Pistol Eloquence:

The Literary Evolution of the Criminal and Detective in the Eighteenth- and Nineteenth-Century British Novel and Its Contribution to the Advent of Modern Crime and Detective Fiction

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Abstract

Crime and detective fiction are modern genres that cannot be considered as twentieth-century manifestations of an earlier genre. Quite simply, there is no evidence of a sustained development of a genre primarily concerned with the criminal or detective in the eighteenth and nineteenth centuries. The criminal and the detective develop little in this period as characters interpreted according to previous writers' treatment of them. They appear as important characters in major stages of the novel's development, such as the picaresque, social and sensation novels, primarily as a means of illustrating predominant themes evident in the novel: the picaresque novel's criticism of the whole of society, the social novel's criticism of specific problems in the judicial system and society, and the sensation novel's portrayal of the thrilling and abnormal.

As these critical and thematic concerns evolved in the development of the novel, the characters of the criminal and the detective also evolved. The evolution of both characters can be categorized in a succession of five stages that represent the predominant themes with which they are

associated in considering literary trends in the eighteenth- and nineteenth-century novel: the picaresque, the judicial, the social, the domestic and the deviant stage of their literary evolution. In tracing this evolution, the detective is considered as part of the literary evolution of the criminal because he evolves in a manner similar to that of the criminal, but, chronologically, his evolution is later than that of the criminal.

The stages of this evolution are best represented by novels that give an important place to the criminal or detective and by novelists who displayed a significant interest in the criminal or detective, such as Daniel Defoe, Henry Fielding, William Godwin, Edward Bulwer-Lytton, Charles Dickens, and Wilkie Collins. An examination of these novelists, and other writers, and their works illustrates a reduction in the thematic importance of the criminal in the course of the five stages of his evolution: he evolves from being a critic of society, to being merely a victim who is representative of society's problems, and, finally, to being a deviant who neither criticizes nor represents society. Only at this final stage, when presented as having little or no relationship to the judicial system and society, could the criminal and the detective warrant genres of their own in which they are not treated as part of a critical concern or a literary trend, but as characters of interest in and for themselves. They

became important for the pleasure they gave rather than for the critical insights they offered; hence, modern crime and detective fiction was born.

To my wife and parents

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Contents

I Introduction

The study of the early development of the modern English detective and crime novel properly begins with late nineteenth- and early twentieth-century fiction. By the end of the nineteenth century, Sir Arthur Conan Doyle had written a novel, A Study in Scarlet (1887), concerned with "detection and nothing else," and his brother-in-law, E. W. Hornung, had written the first Raffles short-story collection, Raffles: the Amateur Cracksman (1899), which made use of "detection in reverse" and reacted against the newly-emerged genre of detective fiction by making the criminal, instead of the detective, the hero.[1] From here,

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[1] Howard Haycraft claims that the "writing of full length detective stories concerned with detection and nothing else" begins with Doyle's A Study in Scarlet (Murder for Pleasure: The Life and Times of the Detective Story, [New York: Biblo and Tannen, 1968] 44). The virtue of designating A Study in Scarlet as the first example of modern detective fiction is that its "essential theme" is the "professional detection of crime" (Haycraft 4). Moreover, it is the advent of Doyle's Sherlock Holmes novels and short stories that prompted a sustained interest in the role of the detective and a reaction to the popularity of the detective, as found in Hornung's use of "detection in reverse" (Haycraft xxviii) in Raffles: The Amateur Cracksman. Hornung's effort marked the beginning of the essential theme of modern crime fiction: "[crime fiction is] mainly derived from and . . . reinforced by playing off the detective story" (Tony Hilfer, The Crime Novel: A Deviant Genre, [Austin: University of Texas Press, 1990] 2).

sub-genres of popular fiction solely concerned with detection and with reacting against the conventions of detective fiction developed, and modern detective and crime fiction emerged. This emergence can be understood as a reduction of the thematic importance of the detective and the criminal in literature. That is, for a novel to be concerned with "detection and nothing else" and for that limited concern to be the basis of the development of a new genre, detection, and its subject, crime, must be presented as having little judicial or social significance. No such lack of significance is evident in the history of crime or law enforcement, so one can only assume that this limited role allotted to the detective and the criminal in the advent of modern crime and detective fiction must have been a result of a gradual reduction of their thematic importance in the novel. This decline in their thematic importance must have taken place between the establishment of the novel and the advent of modern crime and detective fiction.

Crime and detection did play important roles in the eighteenth- and early-to-mid-nineteenth-century novel, but there is no evidence of the development of a genre mainly concerned with detection in this period, and, therefore, no evidence of a genre concerned with countering the literary conventions associated with detection. Instead, one finds a sustained interest in the criminal, whose literary evolution in this period of the novel's development delineates the

trends that gave rise to the new genres of crime and detective fiction, whose advent is marked by Doyle and Hornung.

A satisfactory account of the literary evolution of the criminal in relation to this advent will involve more than simply a survey of popular criminals in the eighteenth- and nineteenth-century novel. It must also examine how the criminal's antagonistic relationship to society and the judicial system[2] is represented in major stages of the novel's development: in the picaresque novel, Daniel Defoe's Moll Flanders (1722); in the novel-length criminal biography, Henry Fielding's The Life of Jonathan Wild the Great (1743); in the Jacobin novel, William Godwin's Caleb Williams (1794); and in the social and sensation novels of Edward Bulwer-Lytton, Charles Dickens and Wilkie Collins: Bulwer-Lytton's Paul Clifford (1830), Eugene Aram (1832), Night and Morning (1840) and Lucretia, or Children of Night (1847); Dickens' Oliver Twist (1837), Barnaby Rudge (1841), Martin Chuzzlewit (1843-44), Bleak House (1853), Our Mutual Friend (1864-65) and The Mystery of Edwin Drood (1870); Collins' The Woman in White (1860) and The Moonstone (1868). Other works, of little importance in the development of the novel, but indispensable in the study of the criminal in literature, are criminal and detective biographies, and

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[2] The term "judicial system" is used in favour of "legal system" in this study to encompass the administration of justice as well as the law.

Poe's detective short stories. Historical background, such as legal reform in the eighteenth and nineteenth centuries and the establishment of the Metropolitan Police (1829) and the Detective Police (1845), is also important.[3] A critical examination of literary trends, however, is of greatest importance in this study because it is the criminal's changing role as it is represented in the development of the novel that plays the crucial part in the emergence of the modern genres of detective and crime fiction.

Therefore, critical examination of the criminal's role in relation to the predominant themes of the literary trends of the eighteenth- and nineteenth-century novel is paramount. The detective's role in relation to these themes will be considered under the broad category of the literary evolution of the criminal to illustrate the thematic role he shares with the criminal.

In tracing relevant literary trends, one would expect, as with any character type, that the criminal would be treated differently at different stages of the novel's development. The criminal differs from other character types, however, because he is consistently put in an antagonistic relationship to society, because he is in

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[3] Besides the establishment of the Metropolitan police in the early nineteenth century, the reduction of capital offences from 223 in 1819 to only four in 1861 also played an important role in judicial reform. A comprehensive study of legal reform in the eighteenth and nineteenth centuries can be found in Leon Radzinowicz's English Law and its Administration from 1750 (London: Steven and Sons, 1948) vols. I-IV.

conflict with the law. This relationship is a constant feature by which one can judge the literary treatment of the criminal because, while the antagonistic relationship between the criminal and society is always present, the basis of this antagonism, its thematic importance, the type of character who is deemed a criminal, and the segment or representative of society that is deemed his antagonist, change in the course of the novel's development.

Essentially, the literary evolution of the criminal in the eighteenth- and nineteenth-century novel is the narrowing of the basis of this antagonism, from the criminal's conflict with the whole of society in the picaresque novel, to his conflict with the judicial system in the criminal biography and the Jacobin novel, to his conflict with the social hierarchy in the social novel, to his conflict within the domestic setting and, finally, to the conflict within his mind in the sensation novel. In examining this evolution, one must consider genres of the novel, but, as these genres overlap and this study is intended primarily as a critical examination of the development of the thematic role of the criminal within genres of the novel, rather than a study of the genres themselves, an additional, and more precise, organizing principle will be used. The criminal will be classified according to the thematic context in which he is placed in the novel, namely as the picaresque criminal, the judicial

criminal, the social criminal, the domestic criminal, and the deviant criminal.[4] These classifications are related to genre, but are mainly established on the basis of the reduction of the thematic range of the criminal's antagonistic relationship with society.

Concurrent with this reduction in the range of the criminal's struggle is a reduction in the critical purpose for which the criminal is presented. In his evolution from a picaresque to a deviant criminal, the criminal played an increasingly less important critical role. Tracing these changes in the critical purpose for which the criminal is presented is not, primarily, a question of classification, but a critical evaluation of the role of the criminal in the novel with reference to the classifications outlined above. Essentially, the criminal's critical role changes from that of an articulate critic of the judicial system and society, to an inarticulate victim of problems within the judicial system and society and, finally, to a representation of

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[4] The terms "judicial," "social," "domestic" and "deviant" are ambiguous and require some clarification as designations of the thematic contexts in which the criminal and detective are placed in the eighteenth- and nineteenth-century novel. The term "judicial criminal" simply designates a criminal whose relationship to the judicial system is of primary thematic importance. Similarly, the social criminal's relationship to social class, the domestic criminal's relationship to the British household, and the deviant criminal's relationship to psychological norms are of primary thematic importance in the novels in which they appear. The detective is also categorized in the same way. The term "deviant" requires further clarification. In this study, deviant is used mainly to designate a character's significant departure from general psychological norms.

deviancy, in which he serves little, if any, critical purpose. This aspect of his evolution is a gradual process in which the criminal's voice is muted as other characters begin to fulfil his role as a critic of the judicial system and society. The criminal's struggle eventually serves a mainly generic, rather than a critical, purpose when he is portrayed as psychologically aberrant. That is, he merely represents the thrilling and abnormal character of a particular genre, the sensation novel, rather than a character who either articulates or represents a critical stance.

Two characters associated with the criminal play a role in this reduction of his critical purpose. The genuine criminal, a character who has actually transgressed the law, is always present in the novels under consideration in this study and often is the character who has a sustained antagonistic relationship to the law; however, his is not always the primary antagonistic relationship to the law presented in the novel. In Caleb Williams and the social novel, for example, it is the innocent character wrongly deemed a criminal who has the sustained antagonistic relationship to the law. With an innocent character in conflict with the law, the genuine criminal serves a much more limited critical purpose. The innocent character in the position of the criminal becomes the critical voice of the novel, and the genuine criminal becomes his antagonist

because he is reduced to being merely a complication in the innocent character's struggle with the law.

The detective also plays an important role in the literary evolution of the criminal and deserves fuller consideration because his development parallels that of the criminal. The advent of the detective in the novel, in Richmond: Scenes in the Life of a Bow Street Runner (1827), substantially changed the role of the criminal because the detective fulfilled the critical purpose of the criminal as the character in an antagonistic relationship to the law and as the critic of the judicial system and society. The criminal merely became the detective's antagonist. The struggle between the criminal and the detective is the main conflict in the eighteenth- and nineteenth-century novels that use a detective as a central character; however, the detective underwent the same literary evolution as the criminal in that the basis of his antagonism with society was increasingly narrowed, from his conflict with the whole of society in Richmond, to his conflict with the judicial system in Edgar Allan Poe's detective short stories, to his conflict with the social hierarchy in Bleak House, to his conflict within the household in The Woman in White and The Moonstone and, finally, to his conflict within himself in A Study in Scarlet. The detective can, like the criminal, be classified according to a gradual reduction in the thematic range of his struggle, namely as the picaresque detective,

the judicial detective, the social detective, the domestic detective and the deviant detective.[5] This parallel evolution also reveals the gradual muting of the detective's critical voice to the point that he too only serves a generic purpose as psychologically aberrant. He becomes the abnormal and thrilling character of the sensation novel. The purpose in tracing the evolution of the detective in literature under the broad category of the literary evolution of the criminal is to establish that he is used for the same critical purpose as the criminal, while at the same time he reduces the criminal's role to that of an antagonist of another character, the detective.

The advent of the modern detective fiction in Conan Doyle's A Study in Scarlet is a product of this evolution, of the criminal's struggle being reduced to an inner conflict, of his critical voice being muted, and of the ascendency of the detective as the character who serves the critical purpose of the criminal. After Conan Doyle, however, the role of the detective is part of a study of the new genre of modern detective fiction and not a study of the evolution of the criminal. That is, the detective evolves in his own right as a character, as part of a new genre concerned mainly with detection.

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[5] As with the criminal, the terms "judical," "social," "domestic" and "deviant" simply designate the primary thematic role of the detective and conform to the clarifications outlined for the criminal.

The advent of modern crime fiction began as a reaction against the popularity of the detective, as is first apparent in E. W. Hornung's Raffles: The Amateur Cracksman. In using reaction against detective fiction as a guiding principle for the criminal in literature, Hornung not only established the genre of modern crime fiction--he established a new paradigm of the criminal's evolution that had its basis in the development of detective fiction. The role of the criminal and the detective in literature after the advent of Conan Doyle and Hornung can be considered as a study in the evolution of the characters of the detective and the criminal, but it is a study of these characters within their own genres rather than a study of their evolution in the context of general literary trends and their predominant themes.

II Pistol Eloquence: The Literary Evolution of the Criminal

The first paradigm established in the English novel for the criminal's relationship to society is found in one of the earliest English novels, if not the first: Moll Flanders (1722). This novel introduces the criminal in a picaresque conflict with society, as described by Richard Bjornson: "the essential picaresque situation involves the paradigmatic confrontation between an isolated individual and a hostile society" (4). While certain elements of Moll Flanders do not conform to the picaresque tradition, Defoe's use of "the essential picaresque situation" establishes what might best be termed the picaresque criminal: a criminal whose crimes, and the complications that arise from them, are due to his isolation from a hostile society. This struggle of the isolated individual, as is evident in her life story, brings Moll into contact with a variety of social institutions and classes, and her attempt to understand and conform to them results in her uncovering the nature of their hostility, their hypocritical and immoral practices. Her antagonistic relationship to the judicial system is only part of the corruption, even chaos, that

pervades society and divides her from it, as is typical of the picaresque novel, as noted by Stuart Miller:

> The motif of law and order [in the picaresque novel] reveals judges, jailers and policemen as corrupt and venal; the rule of law and order is parodied--just as there is no law behind events, so there is no law in society. (97)

Moll, as a picaresque criminal, then, does not confront a single adversary. Instead, her "paradigmatic confrontation" with the judicial system is representative of a confrontation with the lack of law and order in society as a whole.

She is, however, more than simply a means of criticizing the judicial system and society in the recounting of her life as a criminal. The resolution of her criminal career is the discovery of an order higher than that of the hostile society from which she is consistently isolated. In repenting of her crimes and accepting Christianity, she finds this higher order and escapes her life of crime. Her criminal behaviour, then, is due only in part to the influences of her environment: she is also hardened in sin and must choose virtue over evil. She engages not only in social and legal conflicts, but also in a spiritual struggle within herself.

This dual struggle, between the criminal and society, and between the criminal and himself, is evident throughout

the literary evolution of the criminal in the eighteenth- and nineteenth-century novel; however, literary trends change the purpose for which this struggle is presented. Moll's wide-ranging conflict with society, as well as her spiritual struggle, represents the most extensive thematic context in which the criminal is placed because Defoe's "essential picaresque situation" is primarily concerned with the role of the individual criminal who is isolated from the whole of society, but struggles to understand and find a place in it. The picaresque criminal serves the purpose of criticizing the society that isolates him and of examining those qualities within the criminal that hinder him from finding a place in it.

This wide-ranging thematic context of the criminal diminished in the eighteenth century as the criminal came to be used mainly as a means for criticizing the prevailing judicial system. The shift of emphasis from the role of the isolated individual to the role of a certain segment of society in relation to crime becomes evident in the few eighteenth-century novels that give an important place to the criminal and in the criminal biography, beginning with Defoe's A General History of the Robberies and Murders of the Most Notorious Pyrates (1724). The criminal's isolation from society is given little weight in the biographies in this collection. Instead, it is the criminal's relationship to a particular law, practice of the judicial system or

certain segments of society that is stressed. He is no longer an isolated individual in conflict with the whole of society.

This new emphasis is developed most clearly in Daniel Defoe's The True and Genuine Account of the Life and Actions of the Late Jonathan Wild (1725) and Henry Fielding's The Life of Jonathan Wild the Great (1743). These biographies of Wild, the most infamous eighteenth-century criminal, represent a new type, the judicial criminal: a criminal whose crimes, and the complications that arise from them, are due to his taking advantage of inadequacies in the judicial system and, to a lesser extent, flaws in the social class system. In short, Wild's success as a criminal can be attributed to his understanding of the law rather than to his defiance of it. Exploiting shortcomings in the judicial system, and the public's gullibility, Wild achieved a position of authority in eighteenth-century Britain as "Thief-Taker General of Great Britain and Ireland," even though he was those countries' greatest criminal. Defoe and Fielding emphasize that his position of authority did not so much indicate his isolation from society as his alliance with a corrupt judicial system. Though their styles differ, they both use the criminal as a means of explicitly condemning certain segments of society and the judicial system, without reference to the personal plight of the criminal. Essentially, the judicial criminal is simply a

means of isolating the criminality inherent in the judicial system and society, rather than a means of examining the individual criminal.

The most important treatment of the judicial criminal in the eighteenth century is found in William Godwin's Caleb Williams. Godwin attributes the criminal's career to not only specific shortcomings in the judicial system, but to its very foundation: the confrontational process of pitting the accuser against the accused. In Caleb Williams, the law is portrayed as preserving the social hierarchy in its use of the confrontational process, and the main criminal figure in the novel uses the legal system to preserve the social hierarchy and to avenge his enemy. To make this thoroughgoing criticism of the judicial system, Godwin places an innocent character, Williams, in an antagonistic relationship with the law, and a genuine criminal, Falkland, in alliance with it. All of Williams' sufferings that result from his being falsely accused as well as all of Falkland's crimes that result from his compliance with the law can be attributed to "unfair laws unfairly administered" (Graham 6).

Godwin's placing of an innocent character in the position of the criminal establishes a new paradigm of the criminal's struggle. The judicial criminal, Falkland, is a hidden antagonist to society, whose crimes can only be revealed by the innocent character, Williams, who not only

knows of his crimes, but, having been in the legal position of a criminal, understands the flaws in the judicial system that allow Falkland to escape conviction for them. Falkland, therefore, is not really engaged in a conflict with society or even the law. Instead, he is engaged in a struggle with an individual who has knowledge of his crimes. Only the innocent character in the position of the criminal has a sustained antagonistic relationship to the law and only he, therefore, can act as a critic of the judicial system and society.

In Caleb Williams, the criminal serves an important purpose in representing problems in the judicial system and society, but he is no longer the voice of criticism in the novel. This position is reserved for an innocent victim of the law who is wrongly deemed a criminal. This same paradigm is evident in the rise of the social novel in the early nineteenth century, though the emphasis there tends to be on the social conditions that place the innocent character in the position of the criminal.

Before the advent of the social novel, however, a new branch in the literary evolution of the criminal emerged. The appearance of the detective in the novel established an entirely different kind of character in an antagonistic relationship to society, but one who followed much the same pattern as the picaresque criminal in his struggle with it. The first novel in which a detective is a central character,

Richmond: Scenes in the Life of a Bow Street Runner (1827), makes use of a picaresque criminal, Richmond, in a way that is similar to Moll Flanders, but only in the first half of the novel. In the second half of the novel, Richmond joins the Bow Street Runners, the first professional detective force in Britain, and assumes the role of a picaresque detective: a detective whose crime-solving abilities can be attributed to his isolation from a judicial system and society that is hostile to him. Keith Hollingsworth notes that "Richmond does not get away from the tradition of the picaresque chronicle," and, as a detective, Richmond is in much the same position as the picaresque hero (55). While Richmond's activities as an outlaw underscore the inefficiency of the administration of the law, his adventures in crime detection serve a dual purpose of subjecting the activities both of criminals and of the judicial system to criticism. He struggles to find a place in the judicial system that allows him not only to apprehend criminals, but also to ensure that the law is fairly administered. He is an isolated individual poised between the evil of the criminal underworld and the inefficiency of the judicial system, but accepted by neither. The only higher order that Richmond can embrace to escape these two hostile societies is his duty as an agent of justice, rather than of law.

