive, and in these, of which Massachusetts is unfortunately one, the supply is much hampered by the prejudices, the superstition, the timidity of superintendents and boards of management. Many officials live in a state of terror of the demagogue, which is truly pitiful; for the cry of desecration of the bodies of the poor is one of the tricks of his trade, and officials may well hesitate to involve themselves in difficulties for the sake of what is to them an abstract question. This condition is not unlike that mentioned by Puschmann as existing in Europe two centuries ago.

In some States the law is apparently meant to be evaded. Legislation in Maine is notoriously peculiar. The anatomy act, besides

giving unclaimed corpses and, unless the relatives object, the bodies of murderers (who are never hanged), has been sagaciously amended so that ten residents in the town in which such a person dies can, by signing a paper, prevent the use of the body. It is easy to see that such signatures can be easily procured. The following extract (which I am permitted to quote) from a letter from the professor of anatomy at Bowdoin deserves to be read carefully:—"Here our supply from other States is insufficient and precarious; and we get so few subjects from domestic sources that the law must soon be made serviceable to science, or practical anatomy must cease in Maine." To a greater or less extent, this is the case in many other States. It is alarming, both as regards the cause of medical education and the sacredness of the grave.

To turn to another aspect of the case revealed by the answers to the committee,—it appears that the disposition of remains is not altogether satisfactory. In twenty-seven institutions they are buried, in ten, cremated, and in four, thrown away. One correspondent concisely answered the question (as to disposal) with the word, "sewer." It is to be suspected that in many of the cases reported as cremated, nothing more is meant than that the remains go into the furnace as garbage. Here is ample opportunity for reform. In other countries the remains are generally buried; sometimes, even in different cemeteries, according to creed; and I have been told, but will not vouch for the fact, that in England services are read over them. One of our Western colleges owns a lot in the graveyard. It is clear that those not having such conveniences can hardly bury bodies surreptitiously obtained.

How are these things to be conducted in the ideal State? First of all, the rights of the poor have to be respected. There must be no danger that the body of husband, wife, child, or near relation may be taken through any lack of means on the part of the survivor. On the death of a pauper due notice should be given to those near of kin: these failing to claim, the demands of medical education come next. Still, the principle is to be laid down that such a body is, as it were, only loaned to science, and that it is to be treated with decency throughout the operation of dissection. Any religious emblems or trinkets are to be removed and placed in the coffin, which, later, will receive the remains. The examination being finished, the body is to be decently buried in a cemetery; if possible, in one of the creed of the deceased. Probably the nearest approach in America to this treatment of the remains prevails at Harvard. I like to boast that, for many

years, not a single body has been received by the anatomical department for which I am not ready to give an account. By such a course, all reasonable opposition is obviated. There is no wrong to the living, no insult to the dead, and the needs of science are met.

It is curious to observe that everywhere there seems to have been a greater readiness to have dissection practised surreptitiously than to put it on a solid legal basis. Other countries have passed beyond this stage: we are still struggling with it. While our legislatures will not do what is imperative for anatomy, they wink at the disgusting trade in the dead, at the fact of corpses being sent about the country in boxes and barrels, to be finally thrown away as refuse.

Our system is faulty, as regards humanity on the one hand, and education on the other. While I consider it a debasing superstition to hold that dissection is an injury to the dead, I do not consider it one to say that the body should be decently treated, and that the grave should be rendered inviolable. Humanity demands that the feelings of near relatives, poor or rich, should be respected. Enlightenment demands that not a single unclaimed body that is needed for education should be lost. These demands are not antagonistic: on the contrary, the most perfect solution of the problem secures both. This solution requires that the law be imperative; leaving officials no discretion, but directing them to give to the schools, under penalty, all the bodies that properly belong to them. In freeing officials from responsibility, it protects them from attack. Wise and strict regulations should prevent the surrender of any corpse without due inquiry. The law should likewise demand bonds from the schools for the due observance of the above-mentioned rules for care and burial. Finally, all trading in bodies should be punished with the greatest severity, the penalty being imprisonment without the alternative of a fine.

Till the law does all that it should for medicine, in many places the grave will be unsafe; some new horror will disgrace both science and our law-givers. The demands of medical education are both so just and so imperative that they must not longer be neglected. The cry of humanity, that no wrong be done, is equally urgent. We cannot hope that superstition and prejudice will readily die out; but the intelligent community must rise above them. Till this question has been fairly met, we cannot boast that our civilization equals that of Europe.

THOMAS DWIGHT.