

## Bruised Witness: Bernard Spilsbury and the Performance of Early Twentieth-Century English Forensic Pathology

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**Abstract:** This article explores the status, apparatus and character of forensic pathology in the inter-war period, with a special emphasis on the ‘people’s pathologist’, Bernard Spilsbury. The broad expert and public profile of forensic pathology, of which Spilsbury was the most prominent contemporary representative, will be outlined and discussed. In so doing, close attention will be paid to the courtroom strategies by which he and other experts translated their isolated post-mortem encounters with the dead body into effective testimony.

Pathologists built a high-profile practice that transfixed the popular, legal and scientific imagination, and this article also explores, through the celebrated 1925 murder trial of Norman Thorne, how Spilsbury’s courtroom performance focused critical attention on the practices of pathology itself, which threatened to destabilise the status of forensic pathology. In particular, the Thorne case raised questions about the inter-relation between bruising and putrefaction as sources of interpretative anxiety. Here, the question of practice is vital, especially in understanding how Spilsbury’s findings clashed with those of rival pathologists whose autopsies centred on a corpse that had undergone further putrefactive changes and that had thereby mutated as an evidentiary object. Examining how pathologists dealt with interpretative problems raised by the instability of their core investigative object enables an analysis of the ways in which pathological investigation of homicide was inflected with a series of conceptual, professional and cultural difficulties stemming in significant ways from the materiality of the corpse itself.

This article presents early findings of a larger study of twentieth-century English homicide investigation which focuses on the interaction between two dominant forensic regimes: the first, outlined in part here, is a body-centred forensics, associated with the lone, ‘celebrity’

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pathologist, his scalpel and the mortuary slab; the second is a ‘forensics of things’ centred on the laboratory and its associated technologies of trace analysis (hair, blood, fibres), deployed in closed technician-dominated spaces and in the regimentally managed crime scene. Future work will seek to illuminate the shifting landscape of English forensics by following the historical interplay between these two powerful investigative models.

**Keywords:** Forensic Pathology; Homicide Investigation; Expert Testimony; Post-mortem Examination; Bruising; Decomposition; Exhumation; Bernard Spilsbury

### Introduction

In a letter to his grieving father on the eve of his execution, the convicted murderer Norman Thorne coined a new term that for him captured the peculiar form of injustice that would soon send him to the gallows: ‘Never mind, Dad, don’t worry,’ Thorne wrote, ‘I am a martyr to Spilsburyism.’<sup>1</sup> Splashed across the pages of the next day’s popular newspapers, Thorne’s lament resonated with a significant section of the English reading public who, having avidly followed the arguments developed over the course of Thorne’s five-day trial in April 1925, reacted with consternation to the jury’s guilty verdict. The nation’s most celebrated connoisseur of crime detection narrative, Sir Arthur Conan Doyle, spoke for his anxious contemporaries when he identified the specific source of disquiet: the case against Thorne had not been clearly proved, Doyle told journalists, ‘in view of the medical evidence’.<sup>2</sup>

To a public used to a world of threatening ‘-isms,’ Thorne’s ‘martyrdom’ announced the arrival of a new source of ideological distortion, this time not generated on the streets of Continental capitals by foreign-tongued revolutionary firebrands, but from within the ostensibly disciplined space of an English mortuary and by a serene, persuasive oracle of the post-mortem slab, the pathologist Sir Bernard Spilsbury. For Thorne, ‘Spilsburyism’ represented the perversion of forensic pathology, a science which had grown in stature and competence in the early decades of the twentieth century but was now paradoxically threatened by its own successes. For us, Thorne’s neologism opens an analytical window on the legal, popular, and scientific standing of the discipline at the time. Suspending questions about the validity of Thorne’s conviction, this article takes the contested forensic evidence on display at his trial as a means to explore the historically specific configuration of personal, institutional, and conceptual forces framing the emergence and performance of early twentieth-century forensic pathology.

<sup>1</sup> ‘I am a Martyr to Spilsburyism’, *The Star*, 20 April 1925.

<sup>2</sup> ‘Sir A. Conan Doyle and the Thorne Case’, *Morning Post*, 21 April 1925; see also “‘Not Quite Easy’ at Thorne’s Fate: Sir A. Conan Doyle Would

Like Him Reprieved’, *The Evening Standard*, 20 April 1925. Doyle’s interest in the case, presumably, stemmed in part because he was a resident of Thorne’s home village.

At the centre of this configuration stood Sir Bernard Spilsbury. Celebrated as ‘the people’s pathologist’ over a career spanning forty years and some 20,000 autopsies, Spilsbury fascinated—and to this day continues to fascinate—a broad audience.<sup>3</sup> Having qualified in medicine at St Mary’s Hospital in 1905, Spilsbury turned to pathological work and was given a hospital lectureship in pathology in 1907. At the start of the twentieth century, St Mary’s stood as England’s pre-eminent centre for forensic medicine and science, boasting the services of three prominent members of the London-based Medico-Legal Society whose expertise was regularly sought by the Home Office in cases of special forensic difficulty: the toxicologists Arthur Luff and William Willcox, and the pathologist Augustus Pepper. Spilsbury embraced his home institution’s peculiar specialty, first coming to public attention as a junior witness in the celebrated 1910 trial of Hawley Harvey Crippen. From there, Spilsbury’s fame and reputation in the mortuary and the courtroom spiralled and, by the time of the Thorne trial, his work on the most notorious murder cases of the day had won him a knighthood, a formal appointment as Honorary Home Office Pathologist, and widespread recognition as the nation’s foremost forensic investigator.

Spilsbury thus represented a new creature on the forensic landscape—the ‘celebrity pathologist’. Though the post-mortem encounter with the body for medico-legal purposes has a long historical pedigree, it was only in the first decades of the twentieth century, in England, that the encounter between the body and the pathologist became a high-profile, individuated practice. If one considers widely publicised murder investigations in the 1870s–90s (the Ripper murders, most obviously), victims’ bodies were commonly examined by more or less faceless investigators, often local practitioners with no claims to forensic expertise. Ian Burney’s account of medical evidence at inquests provides some reasons for this, but it stops with late-nineteenth century demands for a specialist cadre of pathologists for investigating suspicious deaths and does not consider the next stage in the story—the rise of a particular, newly powerful and, at times, highly fraught lone-practitioner model of forensic medicine, for whom Spilsbury served as the unrivalled exemplar.<sup>4</sup>

Spilsbury and his version of forensic investigation were in the ascendancy in the inter-war period but, as the Thorne case illustrates, they were not without challenge, both internal and external. Accordingly, our analysis draws attention, on the one hand, to

<sup>3</sup> Spilsbury has been extensively, and often sensationally, served by biographers, past and present, notably Leslie Randall, *The Famous Cases of Sir Bernard Spilsbury* (London: Ivor Nicholson & Watson, 1936); Harold Dearden, *Some Cases of Bernard Spilsbury and Others* (London and New York: Hutchinson, 1948); D.G. Browne and E.V. Tullett, *Bernard Spilsbury: His Life and Cases*, (London: Harrap, 1951); Colin Evans, *The Father of Forensics: The Groundbreaking Cases of Sir Bernard Spilsbury, and the Beginnings of Modern CSI* (New York and London: The Berkley Publishing Group, 2006); and Andrew Rose, *Lethal Witness: Sir Bernard Spilsbury, the Honorary Pathologist* (London: The History Press, 2007). The Wellcome Archives have recently acquired a new collection that will enable historians to extend this largely biographical approach

to Spilsbury. The Spilsbury Collection consists of over 20,000 autopsy reports written by Spilsbury on index cards, one per autopsy. These cards have many possible historical uses—for example, systematic analysis might reveal how many times Spilsbury used a microscope, or the relative frequency of different types of death he investigated on a routine basis. These cards might also be treated as historical artefacts in their own right, as remnants of a lost forensic world that, arguably, has been rendered obsolete by modern day scientific developments and advances in biomedicine.