Published a year after Richmond, The Memoires of Vidocq

(1828) makes use of the same fictional form, though The Memoires of Vidocq is a genuine autobiography of the one-time head of the French detective agency The Sûreté. Ian Ousby notes, however, that The Memoires of Vidocq is "unredeemably fiction in form and spirit. His [Vidocq's] career becomes a picaresque novel, whose hero owes as much to Gil Blas as to life" (47). The Memoires is important primarily for its use of the picaresque form to present the criminal turned detective and, in some instances, for its treatment of actual police work. As in Richmond, the central focus is the detective who is isolated from society and has an antagonistic relationship with the judicial system but struggles to find a place in it. Its place in the study of the literary evolution of the criminal is much the same as that of Richmond, and it deserves consideration, even though it is not an English novel, because of its popularity and influence in Britain at the time of its publication.

The Memoires of Vidocq is also important in considering the "undisputed father of the detective story," Edgar Allan Poe, who was inspired by Vidocq's autobiography (Symons 34). While Poe certainly deserves the title of the father of the detective story because he established many conventions used by later writers of detective fiction, he occupies quite a different position in the literary evolution of the criminal. Poe placed his detective, Dupin, in much the same

position as the judicial criminal and created what can best be termed the judicial detective: a detective whose crime-solving abilities can be attributed to his understanding of the current inadequate judicial system. His understanding of it takes the form of criticism, and it is his defiance of it to which he owes his skill in detecting crimes rather than committing them. In placing the detective in this role, however, the presence of the criminal is severely diminished because it is the detective, like the innocent character in the position of the criminal, who has the antagonistic relationship to the law. Crime merely serves the purposes of demonstrating the superior methods of the detective in administering the law, and the criminal is only a means to this end.

The importance of considering the detective in relation to the literary evolution of the criminal, rather than a literary character who evolves in his own right, is that these early detectives appear in a role similar to that of the criminal. Richmond, Vidocq and Dupin are much more antagonists of the judicial system than they are allies of it, because they struggle against that system's principles and practices. Moreover, much like the criminal, their characters are defined by this antagonism. In this role, they replace the criminal as the voice of criticism and render his presence negligible. The detective, however, did not flourish in the early part of the nineteenth century,

and Poe's Dupin represents only an isolated appearence between Richmond and Vidocq, and Dickens' detective, Inspector Bucket, in Bleak House.

In the early nineteenth century, the criminal dominated as a character in Newgate novels, so named because these novels "contained characters and scenes that could conceivably have been drawn from . . . The Newgate Calendar" (Kelly 221).[1] More importantly, however, the first Newgate novel, Bulwer-Lytton's Paul Clifford, also heralded the appearance of the social novel.[2] Like Godwin's Caleb Williams, the social novel was critical of the judicial system and society, but the scope of its criticism was much narrower, as described by Keith Hollingsworth:

> In the works of Godwin . . . general questions about society had been argued at stratospheric heights; the social novel was to examine the life of a particular group and thereby exhibit an evil remediable by law or by aroused public sentiment. (66)

The social novel involving the criminal "examined the life of a particular group" mainly by using Godwin's method of

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[1] The common element of the Newgate novel according to Keith Hollingsworth is "the use of a criminal as an important character" (The Newgate Novel, 1830-47, [Detroit: Wayne State University Press, 1963] 14).

[2] Louis Cazamian claims that Paul Clifford was the first British social novel, though it was indebted to the late eighteenth century revolutionary novel as a source, especially to Godwin's Caleb Williams (The Social Novel in England 1830-1850, trans. Martin Fido, [Boston: Routledge and Kegan Paul, 1973] 36).

placing an innocent character in the position of the criminal, but this character finds himself in an antagonistic relationship to the law mainly because of inadequate social conditions. Aside from Paul Clifford, the other Newgate novels that can be considered as social novels conforming to this pattern are Bulwer-Lytton's Night and Morning, and Dickens' Oliver Twist and Barnaby Rudge. These novels established a new type, the social criminal: a criminal whose crimes, and the complications that arise from them, are due to corruption in society and, to a lesser extent, in the judicial system. The social criminal, then, is similar to the judicial criminal, except that he is mainly representative and critical of social problems rather than of shortcomings in the judicial system. A more important difference is that the social criminal is a victim of society and the judicial system rather than a master of it, as was the case with Wild and Falkland.

The advent of the social novel, however, further established the distinction between the innocent character in the position of the criminal as a critic of the judicial system and society, and the genuine criminal as merely his antagonist. Paul Clifford, for example, presents a main character, Paul Clifford, who does commit crimes, but the whole of his criminal career can be attributed to corruption in the judical system and society, and he is, essentially, a victim of society rather than a man hardened in crime.

Genuine criminals are simply a plot complication in the struggle of an innocent character, Philip Beaufort, with civil law in Bulwer-Lytton's Night and Morning. In Dickens' Oliver Twist, the criminal underworld is mainly a depiction of the evil from which the innocent Oliver must escape. It represents a social problem, but the plight of the poor orphan, or, as the novel's sub-title suggests, The Parish Boy's Progress is the main focus of social criticism. Even in Barnaby Rudge, which devotes more serious attention to the criminality inherent in society than any of the other Newgate novels, Dickens uses the genuine criminal as a representation of social problems rather than as an articulate critic of them.

What is most apparent in Bulwer-Lytton's and Dickens' shift in emphasis from the genuine criminal to the innocent character in the position of the criminal is that the organizing principle of these novels is not dependant on the resolution of a criminal career. Instead, the plot is based on the resolution of a domestic mystery in which the innocent character is embroiled, and often involves a question of civil rather than criminal law: Paul Clifford's discovery of his father; Philip Beaufort's discovery of the legal documents that make his parents' marriage legitimate; the discovery of Oliver Twist's estate and his entitlement to it; Barnaby Rudge's discovery of his father. An innocent character is placed in the position of the criminal, but he

occupies this position temporarily only, for the purposes of social criticism. The genuine criminal simply passes in and out of the novel as part of a domestic mystery, the resolution of which determines the course of events for the innocent character in the position of the criminal. The social novel, then, not only allotted the genuine criminal a minor critical role, it placed him in a thematic context that was mainly concerned with the role of the citizen, rather than the criminal, in society.

Bulwer-Lytton's two other Newgate novels, Eugene Aram and Lucretia or Children of Night, give more attention to the genuine criminal than the social novels under consideration in this study, but the criminal is of an entirely different type, the domestic criminal: a criminal whose crimes, and the complications that arise from them, are due to domestic problems, rather than corruption in the judicial system and society. This kind of emphasis was well-suited to these novels, which can best be described as sensation novels because of their emphasis on "the one indispensable point in the sensation novel . . . [which is] something abnormal and unnatural" (Phillips 26), namely the presence of the criminal in the home. The criminal is an isolated individual in these novels, but his struggle is confined to the domestic setting in which he tries to secure his position through marriage to a member of that household, as in Eugene Aram, or through gaining inheritance, as in

Lucretia. Insofar as his struggle is confined to the home, he has little to offer in the way of criticism of the judicial system and society. The resolution of his criminal career is entirely dependent on the restoration of domestic order, which necessarily involves his exposure as a criminal. The judicial system is of little importance in this revelation because the criminal's inner conflict ensures his own destruction through suicide or madness.

This trend of presenting the criminal in a domestic setting also gave rise to a new type of criminal, the transition to which is best illustrated in Dickens' Martin Chuzzlewit. Here, the main criminal figure, Jonas Chuzzlewit, begins as a domestic criminal. His first crime, the attempted murder of his father, is motivated by his desire to gain his father's estate. Complications, especially Montague Tigg's blackmail scheme to reveal Jonas' attempted murder of his father, arise from this crime and threaten his position as head of his branch of the Chuzzlewit family. Jonas then murders Tigg, but this murder is not presented strictly in terms of Jonas' need to maintain his position. Instead, it is presented as a result of Jonas' disordered mind and his idiosyncratic view of reality. Jonas' murder of Tigg is the act of a deviant criminal: a criminal whose crimes, and the complications that arise from them, are due primarily to his disturbed mental state. After the murder of his father, his struggle

is entirely psychological. This type of criminal figures prominently in Dickens' last two novels, Our Mutual Friend and The Mystery of Edwin Drood, which present Dickens' most sophisticated portrayal of the criminal mind.

Before Dickens wrote these last two novels, he gave an important place to the detective in an intervening novel, Bleak House. He placed the detective in a role that allows for implicit criticism of the judicial system in that Inspector Bucket represents the fairness in administering the law that is absent in Dickens' main target of criticism, the Court of Chancery. Bucket is not, however, a judicial detective, as was Poe's Dupin, because he does not explicitly criticize the current judicial system by demonstrating the superiority of his methods to those of the courts. Rather, he is a social detective: a detective whose skill in crime solving can be attributed to his understanding of social class and conditions. He is able to adapt his behaviour to that of the poor, the middle class or the rich in order to solve crimes, and his ability to adapt highlights the class bias that is evident in the Court of Chancery. His implicit defiance of current legal practices places him in an antagonistic relationship to the judicial system and to society, and he fulfils the role of the social criminal in condemning the current conditions that contribute to the unfair administration of justice.

With the rise of the sensation novel, however, the

domestic detective soon replaced the social detective. This transition is most evident in Wilkie Collins' The Woman in White and The Moonstone. The domestic detective's skill in crime solving can be attributed to his understanding of domestic relationships and conditions. Rather than being adept at working within the various classes that make up society, he is adept at working within the ranks that make up a household. In The Woman in White, Walter Hartright must assume the role of an amateur detective in order to solve a domestic mystery, but he is mainly involved in a question of civil law, restoring a woman's legal identity. He explicitly criticizes the judicial system, but he does so entirely in relation to his desire to restore domestic order. He is not motivated by a desire to advocate social or legal reform. Similarly, the professional detective Cuff, in The Moonstone, is entirely confined to the domestic setting and what little criticism he does have to offer concerns the difficulties of investigating a crime in an upper-class household. The detective fulfils the role of the domestic criminal in underscoring domestic disorder; however, the sensation novel's emphasis on the abnormal, the thrill of having to solve a crime within the home, is paramount. The generic, rather than the critical, role of the detective is of significance.

Something of the sensation novel's emphasis on the abnormal appears to have influenced Dickens in his last two

novels' portrayals of the criminal, Our Mutual Friend's Bradley Headstone and The Mystery of Edwin Drood's John Jasper. Essentially, Headstone and Jasper are in an antagonistic relationship only with themselves. Neither is part of an established household, though Our Mutual Friend is based on a domestic mystery. They are middle-class citizens, but, psychologically, they are detached from their class and society as a whole. They can best be described as deviant criminals because, like Jonas Chuzzlewit, their crimes, and the complications that arise from them, are due to their idiosyncratic views of reality. The significance of the deviant criminal is that it is his mind, rather than his role in the judicial system or society, that becomes the object of study. Given this emphasis, the deviant criminal represents a terminus in the literary evolution of the criminal. He has evolved from a character whose existence as a criminal is defined by his being subject to the isolating forces of the whole range of society in Moll Flanders, to a character whose existence as a criminal is defined by his being subject to the isolating forces found within himself, as in The Mystery of Edwin Drood. He becomes inexplicable, a mystery that cannot be resolved by reforming existing judicial, social or domestic conditions. The only resolution to the deviant criminal's career is self-destruction through madness.

The Mystery of Edwin Drood does, however, offer another

innovation in the literary evolution of the criminal. In his last novel, Dickens removed the domestic mystery as the organizing principle of the novel involving the criminal. The absence of the domestic mystery allowed for a full study of the criminal mind, without the author having to devote space to domestic conflicts and their resolution. The criminal becomes a study in and of himself.

The advent of modern detective fiction involves the arrival of a detective who is worthy of being a study in and of himself. Detached from any domestic, social or judicial setting, Sherlock Holmes is the first such detective. His crime-solving abilities can only be attributed to the unusual qualities of his mind, which are devoted to detection. When not engaged in detection, Holmes's behaviour is erratic and anti-social. It is this deviancy of his mind that marks him as a character divided against himself, rather than against the judicial system or social class. Like the deviant criminal, he is the "indispensable point" of the sensation novel, the abnormal or unnatural character who "induces in the simple idea [of a crime] a sort of thrill" (Phillips 26).

The popularity of Conan Doyle and his imitators and the supremacy of detective fiction over crime fiction in the early twentieth century established a new popular genre: modern detective fiction. Reaction against this genre, however, soon followed in E. W. Hornung's short story

collection, Raffles: The Amateur Cracksman. Raffles is in many ways simply an inversion of Holmes, an adept at committing crimes rather than solving them, using the same kind of ingenuity that had been employed by Holmes; however, he was less erratic and anti-social in his behaviour than his detective counterpart. In his prime, he was the greatest slow bowler in England, a member of several clubs, and a thief who took time out for "a wash and a brush-up" after robbing a jewellery store. He is remarkable for retaining these qualities while being a criminal, whereas Holmes is remarkable for being only able to function as a detective. In these ways, Hornung established modern crime fiction as a reaction against the conventions of detective fiction established by Conan Doyle, but he also limited the criminal to having only a generic purpose. The criminal is defined in reaction to the genre of modern detective fiction.

Tracing the evolution of detective and crime fiction after this point lies outside this study, but, to make a generalization on detective fiction only, it is a study of the ways in which authors re-established the detective in a domestic, social and judicial setting. The unmatched success of Conan Doyle's Sherlock Holmes short stories and novels is due, primarily, to the absence of "class, political or methodological problematization" (Kayman 215) in them, which can be credited to omnipresence of Holmes's

unusual mind. After Holmes, innovation could only come from re-introducing the detective in a judicial and social context, and such innovation is best represented in the advent of the Hard-boiled School of detective fiction in Dashiel Hammet and Raymond Chandler in the United States in the 1930s. Whereas Holmes is remarkable for the unusual qualities of his mind, Chandler's detective is remarkable for his moral stance amidst crime: ". . . down these mean streets a man must go who is not himself mean, who is neither tarnished nor afraid. The detective . . . must be such a man" (18). Most importantly, the detective is not anti-social or erratic in his behaviour: "He is a common man or he could not go among common people" (18). This statement could have been made about Dickens' detective, Bucket, but it never could have been made about Sherlock Holmes.

III Hunting: The Critic of Society

The Picaresque Criminal: Moll Flanders

The criminal's place in the development of the novel is established with the advent of the novel itself, as revealed in one of the earliest English novels, Daniel Defoe's Moll Flanders(1722). This fictional autobiography of the most famous female criminal in English literature is a serious study of crime in the eighteenth century and an obvious starting point for examining the literary evolution of the criminal in the eighteenth- and nineteenth-century novel. Moll Flanders did not, however, represent a new literary interest in crime in the eighteenth century. Criminal biographies were already popular by Defoe's time: "For Defoe and his original audience, criminal biography was a well-established, but relatively recent phenomenon, not something of long inheritance" (Faller 4).[1] Picaresque

[1] Lincoln B. Faller notes that "It was during the second decade of the eighteenth century . . . that the first great collections of criminals' lives began to appear . . . [which were] the forerunners of the later Newgate Calendar" (Crime and Defoe: A New Kind of Writing [Cambridge: Cambridge University Press, 1993] 5).

novels, mainly translations and imitations of Spanish picaresque fiction, had become popular by the mid-seventeenth century and appear to have inspired the growing popularity of the criminal biography.[2] Defoe's contribution to this growing popularity was his defining of the role of the criminal in society in the English picaresque novel.

Defoe made use of many obvious features of picaresque fiction, such as an episodic plot, multiple settings and minor characters. Most important, though, is Defoe's use of "the essential picaresque situation [of a] paradigmatic confrontation between an isolated individual and a hostile society" (Bjornson 4) for defining the criminal's antagonistic relationship to society. What distinguishes Moll Flanders from the picaresque tradition is that a character who is essentially criminal, rather than roguish, is the isolated individual. E. A. Baker remarks in History of the English Novel:

> Except in its autobiographical procedure, incidents succeeding each other with the chance disconnexion of real life, there is nothing of the picaresque in Moll

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[2] Richard Bjornson lists a number of imitations of Spanish picaresque fiction, the most popular of which, The English Rogue (1655, 1668, 1671) by George Head and Richard Kirkman, he describes as indicating "that an impulse which originated in the Spanish picaresque novel was gradually being assimilated into an indigenous English tradition [the criminal biography]" (The Picaresque Hero in European Fiction [Madison: The University of Wisconsin Press, 1977] 164).

> Flanders. The heroine is a rogue, but not one rejoicing in her rogueries. To the modern reader, her life is a serious study of the effects of heredity and environment in the making of criminals. (III 190)

Ian Watt, in The Rise of the Novel, also isolates the seriousness with which Defoe treats crime as the feature distinguishing Moll Flanders from the picaresque tradition:

> Moll Flanders' actions may be very similar to those of the picaro, but the feeling evoked by them is of a much more complete sympathy and identification: author and reader alike cannot but take her and her problems much more seriously. This seriousness extends to the dangers which she runs as a result of her criminal activities; her exposure to the sanction of the law is much more continuous and rigorous than anything in picaresque novels. (99)

Her situation as a criminal is made sympathetic and serious not only by her conflict with the law, but also by her desire for a role in society, and the spiritual turmoil in which she is embroiled in her descent into crime.

This spiritual and social struggle is established in her character before she becomes a criminal, and it plays an important role in understanding her conflict with the law. Stuart Miller claims that,

> In the first part of Moll Flanders, the heroine runs through husband after husband; in the second, she runs

> through trick and theft after trick and theft. The husbands and tricks are, by and large, distinct from one another. (19)

While the novel does fall into two parts, they are not entirely distinct from one another. Moll's series of marriages and affairs, like her criminal career, can be attributed to the same causes: her desire that "she might be a gentlewoman" and her inability to resist temptation. In pursuing her desire to become a gentlewoman she engages in a variety of amorous escapades, none of which give her lasting happiness or a secure position in society. She then resorts to theft to achieve this same goal, with the same failed results. In recounting her life story, Moll emphasizes how she becomes hardened in sin, as a whore and as a thief. Moreover, both careers have their genesis in a similar situation in which the blame for her descent into sin is squarely placed on her alienation from society.

Defoe achieves this emphasis on Moll's isolation by "a brilliant variation [on the traditional picaresque plot]" in avoiding the motive usually attributed to the picaro's need to live by his wits: "the unstable family situation of the picaro sends him away from home on his picaresque journey" (S. Miller 53, 59). Except from her birth to age three, Moll's early childhood is the antithesis of Miller's description of the picaro's family situation. Not only is Moll reared "very religiously" by her guardian, but she is

also reared "as mannerly and genteelly as if [she] had been at a dancing school."[3] In this stable setting, she also learns how to make an honest living: "for by the time I was twelve years old, I not only found myself clothes and paid my nurse for my keeping, but got money in my pocket too beforehand" (39-40). Unlike the typical picaro, Moll is not isolated from society by being outcast early in life. Instead, her isolation is the result of a "sobering initiation into the competitive and mercenary world of marriage for profit" (Bjornson 196), and then into an equally competitive and mercenary world of thievery.

