CRUENTATION

IN LEGAL MEDICINE AND IN LITERATURE

DISCOVERING a murderer and proving his guilt have been problems facing society from time immemorial, and the body of the victim is the most obvious starting-point in the search for a solution. The body of Julius Caesar, for example, was exposed in the Forum and the physician Antistius examined the corpse and found that there were twenty-three wounds of which but one, in the breast, was mortal.[1]

It has been suggested that the viewing of the body of a deceased person by the mourners, still widely practised, originated as a way of checking that death had been natural. A more obvious application of this idea in England is the required viewing of the body by the coroner at or before the first sitting of an inquest. At one time the body, which was in court, was viewed also by the jury, and while, since 1927, there is no general obligation for the jury to view the body, it still does if the coroner so directs or a majority of the jury so desires.[2] With the development of pathological anatomy and increasing skill in the interpretation of autopsy findings, simple viewing of the body gave way gradually to the medico-legal autopsy. Between the stage of simple inspection and that of the full autopsy there is a by-way of some historical interest, the practice of cruentation.

Cruentation (*cruentare:* to make bloody, to spot with blood), or the Ordeal of the Bier, was a test used to find a murderer. Of Germanic origin, dating from the period after the overthrow of the Roman Empire, it continued until at least as late as the seventeenth century. It was considered as a 'Judgment of God' manifested by the 'indignation' of the corpse when the murderer passed before it.

The usual procedure was as follows: the suspect was placed at a certain distance from the victim who had been laid naked on his back. He approached the body, repeatedly calling on it by name, then walked round it two or three times. He next lightly stroked the wounds with his hand. If during this time fresh bleeding occurred, or if the body moved, or if foam appeared at the mouth, the suspect was considered to be guilty of murder; if not, further evidence was sought. Sometimes the whole local population was made to pass in front of the corpse. A positive result was considered as evidence of divine intervention.

The idea is said to be rooted in that primitive state of mind which has not yet realized the full effect of death, but regards the body as still able to hear and act. Australian natives are reputed to ask the dead man lying on his bier of boughs who it was that bewitched him; and if death is due to witchcraft he makes the bier move round, and if the sorcerer who caused death is present, a bough will touch him. In the same way among natives in Africa, if the corpse causes its bearers to dash against someone's house, this is an accusation of murder against the owner.[3] Theodor Reik gives other examples of such practices.[4]

The general idea of the murdered man revealing his murderer is perhaps to be found in Aeschylus: 'The consciousness of the dead is not quelled by fire's ravening jaw; but he bewrayeth thereafter what stirreth him. The slain man hath his dirge, the guilty man is revealed.'[5] Later he says: 'Nay, it is the eternal rule that drops of blood spilt upon the ground demand yet other blood. Murder crieth aloud on the Spirit of Vengeance, which from those slain before bringeth one ruin in another's train.'[6]

The absurd practice, as found in Europe, is said to rest on a belief that a sympathetic action of the blood causes it to flow at the touch of the murderer, or if he is in proximity to the corpse. It is founded perhaps on the effects of putrefaction, though an attempt has been made, in the past, to explain it by post-mortem liquefaction of the blood.[7]

It was a method which was particularly common in Scotland and England. James VI of Scotland says in his treatise on Demonology, published in 1597: 'for as in a secret murther, if the deade carcase be at any time thereafter handled by the murtherer, it wil gush out of bloud, as if the blud wer crying to the heauen for reuenge of the murtherer, God hauing appoynted that secret super-naturall signe, for tryall of that secrete vnnaturall crime, . . .'[8]

Even in 1688, at the High Court of Justiciary in Edinburgh, evidence of this kind was adduced for the prosecution as showing guilt. It was in the trial of Philip Standsfield for parricide. The indictment stated:

And when his father's dead body was sighted, and inspected by chirurgeons, and the clear and evident signs of the murder had appeared, the body was sewed up, and most carefully cleaned, and his nearest relations and friends were desired to lift his body to the coffin; and, accordingly, James Row, merchand (who was in Edinburgh in the time of the murder), having lifted the left side of Sir James his head and shoulder, and the said Philip the right side, his father's body, though carefully cleaned, as said is, so as the least blood was not on it, did, according to God's usual method of discovering murders, blood afresh upon him, and defiled all his hands, which struck him with such a terror, that he immediately let his father's head and body fall with violence, and fled from the body, and in consternation and confusion cried, 'Lord, have mercy upon me!' and bowed himself down over a seat in the church (where the corp were inspected), wiping his father's innocent blood off his own murdering hands upon his cloaths.[9]

His counsel challenged this, saying: 'This is but a superstitious observation, without any ground either in law or in reason; and Carpzovius* relates, that several persons upon that ground had been unjustly challenged.'