<sup>4</sup> Ian Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830–1926* (Baltimore: Johns Hopkins University Press, 2000), ch. 4.

the way in which contemporary forensic pathology sought to secure its expertise over the evidentiary centrepiece of murder investigations—the dead body; on the other hand, we also demonstrate the contingencies of these efforts, showing how they depended on ‘work’ on the part of their adherents, work that could be undone. In the Thorne case, the element of forensic pathology that threatened to unravel went to the very core of its investigative authority—its command over the dead body as a stable epistemic object. This is because the corpse in question—that of Thorne’s fiancée, Elsie Cameron—was anything but stable. Instead, Cameron’s remains mutated over the course of pathological investigation, subjected to the forces of putrefaction, thereby requiring its investigators to confront the problems of generating and representing consensual knowledge from an evidentiary exhibit that defied suspension in time and space. As a consequence, at every stage of this murder investigation, rival pathologists, the accused himself, tabloid newspapers and professional journals battled over the status of the evidence derived from Cameron’s autopsied remains. Three related sets of problems stood out: could a continuously decaying body be the object of credible forensic knowledge?; at what level was the pathologist’s gaze most productively deployed?; and how could conflicting autopsy testimony be understood and managed in the interest of justice?<sup>5</sup>

Our present analysis of forensic pathology in the Thorne case represents initial work on a broader history of English forensic medicine and science in the twentieth century. This larger study centres on two interconnected strands: 1) developments in techniques and working practices of forensic pathological investigation of murder cases; 2) developments in ‘crime scene’ investigation driven by forensic science. Over the course of the century, we believe, the latter model of trace-oriented and team-based investigation made significant inroads into the authoritative status of the lone pathologist, a process which resulted in the creation of a new set of disciplinary relations (between the forensic pathologist and other, potentially rival, experts wielding new technical and conceptual tools); a new investigative site (the ‘crime scene’ as a complex archaeological and ecological analytical space); and a new object of interrogation (a ‘decentred’, fragmented body whose evidentiary value was dispersed across a differentiated field of theory and practice).

Our account of the Thorne case, then, is an attempt to develop an analytical framework for the first of these research strands. It also functions, on its own terms,

<sup>5</sup> In this account, we are only concerned with the work of Bernard Spilsbury and the Thorne case as far as they illuminate these core questions. We identify here what we believe to be some of the major threads of the case, but we do not identify all, as it is not our intention to offer an exhaustive discussion of the ‘facts’ of the case. Likewise, we avoid commenting on the full range of the medical evidence and certainly do not claim to offer a complete account of Spilsbury’s career as a forensic pathologist or as a medico-legal witness. Rather, we limit ourselves to one significant thread that weaves through the Thorne case—one that highlights early twentieth-century transformations in the corpse as an object of

knowledge and source of expertise, in which tensions between the public and expert understanding of the way violence could be encoded on the body were of signal importance. We should also note that the Thorne case was not an isolated one, it was instead one of a series of highly publicised murder investigations led by Spilsbury in the 1920s–30s involving exhumed, decomposed and mutilated cadavers—most notably *R v Mahon* (1924), *R v Fox* (1930), and *R v Mancini* (1935). Though each of these cases involved their own distinctive elements, there was a remarkable continuity of subject matter—and in contestation—that linked them.

as a contribution to the history of forensics at two levels. Firstly, it fills a surprisingly large gap in the literature: though there has been much recent work on nineteenth-century<sup>6</sup> and on contemporary forensic practices,<sup>7</sup> very little has been written on forensic medicine and science for the bulk of the twentieth century. There are exceptions, notably Anne Crowther and Brenda White's account of Glasgow forensics, and the examination of institutional developments in English forensic services undertaken by Norman Ambage and Michael Clark.<sup>8</sup> These aside, the historiography of twentieth-century British forensic theory and practice is dominated by practitioner accounts,<sup>9</sup> and by biographical studies of celebrated twentieth-century figures in the 'true crime' genre.<sup>10</sup> Secondly, as we will suggest in our concluding remarks, the absence of such a detailed historical analysis has enabled in recent years the elaboration of a presentist characterisation of the significance and complexity of past forensic practices, one grounded in an explicit contrast to the powers and promises attributed to our contemporary bio-genomic regime of detection. Twentieth-century forensic medicine and science, in other words, is now in the dock, charged with incompetence at best, culpable negligence at worst. Instead of a rush to judgement, its case deserves a critically informed historical hearing.

<sup>6</sup> For an overview of forensic medicine and science in nineteenth-century England, see Tal Golan, *Laws of Men and Laws of Nature: The History of Scientific Expert Testimony in England and America* (Cambridge and London: Harvard University Press, 2004). For forensic toxicology, see Katherine Watson, *Poisoned Lives: English Poisoners and their Victims* (London: Hambledon and London, 2004); Ian Burney, *Poison, Detection and the Victorian Imagination* (Manchester: University of Manchester Press, 2006); José Ramón Bertomeu-Sánchez and Agustí Nieto-Galan (eds), *Chemistry, Medicine, and Crime: Mateu J.B. Orfila (1787–1851) and His Times* (Sagamore Beach, MA: Science History Publications, 2006); for forensic psychiatry, see Roger Smith, *Trial by Medicine: Insanity and Responsibility in Victorian Trials* (Edinburgh: Edinburgh University Press, 1981); Joel Eigen, *Witnessing Insanity: Madness and Mad-Doctors in the English Court* (New Haven and London: Yale University Press, 1995); and Joel Eigen, *Unconscious Crime: Mental Absence and Criminal Responsibility in Victorian London* (Baltimore: The Johns Hopkins University Press, 2003); for criminology and criminalistics, see Simon Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge, MA: Harvard University Press, 2001); Neil Davie, *Tracing the Criminal: The Rise of Scientific Criminology in Britain, 1860–1918* (Oxford: Bardwell Press, 2006); and P. Becker and R. Wetzell (eds), *Criminals and their Scientists: The History of Criminology in International Perspective*

(Cambridge: Cambridge University Press, 2006); for forensic pathology, see Burney, *op. cit.* (note 4).

<sup>7</sup> See, for example, Michael Lynch and Sheila Jasanoff (eds), 'Contested Identities: Science, Law and Forensic Practice, Social Studies of Science' special issue of *Social Studies of Science*, 28 (1998); Jay Aronson, *Genetic Witness: Science, Law, and Controversy in the Making of DNA Profiling* (New Brunswick and London: Rutgers University Press, 2007); and Michael Lynch, Simon Cole, Ruth McNally, and Kathleen Jordan, *Truth Machine: The Contentious History of DNA Fingerprinting* (Chicago: University of Chicago Press, 2008).