The "sobering initiation" into each world is quite similar. In each case, Moll begins as an innocent character victimized by a seducer. In her first illicit affair, with a character known only as the elder brother, she is a victim of her own weakness--"my vanity was the cause of it [my ruin]" (43)--and of the elder brother's predatory techniques of seduction: "After he had thus baited his hook, and found easily enough the method how to lay it in my way [by appealing to her vanity], he played an opener game" (43). Being naïve about sexuality, she is unable to bring her full faculties to bear on the situation and is an easy victim of temptation: "I had my head full of pride, but, knowing nothing of the wickedness of the times, I had not one

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[3] Daniel Defoe, Moll Flanders (Toronto: Penguin Books, 1978) 36. All further citations will be taken from this edition.

thought of my own safety or of my virtue about me" (46).

A similar situation is evident when Moll commits her first theft. Reduced to a state of distress by poverty, she is an easy victim of the temptation to steal: "a time of distress is a time of dreadful temptation, and all strength to resist is taken away; poverty presses, the soul is made desperate by distress, and what can be done?" (188-89). Moreover, just as the elder brother baits a hook to ensnare Moll, the Devil lays bait to ensnare her in her first theft: "This was the bait [an unattended bundle]; and the devil, who I said laid the snare, as readily prompted me as if he spoke" (189). The influential words of the seducer, in both cases, are also accompanied by the love of money. With the elder brother she claims that she "thought of nothing but the fine words and the gold (48)"; with the devil her head is filled with the seducer's "voice spoken to me over my shoulder" (189) and the prospect of relief offered by the bundle.

In her initiation into the world of marriage for profit and thievery, Moll

> represents herself as carried along by circumstances [naïvety/poverty] . . . by external inducements adapted to her situation [gold/the bundle] . . . and by the persuasiveness and cunning of others [the elder brother/the devil]. (Starr 115)

The parallel between these incidents is a general one, but

it suggests an important point concerning Defoe's portrayal of the criminal. The making of a sinner is not presented as essentially different from the making of a criminal. The importance of this similarity is that it emphasizes that the isolation of both sinner and criminal has its basis in an isolation from a higher order, God. This emphasis allows for the spiritual rehabilitation of Moll, although she becomes both a whore and a hardened criminal.

There is, however, an important difference in the course of her two careers. In her marital adventures and illicit affairs, she simply adapts herself to prevailing attitudes to marriage: "marriages were here [London] the consequences of politic schemes for forming interests, and carrying on business, and . . . Love had no share, or but very little, in the matter" (83). By adapting herself to these practices, however, she violates every foundation of marriage by committing adultery, bigamy and incest during her amorous adventures.

Her criminal career is also a series of violations, but of the foundations of society, such as trust between adults and children (when she steals a necklace from a child), trust between the distressed and their benefactor (when she steals a bundle from a woman whose house is on fire), and trust between court and client (when she defrauds a shopkeeper in a civil suit). Although she makes use of methods employed by other thieves in these crimes, she is

not merely adapting herself to the "ways of the world," as she did with her marriages and affairs. Instead, she distances herself from the world, from an understanding of the very foundations of society's organization in making fraudulent her role as a citizen.

This process begins after Moll reaches an age when she is too old for marriage. She then embarks on a life of thievery. Allowed no legitimate role in society and in an outcast state because of her age and poverty, Moll really has no choice but to steal again after her first theft: "my own distresses silenced all these reflections [of guilt over her first theft], and the prospect of my own starving . . . hardened my heart by degrees" (190). She is again tempted by the devil to commit theft: "one evening he tempted me again, by the same wicked impulse that had said 'Take that bundle,' to go out again and seek what might happen" (191). Moll's second theft, however, involves her playing the role of a confidence artist. She assumes the role of an honest woman for her own gain when she pretends to help a child find her way home. Moll says to the child,

> "I'll show you the way home." The child had a little necklace on of gold beads, and I had my eye upon that, and in the dark of the alley I stooped, pretending to mend the child's clog that was loose, and took off her necklace, and the child never felt it. (191)

The crime itself violates the trust that children place in

adults, though Moll's thoughts about the crime display little conscience: "The last affair left no great concern upon me I . . . only said to myself, I had given the parents a just reproof for their negligence in leaving the poor lamb to come home by itself" (191-2). Moll rationalizes her crime as a public service; however, this rationalization also suggests Moll's struggle with her desire for a legitimate role in society. However much she tries to rationalize her crime, it is only a rationalization, and she descends further into sin, at least in her thoughts: "the devil put me upon killing the child in the dark alley, that it might not cry, but the very thought frightened me so that I was ready to drop down" (191). Only the thought of a greater crime restores her to humane feelings.

Her criminal career is a series of such shams, in which Moll plays the role of a legitimate citizen, but increasingly violates the basis of social order. For example, while claiming to offer assistance from a neighbour, Moll inquires whether she can help secure the children and any valuables from a house-fire. Moll's intention is to steal the valuables and her deception is successful. After quickly disposing of the children to a fellow thief, there for the same purpose as Moll, she examines the bundle of valuables she took from the burning house. This crime is a violation of the trust between the distressed and their benefactor, and she is the victimizer

of the distressed instead of the victim of distress, as she was earlier.

Moreover, it is a manifestation of her hardening in crime. After committing her first theft, Moll worried that she had stolen someone's sole valuables: "it [her victim] may be some poor widow like me, that had packed up these goods to go and sell them for a little bread for herself and a poor child" (190). By stealing the bundle given to her at the burning house, she realizes that she has indeed stolen someone's sole possessions:

> I was hardened now beyond the power of reflection in all other cases, yet it really touched me to the very soul . . . to think of the poor disconsolate gentlewoman . . . who would think, to be sure, that she had saved her plate and best things. (202)

Despite these feelings, she does not choose the proper course of action: "with all my sense of its being cruel and inhuman, I could never find it in my heart to make any restitution" (202). Her poses as a legitimate citizen distance her from these feelings because she is only a confidence artist. Her desire for a role in society is only a means to an end, theft.

Oddly enough, the course of her criminal career involves her in increasingly public roles as a legitimate citizen. She even informs a customs officer of the whereabouts of some contraband material, Flanders lace, in

order to receive part of the reward for reporting it. She upholds the law only for her own gain, and violates the trust between thieves in doing so.

Her most intricate confidence game and boldest deception is against a court of law. Disguised as a widow, Moll is mistaken for a different thief, also disguised as a widow, who actually did steal merchandise from a shop that Moll had entered. The mistake is soon discovered, but the constable who was called in to assist the shopkeeper insists that the letter of the law must be followed in discharging Moll: "I may keep a prisoner when I am charged with him, but tis the law and the magistrate alone that can discharge that prisoner" (234).

For the first time, the law plays a direct and significant role in Moll's life, but Moll views it as merely another avenue for the confidence game as she attempts to extort damages from the shopkeeper by going to court. Like the constable, she too plans to follow the letter of the law, but only for her own gain. The operation of the law, however, in its first appearance, gives Moll a rather perverse impression. The journeyman who initially seized Moll is in turn seized, looking "like a condemned thief," and taken to court, and the real thief escapes amidst the struggle. With Moll taking the shop owner and his journeyman to court, justice is reversed, as noticed by the crowd that follows them: "Which is the rogue? which is the

mercer?" (235).

In initiating a lawsuit against the mercer, Moll lives out her fantasy of being a gentlewoman, for this is the role she assumes in the court, with the help of her lawyer:

> My attorney managed as well on my side; made them believe I was a widow of fortune, that I was able to do myself justice, and had great friends to stand by me too, who had all made me promise to sue to the utmost, and that if it cost me a thousand pounds I would be sure to have satisfaction, for that the affronts I had received were insufferable. (238)

Technically, of course, she has committed no crime, but she does commit a crime by perjuring herself when in court, and she makes a sham of the institution of the law in this confidence game. Still, her criminal career is a series of attempts at assuming the role of a legitimate citizen, which achieve the purpose of alleviating her poverty, but destroy her relationship to, and pervert her understanding of, society.

Always having been isolated from society except in these confidence games, Moll displays little understanding of the organizing principles of society, such as the law. Her lack of understanding in this area is most apparent when she is finally arrested for theft:

> [Moll's governess] offered one of the wenches £100 to go away from her mistress, and not appear against me,

> but she was so resolute, that though she was a servant maid at £3 a year wages or thereabouts, she refused it, and would have refused it as my governess said she believed, if she had offered her £500. Then she attacked the other maid; she was not so hard-hearted in appearance as the other, and sometimes seemed inclined to be merciful; but the first wench kept her up, and changed her mind, and would not so much as let my governess talk with her, but threatened to have her up for tampering with the evidence. (261)

Moll considers legal justice "hard-hearted," and tampering with the operations of the court as "merciful." It is as if her life as a criminal has perverted her understanding of the judicial process. As a result, she finally finds a definite role in society, but as a criminal rather than a gentlewoman.

The resolution of her criminal career, surprisingly, has little to do with her recognizing her actions as crimes, or the role of the judicial system in relation to crime. She makes no sincere repentance for her actions: "all my repentance appeared to me to be only the effect of my fear of death, not a sincere regret for the wicked life I had lived, and which brought this misery upon me" (261). Awaiting her trial, she is "sorry (as before) for being in Newgate, but [shows] very few signs of repentance" (262). Prison does little to encourage her repentance: "I was

become a mere Newgate-bird, as wicked and outrageous as any of them" (263). She does eventually repent, but only the prospect of meeting with divine justice compels her to view her past actions as reprehensible:

> With these reflections came in, of mere course, severe reproaches of my own mind for my wretched behaviour in my past life; that I had forfeited all hope of any happiness in the eternity that I was just going to enter into [she is at this time under a death sentence]. (270)

This repentance is encouraged by a curate introduced to Moll by her governess, whereas the prison ordinary, whose "divinity ran upon confessing my crime" (262), has no effect on Moll. Only when the honest curate places her crimes in a strictly spiritual context does Moll begin to repent:

> He backed his discourses with proper quotations of Scripture, encouraging the greatest sinner to repent . . . and when he had done, he kneeled down and prayed with me. It was now that, for the first time, I felt any real signs of repentance. (269-70)

Her crimes are only understood by her when they are treated as sins. She only understands herself as a sinner and not a criminal.

Earthly justice does not appear to have any positive effect on Moll, and this lack of effect constitutes a criticism of the severe punishments offered by the courts,

in that they are unable to achieve their goal of deterring crime. Moreover, the value of Moll's repentance is only made useful by her being transported rather than hanged. As Paula M. Backscheider notes in Moll Flanders: The Making of a Criminal Mind, "Defoe presents transportation as both opportunity and the means to break an addictive pattern" (52). Transportation allows Moll to lead a new life and to find a place in a new social order. It allows her to complete the journey of the promised people: once held by the Egyptians (Moll uses this term to describe the gypsies who kept her until the age of three), she then lives a life of disobedience, but finds the promised land when she is transported to America. Her rehabilitation has its beginning in her treatment as one of God's children, as a sinner, and not in her treatment as a criminal in the strictly legal sense.

The significance of Moll's life story in the literary evolution of the criminal is that Defoe establishes the criminal in the English novel in a wide-ranging struggle, not only with the law, but also with the inadequacies of the law's administration and with society's treatment of its outcasts. Driven by necessity, the criminal is capable of operating as a legitimate citizen for criminal purposes, as is clearly shown in Moll Flanders, and capable of undercutting its foundations by doing so. He must be given a legitimate role in society if he is not to be its greatest

threat because, for Defoe, crime is more than a legal problem:

> Necessity is above the power of human nature and for Providence to suffer a man to fall into that necessity is to suffer him to sin . . . Necessity makes the highest crimes lawful and things evil in their own nature are made practicable by it.[4]

Only by preventing the necessity that isolates the criminal from society can crime be prevented, and the ultimate remedy for crime is not the destruction of the criminal by judge and executioner, but, rather, the reuniting of the criminal with society by the honest curate and the prospect of a life of repentance. In Moll Flanders, Defoe established the importance of considering the criminal in relation to society and not just the law.

The Judicial Criminal: A General History of the Robberies and Murders of the Most Notorious Pyrates

Defoe's interest in the criminal was not limited to presenting him as isolated from society, as in Moll Flanders. His interest in the criminal is also evident in a different form in his collection of criminal biographies, A

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[4] Cited from, Richard Bjornson, The Picaresque Hero in European Fiction (Madison: The University of Wisconsin Press, 1977) 33.

General History of the Robberies and Murders of the Most Notorious Pyrates (1724).[5] Moll Flanders bears some relation to these criminal biographies, and may have even had its origins in a criminal pamphlet.[6] In his treatment of the criminal in A General History, however, Defoe shifts his emphasis from the role of the individual criminal in society to the relationship between society and crime.

Most eighteenth-century criminal biographies reveal, in the words of Rayner Heppenstall, a quality of writing that is "for the most part of a rather poor kind" (x), but A General History offers some insights into the antagonistic relationship between the criminal and society, mainly with reference to specific government policies and laws. In the preface to A General History, for example, Defoe examines in detail the problem of unemployed sailors turning to crime and places the blame for their crimes on the mismanagement of their role in society in times of peace. He believes

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[5] William Graves, in his introduction to this work, claims that the author named on the title page of the work, Captain Johnson, was a pseudonym used by Defoe.

[6] In her introduction to Moll Flanders, Juliet Mitchell notes that "in his capacity as journalist, Defoe was very familiar with Newgate Prison and its inmates. During most of 1721 he was visiting regularly a close friend . . . and his visits would have given him ample opportunity to talk with one woman in particular, Moll King" (Introduction, Moll Flanders [Toronto: Penguin Books, 1986] 14). Mitchell also cites Gerald Howson's speculation that "It seemed likely that Defoe sought [Moll King] out when she was under sentence of death, as a suitable subject for a criminal pamphlet . . . . After her reprieve, the pamphlet grew into a novel, the first of its kind in English" (14).

that following the Dutch model of establishing a national fishery for sailors after a war would, "be the best means in the world to prevent pyracy, employ a number of the poor, and ease the nation of a great burden."[7] As with Moll, economic necessity contributes to crime: "Nor is it so much their [the unemployed sailors'] inclination to idleness, as their own hard fate, in being cast off after their work is done to starve or steal" (n.p.). Here, however, Defoe is concerned with a certain segment of society rather than an individual criminal, and with crime as a manifestation of corruption in society.

In discussing the pirate Captain Martel, for example, Defoe notes that during a time of war sailors are commissioned by the government to plunder sea-going vessels, and, as a result, piracy disappears:

> Since in time of war, any vessel may obtain commission from the governors of islands, and provinces, to whom application is made, to attack, plunder, and destroy, all ships and vessels, belonging to the prince or country they are in war with, none will be so foolish, as to prey at large on the seas, especially in time of danger, and run the hazard of their neck, when they may have a lawful authority for doing the same thing [as pirating], only with some restrictions. (54)

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[7] A General History of the Robberies and Murders of the Most Notorious Pyrates (New York: Garland Publishing, 1972) n.p. All further citations will be taken from this edition.

Encouraged to plunder with few restrictions, privateers turn to piracy after war:

> when the war is over, and they can have no farther business in the way of life they have been used to, they too readily engage in acts of pyracy, which being but the same practice without commission, they make very little distinction betwixt the lawfulness of one, and the unlawfulness of the other. (55)

In these passages, Defoe is again making a case for the need for sailors to be employed after a war, but in the case of privateers who turn to piracy, the sailors are placed in a situation where the transition to becoming outright criminals is made easy by their having once had the legal sanction to plunder and rob.

The legal sanction to commit crimes is also extended to other members of society. Mary Read's final speech before her execution for piracy criticizes the class bias that is inherent in the law:

> If it were put to the choice of the pirates, they would not have the punishment less than death, the fear of which, kept some dastardly rogues honest; that many of those who are now cheating the widows and orphans, and oppressing their poor neighbours, who have no money to obtain justice, would then rob at sea and the ocean would be crowded with rogues, like the land. (125)

Here, the criminal is not so much isolated from society as

he is a critic who understands the inequality of the judicial system. He, in effect, merely imitates the behaviour of those of a higher social rank, but in a way that is deemed criminal rather than commercial or military.

Apparently, even Blackbeard himself could have avoided a life of piracy if he had not been part of an unjust military system: "[With Blackbeard's death] here was an end of that courageous brute, who might have passed in the world for a hero, had he been employed in a good cause" (96). Blackbeard had distinguished himself as privateer with the British navy, but despite "his uncommon boldness, and personal courage, he was never raised to any command" (86). No reason is given for Blackbeard not being promoted; however, the case of Mary Read offers a likely explanation for his lack of advancement. She, while disguised as a male soldier, before she resorted to posing as a male pirate, acquitted herself well in the field, and "upon all actions, she behaved herself with a great deal of bravery, yet she could get no commission, they being generally bought and sold" (119). These pirates face the same economic problems as those faced by Moll; however, unlike Moll, these criminals are critics and representations of specific problems in the judicial system and society, rather than manifestations of how the individual criminal is isolated from the whole of society.

Another difference between Defoe's presentation of the

criminal as a judicial or social problem, rather than an isolated individual, is found in his treatment of the relationship between Christianity and the law. Captain Bonnet, the only pirate in Defoe's A General History who is of a good family and a "master of a plentiful [legitimate] fortune," is believed to have resorted to piracy from "a disorder in his mind" (60). The judge's speech at his trial, however, does not dwell on his "disordered mind." Instead, the judge expounds on the irreconcilability of Bonnet's legal and his spiritual state. The judge first uses biblical passages to reinforce the value of punishment. For example, he quotes Paul by paraphrasing I Corinthians 6:10: "Thieves shall not inherit the Kingdom of God." In the next verse, which is not cited by the judge, Paul, in acknowledging that some Corinthians were once thieves, goes on to state, "but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus." In contrast with Paul, the judge, in the first part of his speech, is mainly concerned with presenting the prohibitive elements of Christianity and not its message of forgiveness, as when he justifies his sentence of execution for Bonnet's having committed murder by quoting Genesis 9:6: "For it is the voice of nature, confirmed by the law of God that Whoso sheddeth man's blood, by man shall his blood be shed" (82).

Only the final part of the judge's speech takes up the theme of salvation. He reminds the condemned that if he

"will sincerely turn to him [Jesus], tho' late, even at the eleventh hour, Matt. 20: 6, 9, he will receive you" (85). Notwithstanding this advice, the judge has another role besides that of a spiritual advisor: "having now discharged my duty to you as a Christian . . . I must now do my office as a judge" (86). Bonnet is sentenced to death and executed.

The condemned can be saved spiritually but not legally. Defoe's emphasis on the legal context in which the criminal is placed does not lessen the importance of repentance for the criminal. The criminal's spiritual state, however, is not the deciding factor in the outcome of his criminal career, as it was with Moll.

The True and Genuine Account of the Late Jonathan Wild

The importance of the criminal's antagonistic relationship to the judicial system is most clearly defined by Defoe in his biography of the most infamous eighteenth-century criminal, Jonathan Wild. David Nokes lists seventeen accounts of Wild's life written in the four months after his execution, but considers Defoe's The True and Genuine Account of the Late Jonathan Wild (1725) as the "most detailed and accurate of the many versions of the life of Wild" (Nokes 7). Defoe's account is quite

straightforward, though it does offer criticism of the judicial system that allowed Wild to thrive. What is of special interest in this work, concerning the literary evolution of the criminal, is Defoe's examination of how a criminal succeeded by making use of the prevailing judicial system.

Jonathan Wild operated on a grand scale as a criminal, and his rise to a position of authority in society was a saturnalia in which the criminal assumed the role of public benefactor and law enforcer. In making a dupe of society and the legal system, his criminal activities warranted a different kind of treatment than that afforded to the common criminal. Moll might have assumed the role of a legitimate citizen for her own gain, but hers was not a public, authoritative role. Defoe admits that "The life of Jonathan Wild is a perfectly new scene."[8]

Wild was never seduced into a life of crime, because he set himself up as "director to them [his fellow thieves]." He did not go out on their expeditions, nor did he receive their stolen merchandise. By managing their expeditions, however, Wild gained knowledge of who was robbed, contacted that person and offered to return the merchandise for a fee, claiming that it had been stopped by an honest pawn broker

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[8] Daniel Defoe, "The True and Genuine Account of the Life and Actions of the Late Jonathan Wild," Jonathan Wild (Toronto: Penguin Books, 1982) 225. All further citations will be taken from this volume.