Despite this plea, the court held that the circumstance was 'a link in the chain of evidence, not as a merely singular circumstance, but as a miraculous interposition of Providence'. Sir George Mackenzie, the King's Counsel, charging the jury, said:

But they, fully persuaded that Sir James was murdered by his own son, sent out some chirurgeons and friends, who, having raised the body, did see it bleed miraculously upon his touching it. In which, God Almighty himself was pleased to bear a share in the testimonies we produce; the Divine power, which makes the blood circulate during life, has oft times, in all nations, opened a passage to it after death upon such occasions, but most in this case; for after the wounds had been sewed up, and the body designedly shaken up and down,—and which is most wonderful, after the body had been buried for several days, which naturally occasions the blood to congeal, —upon Philip's touching it, the blood darted and sprang out, to the great astonishment of the chirurgeons themselves, who were desired to watch this event; whereupon Philip, astonished more than they, threw down the body, crying, 'O God, O God!' and cleansing his hand, grew so faint that they were forced to give him a cordial.

Perhaps the 'great astonishment of the chirurgeons' is an indication that, in Scotland too, cruentation was passing from being accepted 'fact' into folk-lore. It is of interest to note also that the advocate who adduced it as evidence was well aware of Harvey's doctrine of the circulation of the blood, first announced in 1619, for he talks of the 'Divine power which makes the blood circulate during life'. The possibility that putrefaction played a part in whatever happened in this case is real, for we are

* Carpzov was one of a most distinguished family of jurists, theologians and statesmen, in Saxony.[10]

told that 'the body had been buried for several days'. Also it was 'designedly shaken up and down'. Such shaking could well cause the escape of blood, or blood-stained pleural fluid, from the chest if there were an open or ill-stitched wound of the chest wall.

Lockhart[11] tells us that Sir Walter Scott, in 1797, wrote after reading the trial that

> the conviction appears very doubtful indeed. Surely no one could seriously believe, in 1688, that the body of the murdered bleeds at the touch of the murderer, and I see little else that directly touches Philip Stanfield [*sic*]. He was a very bad character, however; and tradition says, that having insulted Welsh, the wild preacher, one day in his early life, the saint called from the pulpit that God had revealed to him that this blasphemous youth would die in the sight of as many as were then assembled. It was believed at the time that Lady Stanfield had a hand in the assassination, or was at least privy to her son's plans; but I see nothing inconsistent with the old gentleman's having committed suicide. The ordeal of touching the corpse was observed in Germany. They call it *barrecht.*

That cruentation deeply interested Scott is shown by J. L. Adolphus,[12] who wrote: 'The first book he recommended to me for an hour's occupation in his library, was an old Scotch pamphlet of the trial of Philip Stanfield (published also in the English State Trials); a dismal and mysterious story of murder, connected slightly with the politics of the time of James II., and having in it a taste of the marvellous.' Scott also commented on the case in his edition of *Lord Fountainhall's Chronological Notes on Scottish Affairs, 1680–1701.*[13]

He goes further still, however, and incorporates cruentation into the *Fair Maid of Perth.*[14] The body of Oliver Proudfute, the murdered Bonnet-maker, lay on a bier before the high altar in the High Church of St. John in Perth, this being the church of the patron saint of the burgh, and there the ordeal took place. Scott refers to it as 'a species of miracle, upon a direct appeal to the divine decision in a case of doubtful guilt'.

The arms of the dead man were

> folded on his breast, and his palms joined together, with the fingers pointed upwards, as if the senseless clay were itself appealing to Heaven for vengeance against those who had violently divorced the immortal spirit from its mangled tenement. . . . The face was bare, as were the breast and arms. The rest of the corpse was shrouded in a winding-sheet of the finest linen, so that, if blood should flow from any place which was covered, it could not fail to be instantly manifest.