<sup>8</sup> Anne Crowther and Brenda White, *On Soul and Conscience: The Medical Expert and Crime. 150 Years of Forensic Medicine in Glasgow* (Aberdeen: Aberdeen University Press, 1988); Norman Ambage, 'The Origins and Development of the Home Office Forensic Science Service, 1931–1967' (unpublished PhD thesis: University of Lancaster, 1987); Norman Ambage and Michael Clark, 'Unbuilt Bloomsbury: Medico-legal Institutes and Forensic Science Laboratories in England between the Wars', in Michael Clark and Catherine Crawford (eds), *Legal Medicine in History* (Cambridge: Cambridge University Press, 1994), 293–313.

<sup>9</sup> Sydney Smith, *Mostly Murder* (London: Harrap, 1959); John Glaister Jr., *Final Diagnosis* (London: Hutchinson, 1964); Keith Simpson, *Forty Years of Murder* (London: Harrap, 1978).

<sup>10</sup> See *op. cit.* (note 3).

### **The Discovery and Examination of the ‘First Body’**

No one had seen Elsie Cameron since she went missing on 5 December 1924, the day she travelled from her North London home to the East Sussex village of Crowborough to visit her fiancé Norman Thorne, an impoverished chicken farmer.<sup>11</sup> Within days of her disappearance, Cameron’s whereabouts had rapidly become a national preoccupation. In early January, after new evidence emerged that placed Cameron at Thorne’s smallholding on the day she vanished, Thorne became the police’s prime suspect. On 15 January, Thorne was taken to the police station for interrogation, while a team of officers thoroughly searched his farm. Investigators quickly located Cameron’s luggage, confirming suspicions that Cameron had never left the farm the day she went missing. An intensive dig of the farm ensued and after several hours Cameron’s dismembered body was discovered buried under the chicken run.

Confronted with the news of the grim find, Thorne revised his earlier account of his fiancée’s fate, in which he had claimed that she had never arrived at the farm. He now portrayed himself as a frantic and desperate man backed into a corner by an hysterical and delusional woman, who was falsely claiming to be pregnant and unreasonably making marriage demands. Leaving the farm to cool down after an intense row, Thorne returned two hours later to discover Cameron partly suspended by a thin string from the hut’s ceiling beam, with her feet in contact with the ground. He immediately cut her free and lay her upon his nearby bed. He presumed that she was dead, that she had killed herself as a consequence of the couple’s personal difficulties, and that he would be held responsible. He was thus left with no option but to conceal the body and, in what he described as a moment of ‘frenzied madness’, he cut it up into four pieces and buried it.

On 17 January, Bernard Spilsbury conducted a post-mortem examination of Elsie Cameron’s body at Crowborough’s Beacon Hill mortuary. His four-hour examination revealed a ‘remarkably healthy body’, showing no broken skin or bone, no significant discolouration of the face, and no evident organ damage.<sup>12</sup> However, in his view, there were clear signs of extensive physical trauma resulting from a violent death, ones that were not apparent on the surface and could only be appreciated by probing beneath the skin. By opening the flesh from Cameron’s face, back and legs, and subjecting the exposed interior to gross visual inspection, he identified eight bruises evidenced by disorganised tissue and escaped blood. From this he reconstructed the trauma that Cameron had suffered: blows to the right ear and right temple, bruises from which extended down to the right cheek almost to the level of the mouth. He found further bruising to the left eye, and five further bruises on the back, legs and left ankle. For Spilsbury, all these bruises had been caused shortly before death. He supplemented these naked-eye findings by taking sections from four of the bruises and preparing slides for interrogation by microscope. These confirmed histological damage consistent with violent pressure.

<sup>11</sup> We base this discussion of the Thorne case on investigative and trial documents at the National Archives, Kew (hereafter NA), newspaper accounts, and Helena Normanton (ed.), *The Trial of Norman*

*Thorne: The Crowborough Chicken Farm Murder* (London: Geoffrey Bles, 1929).

<sup>12</sup> NA, HO 144/5193, ‘Transcript of the Inquest of Elsie Cameron’, 17 January 1925.



Mindful of Thorne's claims to have found Cameron hanging in his hut, Spilsbury next turned his scalpel to the neck and the area beneath the ears. On the surface, he detected only creases found naturally in human skin. Multiple incisions along the length of the neck, moreover, revealed no perceptible signs of tissue disorganisation that would indicate hanging. Convinced that the neck was of little evidential consequence, he did not take sections from it, thus forgoing confirmation by microscope of his autopsy findings. This decision would prove a crucial point of contestation at Thorne's eventual trial.

At the inquest, Spilsbury initially told a straightforward story of a bruised corpse. It was only under examination by the coroner that he explained that there was no *visible* surface bruising—he had only 'seen' bruises at the level of tissue analysis. Prompted by Spilsbury's unexpected claim that such an apparently violent death could leave no discernible surface signs, the coroner probed further: how legible, he asked, could a corpse that had been buried in a shallow grave for six weeks be, even to the most expert examiner? Spilsbury responded that while Cameron's body showed a degree of discoloration due to decomposition, it was, under the circumstances, in remarkably pristine condition. Decomposition posed no significant impediment to his reconstruction of the lethal train of events that lay, invisibly encoded, within the depths of the body.<sup>13</sup>

### **Bruising and Putrefaction in Medico-Legal Perspective**

In microcosm, the questions about the bruising found by Spilsbury on Elsie Cameron's body represented a re-working of long-standing concerns aired in medico-legal texts about the gap between popular belief and modern scientific authority. In these discussions, medico-legal authorities focused on the interpretation of bodily evidence indicative of a violent death, and the often expressed anxiety about the inability of lay persons to safely interpret marks that appeared on the body's surface. There was a danger, for example, that post-mortem discolouration of dead skin produced by the natural process of lividity could be taken as signs of bruising. For medico-legal writers, the consequences of the gaps between popular and expert interpretation of post-mortem marks were grave. If juries and courts of law trusted to their own common-sense interpretive schema, miscarriages of justice inevitably followed.

These concerns were explicitly aired in the first edition of what was to become the canonical English medico-legal textbook of the nineteenth—and indeed the twentieth—century: Alfred Swaine Taylor's *Principles and Practice of Medical Jurisprudence*. Here, the Guy's Hospital professor of medical jurisprudence and star witness at the century's leading criminal trials laid bare the core interpretative and conceptual dilemmas that faced the forensic specialist when confronted with 'ecchymosis' (bruising). After detailing the potential for confusion and error in reading marks that were visible on the body's surface, Taylor turned to the opposite problem: 'was ecchymosis a necessary and constant result of any violence producing contusion?'<sup>14</sup> In his answer, Taylor was highly critical of the claim, 'repeatedly asserted in courts of law, that no severe blow could

<sup>13</sup> *Ibid.*

<sup>14</sup> Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence* (London: John Churchill, 1865), 297.

have been inflicted on a deceased person in consequence of the absence of ecchymosis from the part struck.’<sup>15</sup> While he agreed with the general principle that bruising followed an act of violence, Taylor took the opportunity to warn his readers that there were numerous exceptions to the rule, for which, he reluctantly admitted, it was extremely difficult to account. Taylor nevertheless offered several tentative explanations for ‘invisible’ bruising. It might be a function of the skin’s elasticity—if highly elastic, the skin of a victim of violence might escape palpable marking.<sup>16</sup> A second explanation involved the timing and sequence of death: the visibility of bruising was substantially reduced when death took place rapidly, before there was sufficient time for the effusion of blood from minute vessels.<sup>17</sup>

Taylor’s discussion of bruising yielded a range of complex interpretative issues, all of which were primarily concerned with the ability of the corpse to mislead the unskilled observer. Armed with sufficient knowledge of the patho-physiology of bruising, the medico-legal witness might see through to the truth. Certain problems, however, required something further—a scalpel: for example, in order to distinguish between bruises inflicted before and after death, it was necessary to cut deep into the affected flesh in order to observe directly underlying tissue and the condition of the blood.<sup>18</sup> A blow to a dead body, Taylor explained, would result in little extravasation (escape of blood from its proper vessels into surrounding tissue), whereas one inflicted during life would disclose itself by swelling and by specific qualities in the texture and colour of the blood.