(234). This arrangement was made on the condition that there would be no further enquiry into the circumstances of how the goods were stopped. By putting "on a face of public service in it [his returning of stolen merchandise]" and by informing against thieves who did not submit to his control, Wild "acquired a strange and, indeed, unusual reputation for a mighty honest man" (237).

> His approval from the public was due to two causes: Two things indeed favoured him: (1) The willingness the government always shows to have criminals detected and brought to justice. And, (2) the willingness of the people who had been robbed, and lost things of considerable value to get their goods. (240)

In returning stolen merchandise, Wild simply won public approval by taking advantage of the public's misery at having been robbed. In bringing his fellow thieves to justice, however, Wild won approval by being part of a flawed and inadequate judicial system. He is representative of the criminality that pervaded that system:

> All just governments discover a disposition to bring offenders to justice. And on this account they not only receive and accept of informations of the worst crimes from the worst criminals . . . but encourage such criminals to come in and confess the offence, and discover their accomplices, promising as well pardon for the crimes as a reward for the discovery, even to

those who are guilty. (240)

The judicial system, in effect, assumes the role of the transgressor of the law in not convicting those who are guilty. The criminal assumes the role of an agent of justice, by bringing fellow offenders before the court. Wild, the greatest supporter of the prevailing judicial system, was the greatest enemy of justice.

Finally, an Act was passed, "directly aimed at Jonathan's general practice" (250-51), to end his career. His career began by his taking advantage of weaknesses in the judicial system and was ended by its improvement. As a criminal, he is mainly defined by his unusual relationship to the law as an ally of the judicial system but an enemy to justice. He is a criminal primarily because he is part of society rather than because he is isolated from it.

The Life of Jonathan Wild the Great

An emphasis on the criminal's role as a member of society is even more apparent in Henry Fielding's The Life of Jonathan Wild the Great (1743). By satirizing the similarity between criminals and figures of authority,[9]

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[9] His main target of criticism, Walpole and his administration, is satirized by Fielding's paralleling of that administration and the activities of Wild's gang. As David Nokes points out, however, "the thief-statesman parallel in Jonathan Wild . . . was not merely unoriginal, it was positively old hat" (Introduction, Jonathan Wild [Toronto: Penguin Books, 1992] 13). Fielding's satire also appears to

Fielding's pseudo-biography[10] underscores the criminality that is inherent in the judicial system and society.

This goal is achieved by inverting techniques of picaresque fiction and the criminal biography. For example, whereas the picaro's origins are uncertain, Wild's lineage is as well-defined as that of the aristocracy. He is descended from a long line of thieves, beginning with "Wolfstan Wild, who came over with Hengist, and distinguished himself very eminently at that famous festival, where the Britons were so treacherously murdered by the Saxons"(42) by picking pockets when the word was given to attack the enemy. Rather than showing early signs of degeneracy, he gives early marks of his "lofty and aspiring temper" (46). Whereas the picaro or the protagonist of the criminal biography is often initiated into the world of crime by an already experienced criminal, Wild is initiated into crime by his interest in literature. Fielding states, "He [Wild] was wonderfully pleased with that passage in the eleventh Iliad where Achilles is said to have bound two sons of Priam upon a mountain, and afterwards to have released them for a sum of money" (46-7). These techniques of inversion have great comic value, but a

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have a more general object, which is authority in general.

[10] The Life of Jonathan Wild the Great is, by Fielding's own admission, "not a very faithful portrait of Jonathan Wild himself" ([Toronto: Penguin Books, 1992] 29). All further citations will be taken from this edition.

different kind of inversion is of greater interest in the study of the literary evolution of the criminal.

Fielding's object in The Life of Jonathan Wild the Great is the alliance of criminals with authority figures and the relegation of a virtuous character to the status of a criminal. Comparisons between criminal activities and the upper-class lifestyle run throughout the work. Forgery is compared to credit:

> Is it less difficult by false tokens to deceive a shopkeeper into the delivery of goods, which you afterwards run away with, than to impose upon him by outward splendour and the appearance of fortune into a credit by which you gain and he loses twenty times as much? (53)

Pick-pocketing is compared to cheating at dice and cards; pimping is compared to arranging affairs (53). Count La Ruse, who makes these comparisons, claims that "there is a nearer connexion between high and low life than is generally imagined" (53), but Wild answers La Ruse by proclaiming the advantages of being a thief: "how easy is the reflection of having taken a few shillings or pounds from a stranger . . . compared to that of having betrayed a public trust, and ruined the fortunes of thousands, perhaps a great nation!" (55).

Wild may be a great criminal, but he has really only adapted himself to the practices of those in a higher social

rank. Wild is inspired to exploit his gang for profit by considering the practices of the rich:

> Is not the house built by the labour of the carpenter and the bricklayer? Is it not built for the profit of the architect and for the use of the inhabitant, who could not easily have placed one brick upon another? Cast your eyes abroad, and see who is it lives in the most magnificent buildings, feasts his palate with the most luxurious dainties . . . and tell me if all these do not fall to his lot who had not the least share in producing all these conveniences, nor the least ability so to do. (61)

As Michael Irwin observes in Henry Fielding: The Tentative Realist, "Fielding is condemning any custom or institution which he makes his hero use as a precedent . . . he is implying a fundamental criticism of the existing social system" (47). He achieves this level of criticism by making a criminal an integral part of the existing social system.

The character who is isolated from and in direct conflict with the legal system for part of the novel is entirely innocent. Heartfree is tormented by Wild and put in the legal position of a criminal by Wild's machinations. This situation is part of Fielding's satirical vision, in which the criminal is in the highest position of society and the virtuous character in the lowest. This pattern, developed further by William Godwin in Caleb Williams,

established a new paradigm in the literary evolution of the criminal.

Caleb Williams

Godwin uses, according to Gary Kelly, the "classic technique of the socio-historical novel" of illustrating "general social conditions in the experiences of one individual" (33). This technique could be said to have been used in Moll Flanders; however, the "one individual" who is used to illustrate "general social conditions" is of a different type in Caleb Williams. Moll Flanders uses the criminal for illustrating "general social conditions," while Caleb Williams uses an innocent character, Caleb Williams, wrongly accused of being a criminal for this purpose. The genuine criminal in the novel, Ferdinando Falkland, is, like Jonathan Wild, an ally of the judicial system. The innovation in Caleb Williams is that it is the innocent character in the position of the criminal who has a sustained antagonistic relationship to the law, while the genuine criminal is merely an antagonist of that innocent character.

This paradigm is evident throughout the novel and is first established in relation to a minor character, Barnabas Tyrrel. Tyrrel is "insupportably arrogant, tyrannical to his inferiors, and insolent to his equals," "a true model of

the English Squire."[11] He can exercise tyranny over others because of his understanding and use of the judicial system. The victims of his tyranny are innocent characters who are forced by him to confront the courts in the role of the accused.

For example, he provokes one of his tenants, Mr Hawkins, into filing a lawsuit, which is converted into "a question of the longest purse," by using "affidavits, motions, pleas, demurrers, flaws and appeals, to protract the question from term to term and from court to court" (73). Hawkins is placed in the position of having an antagonistic relationship to the law, not because he is a criminal, but because he must confront the inherent class bias in the judicial system:

> It was mere madness in him [Hawkins] to think of contesting with a man of Mr. Tyrrel's eminence and fortune. It was a fawn contending with a lion. Nothing could have been more easy to predict, than that it was of no avail for him to have right on his side, when his adversary had influence and wealth. (72)

Hawkins must confront the law only because he is of an inferior social rank. Tyrrel uses the law only to avenge what he deems an insult to his honour by a social inferior (Mr. Hawkins' refusal to allow his son to be a servant in

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[11] William Godwin, Caleb Williams (New York: Oxford University Press, 1991) 17,16. All further citations will be taken from this edition.

Tyrrel's house).

Using the law once more for the purposes of revenge, Tyrrel arrests his unofficial ward, Emily Melville, for debt when she refuses to accept the prearranged marriage offered by him. Affronted that Emily gives herself "unaccountable liberties" (48) in wanting to choose her own partner, Tyrrel jails Emily for back-rent, even though she boards in Tyrrel's household by his charity. After being put in jail for this "offence" when she is already ill, she dies. For this act he is publicly ostracized and personally condemned by Falkland. When accused of murdering Emily, however, Tyrrel replies, "Murderer?--Did I employ knives or pistols? Did I give her poison? I did nothing but what the law allows. If she be dead, nobody can say that I am to blame" (91). Tyrrel is, in effect, morally responsible for Emily's death, and is a murderer in the moral sense, if not the legal sense. He is a criminal for his use of the law rather than his defiance of it, and Emily is placed in the position of the accused merely for defying someone of a higher social rank.

This same pattern of a criminal being an ally of the law and an innocent character being an antagonist of the law is further developed in the aftermath of the main crime in the novel, Tyrrel's murder. Falkland, angered by Tyrrel's cruelties, kills Tyrrel to rid the community of him, but his main motive for murder is that Tyrrel publicly beat him and

impugned his honour. The motive itself, a question of honour, was not culpable in the eighteenth century, as noted by Frank McLynn: "Jurymen overwhelmingly accepted that duelling was a proper way for 'gentlemen' to resolves their disputes. As long as the rules of honour had been obeyed, they would not find a murder charge proven" (142). Falkland, however, clandestinely murders Tyrrel, and he is, therefore, a genuine criminal.[12]

His role as a criminal, however, is mainly presented in relation to his use of the judicial system to avoid prosecution for his crime. Falkland follows Tyrrel's footsteps in the aftermath of the murder by forcing innocent characters to face the law in the role of the accused. Just as Tyrrel initially made the Hawkinses, father and son, the victims of the legal system in a law suit, Falkland makes them fatalities of the system when he does nothing to prevent them from being wrongly convicted and executed for the murder of Tyrrel based on incriminating, but

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[12] Falkland's assassination of Tyrrel, rather than his challenging him to a duel, would appear to be inconsistent with the behaviour of an aristocrat. Falkland's servant, Mr Collins, however, offers an explanation for Falkland's behaviour that is consistent with the Italian chivalric code, which Falkland adopted as a youth:

> The most generous Italian conceives that there are certain persons whom it would be contamination for him to call into the open field. He nevertheless believes that an indignity cannot but be expiated but with blood, and is persuaded that the life of a man is a trifling consideration in comparison of the indemnification to be made to his injured honour. There is therefore scarcely any Italian that would upon some occasion scruple assassination. (11)

circumstantial, evidence. Much as Tyrrel claimed that he only did what the law allowed in indirectly causing Emily's death, Falkland could claim that he only did what the law allowed in letting the Hawkinses be executed for his crime.

Falkland is suspected of the murder, but he is able to clear himself in an informal hearing by pleading the very motive of his murder, his need to maintain his unstained reputation: "If I had been guilty, should I not have embraced the opportunity [to flee]. But . . . I could never have borne that a human creature . . . should believe that I was a criminal" (102). He even goes as far as to condemn the "unknown assassin" for preventing him from dealing with Tyrrel in the aristocratic manner of calling him "out to the field." These two arguments form the bulk of his defence, and both are based on the assumption that a murder of this kind could not have been committed by an aristocrat concerned with his reputation. Falkland does not even have to provide an alibi for his whereabouts at the time of Tyrrel's murder. His reputation, which is based on social class, is directly responsible for his ability to avoid prosecution, and, because his class inhibits the legal system from pursuing him, Falkland's reliance on the class bias inherent in the judicial system is responsible for the execution of the Hawkinses. His original crime of murdering Tyrrel may have been motivated by personal reasons, but the aftermath of that crime, which results in further crimes,

such as the execution of the Hawkinses, is related to Falkland's understanding and taking advantage of the flaws in the judicial system.

Falkland's use of the judicial system may highlight flaws in that system, but he expresses only egotistical concern for his crimes. After Williams discovers that Falkland has murdered Tyrrel and allowed the Hawkinses to be executed for that crime, Falkland does confess to Williams, but his remorse is felt not for his victims, but himself: "This it is to be a gentleman! a man of honour! I was a fool of fame. My virtue, my honesty, my everlasting peace of mind were cheap sacrifices to be made at the shrine of this divinity" (135). He is only concerned that his reputation should remain untarnished by his never having to be charged with his offences: "Though I be the blackest of villains, I will leave behind me a spotless and illustrious name" (136). He recognizes the seriousness of his crime only in relation to himself.

Falkland's conflict is internal because he need not struggle with the legal system. He engages in a mainly psychological conflict, as noted by Williams:

> . . . his disposition was extremely unequal. The distemper which afflicted him with incessant gloom, had its paroxysms. Sometimes he was hasty, peevish and tyrannical . . . . Sometimes he entirely lost his self-possession, and his behaviour was changed into

> frenzy. He would strike his forehead, his brows became knit, his features distorted, and his teeth ground one against the other. (7)

Falkland is, then, in an antagonistic relationship with himself, between his public image as a gentleman and his knowledge of the crimes that he has committed that will ruin that image.

Williams, however, also knows of Falkland's crimes and, because of this knowledge, becomes Falkland's main antagonist. Falsely accused of theft by Falkland and convicted on this charge by the legal system, Williams is placed in the position of the criminal and is the voice of criticism of that system. The genuine criminal's struggle is reduced to a conflict with another character rather than with the judicial system or with society.

Falkland is, however, aided in his struggle against Williams by the class bias inherent in the judicial system. At an informal hearing, Williams employs much the same defence as that used earlier by Falkland: "Could a real criminal have shown himself so unabashed, composed and firm as I have done [in my testimony]" (171). Williams' defence is based on his character, but, unlike Falkland's same defence, it does little to cast doubt on the charges laid against him. In turn, Falkland is not suspected at all despite Williams' accusations that he had been framed by him. Instead, he is cast in the role of a martyr, merely

for having to endure accusations: "We feel for your misfortune in being obliged to hear such calumnies from a person who has injured you so grossly. But you must be considered in that respect as a martyr in the public cause" (172). Both in this case and in that of the Hawkinses, Falkland is able to depend on the class bias of the court to maintain his innocence, and the judicial system continues to be portrayed in a critical light by the criminal's alliance with it. Williams rightly claims, "Six thousand a year shall protect a man from accusation; and the validity of an impeachment shall be superseded, because the author of it is a servant"(277).

Caleb Williams is made a criminal by the class bias that influences the operation of the judicial system. In confronting the legal system, then, Williams only confronts these injustices, orchestrated by the criminal, rather than confronting a criminal past. In this confrontation, Godwin achieves his goal of conducting a "general review of the modes of domestic and unrecorded despotism, by which man becomes the destroyer of man" (1) by limiting the role of the genuine criminal and giving primacy to the role of an innocent character wrongly placed in that position.

For example, Godwin represents the prison system from the point of view of the unjustly accused as an example of tyranny: "They [the guards] had a barbarous and sullen pleasure in issuing their detested mandates . . . . Their

tyranny had no other limit than their own caprice" (181). "The doors, the lock, the bolts [and] the chains" of the prison are considered by Williams to be "the engines that the tyrant sits down in cold and serious meditation to invent. This is the empire that man exercises over man" (181). In the world of Caleb Williams, the courts and the prison are merely the engines of tyranny because only innocent characters, Emily, the Hawkinses, and Williams, are convicted and imprisoned. The characters genuinely guilty of crimes, Tyrrel and Falkland, use the courts and the prisons to maintain their power.

Godwin's reversal of the roles of the innocent and the guilty is a successful means of criticizing the judicial system and society, up to the point when Falkland faces the courts for his crimes at the instigation of Williams, after years of persecution by Falkland. In deciding to subject Falkland to the sanction of the law, however, Williams is motivated primarily by revenge: "What should make thee [Falkland] inaccessible to my fury?--No, I will use no daggers! I will unfold a tale! . . . The justice of the country will hear me" (314). This statement by Williams is similar to Tyrrel's plea of innocence--"Did I use pistols or knives?"--concerning Emily's death, and the law is used for revenge in both cases. In using the law for this purpose, Williams is placed on the same level as Tyrrel and Falkland, and, in the world of Caleb Williams, is a criminal.

Falkland, then, becomes a victim of the judicial system and is treated as an innocent character in the position of the criminal. This reversal, however, is not entirely convincing, and the limitations of this paradigm are revealed.

Upon seeing Falkland, especially his haggard appearance, Williams immediately regrets his decision to prosecute him: "Shall I trample upon a man thus dreadfully reduced?" (319). Realizing that he has brought Falkland to trial only for revenge, Williams believes that the conflict could have ended otherwise than in a court case: "I now see that mistake in all its enormity. I am sure that if I had opened my heart to Mr. Falkland . . . he could not have resisted my reasonable demand [to leave off persecuting me]" (323). He goes on to praise Falkland: "Mr. Falkland is of a noble nature. . . . he has qualities of the most admirable kind" (323). Falkland, in turn, confesses and praises Williams: "I see too late the greatness and elevation of your mind" (324). In essence, they forgive each other and set an example of how to avoid the law by honestly explaining the circumstances that drove them to action. This situation emphasizes the need to avoid the essentially antagonistic relationship between the criminal and the judicial system.

This emphasis, however, is dependent on Falkland being viewed as not deserving of prosecution. In Williams' view,

Falkland is entirely exempt from blame. He idolizes him: "A nobler spirit lived not among the sons of men. Thy intellectual powers were truly sublime, and thy bosom burned with a godlike ambition" (325). According to Williams, Falkland's talents are wasted in "the corrupt wilderness of human society . . . a rank and rotten soil from which every finer shrub draws poison as it grows" (325). He is viewed, not as a criminal, but as a victim: "thou imbibedst the poison of chivalry with thy earliest youth [in Italy]; and the base and low-minded envy that met thee on thy return [to England], operated with this poison to hurry thee into madness" (326). He is, as noted by Gary Kelly, an example of "the necessitarian doctrine that circumstances produce character" (34).

Williams' portrait of Falkland is rather confused, however, concerning what circumstances have produced his character. On the one hand, human society as a whole is to blame. On the other hand, specific causes are listed as contributing to his criminality, such as Italian chivalry, English low-mindedness and envy. Finally, Williams claims that Falkland's actions are those of someone driven to madness. The reason for Williams being so concerned with clearing Falkland from blame is that he considers himself a murderer: "He [Falkland] survived this dreadful scene [of the trial] but three days. I have been his murderer" (325). Williams would appear to bear responsibility for Falkland's

death for much the same reasons as Tyrrel was responsible for Emily's death. Both resort to the law for revenge, and speed the death of another by doing so. Even Williams' use of the law, then, which would, considering Falkland's crimes, appear to be justified, is cast in a critical light. In Williams' case, however, the law is not criticized on the basis of wealth or class. Instead, the very desire to use the law to exercise power over another, for whatever reason, is the object of criticism.

