

Amb motiu de la participació de Katherine Watson en el Col·loqui *The history of forensic medicine in the West: overview and prospect*, celebrat el 13 d'abril a l'Institut d' Història de la Medicina i de la Ciència López Piñero de València, va ser entrevistada per Mar Cuenca Lorente, entrevista que transcrivim a continuació.

Katherine D. Watson is a senior lecturer in the history of medicine at Oxford Brookes University. Her work has focused on the history of crime in England, and especially poisoning crimes. She is the author of *Poisoned lives: English poisoners and their victims* (Hambledon&London, 2004), *Crime Archive: Dr. Crippen* (The National Archives, 2007), and her most recent book is *Forensic Medicine in Western Society: A History* (Routledge, 2011).

Legal medicine has been one of the fields in which numerous studies about the definition and role of experts in modern western societies have been carried out. In this sense, we can observe the creation of networks and conferences focusing on legal medicine, such as *Legal Medicine in History*, which was organized by you. Which is the academic context in which these studies are taking place?

Generally, it is within the context of history of medicine and science. There are legal historians who touch upon issues that are completely relevant to legal medicine and science but they tend to ignore those elements. Also, there is a massive amount of literature on criminal justice history in many different European countries and North America, and again they tend to ignore the forensic elements, in favor of counting numbers of criminals, number of offences and the use of different types of punishments. Scholars doing the same sort of work as I am doing are generally historians of medicine and science, and occasionally people who are deeply embedded in law departments and social historians; but certainly in the English speaking world and from what I know of Spain, it is history of medicine and science. It is a bit more difficult to generalize in other countries but that is probably because there aren't many people doing this kind of work.

How does legal medicine contribute to this historiography on experts? What can it show us?

If someone is called an expert I would like to know more about what they are actually doing to prove their expertise, and what they may be writing in books that I don't know how many people are actually going to be reading. The bigger literature on expertise is much more philosophical and sociological in its orientation, and it is often written by sociologists. When talking of forensic medicine, we are referring to people who are experts because they have medical and scientific knowledge that other people don't have, but may not necessarily be an expert witness, because that is more a Nineteenth and Twentieth century status. So if we look at the history of legal medicine over a long period we can certainly begin to see how the notion of the expert witness evolves and I think that is what sociologists don't do. They simply assume that there is this thing called expertise and this thing called the expert witness, which is very problematic in many respects, but they make little effort to look at the longer history,

to understand how we got where we are. So, in general, history is always useful to understand how things are today, especially because expert witnesses are very controversial figures in the courts of law today.

In your book, *Poisoned lives. English Poisoners and their Victims*, you analyze more than 500 poisoning cases that took place between the mid-Eighteenth-century and the beginning of the Twentieth century (1750-1914), instead of focusing on just one particular case, as you do later in the case of *Dr. Crippen*. Why did you decide to follow this approach?

In fact, that is the approach I always take. The *Dr. Crippen* book was slightly unusual in being a single case focus. You cannot really understand criminal justice history or even the history of forensic medicine if you don't know what was normal, if you don't know how people normally dealt with crime or what was normally the case when someone was found dead or injured in suspicious circumstances. I began to identify the parts of history that needed to be further explored, and, in my opinion, looking over a *longue durée* and at as many different cases as it is possible to find in the archives, is the only way to establish who was doing the forensic work, because generally they weren't the same people writing the textbooks. Certainly in Britain, there were people who wrote excellent textbooks who never went to the courts of law or autopsied a dead murder victim. You need to know who they were, what they were doing and then, how this was actually received either at a coroner's inquest or a magistrate's investigation or in an actual criminal court by a judge and jury. You need to understand what normal practice was and to get as much of a national view of that as possible. If you can do it over a long period of time, then it begins to show you how things are changing, and generally you can find out why they were changing over time and that is possible to do in almost any country if the archival resources are there.

Your newest book, *Forensic Medicine in Western Society: A History*, provides us with a very wide international perspective of the status of legal medicine from the middle Ages to the Nineteenth and Twentieth centuries, and you focus on many different aspects such as institutions or the relationship between medicine, law and society. What are the advantages of establishing a comparative study (versus a case study) in the case of legal medicine?

The fact is that it is too much of a small story to tell if you look at it in the national context and it is also an incomplete story. So the advantages are to enable the reader, the student or the scholar to understand that medicine and science travels and crosses borders, it doesn't stay in one place unchanged for centuries. Information and ideas are exchanged and people change their practices as a result, so to understand the growth of an entire section within medicine or really a whole discipline, you can't do that in a national context, and do it well, because you will be missing important parts of the story. The only way to do it as well as possible is to take account of the fact that people are doing similar types of work with similar goals, perhaps within different legal systems but all working towards the same kind of conclusion or outcome. And if you begin to accept that ideas cross borders and people, even if they are not consciously

aware of this, are affected by it, you can begin to paint a better historical picture, and for this kind of history it is very important because the discipline is relatively small. So international collaborations and exchanges of ideas are all more important, and perhaps more practically speaking it is still possible to do it because it's a relatively small discipline. It may be impossible to do this for something that is much bigger, or a broader area of medical practice but it is still a better way of approaching historical methodology because then you don't deliberately exclude some part of the story.