Later editions of Taylor, and medico-legal texts written by other authors, would extend and deepen these discussions about the challenges presented by bruising and post-mortem marks. By the turn of the twentieth century, these concerns were further complicated by an increasing disciplinary preoccupation with problems posed by putrefaction and the life (e.g. bacteria, maggots) that developed in its train. To the late nineteenth-century medico-legal imagination, putrefaction represented a new interpretive problematic, with focused chapters becoming routinely devoted to it in core textbooks. New bio-chemical understandings of death closely associated with the work of Louis Pasteur were a catalyst for this new forensic preoccupation with putrefaction. For Pasteur, ‘moulds, mucors, and bacteria’ combusted the human body after death. Without them, he wrote, ‘life would become impossible because the restoration of all that which has ceased to live, back to the atmosphere and to the mineral kingdom, would be all of a sudden suspended.’<sup>19</sup>

Putrefaction, now seen as a defined biological process that possessed an intrinsic natural energy and dynamism, had profound implications for modern medico-legal understanding of bruising. Until discovered, a corpse was continually and perpetually under siege from a microbe-infested environment, and as it decayed and putrefied it attracted insects. Putrefaction, as medico-legal writers understood it, thus complicated the pathologist’s core task—that of reconstructing the body’s passage from life to death. Critical, for our purposes, were the ways in which the continuously decomposing body

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, 298.

<sup>17</sup> *Ibid.*, 293.

<sup>18</sup> *Ibid.*, 295.

<sup>19</sup> Louis Pasteur, ‘Investigation into the Role Attributed to Atmospheric Oxygen Gas in the

Destruction of Animal and Vegetable Substances after Death’ (1863), excerpted and translated in Mikulás Teich and Dorothy M. Needham, *A Documentary History of Biochemistry, 1770–1940* (Leicester: Leicester University, 1992), 474–7.



could generate new signs that made post-mortem changes indistinguishable from pre-mortem ones, while at the same time erasing evidentially significant pre-mortem marks—bruises, most obviously.

Yet all was not lost. As the 1905 edition of Taylor's *Principles* (edited by London Hospital's lecturer on medical jurisprudence, Frederick Smith) insisted, to the properly prepared observer the veil of decay was itself superficial, and thus penetrable: 'the external appearances of putrefaction are often, one might say usually, far in advance of the actual changes in the organs, so they offer very little indication for estimating what may be found by a complete inspection.'<sup>20</sup> The practical lesson to be drawn was clear: 'never', he advised his readership, 'refuse to make a post-mortem examination on the ground that putrefaction is too far advanced.'<sup>21</sup>

Such comments were emblematic of a growing confidence on the part of late-nineteenth and early twentieth-century medico-legal writers in their discipline's management of the interpretative issues posed by putrefaction. Putrefaction was a process that could be reliably mapped according to a set of interrelated physiological and environmental factors whose actions could be ascertained and predicted by reference to laboratory-derived norms. This reframing of putrefaction as a process comprised of predictable stages, moreover, was crucial in understanding how adverse, abnormal and exceptional conditions—for example those attendant upon burial and exhumation—might affect its normal course.

These attempts to discipline the topic of putrefaction can be discerned in Charles Tidy's *Legal Medicine*, which devoted systematic attention to putrefaction as a process bound within specified quantitative parameters. Based on information derived from both case reports and results from experimental laboratory studies, putrefaction ceased to be a perilous forensic 'wild-card', submitting itself to the discipline of a modern regime of truth. As part of his strategy to demonstrate that firm conclusions could be generated from a badly putrefied corpse, Tidy included a table comprising of two columns, each one respectively devoted to the circumstances that promoted or retarded putrefaction. The table reflected contemporary interest in establishing the normal sequence of putrefaction, and in using these norms to understand deviations attendant on the varying circumstances in which putrefying bodies were encountered in the forensic context. The time the body took to decay, in this view, was dependent on and structured by a series of specifiable ecological and environmental factors, such as temperature, level of moisture, quality of air, soil type and the presence of vermin.<sup>22</sup>

This analytical structure promised to enable pathologists to develop and demonstrate a new time-sensitive understanding of putrefaction, one that extended the analytical reach of their forensic powers. Unlike the popular mind, which fixated on the chaos and horror presented by putrefied human remains, the forensic expert imposed upon it sense and order. Putrefaction was thus itself reconstituted as a new investigatory artefact, one that no longer impeded forensic knowledge but rather became a means to its production. As the investigations of Elsie Cameron's remains would demonstrate, however, the

<sup>20</sup> Alfred Taylor, *The Principles and Practice of Medical Jurisprudence*, Fred J. Smith (ed.), 5th edn, 2 vols (London: John Churchill, 1905), Vol. I, 83.

<sup>21</sup> *Ibid.*

<sup>22</sup> C.M. Tidy, *Legal Medicine*, 2 vols (London: Smith, Elder, 1882), Vol. I, 87–92.

pathologist's confident dominion over putrefaction at the level of theory, would prove more difficult to maintain in practice.

### The Exhumation and the 'Second Body'

On 26 January, Elsie Cameron's funeral took place in her home town, and among the many tributes, the press noted, was a wreath from Thorne bearing the words: 'Till we meet again—Norman'.<sup>23</sup> Recent accounts of the Thorne case have made much of Thorne's ability to court and deliberately manipulate press attention, taking this as evidence of his guilt.<sup>24</sup> We have no interest in such retrospective speculation. It is rather the content of Thorne's pre-trial declarations that are significant for our analysis. Repeatedly, explicitly and insistently, Thorne sought to draw public attention to the fact that Spilsbury had found no *obvious* evidence of external bruising on the body. His intent is clear: visible bruising was the commonly expected sign of a violent death, and in this Spilsbury had failed to deliver. The disjuncture between these two understandings of bruising, Thorne insisted, necessitated a second autopsy, the results of which he confidently predicted would confirm his innocence: 'There's nothing against me except Spilsbury's evidence,' he boasted to journalists, 'And we'll soon knock that down. You see if we don't.'<sup>25</sup>

An application made on Thorne's behalf to exhume Cameron's body was granted by the Home Office, and on 24 February a second autopsy commenced, led by Dr Robert Matthew Brontë, pathologist at Harrow Hospital and the Samaritan Free Hospital, and late crown analyst in Ireland. Brontë was assisted by Dr John Gibson, a general practitioner and former St Mary's Hospital house surgeon, with Spilsbury in attendance as an observer of the craft he so publicly dominated.<sup>26</sup> The exhumation made for a grim public spectacle, played out before a crowd of ordinary spectators and journalists gathered at the gates of the graveyard.<sup>27</sup> The sense of occasion was heightened by the fact that the autopsy lasted from midnight until 9am, and was undertaken in the graveyard's badly lit chapel.<sup>28</sup>

These sensationalised conditions significantly compromised autopsy protocols as recommended in contemporary medico-legal textbooks which insisted, for example, that autopsies should be conducted only in daylight conditions, so that skilled pathologists could detect colour changes in organs and tissues that might be of medico-legal importance.<sup>29</sup> Moreover, as medico-legal writers observed, autopsies on exhumed bodies introduced significant interpretative difficulties. There was a danger, for example, of mistaking injuries (e.g. fractures of bones) caused by the gravedigger's pick and spade for marks of violence

<sup>23</sup> 'Funeral of Miss Cameron', *The Times*, 27 January 1925, 8.