The bier was so placed that the body could be seen by the greater part of those in the church. At the head of the bier stood the challenger, at its foot the representative of the defendant. High Mass had been performed and 'the most repeated and fervent prayers had been offered to Heaven by the crowded assembly'. Some of the suspects, drawn up in a row, seemed disconcerted to a degree suggesting their guilt. There was then 'a solemn invocation to the Deity that he would be pleased to protect the innocent, and make known the guilty', and the first to undergo the test came forward, uncertainly, passed before the bier, took a solemn oath as to his innocence of the murder, and made the sign of the cross on the breast of the corpse. 'No consequence ensued. The body remained as stiff as before; the curdled wounds gave no signs of blood.' Other suspects followed and, 'one by one, they performed the ordeal, and were declared by the voice of the judges, free and innocent of every suspicion' of having committed the murder.

Bonthron, the murderer, thrice summoned, did not come forward and was clearly

greatly disturbed, and when summoned yet again to submit to the ordeal, replied: 'I will not;—what do I know what juggling tricks may be practised to take a poor man's life?' Then he offered to undergo the ordeal of combat instead.

It seems not improbable that Scott here points to one of the reasons why cruentation survived as long as it did, namely that the reactions of the guilty person were often likely to be recognizable by the onlookers. In fact, the ordeal would then be serving the same purpose as a polygraph ('lie-detector') attempts, in a more refined way, to serve, in some of the States of the U.S.A. and elsewhere today, namely an indication of emotional reactions of a person with guilty knowledge, especially as compared with those of others in a similar situation, but without that knowledge. Scott takes the matter yet further in a note at the end of the volume.[15] He says that 'the belief that the corpse of a murdered person would bleed on the touch, or at the approach of the murderer, was universal among the northern nations', and refers again to the Standsfield case.

Cruentation was much less common in France, but the test was used there also, even in the seventeenth century, for example on 3 May 1639, in the little town of Mas d'Azil, in the district of Foix.[16]

In Germany cruentation appears in the *Nibelungenlied.* Siegfried is laid on his bier, and Hagen is called on to prove his innocence of the murder by going to the corpse, but at his approach the dead chief's wounds bleed afresh.[17]

Matthew Paris says that after the death of Henry II at Chinon, his son Richard came to view the body: 'Quo superveniente, confestim erupit sanguis ex naribus regis mortui; ac si indignaretur spiritus in adventu ejus, qui ejusdem mortis causa esse credebatur, ut videretur sanguis clamare ad Deum.'[18] (At this occurrence, blood suddenly poured from the dead king's nostrils; as if his spirit revolted at the arrival of the man who was thought to be the cause of his death, so that it seemed his very blood cried out to God.)

The practice was referred to by Shakespeare. In *Richard III*, Act I, scene 2, Lady Anne, before the body of Henry VI, speaks to Gloster:

> If thou delight to view thy heinous deeds,
> Behold this pattern of thy butcheries.—
> O, gentlemen, see, see! dead Henry's wounds
> Open their congeal'd mouths and bleed afresh!
> Blush, blush, thou lump of foul deformity;
> For 'tis thy presence that exhales this blood
> From cold and empty veins, where no blood dwells;
> Thy deed, inhuman and unnatural,
> Provokes this deluge most unnatural.—
> O God, which this blood mad'st, revenge his death!
> O earth, which this blood drink'st, revenge his death!
> Either, heaven, with lightning strike the murderer dead;
> Or, earth, gape open wide, and eat him quick,
> As thou dost swallow up this good king's blood,
> Which his hell-govern'd arm hath butchered!

Michael Drayton (1563–1631) also refers to it, saying:[19]

> Plaine-path'd Experience, th' unlearneds guide,
> Her simple Followers evidently shewes
> Sometimes what Schoole-men scarcely can decide,
> Nor yet wise Reason absolutely knowes:

In making tryall of a Murther wrought,
If the vile actors of the heynous deed
Neere the dead Body happily be brought,
Oft't'ath been prov'd, the breathlesse Coarse will bleed.
She comming neere, that my poore Heart hath slaine,
Long since departed (to the World no more)
Th' ancient Wounds no longer can containe,
But fall to bleeding, as they did before:
But what of this? Should she to death be led,
It furthers Justice, but helpes not the dead.

The test was employed at a murder trial in Somerset in 1613,[20] and at Hertford assizes (4 Car. I) the deposition was taken as to certain suspected murderers being required to touch the corpse, when the murdered woman thrust out the ring finger three times and it dropped blood on the grass.[21] It was likewise considered as conclusive evidence, in 1608, by the Faculty of Law at Marburg.[22]

The value of the procedure was discussed at various times by physicians. Marcus Antonius Blancus in his *Tractatus de Indiciis Homicidii* (1547) raised some objections to it, but did not dare condemn it formally. Andreas Libavius, of Halle, discussed it and defended it in his book *De Cruentatione Cadaverum* (1594). Michael Albertus (1682–1757), professor of legal medicine at Halle, published in 1726 his *De Hemorrhagiis Mortuorum et Jure Cruentationis*, implying that at this period cruentation, like ordeal, was still in use.