Yet Williams' view of Falkland and the law is very biased and hard to take seriously, and the limitations of Godwin's method of reversing the role of the innocent and the guilty are evident. In this final episode, Falkland remains more preoccupied with his reputation than the fact that he is a murderer:

> I am at last, in recompense for all my labours and my crimes dismissed from it [life], with the disappointment of my only remaining hope [my honour], the destruction of that for the sake of which alone I consented to exist. (325)

He is willing to accept punishment, which he describes as "the vengeance of the law," and he does view himself as "the most execrable of all villains," but he expresses remorse only for his loss of reputation and not for his victims. His self-pity is difficult to admire, and Williams' protestations of Falkland's "noble nature" are difficult to

accept. Perhaps we are to consider his concern for his reputation, even on the brink of conviction, as a mark of his madness, his insane obsession with his image. Insanity does offer an explanation of this element of Falkland's character, and, to some extent, it explains why Williams feels such guilt in bringing to trial a man whom he considers as not responsible for his actions. Considered in this light, Falkland is not a criminal in the moral or legal sense. Since he cannot be held to blame, his actions mainly represent the ease with which an aristocrat can evade the law and use the law to shift blame to another. Even at his trial he would not likely have been convicted if he had not confessed.[13]

Even considering Falkland in this light, Williams in the role of a murderer remains problematic. He is not a murderer in the legal sense, or even in the moral sense because Falkland is guilty and is already near death when he is brought to trial. Yet, believing that he should have tried honestly persuading Falkland not to persecute him further, Williams views his resorting to law as a violation of hope and truth: "my despair was criminal, [it] was

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[13] Godwin pursued this possibility in the original ending of the novel, in which Falkland denies the charge of murder and has Williams again committed to prison, where he eventually loses his mind. This ending, however, gives the law the final say in the struggle between Williams and Falkland. The published ending allows Williams and Falkland to settle their differences without reference to the law, and, by doing so, they transcend its tyranny.

treason against the sovereignty of truth" (323). Williams's despair concerns his giving up hope on the possibility of a "frank and fervent expostulation . . . in which the whole soul [is] poured out" (323) for solving his dispute with Falkland. Perhaps a discussion between the two of them might have circumvented the legal system for settling their differences, but it hardly satisfies the need to redress Falkland's murder of Tyrrel and his allowing the Hawkinses to be hanged for the crime.

The flaw in Godwin's work is that his criticism of the legal system is entirely dependent on the absence of a criminal who is indubitably guilty. Tyrrel cannot be held responsible for his actions because he only makes use of a flawed legal system; Falkland cannot be held responsible for his actions because he has been corrupted by society or is, perhaps, insane; Williams views himself as responsible for the death of Falkland, but his view is biased in the extreme and not entirely reliable.

A gang of thieves does appear in the novel, but they are not of the common variety, as is evident in the speech of their leader, Raymond: "We, who are thieves without a licence, are at open war with another set of men, who are thieves according to law" (216). Raymond is, essentially, a Robin Hood character who is never placed in the position of stealing a necklace from a child or stealing the sole possessions of someone who has lost their home in a fire.

Raymond does, nevertheless, suggest an alternative form of justice that is, to some extent, similar to Godwin's vision of justice:

> God, we are told, judges of men by what they are at the period of arraignment, and, whatever be their crimes, if they have seen and abjured the folly of those crimes, receives them to favour. But the institutions of countries that profess to worship this God, admit no such distinctions. (227)

The final legal encounter in the novel, when Williams brings Falkland to trial, would appear to be an attempt by Godwin to advocate a secularized version of divine justice, in which there would be no inherent antagonism between the criminal and the judicial system. Without a criminal who can be considered entirely culpable, however, the practical role of such a judicial system in society remains questionable.

The difference between Godwin and later writers who use the criminal to "illustrate general social conditions through the experiences of one individual" (Kelly 33), is that Godwin saw the law, in the words of Julian Symons, as "wholly evil" (28). A man becomes a criminal by his being in the role of the accused before the courts, whether he is innocent or guilty in the legal sense. The innovation of social novelists, such as Edward Bulwer-Lytton and Charles Dickens, who use this same paradigm of expressing criticism

of the judicial system and society through an innocent character in the position of the criminal, was to use that character for the purposes of criticizing social conditions and only certain elements of the judicial system, rather than the foundation of the judicial system and its relationship to society. Moreover, the social novelists made a clear distinction between this innocent character and the genuine criminal. Nevertheless, Godwin holds an important place in the literary evolution of the criminal for his establishment of the innocent character in the position of the criminal as the critical voice of the novel, and for his reducing the role of the genuine criminal to that of the innocent character's antagonist. He established a new paradigm for the criminal's struggle that focused on a conflict between the genuine criminal and a single adversary, within the larger setting of the judicial system. Before we can examine how this paradigm is further developed in the social novel, however, we must examine the appearance of a new character in the literary evolution of the criminal--the detective.

The Picaresque Detective: Richmond: Scenes in the Life of a Bow Street Runner

The advent of the detective in the novel marks the emergence of a new branch in the literary evolution of the criminal, even though his presence in the novel is similar to that of the criminal, and his first appearance harkens back to a picaresque model. Generally, Edgar Allan Poe is cited as the first author of a detective short story, and Wilkie Collins as the first author of a detective novel.[14] While Poe deserves his place as the author of the first short stories involving a detective, the first novel-length work of fiction that makes use of a detective as a central character is Richmond: Scenes in the Life of a Bow Street Runner, published anonymously in 1827.[15] The importance of

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[14] Howard Haycraft lists Poe as writing the "first avowedly fictional detective story" (Murder for Pleasure [New York: Biblo and Tannen, 1968] 7); this claim is also made by other critics of detective fiction. Collins' The Moonstone is often claimed as the first detective novel, most notably by T. S. Eliot in his description of it as "The first and the greatest of English detective novels" ("Wilkie Collins and Dickens," Selected Essays [London: Faber and Faber, 1976] 464). Julian Symons, however, notes that The Notting Hill Mystery was written in 1865, three years before the publication of The Moonstone (Bloody Murder [London: Faber and Faber, 1972] 53).

[15] Ian Ousby, one of the few critics to deal at length with this work, lists Thomas Gaspey as the author (Bloodhounds of Heaven [Cambridge: Harvard University Press, 1976] 59). E. F. Bleiler, who wrote the introduction to the only modern edition of the novel, claims, after a detailed study, that neither Thomas Gaspey nor Thomas Skinner Sur, a second candidate for authorship, can be considered as the author of the work and states that more evidence is necessary to

this first literary treatment of the detective is that it establishes the detective as a picaresque hero, much as Moll Flanders established the criminal in this role.

In fact, the first half of the novel is standard picaresque fiction, as noted by E. F. Bleiler, in his introduction to Richmond: "The author seems to have started to write a picaresque novel, when, well into the story, he suddenly recognized that the experiences of a detective officer would make an interesting book" (xiv). In the first half of the novel, Richmond is an outlaw who manages to stay one step ahead of the law. His experiences as a detective are also those of a picaresque hero in that he is placed in "the essential picaresque situation [of a] paradigmatic confrontation of an isolated individual and a hostile society" (Bjornson 4). He is the isolated individual who must confront the judicial system, not as a criminal, but as an agent of justice often opposed to the current practices of that system. The detective in this novel has a precarious relationship to the judicial system and soceity that is similar to that of the criminal.

A brief examination of the historical context of the detective in England in this period provides some insight into his unusual status in the judicial system. The detective was an ambivalent figure in England, and, to some

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determine its authorship (Introduction, Richmond: Scenes in the Life of a Bow Street Runner [New York: Dover Publications, 1976] x).

extent, he was not regarded much more highly than the criminal. Even the idea of police in Britain was not popular in the eighteenth century. Prior to 1749, there was no police force in England, and London had a reputation "of being the most vicious capital in Western Europe" (Bleiler v).[16] The closest thing to a police force consisted of magistrates and constables. Magistrates were responsible for a variety of duties, including the upkeep of roads and trying those accused of crimes in their jurisdiction, though serious cases of crime were sent to the assizes presided over by high court judges on circuit (Emsley 23). The magistrate also hired constables to assist him in his duties, but as both offices offered little pay and prestige, the system was not very effective. No efficient force was available to assist the court in apprehending those people for whom a warrant had been issued.

In 1751, however, King George II urged Parliament to take steps to suppress crime, and made the same plea in 1753 (Emsley 21). In that same year, Sir William Mildmay wrote a report urging the formation of a force similar to that found in Paris, but he also pointed out the fear, prevalent in Britain, that the formation of a police force would be unconstitutional:

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[16] As late as the early nineteenth century, Francois Vidocq, the head of the French detective agency The Sûreté, claimed that "No capital in the world, London excepted, has within it so many thieves as Paris" (The Memoires of Vidocq [New York: Arno Press, 1976] IV 34).

> I am aware particularly, that the marechausée in the provinces, and the watch-guard at Paris, go under the name of military establishments, and consequently cannot be initiated by our administration, under a free and civil constitution of government. [England is a] land of liberty, where injured and oppressed are to seek no other protection, but that which the law ought to afford, without plying for aid to military power; a remedy dangerous, and perhaps worse than the disease. (Emsley 21)

As late as 1818, a Select Committee of the House of Commons considered the use of police as "odious and repulsive" (Pringle 13). Nevertheless, the same year as Mildmay's report, 1753, Henry Fielding, a magistrate in Bow Street since 1748, received funding for a small plain-clothes police force, called the Bow Street Flying Squad, though it was not officially recognized (Emsley 26). Fielding had actually formed an informal detective force by 1749, which included himself, as Magistrate, Saunders Welch, the High Constable of Holborn, and six of the eighty constables under his control (Pringle 88). Major success came after King George II's speech on rising crime in 1753, when two notorious gangs of thieves were apprehended shortly after Fielding received funding (Pringle 109). The usefulness of the police was well proven, though an official police force would not come into existence until 1829.

John Fielding carried on his brother's work, and the Bow Street Office expanded. By 1825 Bow Street consisted of three magistrates and 150 constables. Constables on horse and foot patrol wore "a double-breasted blue coat with yellow metal buttons, blue trousers, a black hat and a scarlet waistcoat," because of which they were popularly known as Robin Redbreasts. Investigating officers, known as the Bow Street Runners, had no uniform, but they carried a small tipstaff or truncheon as a symbol of their authority. The runners could operate anywhere in Great Britain, and, in one case, even pursued a criminal to America.[17] Unfortunately, their pay mainly consisted of reward money, and, this being the case, they tended to be most concerned with those cases that were the most lucrative. John Townsend, the most famous Bow Street Runner, begged his Chief Magistrate not to ask him to serve a warrant on a barber, which would be a duty offering little prestige and, no doubt, remuneration (Radzinowicz III 268). Some cases of corruption were also exposed. In 1828, the Morning Chronicle, in discussing Sir Robert Peel's establishment of the Metropolitan Police force, noted: "If Mr. Peel [is going] . . . to purge the Police of all officers who have been indirectly concerned in a 'compromise' . . . few officers will be left at Bow Street" (Radzinowicz

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[17] All of the above information on the Bow Street Runners is taken from Bleiler's account in the Introduction to Richmond, vi-vii.

III 269). Nevertheless, they did constitute an improvement over the early eighteenth-century constable system, and they operated until disbanded in 1839, ten years after the establishment of the Metropolitan Police.

Their close connection to the criminal underworld, as well as their profiting from it, put them in a rather ambivalent position, described thus by Leon Radzinowicz:

> The Bow Street Office soon became a pecuniary establishment to itself, the headquarters of a closely knit caste of speculators in the detection of crime, self-seeking and unscrupulous, but also daring and efficient when daring and efficiency coincided with their private interest. (II 263)

The police detective does earn his livlihood from crime, either honestly or dishonestly, and he also must learn from, and sometimes live with, the criminal in order to be effective.

Richmond is, essentially, an exploration of this unusual relationship between the criminal and the detective, with an emphasis on the detective as isolated from the judicial system and society. The similarity between the detective and the criminal is evident in Richmond's description of his early life as an outlaw as "the period of my education for my future duties at Bow Street."[18] His

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[18] Richmond: Scenes in the Life of a Bow Street Runner (New York: Dover Publications, 1976) 65. All further citations will be taken from this edition.

education consists of learning about the behaviour of the criminal class and the techniques they use, and about the corruption to which existing members of law enforcement agencies are prone.

He is the same isolated and resourceful character both as an outlaw and as a detective. For example, when, as a youth, he is caught fishing on someone else's property, he stands his ground, "in as cool a manner as [he] could assume," and the property owner, "crestfallen when he saw me thus undaunted," resorts to idle threats rather than a beating (10). Richmond's composure under fire as a young man later serves him well as a detective when he stands his ground against a criminal who appears throughout the novel, Mr. Jones:

> "Come!" said I [Richmond], "Mr. Jones, I can't waste my time. You must go; there's no help for you."
>
> "An't there?" said the desperado, drawing out a pocket pistol and presenting it at me; but I was still better prepared than he; for, on the instant, I presented a pistol in each hand. When he saw this, he shrank from the dubious trial of our skill, and surrendered. (105)

Aside from the importance self-control that is illustrated in these two incidents, we see in this last episode a confrontation of a different kind than that of the criminal and the courtroom. Much as in Caleb Williams, the

criminal's struggle is mainly with another character, but the criminal's antagonist represents a different view of the law than that of the innocent character in the position of the criminal. The law is administered, not by a system, but by an individual, the detective, who tailors his actions according to circumstance.

Richmond comes by his use and understanding of the law first by his encounters with its inefficiency as an outlaw. This phase of Richmond's life presents the standard world of picaresque fiction, as described by Stuart Miller: "[In the picaresque novel] the motif of law and order reveals judges, jailers, and policemen as corrupt and venial" (97). Richmond is arrested with his travelling companion shortly after leaving home, but later escapes while the arresting constables get drunk (18). One of the ways in which John Fielding hoped to reduce crime was to enlist toll-takers at turnpikes to supply information concerning the whereabouts of criminals (Bleiler vi). In Richmond, the system does not seem to have fully taken effect. On the road, Richmond encounters a highwayman, and later, when he reaches a turnpike house, complete with barred windows because of the dangerous neighbourhood, he notes, "I fancied that I could see beyond one side of his [the turnpike-keeper's] big lazy belly, which filled the doorway, a grim person, very like Blore [the highwayman], seated in the chimney-corner with a glass in his hand" (33). When Richmond is falsely accused

and arrested for seduction of his girlfriend, with whom he has run away, the "honest and upright officer" hints at a way of escape: "a certain sum in the way of hush money" (49). The bribe is successful. To escape a writ against his girlfriend, Ann, they simply go to Westmoreland, "beyond the power of the Lancaster officer and his writs" (56).

When Richmond does join Bow Street, he encounters more complex problems of law enforcement. There are, of course, the usual problems with a bureaucracy: "I was by no means, however, to be under the control of a superior, to whom all the merit would (as is the usually the case) be given, while all the trouble would fall to my share" (92). The most interesting problem faced by him, though, is evident in his attempt to enforce the law. He operates independently of the court in that he must weigh evidence, hear testimony and determine guilt to the best of his ability before resorting to the courts to bring about a trial. By the time he has sifted through the relevant evidence, heard pertinent testimony, and carefully considered who might be the guilty person, the court case becomes either a mere formality or a stumbling block. That is, the detective often performs much of the work of the courts without resorting to them, and for this reason, the detective's conflict with the criminal is of greater importance than the criminal's conflict with the judicial system. The presence of the detective, then, limits the role of the criminal to a conflict with another

character, the detective himself.

Criticism of the judicial system is still evident, but only in relation to the detective's relationship to it. For example, Richmond's judgements may be based on experiences that would be considered irrelevant in a court. In his first case, Richmond seeks the murderer of a boy. He is aware that evidence and prejudice weight heavily against those whom he knows to innocent:

> The gipsies were, in my opinion, as innocent of all knowledge of this deed as I was; yet, from the time, the place, and, above all, from the circumstance of the maid having been gossiping with a gipsy fortune-teller when the boy disappeared, I perceived it would not be an easy matter to make their innocence apparent to those who were generally prepossessed against their character. I knew well that it was one thing to be convinced myself of their guiltlessness, and another to convince such as were swayed by strong prejudices towards a contrary conclusion. (97)

Richmond's conjecture is not without basis because he lived with the gypsies before becoming a detective and knows that they would not murder a child, nor leave behind valuables, which is the case here, if they did. Richmond's opinion would count for little against the prejudice felt towards gypsies as a race, as well as the court's predilection for eye-witness testimony and evidence rather than personal

experience.

Moreover, in this case of the missing boy, the real culprit, Mr. Jones, manages to escape conviction owing to a lack of proof. Despite being guilty of kidnapping, amongst numerous other crimes, Jones is considered innocent and acquitted:

> Jones himself has been kept in custody only on strong suspicion. It could not be proved that he was the person who threw the body into the pond, nor even that it was his buggy that passed the turnpike; for though my first informant had spoken positively to me, he would not swear to it before the coroner. The body not being identified also, rebutted any charge of murder. He was accordingly acquitted and discharged, as many a guilty wretch has been from lack of evidence. (108)

The detective is placed in an unusual position in that he is the agent of a system of justice whose goal of accurately determining guilt or innocence he must further, but that system sometimes thwarts his efforts to do so. The essential conflict in Richmond, then, is between the individual and his attempts to serve the ends of justice, and society and its administration of the law. This conflict isolates the detective from the system he serves.

Richmond is, therefore, in a difficult, if not antagonistic, relationship with the judicial system, despite Keith Hollingsworth's claim that "the author indicates no

wish to improve the criminal law" (55). Richmond describes the need for the law to differentiate between different kinds of theft, such as petty theft and graverobbing: "Yet it was [petty theft] in the eye of the law equally culpable with the traffic of such wholesale dealers in contraband articles as this Jones [a resurrection man and thief]" (148). He also disapproves of capital punishment:

> I would much rather never touch a guinea, than have the reflection of its being the price of life, even though the convict had committed crimes of the deepest dye. Forty pounds would prove but a poor recompense to me for the consciousness of having been the chief instrument in bringing a miserable wretch to the gallows. (195)

He admits that his conscience is inconsistent with "his principal duty as an officer [which] must be to apprehend criminals who have to take their chance of capital conviction" (195). For Richmond, however, his duty to the system comes first despite being in conflict with it in his conscience. He accepts his duty, yet he remains critical of the current inadequate and corrupt state of law enforcement: " . . . in this outlandish place, eighty or ninety mile from the metropolis, with scarcely such a thing as a constable, and with those who had been sworn as such not to be depended on, I really was non-plussed" (139).

What is most interesting in Richmond is that the

detective offers a new perspective on the law. In the first section of the work, the inept workings of the law have no real moral significance in that their efficiency or inefficiency only represent a brief challenge in the picaresque hero's otherwise chaotic world. In the second section, the chaotic world of the criminal as well as the problems of the judicial system and its enforcement of the law are viewed as sources of disorder that only the just individual, who is isolated from them, can help remedy. The detective, then, represents an agent of justice who is in an authoritative position to criticize the law because he works outside the system, while, at the same time, he is also in an authoritative position to evaluate the criminal underworld because he works within that realm. Essentially, he replaces the criminal as the isolated individual and as the spokesperson for judicial and social reform. In such a role, he is much like the innocent character in the position of the criminal, but he can confront the judicial system on an equal basis because he attempts to enforce the law when the system fails to do so.

Because the detective is in conflict with the judicial system, the role of the genuine criminal is reduced in Richmond. He is merely a manifestation of evil, against which the detective must battle. His crimes allow only for moral outrage, as is evident in the following description:

The coffin was new; and from the conversation of the

> ruffians, I understood it contained the remains of a young lady, which they unceremoniously stuffed into a large sack, with a many a coarse jest unfit to be repeated. They then prepared to carry it off for purposes which were but too obvious. (139)

The criminal here is simply an enemy of humanity; the genuinely interesting relationship between the law and the isolated individual is found in the detective's relationship to the judicial system.

Richmond's relationship to the social hierarchy is also of importance insofar as he appears to have no definite role in it. Of his place in society, Richmond states: "I had already in part renounced the circle of respectable middle life in which I might have moved, and was now a sort of outcast, except among my brother officers or persons of similar rank" (170). The detective's work is part of an organization that has no social niche; therefore, he has no definite niche in society.