<sup>24</sup> See, for example, Evans, *op. cit.* (note 3), 161–6.

<sup>25</sup> *Ibid.*, 174.

<sup>26</sup> Spilsbury had left St Mary's for a position at St Bartholomew's Hospital in 1919.

<sup>27</sup> 'Elsie Cameron Exhumation Ordered on Behalf of Thorne', *The Daily Mail*, 26 February 1925.

<sup>28</sup> 'Task by Lamplight at Typist's Grave', *Evening News*, 25 February 1925.

<sup>29</sup> Tidy, *op. cit.* (note 22), 290. Interestingly, Tidy recommended that: 'a post-mortem should not be conducted by artificial light unless in case of great emergency. Certain characteristic tints, such as the yellow colour produced by nitric or by picric acid, would probably escape notice either by gas or candle light.'

inflicted during life.<sup>30</sup> On the other hand, inhumation and subsequent exhumation conferred some, and to modern eyes surprising, investigative advantages. In the absence of freezing chambers and refrigeration facilities in English mortuaries (which were common on the Continent from the late 1890s), burial acted as a controlled environment which, it was thought, slowed down the process of decay as compared with bodies that were exposed to the elements or left in ill-equipped mortuaries. Burial, paradoxically, thus formed part of the contemporary regime of evidential preservation.

When the three pathologists opened Cameron's coffin, however, it quickly became apparent that the burial had not protected the body. They found the coffin full of water and agreed that this had significantly altered the appearance and the integrity of the corpse. The degree and significance of this alteration, however, was not stipulated at the time, and this proved one of the most contentious issues at Thorne's subsequent trial: was Brontë's autopsy conducted on a substantively different body to that autopsied by Spilsbury five weeks earlier?

Brontë checked over the body, noting the autopsy marks left by Spilsbury and confirming signs of bruising exposed by Spilsbury's incisions. He took his own sections from the bruises identified by Spilsbury, from which he subsequently prepared a second set of slides. He also inspected the neck and detected the presence of surface marking, what in the courtroom would be variously described as 'spots', 'specks', and 'grooves'. On drawing Spilsbury's attention to this new discovery, however, Brontë met with resistance—the marks, Spilsbury insisted, were nothing but the 'natural' creasing that he had identified at the first autopsy. The two agreed to take a section from the neck, dividing it into two so that each might produce fresh evidence for the microscope.

### **Bruised Witnesses in Court**

On 11 March 1925, Thorne's trial opened under intense public and media attention. Throughout the proceedings the names and faces not only of Thorne, but also of Spilsbury and his rivals, were circulated repeatedly by the press. This played a significant role in focusing events on the figure of the forensic pathologist, constructing the courtroom as the place where the forensic pathologist, by presenting verbal testimony of how he had traced the anatomic effects of violence within and upon the body in the mortuary, would unmask the perfect murder. As we have already hinted, this kind of dramatic shaping of public expectations of forensic pathological evidence was already well-rehearsed by the time of Thorne's trial. Since the Crippen case, which had first projected him into the limelight, Spilsbury had emerged as the archetypal medical sleuth, reflected in the words 'Spilsbury Called In' on newspaper hoardings and headlines.

In such accounts, Spilsbury's mode of investigation was represented as operating in an institutionally and epistemically different arena from police detectives who wandered English villages, towns and cities, matching diverse kinds of physical evidence and oral testimony to trace clues that would 'crack the case'. Spilsbury's expertise, by con-

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<sup>30</sup> W.G. Robertson, *Manual of Medical Jurisprudence and Toxicology*, 4th edn (London: A. & C. Black, 1921), 89.

trast, was geographically and institutionally isolated from the wider context of the case, and made manifest in the synergy of iconic images—scalpel, post-mortem slab and mortuary—that were staples of newspaper reports. Mass circulation dailies and new photographic conventions, moreover, turned Spilsbury into a public ‘personality’, not simply because he was a star witness in sensational murder trials and inquests, but because of the way the press also photographically documented a very different private life to his mortuary existence, filled with attendances at West End shows and other leisurely pursuits. The media presentation of Spilsbury’s persona as a public medical hero depicted him as a fixed point of authority in the drama of life and death, thereby positioning him as both a visible reminder of and a buffer against the unsettling forces and cultural tensions that were unleashed by brutal murders.

It was through such media coverage that the reading public came to develop certain expectations of, and interest in, the interpretative powers of England’s leading forensic pathologist. The Thorne trial, however, would not only make the practices and analytical claims of forensic pathology the central problem of the case, it simultaneously focused critical and hostile attention on the professional reputation and analytical capacities of Spilsbury himself. What is important to emphasise is that this was achieved by contrasting Spilsbury’s autopsy conclusions with those of rival experts that were equally grounded in observations made directly from the corpse at the mortuary slab. As a consequence, this put intense pressure upon the rival pathologists to account for the differences in what they saw on (and in) the body. From the prosecutorial address to the closing words of the judge, the medical testimony revolved around two central questions: what produced (and how severe were) the bruises on Cameron’s body?; and what was the relative value of macro- and micro-level analysis in establishing the fact and meaning of bruising? The answers to these questions were themselves mediated by a third core issue: to what extent did the process of putrefaction intrude upon the capacity of the corpse to present evidence of the cause of its demise?

From the prosecution side, Spilsbury’s evidence on bruising of the body and the lack of bruising on the neck made the case against Thorne clear. He had beaten her to death with an object such as an Indian club, whose combination of firmness and smoothness would account for the lack of tearing to the skin.<sup>31</sup> The severity of each blow, Spilsbury continued, could be gauged by the relative ‘pulsing’ of the tissues, while their timing and sequence could be read in the degree of bleeding in each bruise.<sup>32</sup>

For the defence the story was not so straightforward. Had the injuries been caused by an assault with a club, Brontë insisted, they would have found lacerated tissues and fractured bones. Given the thinness of Elsie’s skull, which he ascertained in the autopsy to be well below the average, Brontë explained that a blow from an Indian club would have shattered it ‘like egg shell’.<sup>33</sup> This discussion on the fragility of Cameron’s flesh and bones pointed to a more complex and unstable handling of the question of the issue of bruising, in which Spilsbury’s dogmatic position competed with other expert insights into, and understandings of, the expected and normal signs of violence on the body.

<sup>31</sup> NA, HO 144/5193, ‘R. v John Norman Holmes Thorne, Trial Transcripts of Shorthand Notes of Trial’, 327.

<sup>32</sup> *Ibid.*, 129–35.

<sup>33</sup> *Ibid.*, 329.