With the development of toxicological analysis and the use of methods for the detection of poisons, they were soon introduced as another type of proof in trials. But how is knowledge transferred from the laboratory to the courtroom? How does the incorporation of a scientific expert from the laboratory take place?

In the Anglo-American context and certainly in the Nineteenth-Century, experts know that they have to make things understandable to juries even though it maybe varies from one expert to the other. They cannot use complicated scientific and medical terminology because juries don't understand it, and perhaps then will reach wrong conclusions, so they tend to bring samples into court, an actual part of their results of doing chemical tests on things. If something is supposed to be blue, then they have a blue sample, they bring it and they show the jury. If they are trying to explain the size of the sample that they have tested, they always put it in terms that the lay person can understand. They will use examples such as: “I've tested a sample the size of a walnut or the size of an orange”, because instantly the jury knows how big that is, or something like “it was enough arsenic to fit on the tip of a knife”, instead of explaining it like: “I've tested something that weighed 10 grams” in which the juror doesn't know how much that is. Experts had to paint a picture that a juror could understand, so they could understand the information given. But in a continental court, everything is on paper, and the judges themselves must be able to understand. A medico-legal expert like Orfila has to be able to explain things in a way that a judge can understand and that also means actually bringing physical things into the court to show the judge. So in terms of toxicology, where it was perhaps more easy to do this than in some other types of medicine, they had to actually use physical samples and use very descriptive language so everything was always clear. The problem of the poisoning case was that if the jury didn't understand, they would always find the accused person not guilty because the danger of making the wrong decision in a jury's mind was just too great. You cannot hang someone on the strength of evidence that you yourself don't understand; if it is not clear, then you can't convict.

What role does the public play in the shaping of Nineteenth-century toxicology, or even more in the importance of toxicology in the courtroom?

In the Anglo-American sphere, the public are the jurors. They are the people who are reading the newspapers and talking about the case and they tend to make assumptions about the status of an expert. If an expert has a public reputation, that is very important because it means that his evidence may be, and often will be seen, as more trustworthy than the evidence of someone that the general public doesn't know, and that is still an issue today. It

has too much to do with qualifications, and personal reputation; that is often what makes an expert witness, as much as the quality of the work he, and now she, is actually able to do.

Now, we will focus on the sources. What kind of sources have you used? How new methods, such as the digitalization of Old Bailey, have been useful for studies like the one you have carried out?

For me the best sources are the sources left by the legal system: criminal depositions. In England, only the Old Bailey has a full or mostly full record of actual trial accounts and that is not always complete. No other region in the country has that kind of resource, but they have the depositions, the testimony given by witnesses before the actual criminal trial, either at an inquest or in front of a magistrate who was deciding if there should be a trial or not. These records include the testimony given by all the witnesses, including doctors and scientists, but also neighbors, family members and people who worked with the victims. All of that provides a complete picture of the crime, even if it is a picture found only from the prosecution's point of view; it still gives more evidence than you can get from any other source, for instance textbooks of forensic medicine and toxicology. They are excellent for how things should be done but I want to know how things really were done and the best way to find that out is to read the depositions where the doctor actually says how he did the autopsy, what he studied, what techniques he used and how he drew his conclusions. Then you can also see whether these conclusions are persuasive to the coroner's jury or to the magistrate. Again there is some bias because all the evidence is geared towards the prosecution case, but as we get towards the end of the Nineteenth century there are some defense testimonies as well, and that is very interesting. To sum up, there are trial records, which apart from London, are not that common, there are newspaper accounts of trials and various types of hearings which are not always complete because of journalists' interests, and often they are not interested in science; there are the archival records from the criminal justice system, there are also records to do with the cost of things, because if you know how much it cost to organize a trial you can see whether there was a doctor present, as he had to be paid, and if he was paid how much he was paid; textbooks are very useful, and finally there are also published articles by doctors and scientists in medical and scientific journals.

What different sources have you found when confronting different centuries?

For the Eighteenth and Nineteenth centuries the sources mentioned above are probably the most important. In the Twentieth century you have a whole additional level of material available because of the growth of radio and television. It is interesting to see these people give interviews and things like that and to even read their own memoirs. Usually, memoirs are only useful to give me an idea of what kinds of cases an individual was involved with, but I tend not to trust them too much, except if it gives information about a case I could then track and find in the criminal justice system.

What about other countries? Do they have the same resources?

Interview to Katherine Watson

“The History of forensic medicine in the West: overview and prospect”

Mar Cuenca Lorente



The types of sources that exist in other countries depend on the state of the legal system, what kinds of records are generated and how they survived. In France, each case has a dossier, from start to finish, they're all the papers just put together in a sac, literally, from the Seventeenth Century to the Revolution. In the Nineteenth century I am not sure what they look like but in the Eighteenth century you just get lots and lots of papers from the beginning of the case right through the decision of the court and that's pretty much like the sort of material we have in England except that you don't have to go somewhere else to find the court's decision. I am not sure what that was like in the Nineteenth century, and I haven't done any research in other countries so I am not really sure about what kinds of sources exist, but those are the sort of things I really look at. I want to know what people were really doing and saying and if they have given testimony to some sort of court which was writing down their testimony. Generally that to me is always the first place to begin.