His isolation from any definite role in society, however, allows him to better serve the ends of justice. In his fifth case, for example, Richmond has difficulty in persuading an upper-class client, who has been swindled out of a sum of money, to go to court because that client fears public embarassment. Richmond's duty to a code of justice outweighs any duty to a code of honour or deference to a member of the upper class:

> I had no patience with this kind of punctilio, and could have wished all the absurdities of the code of honour pitched to purgatory. It was necessary for me, however, to do what my duty required in bringing the delinquents to justice, whether or not it was to be of any benefit to Percy [his client]. (259)

Richmond's social refinements are of a limited, but impartial, kind: the novel calls it "pistol eloquence" (262). He need not adhere to social distinctions in his job.

Essentially, the intricacies of social class are only relevant in relation to a crime being committed or solved. The predilections of the rich, for example, are only an opportunity for a confidence game in Richmond's third case. When a Mr. Blizzard arrives from the West Indies with his "heart set upon having a Lapland sledge drawn by reindeer" (164), he is marked as a would-be eccentric and an easy mark for a fellow aristocrat confidence man, Lord -------. Criticism is not extended to the rich as a class, but rather it is confined to the oportunity that the rich present for exploitation:

> . . . one of Mr. Blizzard's Hebrew friends did make the attempt to transform a set of galloways into reindeer by decorating their heads with antlers, and other contrivances; but the horses could not be made into passable stags, and the attempt was abandoned, to the

> great grief of the Jew speculator, and the sad disappointment of Blizzard. (164).

This case is not used for any larger commentary on the rich or on anti-Semitism. Primarily, the episode demonstrates the disregard of the confidence game for class. Richmond is not fully developed as a social critic for this reason: the workings of society are of secondary importance to the workings of crime and the detective's administration of the law, neither of which are inherently prejudiced against social class. Yet, presenting the workings of both crime and the law can offer criticism of society of a limited kind in that no one is presented as invulnerable to either. More extensive social criticism is found in novels that emphasize the innocent-character-in-the-position-of-the-criminal's point of view in relation to a judicial system that may operate unfairly because of class bias.

Despite its insightful treatment of the detective, however, the novel itself cannot be considered as influential on later writers. It sold very few copies, and remainders of the first edition were reissued in 1845, with a new title page (Ousby 59). Oddly enough, the year after the publication of Richmond, a genuine autobiography of the head of the French detective agency The Sûreté attracted a great deal of interest.

The Memoires of Vidocq

Francois Vidocq's The Memoires of Vidocq (1828-29), while not a fictional work, is simlar in form and content to Richmond and was influential in popularizing the detective. Both works are episodic in structure, both present an outlaw who later becomes a detective, and both have appropriately been described as examples of picaresque fiction. Ian Ousby describes The Memoires of Vidocq as recasting Vidocq's life "according to the literary conventions of his day. His career becomes a picaresque novel" (47). The importance of the Memoires in the literary evolution of the criminal is that it helped establish the detective, rather than the criminal or the innocent character in the position of the criminal, as the character in the position of having an antagonistic relationship to the judicial system.

The Memoires' popularity in England was substantial. The first two volumes were published in 1828 and the final two in 1829, and each was immediately translated into English.[19] In 1829, incidents from the Memoires were brought to the stage in Vidocq, the French Police Spy, and,

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[19] A. E. Murch lists George Borrow as the translator (The Development of the Detective Novel [London: Peter Owen, 1958] 45), but this claim is disputed by Keith Hollingsworth. He cites the lack of any solid evidience for determining a translator of the work, although he notes that William Maggin "might have had some connection with the project without undertaking the labour of the whole" (The Newgate Novel 1830-1847 [Detroit: The Wayne State University, 1963] 238-39n).

in 1845, Vidocq himself,

> spent some time in London and opened an exhibition in a Regent Street Shop. Surrounded by gruesome relics, he discussed some of his famous cases and appeared in several disguises to entertain the constant stream of visitors. (Murch 45)

His work appears to have been ghost-written by two other writers, E. Morice and L. F. Heritier, who embellished his material (Hollingsworth 56). Despite these embellishments, the work does offer insight into the role of the detective, even if his adventures are at times fantastic, as noted by Keith Hollingsworth:

> The descriptions of prisons and prisoners are convincing, the escapes are remarkable but not impossible, and the accounts of Vidocq's success as a police agent . . . are likewise the stuff of legend but not impossible. As for credibility, the main trouble is that there is too much of everything. (56)

The work is rather diffuse, but it does quite clearly define the detective's role as an antagonist to the judicial system by using much the same method as Richmond. The first section recounts the life of Vidocq as an outlaw, and the second half recounts his life as a detective.

The setting of Revolutionary France in the first section of the novel, however, provides a wider range of social and judicial disorder than that found in the first

section of Richmond. Vidocq's early life consists of his experiences with the military and the judicial system in this setting. He has no political committment to the Revolution, and the military serves as only a convenient hiding place for his escapes from the law and prison.

This part of the work illustrates the shortcomings of systematized justice, especially in the military. On first joining the army, Vidocq finds only the rule of honour in force as a form of discipline, and he fights fifteen duels in six months. After attempting to compel an officer of higher station than himself to fight in a duel, Vidocq is arrested and then deserts. He later rejoins the army, deserts again, joins the Austrian army and hopes he does not have to fight his fellow Frenchmen. His time with various military units from a variety of nations continues pretty much in this vein, and illustrates a system gone awry.

Order is imposed, or at least attempted, by a travelling system of summary justice:

> I then saw the strange corps called the Revolutionary army. The men with pikes and red caps, who composed it, took with them everywhere the guillotine. The convention had not, they said, found any better way of securing the fidelity of the officers of the fourteen armies which it had on foot, than by placing before their eyes the instrument of punishment reserved for

> traitors. . . . It did not much flatter the military.[20]

The Revolutionary army does not seem to be particularly effective, however, because Vidocq spends some time with a detachment of confidence men that operate with impunity:

> I thus found myself incorporated with the roving army composed of officers without brevet, and without troops, and who, furnished with false certificates and false lines of march, imposed the more easily on the commissaries of war. . . . Yet the roving army was not then composed of less than two thousand adventurers . . . they promoted themselves as rapidly as circumstances would allow. (I 43)

Vidocq's experiences in the army constitute an education in vengeance and fraud, and, more importantly, an education in the meaninglessness of a system that cannot be administered properly.

The police are also presented as inept. There were police in Vidocq's day, 3000 of them by the 1750s (Emsley 9), but they only appear briefly in the early part of the Memoires to arrest Vidocq in between numerous escapes from jail. His escapes are so numerous because the police and jail system are so lax. The law is merely a brief challenge for the picaro of the early section of the Memoires.

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[20] Francois Vidocq, The Memoires of Vidocq [New York: Arno Press, 1976] I 32. All further citations will be taken from this edition.

In the second section of the work, the importance of administrating the law properly is given greater attention and it transcends other potential issues. The Revolution is of little political significance in the Memoires, except insofar as political disorder allows for crime. Confidence men, for example, have an easy time robbing the upper classes during the Revolution, using a variety of deceptions: "These sort of intrigues, now very rare, were at this period very common, in consequence of the disorder which sprung from the revolution; an event which shook the structure of social order and good conduct in society" (I 202). The narrow social focus of the detective in literature is again apparent in that the social context of the work is limited to the operations of criminals and the law.

Implicit criticism is evident, however, in that social injustice is used as part of the confidence game, which is played by criminals as well as those who represent the government. A recruiter for the army promises riches and the opportunity of indulging in cruelty without fear of punishement as a lure for prospective recruits to the colonies:

> you must know that in the colonies every soldier has his male and female slave, as we might have domestics of both sexes; only that you may do with them what you please. . . you may kill them as you would a fly; for

you have power of life and death over them. (II 41) The only commmentary offered on this speech is on the smoothness of the recruiter's methods. Furthermore, the recruiter's speech is only presented because it forms an interesting episode in a criminal's life. This instance of social injustice is not treated in a context distinct from the general lawlessness that pervades the criminal underworld, and, in this way, the criminality that is inherent in society is stressed.

Vidocq succeeds as a detective in this setting primarily because he operates outside the social order and the judicial system. The police department, in Vidocq's dealings with it, is an efficient governing body headed by what amounts to a court of justice. Vidocq's preceptor in police matters is one M. Henry, whose ability to place himself in the position of a detective/judge is described by Vidocq as follows: "With M. Henry it was a sort of instinct which conducted him to the discovery of truth . . . chameleon-like, he changed with every circumstance, and varied with each character with whom he had to deal" (II 166). M. Bertaux performs the role of a lawyer: "a cross-examiner of great merit, whose particular talent consisted in sifting a thing to the bottom, however intricate it may appear" (II 167). The final member of the "veritable triumvirate," "M. Parisot, governor of prisons" (II 167), is in charge of administering punishment. These three form an

administrative system of the law that operates outside the courts, but serves their purpose very well: "[they compose] a veritable triumvirate, which was incessantly conspiring against the perpetrators of all manner of crimes . . . to procure for this immense city a perfect security" (II 167). M. Henry defines the role of the police as distinct from that of the courts: "We hold ourselves under greater obligations to that person who prevents one crime than to him who procures punishment of many" (II 176).

Vidocq defines his role as a detective as distinct from that of the judicial system as well. At the end of the second volume of the Memoires, Vidocq claims he will provide a detailed criticism of the various modes by which the guilty but too often succeed in setting at defiance the sagacity of the judge"; "the faults of our criminal informations, and the still greater errors of our penal code" (II 260). He also claims that he will ask for reforms that will be conceded because "reason, come from where she may, is always sooner or later understood" (II 260). Unfortunately, however, Vidocq does not go into the kind of detail promised about these criticisms and reforms.

In the absence of explanations of such judicial reforms, implicit criticism is evident in Vidocq's being compelled to become a judicial system unto himself:

> Certainly, nothing would have been easier to me than to have filled the prisons; the thieves, and by this title

> all were denominated who had been committed to trial for any act contrary to honesty, were not ignorant that their fate was in the hands of the first as well as the last agent; and that to bring upon them a sentence of indefinite imprisonment at Bicêtre, only a statement was necessary, whether true or false. (III 122)

Unable to depend on the judicial system to attain justice, he must rely solely on his own judgement, which, fortunately, appears to be sound: "This method of repression [arbitrary arrest] had serious consequences, since the innocent might be condemned as well as the guilty, the reformed confounded with the incorrigible" (III 122). To ensure that only those who have actually committed a crime are imprisoned, Vidocq admits to employing participants in robberies as informers. He claims, "I certainly felt a repugnance at employing such agents, but the security of Paris prevailed over considerations purely moral" (III 123). To fulfil his duty, Vidocq must create his own system of justice, independent of the legal system or even of moral considerations.

Vidocq is compelled to such action because he finds the cause for continuing crime in legislation that does nothing to help curb it but, rather, encourages it:

> Happy would it be, thrice happy, if punishment, (whatever be the nature of the crime) did not leave behind an indelible brand of disgrace. But our

> European societies are so organized that inexperience has every means and temptation to become perverted. Does it succumb? Justice is at work. Justice! rather legislation. It strikes the blow, and whom does it strike? The poor, the ignorant, the unfortunate, to whom the bread of education has been denied . . . him to whom the law has not been promulgated. (IV 2)

For Vidocq, laws concerning punishment only serve to "pervert and corrupt more and more weak human nature" (IV 3). Vidocq goes so far as to claim that theft, as a profession, would not exist if the convicted were not disgraced by the justice system. In his antagonism to the system he serves, Vidocq rather than the criminal becomes the critic of the judicial system and society.

The criminal himself appears in much the same capacity as he did in Richmond. He is, simply, a repulsive character in the less-than-romantic atmosphere of the criminal underworld:

> [in a tavern favoured by thieves], the most refined gallantry that could be offered to the nymphs . . . was to offer them . . . the quid of tobacco, submitted or not, according to the degree of familiarity, to the test of previous mastication. (III 53)

As a detective, Vidocq is in much the same position as Richmond in his relationship to the criminal underworld, but he does offer more explicit criticism of the judicial system

than does Richmond. We mainly have, however, only Vidocq's assertion that his methods are superior. As Ian Ousby notes, Vidocq uses the same techniques in his detective work as he did as a jailbreaker and convict: "skill in disguise and a knowledge of the underworld--for rather than against the law" (54). A detailed portrayal of the superiority of the detective's methods in comparison to the methods of the judicial system and the police, rather than mere criticism of these methods, as in the Memoires and Richmond, is found in the detective short stories of Edgar Allan Poe, in which the detective's superiority to the judicial system is more clearly defined.

The Judicial Detective: Edgar Allan Poe's Detective Short Stories

Edgar Allan Poe's three detective short stories, "The Murders in the Rue Morgue" (1841), "The Mystery of Marie Roget" (1842) and "The Purloined Letter" (1844)[21] present a

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[21] Two other short stories by Poe, "The Gold Bug" (1844) and "Thou Art the Man" (1843), are sometimes included as detective short stories. Howard Haycraft objects to their inclusion because essential evidence for the solution of the crime is concealed from the reader (Murder for Pleasure [New York: Biblo and Tannen, 1968] 10). This element of "fair play" with the reader, however, is really a question of method rather than a defining criterion. The problem with including "The Gold Bug" is that it mainly involves a mystery rather than a crime; "Thou Art the Man" has so little of a detective presence that the story mostly involves narration rather than

detective who, like Richmond and Vidocq, operates outside the courts. In fact, Poe was inspired by Vidocq, and, as noted by Julian Symons, "It is right to say that if the Memoires had never been published Poe would never have created his amateur detective [Dupin]" (33-34). The difference between Vidocq and Dupin, however, is that, while both express dissatisfaction with the current state of law enforcement, only Dupin makes a point of demonstrating the superiority of his methods of investigation over those of existing law enforcement agencies and the judicial system. As noted by Howard Haycraft: "throughout the tales Poe hammers ceaselessly to drive home his acutely personalized thesis of the superiority of the talented amateur mind" (24). The detective in Poe's short stories succeeds in crime solving, not so much because he is isolated from the judicial system and in contact with the criminal underworld, but because he operates strictly within his own well-defined and superior judicial system.

Julian Symons praises Poe for distancing the detective from mundane issues of law enforcement: "it is a tribute to Poe's inventive genius that his stories had so little to do with actual police operations" (33). Dupin is never faced with apprehending common criminals; therefore, knowledge of the criminal underworld is not required for him to solve a case. What is lost in Poe's short stories are the insights

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detection.

into the practical difficulties involved in law enforcement that are offered by the professional detectives in Richmond and the Memoires. Dupin does not face the dilemma of having to uphold a system with which he disagrees because he is not employed by the police or the courts, but he is critical of the police and the courts because their principles of investigation in determining guilt are inferior to his own. The greater tribute to "Poe's inventive genius" is that he presents a detective who is divorced from any law enforcement agency, but is still able to retain the thematic complexities of the workings of law enforcement in his stories by placing his detective's investigations in a judicial setting, in Dupin's study rather than in the courts.

The first published of these short stories, "The Murder in the Rue Morgue" (1841), involves Dupin's establishment of the crucial principles of investigation and his distinguishing himself from the role of the courts in the pursuit of justice. In this short story, a mother and daughter are found viciously murdered in a room to which no entrance or exit appears possible. In solving this case Dupin's most outstanding feature is his ability to employ both deduction and induction. This is an ability lacking in the Paris police:

> There is no method in their proceedings, beyond the method of the moment. They make a vast parade of

> measures; but, not unfrequently these are so illy adapted to the objects proposed . . . [and] for the most part, are brought about by simple diligence and activity. (668)[22]

Even Vidocq is criticized:

> Vidocq, for example, was a good guesser and a persevering man. But, without educated thought, he erred continually by the very intensity of his investigations. He impaired his vision by holding the object too close. (668)

To be fair, Vidocq was never called on to capture a murderous orangutan. The important point here is that the police lack a principle of investigation by which to judge the physical evidence of the case and to arrive at a correct conclusion. In attempting to draw inferences and a motive from physical evidence, the police are unable to make any progress in solving the crime and wrongly arrest an innocent character, Adolphe Le Bon.

In contrast, Dupin is thoroughgoing in his judgements and finds the guilty party because he first employs his powers of deduction before attempting to draw inferences from the evidence. By first establishing a principle of investigation, Dupin is able to provide a context for

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[22] Edgar Allan Poe, "The Murders in the Rue Morgue," The Unabridged Edgar Allan Poe (Philadelphia: The Running Press Book Publishers, 1983). All further citations will be taken from this edition.

examining the crime:

> They [the police] have fallen into the gross but common error of confounding the unusual with the abtruse. But it is by these deviations from the plane of the ordinary, that reason feels its way, if it all, in its search after the true. In investigations such as we are now pursuing, it should not be asked "what has occurred," as "what has occurred which has never occurred before." (670)

For Dupin, the "outré character" of the crime, its unusual qualities, must necessarily narrow its possible solutions.

Dupin's determination of who committed the crime, then, is based on three "outré" elements of the evidence:

> the peculiar voice [heard before the bodies were discovered], the unusual agility [that the suspect must have had to enter through the window], and the startling absence of a motive in a murder so singularly atrocious as this. (676)

The shrill voice is unusual because "denizens of the five great divisions of Europe could recognize nothing familiar" (671), and "No words--nor sounds resembling words--were by any witnesses mentioned as distinguishable" (672). This testimony narrows Dupin's search, or, in his own words:

> Legitimate deductions even from this portion of the testimony--the portion respecting the gruff and shrill voice--are themselves sufficient to engender a

> suspicion which should bias, or give direction to all farther progress of investigation. (672)

Dupin does not reveal his suspicions at this point, but he has clearly deduced that the possessor of the shrill voice is not human. The manner in which the assailant must have entered the window also supports this deduction: "the very extraordinary--the almost preternatural character of that agility that accomplished it [gaining entrance through the window]" (675). The extreme violence of the murders, and the assailant's leaving behind valuable possessions further support Dupin's suspicion, which is eventually confirmed at the end of the story when the owner of an oragutan confesses to witnessing his ape murder Madame L'Espanaye and her daughter. Dupin's thoroughgoing methodology of induction succeeds where the police force's plodding and faulty methods fail; more importantly, Dupin lifts suspicion from the wrongly accused, Adolphe Le Bon, and ensures justice is attained.

Dupin's emphasis on criminal investigation is really a concern for justice, in which the truth is found through throrough and fair methods of investigation, rather than as an exercise in building a successful case for the courts. In reference to the extraordinary agility required to enter the window, Dupin speculates on how someone solely concerned with making a case might interpret the evidence at hand:

> You will say, no doubt, using the language of the law,

> that to make out my case, I should rather undervalue, than insist upon a full estimation of the activity required in the matter. This may be the practice of the law, but it is not the usage of reason. My ultimate object is only the truth. (675)

Here Dupin puts an ideal of justice, the importance of seeking after truth, before mere judicial expediency. He is in conflict with the legal system on matters of judicial principles, rather than with the practical difficulties of law enforcement, as in Richmond and the Memoires.

In Poe's next short story, "The Mystery of Marie Roget," the soundness of Dupin's methods is again presented in detail, and the usefulness of police methods to Dupin is humorously belittled:

> [As the Prefect reviewed the case] Dupin, sitting steadily in his accustomed chair, was the embodiment of respectful attention. He wore spectacles, during the whole interview; and an occassional glance beneath their green glasses, convinced me that he slept not the less soundly, because silently, throughout the seven or eight leaden-footed hours which immediately preceded the departure of the Prefect. (763)

As in "The Murders in the Rue Morgue," the Police operate from the wrong assumption about the case:

> In the investigations at the house of Madame L'Espayane, the agents of G__ [the Prefect] were

> discouraged and confounded by that very unusualness which, to a properly regulated intellect, would have afforded the sweet omen of success; while this same intellect might have been plunged into despair at the especially ordinary character of all that met the eye in the case of the perfumery-girl [Marie Roget], and told of nothing but easy triumph to the functionaries of the Prefecture. (770)

Dupin determines a useful principle of investigation by assuming, because of the "ordinary character" of the case, that the investigation must be of a much wider scope than is usually employed by the police or the courts:

> Not the least usual error, in investigations such as this, is the limiting of the inquiry to the immediate, with total disregard of the collateral or circumstantial events. It is the malpractice of the courts to confine evidence and discussion to the bounds of apparent relevancy. (781)

Dupin proceeds to examine evidence, gleaned from the local newspapers, that is crucial to solving the case, but that was ignored by the police.