Another defence witness, Dr Hugh Miller Galt, pathologist at the Royal Sussex County Hospital, could not easily reconcile the Spilsbury's observation of 'pulped tissue' with the lack of broken bones, adding more generally of his experience with similarly damaged tissue that it was 'all the more likely to break the bone if it pulped the tissues'.<sup>34</sup> Galt made a similar point regarding the skin, arguing that it 'must be injured if it is pulped'.<sup>35</sup> Taking everything into account, he concluded that Spilsbury had exaggerated the severity of bruises: 'I should call them trifling bruises, as one might see at Rugby Football every Saturday.'<sup>36</sup> Through such testimony the defence experts lent credence to a far more innocent explanation for the bruises that Spilsbury had identified at his autopsy—they had not been caused by a violent beating but by Cameron's falling to the floor after having been cut down from the beam from which she had been suspended.

In place of Spilsbury's relatively simple account of death following extensive bodily trauma, the defence proposed a theory that would reconcile the disparate evidentiary elements derived from Thorne's account and from Cameron's body. Cameron had partially suffocated herself, but this did not amount to a full-scale case of hanging that would have left a wider field of signs—deep creasing to the neck, congestion of the brain and lungs, damage to the neck vertebrae—not able to be missed at post-mortem. Indeed, though Thorne had thought her dead when he cut her free, she, in fact, had survived her ordeal by some several minutes, which, Brontë claimed, provided sufficient time for the body's physiological processes to, in effect, 'erase' any obvious surface markings caused by the string.

Brontë concurred with Spilsbury's conclusions about the bruising to Cameron's body—they existed, but were only discernible at tissue level. However, he disputed Spilsbury's estimation of their severity. To him, they did not signify violent assault, but instead fitted the defence theory of relatively minor bruising inflicted when her body was cut down by Thorne.<sup>37</sup> Brontë supported this assessment by recourse to his slides from the multiple areas of bruising suffered by Cameron that, to him, yielded evidence only of sub-lethal trauma.

Spilsbury had a ready explanation for Brontë's more innocuous reading of the bruised state of Cameron's body, one which drew attention to the dynamic materiality of a decaying corpse. His own examination had not been significantly compromised by putrefaction: though externally the body had shown in some places patches of post-mortem discolouration, internally decay was minimal.<sup>38</sup> It was only with the *second* autopsy that decomposition posed substantial interpretative difficulties. This, he explained, was owing to the action of the coffin water upon the body, which had not only substantially altered the external appearances but, more crucially, had transformed the corpse's interior.<sup>39</sup> The water from the exhumed coffin was contaminated with blood, indicating that there had been fundamental changes in the composition of the tissue from the time when he had first identified bruises. Between the first and second autopsies, Spilsbury declared, the tell-tale blood had been literally 'washed out' from the bruised flesh at both the macro- and microscopic levels.<sup>40</sup>

<sup>34</sup> *Ibid.*, 371.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*, 367.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*, 141.

<sup>39</sup> *Ibid.*, 167.

<sup>40</sup> *Ibid.*, 141–3.

In reply, Brontë cast Spilsbury as an outdated investigator whose preference for gross post-mortem signs and lack of sophistication with micro-pathology had been exposed in this case. Had there been bruising to Cameron's head, torso and limbs of the severity that Spilsbury was claiming, this would have been revealed in Brontë's slides. Blood vessels, he explained, were buried within the deep textural structure of the body, at a level that was invisible to all except to the trained observer armed with a microscope. He accepted that *some* blood may have been 'washed out' by the water, 'but it would not remove all the traces of that blood microscopically'.<sup>41</sup> The reason was a simple matter of scale and penetration of circulated blood. Circulation, he explained:

[L]ikened to a river and a mountain, opens into a vast lake and leaves that lake again as a river. . . The blood leaves the heart in a large blood vessel, and in supplying nutrients to the tissues. . . that blood vessel breaks up into a square area eight hundred times the size of the blood vessel. It is again collected into a vein and conveyed back to the heart. For that reason, I assert and have proof here by *these microscopic slides* that it would be impossible for the blood to be washed out. . .<sup>42</sup>

It was in the context of this debate that the neck slides that Brontë produced following his identification of marking on the surface of Cameron's neck at the second autopsy took on significance. The slides, Brontë testified, revealed microscopic signs of extravasation. This finding had a dual significance. Firstly, it supported Thorne's account and the defence theory of partial hanging and subsequent death caused by shock. Death under these circumstances would not yield the expected signs of death by full strangulation, and would thus have allowed even the most experienced pathologist to have passed off the surface evidence from the neck as 'natural' creasing. This led to the second of Brontë's claims, in which he positioned the finding as a marker of the comparative scientific credentials of the rival witnesses: 'Sir Bernard,' he stated, 'made one mistake in not examining the marks microscopically as I did.'<sup>43</sup> Invited by Thorne's barrister to reflect on Spilsbury's 'significant oversight', Brontë criticised Spilsbury for his over-reliance on the (outdated) model of gross anatomical, mortuary-centred investigation.<sup>44</sup> By not supplementing his immediate observations at the mortuary slab with laboratory inspection, Spilsbury had allowed himself to be misled by macro-level, naked-eye appearances. Yet seeing beyond such first-order signs, Brontë insisted, was the hallmark of a properly modern forensic investigative sensibility. To emphasise this point he drew on another, long-standing and publicly accepted deployment of the laboratory in the pursuit of forensic truth: Spilsbury's reliance on unassisted vision was akin to dispensing with chemical tests in cases of suspected poisoning, which, as everyone knew, commonly left no obvious bodily traces, and required laboratory analysis for their resolution.<sup>45</sup>

Spilsbury was recalled to the witness stand to respond to Brontë's macro- and micro-level claims, and once again his explanation turned on the instability of the corpse in question. He re-emphasised the inherent difficulties in detecting blood and tissue damage associated with bruising in a corpse saturated by water. The skin of the 'second' body

<sup>41</sup> *Ibid.*, 336–7.

<sup>42</sup> *Ibid.* Emphasis added.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, 341–4.

<sup>45</sup> Normanton, *op. cit.* (note 11), 274. For a full account of the professional and public face of toxicology as a nineteenth-century model of forensic expertise, see Burney, *Poison*, *op. cit.* (note 6).



was soft and sodden, covered with mould growth and insect life.<sup>46</sup> Adipocere—a waxy substance that formed on bodies when fatty tissues reacted with damp and watery conditions—was also present, especially around the neck stump. Amidst all this decay, Brontë’s claim to have identified ‘spots’ was pure fantasy—post-mortem change rather than telling forensic evidence was the more plausible explanation. Spilsbury also invoked the effects of decomposition to dispute Brontë’s claim that his neck slides proved a link between the surface markings and microscopically demonstrable extravasation. This, Spilsbury claimed, ignored the fact that decomposition was so far advanced in the sections that no blood could be seen in them.<sup>47</sup> What he had seen instead was merely disintegrated sebaceous (skin) glands—again an artefact of post-mortem decomposition.<sup>48</sup>

The role of differing levels of forensic vision in generating competing expert convictions at the Thorne trial, it should be noted, intersects with debates about the protocols for applying scientific expertise to matters of law that had circulated in previous decades. As Tal Golan has shown, microscopy mediated scientific knowledge in late-nineteenth century medico-legal dramas.<sup>49</sup> In particular, while microscopy promised to intensify the investigatory capacities of scientific experts, such optical progress carried great uncertainties and raised considerable difficulties for courtroom testimony. The central dilemma posed by microscopy, Golan argues, was that it suffered ‘from the so-called personal equation, an irremediable error, peculiar to the individual, that accompanied every human measurement.’<sup>50</sup> In summing up the case for the defence, Thorne’s legal representative drew upon this very problem: recalling his prediction at the start of the trial that all might turn on the interpretation of a microscope slide, he warned the jury against deciding the issue on the basis of celebrity: “What a tragedy of human justice it would be if the life of a man is to depend upon the accuracy or fallibility of one individual’.<sup>51</sup>