If the belief lingered long in law, it remained even longer in the public mind. It is referred to as a popular superstition in England in 1859 by Timbs.[23] In the nineteenth century, Durham peasants still expected those who came to look at a corpse to touch it, in token that they had no ill-will towards the deceased.[24] It existed, too, not only in Europe but in the United States of America, as is shown by Mark Twain when, in *The Adventures of Tom Sawyer*,[25] referring to the murder of Dr. Robinson by Injun Joe, blamed at first on Muff Potter, he says:

Injun Joe helped to raise the body of the murdered man and put it in a wagon for removal; and it was whispered through the shuddering crowd that the wound bled a little! The boys thought that this happy circumstance would turn suspicion in the right direction; but they were disappointed, for more than one villager remarked: 'It was within three feet of Muff Potter when it done it.'

That it was still considered as a matter of divine intervention is shown by the passage which talks of the boys 'expecting every moment that the clear sky would deliver God's lightnings upon his [Injun Joe's] head and wondering to see how long the stroke was delayed'. Thus they were 'confirmed in their belief that Joe had sold himself to the devil'. These quotations make it clear that the belief was generally known to the ordinary villager, and even to the children, in that part of rural America at the time, and no further explanation to the reader was deemed necessary.

There is nothing to temper our gentle amusement at the naive credulity of our predecessors except the fact that the belief must have caused many an innocent man to be convicted and executed, and the suspicion that our posterity may be equally amused by some of the dearest and surest tenets of our own day.

ROBERT P. BRITTAIN

WORKS ON CRUENTATION

ALBERTUS, MICHAEL, *De hemorrhagiis mortuorum et jure cruentationis*, 1726. (On haemorrhages from corpses and the principle of cruentation.)

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OSTEOGENESIS IMPERFECTA FROM AN ANGLO-SAXON BURIAL GROUND AT BURGH CASTLE, SUFFOLK

BROADLY speaking, the identification of pathological processes in ancient peoples gives two kinds of information. It may reveal, often with great particularity, details about the way of life or environment of earlier populations. The recognition of malaria or tuberculosis in a group, a regularly recurring pattern of fractures, or the frequent appearance of a specific type of dental attrition or occupational osteoarthritis are of this kind. It may, however, in the present state of our interpretative capacity, tell us little beyond the fact that a certain condition has been identified as occurring in some ancient time or place. A single fractured femur and the sporadic occurrence of achondroplasia or Paget's disease are in this category.

The case here described is an interesting example of the recognition of a disease although little can be inferred from it.

This specimen comes from Burgh Castle, Suffolk, which is one of the 'Saxon shore forts' built by the Romans against the invading barbarians of Northern Europe. We know from Bede's *Historia Ecclesiasticae Gentis Anglorum* that in the time of King Sigeberht (A.D. 633) the Irish monk Fursey came with a few followers to convert the pagan Saxons and that he built a religious house here. The truth of this statement has recently been proved by excavation: Fursey's chapel has been found, together with its adjacent burial ground. Several centuries later the Normans occupied the same site and complicated its archaeology by building a motte and bailey castle on it. The bone discussed here comes from a disturbed burial in Fursey's Saxon cemetery.

It is a grossly deformed left femur which is also affected by post-mortem soil erosion—both the head and the condyles have become detached from the bone (Fig. 1). Its outstanding feature is the extreme distortion which has resulted in the distal two-thirds of the bone making an angle of about seventy-five degrees with the proximal third. A tentative reconstruction of the missing head and neck and of the condyles, suggests that its original length (if it could be straightened) would have been about 330 mm. In a normal bone this length would be appropriate to an age in middle childhood but the firmly united epiphysis of the lesser trochanter, with no sign of recent union, makes an age of at least seventeen or eighteen a more probable one for this specimen.

The shaft of the bone is slender and the ends, especially distally, are much expanded (Fig. 2). There is marked longitudinal ribbing on the posterior surface of the shaft on each side of the short linea aspera. At the level of sharpest angulation there is great irregularity of the posterior surface with deep fossae formed by what appear to be secondary struts or bars of osseous tissue (Fig. 3). There seems little doubt that the bone has been fractured at this level, probably at least twice. The damaged extremities