Dupin is, of course, successful in solving the case, and in doing so, he fills a gap in the judicial system. Dupin's criticism of the courts is similar to his criticism of the police and is the criticism of virtually any bureaucracy: its tendency to deal best with only the

mediocre. Dupin explains further:

> For the court, guiding itself by the general principles of evidence--the recognized and booked principles--is adverse at swerving at particular instances. And this steadfast adherence to principle, with rigorous disregard of the conflicting exception, is a sure mode of attaining the maximum of attainable truth, in any long sequence of time. The practice, in mass, is therefore philosophical; but it is not the less certain that engenders frequently vast individual error. (778)

Dupin is able to weigh evidence fairly and carefully when principles of the court or agents of the judicial system fail to do so. As a just individual, rather than an individual employed by a system of justice, he is motivated by seeking after the truth rather than by following expedient measures. This relationship is the basis of what is most complex and interesting in Poe's detective short stories. Dupin assumes the role of an antagonist of the judicial system, much as the picaresque detective did. Dupin, however, goes a step further than the picaresque detective in establishing a systematized method of investigation and judgement that is superior to the existing one.

In Poe's final detective story, "The Purloined Letter" (1844), Dupin's purpose is to put an end to an ongoing crime, the blackmailing of an unnamed woman of high station.

The police know that Minister D__ has stolen a letter that incriminates the unnamed woman of station, but cannot find it on his premises after a minute, exhaustive search. After listening to the Prefect recount the details of the search, Dupin visits the minister, spots the letter, replaces it with a copy, and puts the blackmailer in the power of the woman he blackmailed. Again, Dupin distinguishes himself from the police by operating according to the correct principle of investigation. While the Prefect, being used to dealing with simple criminals, assumes that the letter has been carefully hidden, Dupin, by matching his intellect with the Minister's, deduces that the letter has been left in an obvious spot and easily finds it.

"The Purloined Letter" does not contain any direct criticism of the judicial system, though the usual condemnation of the police department's incompetency is evident. Yet, this story's presentation of the detective is more radical in relation to the judicial system than the previous two stories. Only in "The Purloined Letter" does Dupin assume the role of a judge meting out punishment. By secretly replacing the letter in question with a facsimile, Dupin allows the Minister to continue thinking he is in a position to blackmail, though, "For eighteen months the Minister has had her [the unnamed woman] in his power. She has now him in hers" (932). In acting as if he is still in a position of power, the Minister will eventually "commit

himself, at once, to his political destruction" (932). Dupin states, "In the present instance I have no sympathy--at least no pity--for him who descends" (932). Here Dupin moves from simply solving a crime to ensuring that an appropriate punishment is meted out to the guilty. He truly does become a judicial detective.

The criminal, however, has very little presence in these stories. He is not even a human being in "The Murders in the Rue Morgue," he has no presence as a character in "The Mystery of Marie Roget" and he is merely an antagonist of Dupin in "The Purloined Letter." The detective's conflict with the judicial system serves the purposes of criticism, and the criminal is simply a means to this end. The detective did not, however, appear again in literature until after the rise of the social novel, in which, mainly, the criminal played the role of antagonist of the judicial system and society.

IV Target Practice: The Victim of Society

The Social Criminal: Paul Clifford

The criminal's antagonistic relationship to society undergoes a gradual change in the most sustained literary treatment of him as a character in the early nineteenth century, the Newgate novel. Of more importance than the Newgate novel,[1] however, is the advent of a different genre, the social novel, which also happened to be the first Newgate novel, Paul Clifford.[2] The social novel, in the words of Louis Cazamian, is a "novel with a social thesis; a novel which aims at directly influencing human

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[1] As Newgate novels differ greatly in form, content and quality only general definitions of what they have in common are useful, such as Keith Hollingsworth's claim that the common element of the Newgate novel is "the use of a criminal as an important character" (The Newgate Novel 1830-47 [Detroit: Wayne State University Press, 1990] 14). I have, instead, considered the novels that fall under the classification of Newgate novel as either social or sensation novels.

[2] Louis Cazamian claims that although the "novel with a purpose" had existed before 1830, Bulwer-Lytton and Harriet Martineau revitalized it. The first example of this revitalization is Bulwer-Lytton's Paul Clifford (Louis Cazamian, The Social Novel in England 1830-1850, trans. Martin Fido [Boston: Routledge and Kegan Paul, 1973] 36ff.

relations, either in general, or with reference to one particular set of circumstances" (8). The criminal, or the innocent character in the position of the criminal, in the social novel is mainly presented as both a critic and a victim of the segment of society that has placed him in the role of the criminal, but the way in which he fulfilled this critical role changed in the course of the social novel's development.

The first British social novel, Paul Clifford, has an important place in the literary evolution of the criminal because, though it expresses criticism of the judicial system similar to that of Godwin, it defines the criminal more in terms of his familial and social relationships than his relationship to the judicial system. Bulwer-Lytton did, nevertheless, appear to be mainly concerned with judicial reform in the preface to Paul Clifford:

> the present subject was selected, and the novel written, with a twofold object:-- First to draw attention to two errors in our penal institutions--viz, a vicious prison-discipline, and a sanguinary criminal code . . . . Between the example of crime which the tyro learns from the felons in the prison-yard, and the horrible levity with which the mob gather round the drop at Newgate, there is a connection which a writer may be pardoned

> for quitting loftier regions of imagination to trace and to detect.[3]

Judging by Bulwer-Lytton's first stated purpose, one would think that Paul Clifford continues Godwin's use of the criminal for criticizing the judicial system, and, to some extent, it does.

Paul Clifford's first encounter with the legal system displays some of the criticism promised by Bulwer-Lytton in his original preface. Wrongly accused of theft, Clifford is offered a pardon if he will inform on his companion who actually committed the theft, but he refuses and is sentenced to three months in Bridewell. While in court, he witnesses further injustices caused by the judicial system. The first instance involves a woman committed to seven days in jail on a charge of "disrespectability," but her husband disproves the charge. The response of the judge is as follows: ". . . as your wife, my good fellow, will be let out in five days, it will scarcely be worthwhile to release her now" (53). This example of callousness holds the legal system up to ridicule as a means of criticism, and the incident related by Bulwer-Lytton, as noted in his footnote, actually took place and was reported in The Morning Herald in January of 1830 (53). This incident is a

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[3] Edward Bulwer-Lytton, Paul Clifford, (Feeling-on-Tyne: The Walter Scott Publishing Company, n.d.) iii-iv. All further citations will be taken from this edition.

serious instance of injustice, but it is also a quite absurd incident, and hardly representative of a failure of principle in the judicial system.

The other instance of injustice cited in Clifford's appearance in court is of a more pervasive kind:

> Paul was conducted in state to his retreat, in company with two other offenders, one a middle-aged man, though a very old "file," who was sentenced for getting money under false pretences, and the other a little boy, who had been found guilty of sleeping under a colonnade, it being the beauty of the English law to make no shades of difference between vice and misfortune, and its peculiar method of protecting the honest being to make as many rogues as possible in as short a space of time. (54)

This serious and valid charge against the judicial system, however, is never really pursued by Bulwer-Lytton, not even when Clifford is in jail. One would expect that Clifford's time in jail would provide Bulwer-Lytton with an opportunity to expose "vicious prison-discipline" as a means of making "as many rogues as possible in as short a space of time," but this is not the case.

Clifford's time in prison is passed over rather briefly. The only discipline he experiences is at the hands of other inmates, who strip him of his valuables.

From here, Bulwer-Lytton is no longer concerned with one of the purposes of the novel, which was to show the detrimental effects of prison on the convicted:

> We do not intend, reader, to indicate, by broad colours and in long detail, the moral deterioration of our hero . . . . We shall therefore only work out our moral by subtle hints and brief comments; and we shall now content ourselves with reminding thee that hitherto thou hast seen Paul honest in the teeth of circumstances. (57)

Walter C. Phillips rightly claims that "the avowedly reformatory novelist gives us only his asseveration for the first half of his thesis" (167).

The result is that Bulwer-Lytton's criticism of the "sanguinary criminal code" is not very forceful, even when Clifford goes to court. After being a highwayman for seven years, Clifford is finally arrested, convicted and sentenced to be hanged. His speech at his trial lays blame on the law for his condition:

> The laws themselves caused me to break the laws; first, by implanting within me the goading sense of injustice; secondly, by submitting me to the corruption of example. . . . your legislation made me what I am! and it now destroys me, as it has destroyed thousands, for being what it made me. (324)

James L. Campbell notes that in Paul Clifford's final speech at his trial, one finds "echoes of the social doctrines of William Godwin" (42). The judicial system is the segment of society that receives the brunt of Bulwer-Lytton's criticism; however, the idea that Paul has been a victim of the legal system, as Caleb Williams quite genuinely was, is never really developed in the novel, as noted by Keith Hollingsworth: "The story of Paul's life [fails] to provide realistic backing for this eloquence" (69). Clifford encounters early the flaws of the legal system in being wrongly convicted, but he never undergoes the painful experiences at its hands that Caleb Williams does.

The limitation of Bulwer-Lytton's criticism of the judicial system is that the novel's plot is not based on a judicial struggle, but instead on a domestic struggle, as is revealed in the surprise ending of the novel. Clifford is not a victim of the law; rather he is a victim of his father's greed and desire to maintain his social class. His father, William Brandon, disposed of his wife, Mrs. Welford, to an aristocrat to re-assume his illustrious family name and fortune. He kept his son by her, Clifford, but Mrs. Welford later kidnapped him and left him at Mrs. Lobkin's inn, where she died. Raised in that inn, a favourite meeting place of thieves, Clifford receives his early education in crime.

Born a gentleman, however, Clifford appears to need only a chance to return to that social class to reform, and he gets that chance when, by coincidence, the judge who sentences him to death turns out to be his long-lost father. Brandon searched for his son, but did not discover him until he was on the verge of sentencing him to death. To preserve appearances, Brandon sentences Paul to death, but then writes a letter to ensure that the sentence is reduced to transportation for life, and then he dies.

Paul makes good use of his transportation, marries and becomes an upstanding citizen, but the circumstances behind his life of crime and his dealings with the judicial system have little to do with a serious study of crime and the criminal. Unlike Moll Flanders or Caleb Williams, the climax of the novel is not dependent on the legal and moral status of a criminal. Instead, it is dependent on the bizarre circumstances of Clifford's familial relationship to the judge. The resolution of this domestic mystery takes priority over the resolution of Clifford's criminal career in a moral or legal sense.

The unusual set of circumstances that allows Paul his freedom do have a higher purpose than mere incident, but that higher purpose has little to do with a serious exploration of the role of the criminal in the judicial system or society. The higher purpose of these events is

Clifford's union with his beloved. The romantic union between Paul and Lucy Brandon, William Brandon's niece, and the unusual chain of events that brings it about, most resembles the plot of a romance:

> there is an ordering of events [in the romance], but it is not a probable ordering. The wonderful romance plot unravels a complicated pattern of chance and coincidence . . . a mysterious order . . . seems to exist in events (S. Miller 10).

This emphasis on romance detracts from the conflict between the criminal and the law or society:

> There is a conflict in the romance between a social reality (often . . . resembling the chaos of the picaresque world) and a sharply focused and stable affection between two perfect beings. The plot is then worked out by a series of wonderful events and coincidences, showing the ultimate victory of perfection over imperfection. (S. Miller 11)

Paul's escape from the judicial system, his marriage to Lucy, and their new life in America are the victory of a perfect couple over an imperfect world of class prejudice and injustice. Paul is triumphant; he achieves "universal respect," and the couple live in bliss. They are compared to "the plant on the plains of Hebron" (341). This is not the first appearance of romance in a novel concerning a criminal, but it is the first in which

romance takes priority over the criminal's career. Moll Flanders also ends with a happy couple in a new land, but Moll and Jemmy must come to terms spiritually and legally with their criminal careers before romance prevails, whereas Bulwer-Lytton simply allows the romantic plot to override Paul's status as a criminal, and the significance of his criminal career is never resolved.

The importance of Paul Clifford in the literary evolution of the criminal is that, while criticism of the judicial system is evident in the novel, the criminal is defined by his role in a domestic mystery involving social class and romance that made a citizen out of a criminal. Paul Clifford still focuses on the genuine criminal, but the author need only put an innocent character in the role of Clifford to further reduce the role of the judicial system and give greater emphasis to the social conditions that place a citizen in the position of the criminal.

Night and Morning

Bulwer-Lytton's third Newgate novel,[4] Night and

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[4] I have classified his second Newgate novel, Eugene Aram, as a sensation novel and examine it under the classification of "The Domestic Criminal." As noted by Louis Cazamian, Eugene Aram "made no comment on society" (The Social Novel in England, trans. Martin Fido [Boston: Routledge and Kegan Paul, 1973] 49).

Morning, is also based on a domestic mystery, but offers a variation on the missing or unknown parent. Night and Morning concerns a man, Philip Beaufort, who must keep secret his marriage because of his father's disapproval. When he dies, the marriage cannot be proved legitimate and "in the eyes of the law and the public, Catherine [his wife] was an impudent adventurer, and her sons [Philip and Sidney] were nameless outcasts."[5] Beaufort's younger brother, Robert, and his family inherit his estate, and Catherine, Philip and Sidney must somehow prove their legitimacy. The basis of the plot, then, concerns a question of civil law, and a citizen's, rather than a criminal's, struggle with that segment of the judicial system.

The protagonist of the novel, Beaufort's son Philip, in his struggle to prove his legitimacy, inadvertently becomes involved with criminals while in Paris, and they serve mostly as a complication in Philip's struggle to prove his legitimacy. The main criminal figure with whom he is involved, William Gawtrey, does, however, offer at least some social criticism. He poses as a swindler, a matchmaker who goes by the name of Monsieur Love. He does not "live exactly within the pale of the law," but he is eager to clear himself of what he considers

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[5] Edward Bulwer-Lytton, Night and Morning, 2 vols. (New York: Harper and Brothers, 1841) I 53. All further citations will be taken from this edition.

villainy: "I never plundered my friend, and called it play! I never murdered my friend, and called it honour! I never seduced my friend's wife, and called it gallantry" (I 194).

Gawtrey's criticism mainly concerns social class, and it is to the inequalities of class that he owes his criminal career. As a youth, he takes the blame for a prank he did not commit while at St. John's College to prove his friendship for an aristocrat, Lilburne, later Lord Lilburne. Lilburne, however, does not prove to be much of a friend. He seduces Gawtrey's girlfriend, then refuses a duel with Gawtrey. They do later fight and wound each other, but Lilburne gets the final revenge by ruining Gawtrey's reputation. Lilburne, a card cheat himself, accuses Gawtrey of being a card cheat. The charge is believed because Gawtrey's uncle is a well-known cheat, but it is Lilburne who uses Gawtrey's uncle's techniques. Believed to be a criminal, Gawtrey is forced into a life of crime, which he considers as his revenge on society: "Society cast me off when I was innocent. Egad, I have had my revenge of society since" (I 202-03).

His is a social struggle. He is aware that he has transgressed the law, but he pleads extenuating circumstances and blames Lilburne and the class he represents:

> here is this man [Lilburne], flattered, courted, great, marching through lanes of bowing parasites to an illustrious epitaph and a marble tomb; and I, a rogue too, if you will, but a rogue for my bread, dating from him my errors and my ruin! I--vagabond--outcast--skulking through tricks to avoid crime--why the difference? Because one is born rich, and the other poor; because he has no excuse for crime, and, therefore, no one suspects him! (I 230).

Gawtrey's struggle is mainly with social class, and he attributes his criminal career to the class system, rather than to the judicial system.

The judicial system has little importance in the novel, and Gawtrey never faces the courts for his crimes, which do become quite serious. When his matchmaking business fails, he turns to forgery. When his forging operation is discovered, he murders an informer and a man named Favart, who is "one of the most renowned chiefs of the great Parisian police--a man worthy to be the contemporary of the illustrious Vidocq" (I 218). Unfortunately, we do not see Favart in action for long, and, obviously, Bulwer-Lytton's praise needs some qualification. Favart does manage to infiltrate Gawtrey's gang, but Gawtrey easily sees through Favart's disguise, a wig and an eye-patch, and quickly murders

him. He shoots the informer, Birnie, through the head with a pistol. We do not get to see much more of Gawtrey after this point because he is shot down by the police while he helps Philip escape from a building near the murder scene.

The remainder of the novel concerns Philip's efforts, with the help of Mr. Barlow, a lawyer, to prove the legitimacy of his parents' marriage. The resolution of the plot involves a missing document (hidden in a secret compartment of a desk), blackmail, and marriage, but the criminal does not re-enter the plot.

Apart from the social criticism he voices, Gawtrey also plays a role in the novel in the life of the innocent character, Philip, who, by accident, falls in with his gang. In relating his life story, Gawtrey allows Philip further insight into social injustices, but he is also Philip's antagonist because, by virtue of being a criminal, he exposes him to danger. Philip must face this danger and live the life of a criminal only because he is denied his role in society by civil law. He is a victim of the social distinction upheld by civil law between who is considered legitimate or illegitimate, rather than a victim of the judicial system's administration of criminal law.

These social distinctions that force him into the position of the criminal define Philip's antagonistic

relationship to society, but he also must distinguish himself from the genuine criminal. Philip's protection from the criminal underworld, however, has little to do with the law, as noted in

> his profound gratitude to heaven for his deliverance from the snares that had beset his youth . . . . He acknowledged in life no such thing as accident . . . for nothing now could shake his belief in one directing Providence. (107)

Providence was also important in Moll Flanders, but there it helped the criminal to repent; here, it protects only the innocent. It also serves to remove the role of the judicial system from the novel involving the criminal. The criminal becomes merely a complication in the life of the unfortunate character who becomes associated with him, and he is removed from the life of that innocent character by the most expedient means.

Despite its emphasis on providence and its lack of emphasis on the judicial system and the sustained presence of the genuine criminal, Night and Morning did establish the genuine criminal in an important role as a critic of society, rather than a critic of the judicial system. Class, instead of the law, became the most important defining characteristic of the genuine criminal, and social distinctions became the defining characteristic of the innocent character in the position

of the criminal. The social novel, then, shifted the emphasis from the criminal, or innocent character in that position, as representative of a flawed judicial system, to being representative of a flawed society that biases the judicial system. While this criticism is evident in Caleb Williams, Bulwer-Lytton presented it without directly involving the judicial process in the novel. Moreover, in comparison to Godwin, Bulwer-Lytton limited the presence of the genuine criminal in Night and Morning.

Oliver Twist

The reduction of the role of the criminal to that of an antagonist of the innocent character associated with criminals is also evident in Charles Dickens' first Newgate novel, Oliver Twist. It is, after all, The Parish Boy's Progress, only some of which takes place amongst criminals, that is emphasized in Oliver Twist. The two main criminal figures, Fagin and Bill Sykes, are involved only in subplots in the novel, and they never operate outside the criminal underworld. They have no role in mainstream society and are reduced, for the most part, to being representations of evil. Oliver Twist is a social novel that brings attention to the plight of the poor and the ways in which society and government

contribute to their problems, and the criminal's role is that of a contributor to their misery. Essentially, the genuine criminal represents a social evil, rather than a victim of a social evil.