### Spilsbury’s Spell and Thorne’s Martyrdom

In closing the trial, Mr Justice Finlay singled out the slide evidence as of ‘decisive importance’,<sup>52</sup> and after carefully summarising the complex and contradictory positions taken up by key medical witnesses, warned the jury that a taxing decision awaited them. On 16 March, and after less than half an hour after retiring, the jury reached a verdict to convict Thorne of murder. The brevity of the jury’s deliberations immediately raised questions about whether it had sufficiently appreciated the controversies presented in the medical evidence. Incensed letters appeared in the press, and these were soon joined by the widely publicised press interview with Sir Arthur Conan Doyle, in which the creator of the world’s most celebrated fictional great sleuth expressed his great unease about

<sup>46</sup> ‘R. v John Norman Holmes Thorne’, 341–4.

<sup>47</sup> *Ibid.*, 377–80.

<sup>48</sup> *Ibid.*, 167–8. Spilsbury’s own slide preparations taken from the neck at the second autopsy, it should be noted, revealed no signs of extravasation. Defence witnesses agreed on this point, but explained the discrepancy between the Brontë and Spilsbury slides

by the extreme localisation of the bruise—Brontë had taken a piece of flesh that had been bruised, Spilsbury had not.

<sup>49</sup> Golan, *op. cit.* (note 6), 144–75.

<sup>50</sup> *Ibid.*, 169.

<sup>51</sup> Normanton, *op. cit.* (note 11), 321–2.

<sup>52</sup> *Ibid.*, 347

Thorne's conviction.<sup>53</sup> Because of the complexity of the discussions surrounding the legibility of bruising under the microscope, Thorne's legal team demanded that the autopsy evidence should be immediately referred to a court-appointed medical commissioner, as provided under Section 9 of the Criminal Appeal Act (1907).<sup>54</sup>

In making the case for expert arbitration, Thorne's legal team questioned the jury's capacity to assess competing scientific claims: 'They might just as well ask 12 men in the street whether they believed in the Einstein theory', they wrote, 'as to ask 12 good men and true in the jury box whether they believed Dr Spilsbury or the eminent doctors who were called for the defence.'<sup>55</sup> The jury and the judge, they continued, had been overawed by Spilsbury's reputation, evidenced by the fact that Finlay repeatedly described Spilsbury as an 'eminent pathologist' while failing to comment on the standing of defence pathologists.<sup>56</sup> Instances such as these would have easily coloured the minds of the jurors, who had little or no appreciation of the technical and conceptual dilemmas involved in this complicated case.

Thorne's request for expert arbitration was refused by the Court of Appeal, following which the *Law Journal* issued a lengthy editorial on the Thorne trial, reprinted in full or excerpted widely in the daily newspapers. Expressing 'reluctant' criticism of the court's decision, the editorial honed in on the contentious issue of the slides allegedly showing 'bruised' tissue: 'the jury could not, and did not, see the slide[s]'.<sup>57</sup> Though sympathising with the predicament of a jury facing 'the very unsatisfactory task of deciding between opposing medical theories', the editorial was forthright in its criticism, professing 'shock' that 'twelve men in half an hour had "no reasonable doubt" that Bernard Spilsbury's unsupported view was right, and that the several experts of hardly less eminence who ventured to disagree with him were wrong.'<sup>58</sup> This, it continued, could only be accounted for by Spilsbury's celebrity status: 'The more than papal infallibility with which Sir Bernard is readily being invested by juries must tend to be somewhat embarrassing to him, for the greater a man's knowledge, the greater, as a rule, is his consciousness of its limits.'<sup>59</sup>

In the wake of the failed appeal, Thorne's father took up the cause in the pages of the press, handing over personal letters written by his son about the trial, Elsie and his prison experiences.<sup>60</sup> Concerned about the circulation of such letters in public, the Home Office had intercepted some of them—including those most critical of Spilsbury's evidence. In response, Thorne's father turned the Home Office's strategy itself into a news story, resulting in parliamentary questions to the Home Secretary. Through these actions Thorne's father emerged as both a focal point and figurehead of the anti-Spilsbury backlash, a backlash that fed upon an array of popular fears and concerns about the gap between lay and expert standing at autopsies. This concern was reinforced by the fact

<sup>53</sup> See articles in *op. cit.* (note 2).

<sup>54</sup> This Act gave legal sanction to the argument that certain kinds of evidence were of such a technical nature that they were beyond the comprehension of the ordinary layperson, and could only be assessed by an expert.

<sup>55</sup> 'Thorne in Despair: The Scene of Failure of Appeal', *News of the World*, 17 April 1925.

<sup>56</sup> *Ibid.*

<sup>57</sup> 'The Thorne Appeal', *Law Journal*, 18 April 1925, 360.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> 'Mr Thorne's Protest', *Daily News*, 21 April 1925; 'Thorne's Letters from Gaol', *News of the World*, 22 March 1925.

that Spilsbury was principally associated with a prosecution culture used to monopolising the process of forensic fact-making. ‘When [Spilsbury] made the first post-mortem examination’, Thorne senior complained:

[M]y son was not allowed to be represented. When he gave his evidence at the police court and [was told] that eight bruises were found on the body of Miss Cameron, my son at once stated that he did not know anything about them, and he could not account for them. If he knew those bruises were there, would he not have stated so...<sup>61</sup>

Thorne senior’s insistence on his son’s innocence, furthermore, played on the gap between expert and lay understanding of what he considered the key post-mortem finding from Cameron’s remains: the fact that there were no *visible* signs of violence. The idea that a violent death did not leave visible traces on the surface of the body was not only counter-intuitive but dangerous. Underlying all of his public criticisms of Spilsbury’s testimony was a moralised critique of the abstruse and rarefied post-mortem knowledge and practice, and, in particular, the way it privileged the observational, charismatic and analytical powers of one man to the detriment of commonsense.

The second, defence-driven autopsy, for Thorne’s father, had not only yielded valuable evidence but had also revealed the inherent difficulties in post-mortem investigation, difficulties which were normally contained within the mortuary walls but in this case had been opened to full public view in the expansive context of the courtroom. If pathology was an expertise based on reliable observable knowledge, why did experts disagree, and why was one observer seemingly privileged over others? Why did the Crown accept the theory that the two bruises on the face were caused with an Indian club when four other experts had ridiculed this suggestion in the witness box? When the judge repeatedly referred to Spilsbury ‘as the greatest living pathologist’, was it a surprise that the jury credited his testimony, ‘although eminent pathologists stated on oath that his theory was impossible’?<sup>62</sup> The failure of this community of experts to reach agreement demonstrated that interpretative powers of pathology were overstated and the reputation of its leading practitioners over-inflated: ‘What a spell,’ he lamented, ‘the name Bernard Spilsbury casts over many people...’<sup>63</sup>

Days before his execution, as part of his father’s public campaign to appeal the verdict, tabloid newspapers published Thorne’s private letters. Once again Thorne became part of media sensation. In these letters, Thorne explicitly questioned Spilsbury’s role within the English crime-fighting apparatus, which he saw as utterly undeserved. It was here that he famously declared himself a ‘martyr to Spilsburyism’. Most importantly, Thorne returned to the controversial issue of bruising, questioning the ability of the pathologist to read the obscure signs of violence from the decayed interior of the body. Thorne’s claim to innocence was based on the notion that there were no *visible* signs of violence detectable: a great injustice would be served if he was sent to the gallows for a murder ‘when not a particle of skin broken or marked, not a bone fragmented’.<sup>64</sup>

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> Not everyone, to be sure, sympathised with Thorne and his supporters. An editorial in *The*

*Evening Standard* felt the need to remind its readers that the medical evidence was but one element in a whole mass of testimony. The *Standard* also made the obvious point in drawing attention to Thorne’s mutilation of Cameron’s body: ‘[why] would an

### Conclusion

On 22 April, Thorne was executed, but the controversies that had marked his case lived on. As we will show in future work, the core elements in this specific case—exhumation, bruising, decomposition—were replayed and sharply contested in subsequent trials involving Spilsbury.<sup>65</sup> Thus, despite the sense of narrative ending to the murder story, the Thorne case offered no closure or resolution to the conceptual and practical issues relating to post-mortem practice that it raised; furthermore, it did little to close down anxieties and concerns about the pathologist as an expert witness.

Although Spilsbury declined direct public comment on his role in the Thorne case, he did return to it implicitly in some of his (extremely rare) published remarks on the state of interwar English forensic medicine. Before a large audience at St Mary's Hospital in 1934, Spilsbury delivered an address on 'The Application of Physiological Principles to Medico-Legal Problems', subsequently reprinted in the *Medico-Legal and Criminological Review*. Here, he returned to the vexed question of bruising and, without explicit reference to Thorne, sought to confirm his courtroom assertion that the quantity of blood present in 'bruised' flesh was not a reliable indicator of the degree of violence suffered. Although he accepted that bruises were produced by injury to tissues and blood vessels, which forced blood from the site of the injury into surrounding tissues, Spilsbury claimed it was blood pressure and circulation that determined the appearance of the affected flesh.<sup>66</sup> When examining potential bruise sites, pathologists had to bear in mind that some sites of trauma would not necessarily contain expected levels of blood, and in explaining this he turned to physiological principles: in the case of an injury received after the heart ceased to beat, blood would be naturally 'rationed' by the body until circulation itself ceased.<sup>67</sup> Thus, given that there was a limited period of time in which bruising could form on a dying body, there were sound physiological reasons for the absence of bruising in cases of severe traumatic violence.

In another uncharacteristic foray into print, Spilsbury engaged with a further core issue posed by the Thorne cases—managing the corpse's dynamic materiality. As Clarke and Ambage have noted, Spilsbury played a leading role in the campaign to build a specialist medico-legal centre in London, and during his presidency of the Medico-Legal Society, the arguments for such a site were repeatedly rehearsed at annual meetings and in editorial comment.<sup>68</sup> The establishment and development of a site where bodies could be autopsied and then stored for future reference was, according to many, integral to the functioning of a body-centred forensics. A freezing chamber attached to a mortuary, William Wilcox argued, was not only useful for the purposes of delayed identification, but

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innocent man, hack a body to pieces and bury it at night through fear of the consequence of leavings for the investigation of the authorities?' Thorne, who had the 'the strength of nerve to go through the horrible business of dismemberment and live callously in the neighbourhood of the insulted corpse,' was clearly no out-and-out martyr. *The Evening Standard*, 21 April 1925.

<sup>65</sup> *R. v Fox* (1930), *R. v Mancini* (1935), *R. v Nodder* (1947).

<sup>66</sup> Bernard Spilsbury, 'The Application of Physiological Principles to Medico-Legal Problems', *Medico-Legal and Criminological Review*, 2 (1934), 340–4: 340.

<sup>67</sup> *Ibid.*

<sup>68</sup> Ambage and Clark, *op. cit.* (note 8).

was ‘also a preventative against pathological changes in decomposing viscera’.<sup>69</sup> Spilsbury weighed in these discussions, drawing attention to the predicament of the second, defence-driven autopsy:

Thus it ought to be possible in any serious crime for the body of the dead person to be preserved after the first investigation has been carried out, and until the trial of any accused person is concluded, so that if those responsible for the defence, for example, wish to have their own investigation, the body will be available, and will be in as fairly fresh condition as it was when the first investigation was made. For that purpose, we ought to have in this country some means by which bodies can be preserved in cold storage for an indefinite period.<sup>70</sup>

Although again not referring directly to the Thorne case, these comments can only be properly understood in its light. For Spilsbury, the proper lessons to be drawn from the Thorne case bore repeating—both for the sake of his own personal authority and for that of the field more generally.

Yet stabilising his testimony at the Thorne trial proved elusive for the duration of Spilsbury’s career, and so it continues to this day. Anxiety about Spilsbury, generally, and his evidence in the Thorne case, in particular, has resurfaced in recent years, driven by a new wave of Spilsbury biographers who take the trial as illustrative of his fallibility as an expert witness. According to Colin Evans, the Thorne trial represented a ‘wake up call’ to Spilsbury. ‘For the first time,’ he observes, ‘serious questions have been asked of his role within the English crime-fighting apparatus. While there is no evidence to suggest the public ever lost its faith in Spilsbury,’ he continues, ‘henceforth his testimony did display a newfound circumspection.’<sup>71</sup> Andrew Rose argues that it was in the Thorne case that Spilsbury, in refusing to countenance ambiguity in his post-mortem findings, first displayed his characteristic ‘dogmatism’ that would, perhaps wrongfully, come to seal the fate of many suspected murderers.<sup>72</sup> These new biographers, revising the hagiographical treatments of their predecessors, insist, with varying degrees of urgency, that the safety of several of his key trials—including Thorne’s—require modern reassessment, a reassessment led by the high-tech, biomedical forensics of *things*.

This Spilsbury ‘revisionism’ is, of course, part of a broader trend: interest in the undeniably spectacular advances in recent forensic techniques has led many to posit a rigid, a-historical vision, one that contrasts current practice with prior models that are now marginalised as ‘untested assumptions and semi-informed guesswork’.<sup>73</sup> Such presentist thinking is only possible because of the remarkable absence of detailed historical analyses of twentieth-century forensic theory and practice. The significance and complexity of pre-DNA forensics—and the potential continuities between forensic debates and difficulties across the ‘great divide’—can only begin to be appreciated through careful, balanced,

<sup>69</sup> T.H. Blench, ‘Crime Investigation in Paris’, *Transactions of the Medico-Legal Society*, 25 (1930–1), 167–91: 187.

<sup>70</sup> Spilsbury’s contribution to a discussion following a paper read before the Medico-Legal Society, *ibid.*, 186.

<sup>71</sup> Evans, *op. cit.* (note 3), 180.

<sup>72</sup> Rose, *op. cit.* (note 3).

<sup>73</sup> Michael J. Saks and Jonathan J. Koehler, ‘The Coming Paradigm Shift in Forensic Identification Science’, *Science*, 309 (2005), 892–5, 895.

historical work. This is what we have attempted to begin here. Controversies such as the Thorne case derive from historically specific configurations of expert and public knowledge. By attending to them both in their individual detail and as they change over time, our ultimate aim is to develop a critical understanding of past forensic practices, one that is not bound by—and might even place into historically informed analytical perspective—the imperialising allure of our own contemporary forensic imagination.