In Oliver Twist, we are never allowed to doubt or question the role of the genuine criminal in society; he is, quite simply an evil character who exists in society, but has little relation to its organization with reference to the judicial system or social class. Fagin is an unappealing character from the moment that his physical appearance is described: "a very old shrivelled Jew, whose villainous looking and repulsive face was obscured by a quantity of matted red hair. He was dressed in a greasy flannel gown" (105).[6] The same could be said for Bill Sykes' first appearance in the novel:

> He had a brown hat on his head, and a dirty belcher handkerchief round his neck: with the long frayed ends of which he smeared the beer from his face as he spoke. He disclosed, when he had done so, a broad heavy countenance with a beard of three days growth, and two scowling eyes. (136)

We are never shown what circumstances in the early life of Fagin or Sykes led them to crime; neither are they shown to have any interactions with society, so their

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[6] Charles Dickens, Oliver Twist (Markham: Penguin Books, 1985). All further citations will be taken from this edition.

opinions on their role in society are never revealed.

Despite Dickens' depiction of Sykes and Fagin in this manner, however, they do play an important part in the literary evolution of the criminal. The social novel's concern for social injustice and for the victims of it allowed for at least some critical commentary on the criminal, but it took a particular form that is well-described by Louis Cazamian:

> The story of the novel, from Richardson to Dickens, is the story of that [moral and religious] fervour; how it became social in its application; how evil came to appear under the guise of social injustice; how the love of virtue was replaced by pity for the wretched. Dickens's moral message differed from Richardson's because his century saw evil in social terms. (38)

Much of the evil "under the guise of social injustice" is found in the appalling state of the orphan Oliver Twist in the poor house and in his being put out to work; he is also the object of pity in the novel in his encounters with Fagin's gang. The criminal underworld, however, is not "evil under the guise of social injustice," but rather a social evil itself, an indication of a mismanaged society, to which Oliver falls prey. Fagin and Sykes are objects of pity only to the extent that they are made wretched by their plight as fugitives from

the law.

The events surrounding Sykes's murder of Nancy, for example, offer implicit criticism of capital punishment. After leaving the crime scene, Sykes is haunted by his deed:

> Every object before him, substance or shadow, still or moving, took the semblance of some fearful thing; but these fears were nothing compared to the sense that haunted him of that morning's ghastly figure following at his heels. He could trace its shadow in the gloom. (428)

Sykes's fears appear to be his greatest punishment for his crime: "Let no man talk of murderers escaping justice, and hint that Providence must sleep. There were twenty score of violent deaths in one long minute of that agony of fear" (428). Providence takes over the role of the judicial system in administering punishment, even to the point of executing the criminal. When Sykes is finally hunted down at his hideout, the crowd that gathers is as bloodthirsty as Sykes himself: "Some shouted to those who were nearest to set the house on fire; others roared to the officers to shoot him dead" (449). The angry mob is denied their chance at vengeance, however, because Sykes, startled by a vision of Nancy's eyes, accidentally hangs himself while attempting to climb down the side of a building.

Dickens' sympathetic treatment of Sykes is based on the contrast between him and the bloodthirsty behaviour of the mob. Philip Collins cites R. H. Horne's analysis of this scene to illustrate the sympathy with which Sykes is portrayed:

> We are with this hunted-down human being, brought home to our sympathies by the extremity of his distress; and we are not with the howling mass of demons outside. . . . It will then appear that Mr. Dickens has defeated his own aim, and made the criminal an object of sympathy, owing to the vindictive fury with which he is pursued to his destruction, because the author was so anxious to cut him off from all sympathy. The overstrained terror of the intended moral, has thus an immoral tendency. (263-64)

Dickens does portray Sykes sympathetically in the events surrounding his death, but it is a sympathy of a very limited kind, the sympathy that one might have for a hunted animal. That is, Sykes is not shown to have any redeeming qualities, and he is not in any way vindicated for his crimes; rather, he is shown to be capable of feeling distress and fear, whereas the crowd appears only capable of desiring spectacle and violence, much like a crowd at an execution. Sykes's execution by Providence serves the purpose of illustrating capital punishment's

tendency to bring out the inhumanity of man. In short, we are allowed to feel "pity for the wretched" rather than allowed an insight into any virtues the criminal might possess.

Fagin's execution also allows for pity for the wretched and for criticism of capital punishment. After being sentenced to death, his appearance is that of a desperate man: "his head was bandaged with a linen cloth. His red hair hung down upon his bloodless face; his beard was torn and twisted into knots" (470). His behaviour is erratic, and he is much like a caged animal: "The condemned criminal was seated on his bed, rocking himself from side to side, with a countenance more like that of a snared beast than that of a man" (471-72). His suffering is worthy of pity, and his execution is virtually redundant in that spiritually and mentally he is already dead. Dickens' most clearly implied criticism of capital punishment again applies mainly to the behaviour of the crowd: "the crowd were pushing, quarrelling, joking. Everything told of life and animation, but one dark cluster of objects in the centre of all--the black stage, the cross-beam, the rope, and all the hideous apparatus of death" (475). The crowd hardly appears to view the law's most serious punishment as anything more than a morning's entertainment.

Dickens' use of the criminal as a means of

criticizing the judicial system is effective, but only in relation to a limited area: its sanction of capital punishment. He succeeds in the difficult task of allowing thoroughly evil characters just enough sympathy to make capital punishment appear both vengeful and unnecessary. His exploration of the criminal is, however, quite limited. Insofar as we never are shown the circumstances that led Fagin and Sykes to crime, we are never offered any insight into the social or judicial causes of their becoming criminals.

Instead, Dickens' main concern is to draw a distinction between genuine criminals, such as Sykes and Fagin, and innocent characters who are treated as if they were criminals. This criticism is chiefly directed at the class system. For example, Dickens criticizes the soft treatment given to serious offenders in comparison to the treatment of the poor, who are innocent:

> In our station-houses, men and women are every night confined on the most trivial "charges"--the word is worth noting--in dungeons, compared with which, those in Newgate occupied by the most atrocious felons, tried, found guilty, and under sentence of death, are palaces. (118)

He is also critical of the law's prejudices against the lower classes: "the presiding Genii [magistrates] in such an office as this, exercise a summary and arbitrary

power over the liberties, the good name, the character, almost the lives, of Her Majesty's subjects, especially of the poorer class" (123). The genuine criminal has merely made the life of the poor difficult in that they are often confounded with him. The judicial system is criticized, but the criticism is more concerned with that system's treatment of a social class, the poor, than it is with the failure of judicial principles.

We do not, for example, witness the judicial system exercising the full extent of its arbitrary power. Oliver is sentenced to three months' hard labour for the theft of a handkerchief, which his companions stole, but he is cleared of the charge by a last-minute witness. Dickens' criticism is quite explicit, though no one is unjustly convicted in this case. Oliver's struggle to find a place in society is not, then, based on his relationship to the judicial system. Rather, the judicial system's treatment of the poor is just one complication in Oliver's struggle as a citizen who has not been given the role in society to which he is entitled.

The novel is based on a legal question of a different kind: Oliver's parentage and entitlement to an estate. Much like Paul Clifford, the question of a character's unknown parentage forms the basis of the plot. Unlike Bulwer-Lytton, however, Dickens avoids the courtroom in resolving the question of Oliver's unknown

parents. Instead, Mr. Brownlow, who later adopts Oliver, investigates the question of Oliver's parentage and brings the mystery to light by calling in witnesses to the death of Oliver's mother, and by compelling the guilty parties who participated in covering up Oliver's parentage to confess. This process constitutes a kind of summing up chapter of the mystery of Oliver's parentage, which is conducted by an investigator, Brownlow, in a domestic, rather than a legal, court.

The importance of Oliver Twist in the literary evolution of the criminal is twofold. First, Dickens uses the genuine criminal mostly as a representation of social evil, without allowing him a critical voice. The role of the genuine criminal in the Dickensian social novel is reduced to a manifestation of a corrupt society rather than a spokesperson of social and judicial reform. Secondly, the role of the innocent character in the position of the criminal is limited to that of a character who encounters the evil of the criminal's existence in society, but his life is not defined by this encounter, as it was, for example, in Caleb Williams. The innocent character's role as a criminal serves the purpose of underscoring evils in society, but it does not serve the purpose of fully developing his relationship to the judicial system. Instead, this innocent character's life is defined by his role in a domestic mystery

concerning civil law and the rights of the wronged citizen. In this way, Oliver Twist reduced the importance of the judicial system and the genuine criminal and, instead, lent importance to society and the wronged citizen who is confounded with the criminal.

Barnaby Rudge

Dickens' second Newgate novel, Barnaby Rudge, offers a more extensive exploration of the criminal as a manifestation of a corrupt society. In Barnaby Rudge, the main criminal figures, Ned Dennis, Hugh, and Barnaby Rudge do have a limited role in society, on its bottom rung, and they are not part of a criminal underworld. They only emerge as criminals during the social unrest of the Gordon riots of 1780, which are documented in the novel. More representative of the criminality inherent in society than representative of an evil and well-ordered criminal gang, they represent the criminal mainly as a product of society.

The rioters are, "for the most part of the very scum and refuse of London, whose growth was fostered by bad criminal laws, bad prison regulations, and the worst conceivable police" (353).[7] Instances of the inefficiency

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[7] Charles Dickens, Barnaby Rudge (Toronto: Penguin Books, 1986). All further citations will be taken from this edition.

and corruption of the law and law enforcement are cited in the novel, and, as noted by Keith Hollingsworth, Dickens "restored the explicit reformer's attitude toward the criminal law, which had been absent from Newgate novels since Paul Clifford" (177). Dickens' criticism of the law, however, is dependent on an unusual event, a full-scale riot, that brings out criminal tendencies in characters who are not otherwise definable as criminals. That is, he is more concerned with the underlying criminality in particular characters, and segments of society, than he is with the role of the criminal in mainstream society.

The criminals involved in the riot, then, are not so much important in and of themselves as a study in crime, as they are important as representations of the lawlessness and disorder inherent in society and made manifest under extreme circumstances. Dickens originally considered using three Bedlamites as the leaders of the riot, but as noted by Philip Collins,

> The mob-leaders Dickens did employ suggest a wider range of social irrationality and resentment; as several critics have pointed out, this choice is almost allegorical . . . the idiot Barnaby Rudge, the "mere animal" Hugh the bastard . . . and the sadistic hangman Ned Dennis . . . . The recurrent imagery by which the mob is described is, moreover,

> that of devils, savages, animals, the sea, and of irrational, insane . . . feverish creatures. (45)

The importance of representing the criminal as symbolic of a chaotic society is that, while the criminal's relationship to society and the judicial system is significant, the criminal himself is only a representation of that chaos. He is not portrayed as understanding his relationship to society and is therefore unable to offer criticism on it. He is merely a product of society, and only his presence serves the purposes of criticism.

Ned Dennis, for example, a hangman, represents the barbarity of capital punishment, but only his lack of understanding of justice serves the purpose of criticism. His lack of intelligence ironically highlights the injustices of the judicial system. He fondly reminisces about a nineteen-year-old woman whom he hanged for a first offence, shoplifting, and states, "That being the law and the practice of England, is the glory of England, a'nt it" (355). He wants to support continuing oppression of Catholics because, "If these Papists gets into power, and begins to boil and roast instead of hang, what becomes of my work!" (355). Dennis' arguments in favour of capital punishment, because they are stripped of rational thought, represent a morbid interest in violence that is entrenched in, and directed by, the

judicial system: "If they touch my work that's a part of so many laws, what becomes of the laws in general, what becomes of the religion, what becomes of the country!" (355). As noted by Gordon Spence, "Dennis epitomizes the brutality and cynicism enshrined in the social order" (18).

As a rioter, he is an antagonist of society because he wants to preserve the "brutality and cynicism enshrined in the social order." He regrets the lack of violence in an early phase of the protest and laments the passing of better days: "There's no spirit among the people in these here times. . . . I'm disgusted with humanity" (460). Later, he is quite active in the storming of Newgate prison, but he refuses to set free prisoners awaiting execution. When a fellow rioter, Hugh, demands that they be set free, Dennis replies: "Don't you respect the law--the constitootion--nothing?" (592). After he is forced to release the prisoners, he has his revenge on Hugh when he informs on him, and cites as his reason for doing so, that Hugh did not respect the law in demanding that the prisoners be freed: "you've brought it on yourself . . . you wouldn't respect the soundest constitootional principles . . . you went and wiolated the wery framework of society" (626). Dennis is not a criminal in the sense that he is conscious of breaking the law or committing an immoral act. He has,

quite simply, no understanding of the law whatsoever. Rather, he has merely absorbed, in a single-minded manner, the violence sanctioned by society, and his attempt to maintain that sanctioned violence in the midst of the riot underscores the criminality inherent in the judicial system.

Hugh is more a representation of society's neglect of its outcasts. Of even more limited intelligence than Dennis, he has no comprehension, however warped, of the meaning of the riot. He returns Dennis' cry of "No Popery, brother," with "No Property, brother" (359). Hugh is like a darker and more realistic version of Oliver Twist. After his mother is hanged when he is six years old, Hugh is orphaned, but never has the luck of Oliver in encountering a wealthy benefactor. Like Oliver, however, his real father is an aristocrat, Mr. Haredale, but Hugh does not discover this until he faces execution. Hugh must fend for himself early in his life, and is reduced to the state of an animal in the process, as described by the innkeeper by whom he is employed:

> that chap [Hugh] that can't read nor write, and has never had much to do with anything but animals, and has never lived in any way but like the animals he has lived among. And . . . is to be treated accordingly. (140).

Like an animal, he displays little consciousness of his

role as an outcast of society. He simply has a vague desire for violence: "Give me a good scuffle; let me pay off old scores in a bold riot where there are men to stand by me; and then use me as you like--it don't matter much to me what the end is" (380).

His violent attitude towards society is in some ways justified. Society has invested nothing in Hugh; moreover, it has deprived him of the little guidance he once had: "I never knew, nor saw, nor thought about a father; and I was a boy of six--that's not very old--when they hung my mother up at Tyburn for a couple of thousand men to stare at" (241). Much like Dennis, Hugh is a victim of society's sanction of capital punishment; however, whereas execution gives Dennis a perverse respect for law and order, it deprives Hugh of any respect for law, order, and society in general. He has nothing to lose by taking part in the riot: "what do I risk! What do I stand a chance of losing, master? Friends, home? A fig for 'em all; I have none; they are nothing to me" (380).

With this attitude, Hugh is the perfect riot leader, fearless and savage: "in every part of the riot he was seen. He headed two attacks upon the bank . . . fired two of the prisons with his own hand: was here, was there, and everywhere--always foremost--always active" (607). He is "proof against ball and powder" as if "he bore a

charmed life" (607). He embodies pure defiance of society and all its institutions, and this defiance is given full rein during the lawlessness of the riot, as if, symbolically, the outcast had been given a chance to return society's harsh treatment of him in kind.

In Dennis and Hugh, Dickens succeeds, to a much greater degree than the authors studied above, in presenting criminals as products of society. Their actions are not due to an intellectual flaw, as in the case of Falkland. Nor are they victims of a hardening process that takes place amongst fellow criminals, as is the case with Moll. They undergo no essential change in character. Rather, they embody serious failings in society's sanction of violence and its neglect of its outcasts, and those failings are returned in kind with further violence during the riot. In successfully portraying them as products of a flawed society, however, Dickens does not allow them to articulate for themselves their relationship to society because they are not aware of the social significance of their actions. Their presence in society, rather than their consciousness of themselves as criminals, is what is important in the novel. Dickens shifts the emphasis away from the criminal's abilities to deceive society to his inability to understand and work within society.

The criminal's inability to work within the social

order is also evident in the character of Barnaby Rudge, a much less interesting character than Dennis or Hugh. Barnaby plays an important role in the murder mystery of the novel as well as in the riot. His father, a servant, is the murderer of his master, Mr. Haredale's brother (Reuben), and the blackmailer of Barnaby's mother. Haredale searches after Rudge, but he is finally caught after he reunites with his son and is taken with him and Hugh after Dennis informs. Though the novel sometimes loses sight of this domestic mystery, it is the basis of its plot.

In the events of the riot, which occupy most of the novel, Barnaby is similar to the innocent character in the position of the criminal because he genuinely lacks the intellect to be considered culpable. Mentally retarded, he too is an outcast from society, but he does not represent a social problem very forcefully. His reasons for entering the riot are the most unusual of the three. Wanting to relieve his mother's poverty, and believing that gold is to be found amongst a crowd, he joins Lord Gordon's mob as it makes its way to the House of Commons. He is also led to believe, by Hugh, that by following Lord Gordon he will gain "all the fine things there are, ever were, or will be" (451). Perhaps he represents society's greed, but, as stated by Hugh, "the lad's a natural, and can be got to do anything, if you

take him the right way" (452).

Barnaby is, however, like Dennis and Hugh, a victim of society's sanction of capital punishment. He typifies the legal system's tendency to punish those least responsible for crime because he does not even understand that he is about to be executed for his part in the riot when he is led in procession through the crowds gathered for the execution of Hugh and Dennis:

> It was a sad sight--all the show, and strength and glitter, assembled round one helpless creature--and sadder yet to note, as he rode along, how his wandering thoughts found strange encouragement in the crowded windows and the concourses in the streets. (697)

His lack of intelligence, rather than his understanding of his position as a criminal, is the means of criticism because, being mentally retarded, his being considered as a criminal underscores the injustices of the legal code. As a result of a series of appeals, however, Barnaby is saved from execution. Other people, equally weak and undeserving of punishment, are not so fortunate: "Two cripples--both mere boys--one with a leg of wood, one who dragged his twisted limbs along by the help of a crutch, were hanged" (698). The law strikes out at the least guilty: "In a word, those who suffered as rioters were, for the most part, the weakest, meanest, and most

miserable among them" (698). These characters who are condemned are, essentially, innocent characters in the position of the criminal, as was Barnaby. Innocence is, however, ignorance of guilt, in the case of Barnaby, and not freedom from guilt, as in the case of Caleb Williams. The innocent-character-in-the-position-of-the-criminal's voice is muted.

The importance of Barnaby Rudge is that it represents the social criminal in his purest form. Only in Barnaby Rudge is the criminal strictly a product of a flawed society, rather than a character whose struggle with the social order reveals its mismanagement, as in Paul Clifford and Night and Morning. In comparison to Oliver Twist, Barnaby Rudge achieves its social criticism by taking the criminal out of the underworld and placing him on the lowest rung of society. Although they are outcasts, Dennis, Hugh and Barnaby's presence in society as criminals can be traced to social conditions, whereas Fagin and Sykes were simply manifestations of evil. The criminal as a product of society represents an important stage in the literary evolution of the criminal because he is a device of the novel's theme rather than a voice of its theme. From here, the criminal is further reduced to a plot device, and he evolves into a character whose struggle is with a much smaller segment of society: the home.

The Domestic Criminal: Eugene Aram

Bulwer-Lytton's second Newgate novel, Eugene Aram, presents a different kind of criminal from the one found in the social novel. Eugene Aram makes use of a genuine criminal as an important character, but it contains very little criticism of the judicial system or society. The lack of such criticism does not preclude a focused study of crime, but the study takes the form of a sensation novel: "a narrative of villainy, violence and crime, a delineation of the abnormal . . . in some measure for [its] own sake" (Phillips 219). The main criminal figure, Eugene Aram, is "the indispensable point in a sensation novel . . . something abnormal and unnatural . . . that induces in the simple idea a sort of thrill" (Phillips 26). What makes this criminal "abnormal and unnatural," and thrilling, in this novel is his presence in the home. Aram is used for a critical purpose, to expose the flaws of utilitarianism that lead him to commit murder; but it is his struggle with the Lester household, in his attempt to marry Madeline Lester, that is the basis of the conflict that defines his character.

This romantic struggle is complicated by Aram's criminal past. The bulk of the novel focuses on Aram's relationship with Madeline Lester, who is his murder victim's niece, and the complications that arise from

Aram's attempts to cover his guilt, while the murder itself and the motivation underlying it occupy only a single chapter. Divorced from a judicial or social setting, the criminal becomes an oddity, of interest only because of his unusual presence as a marriage suitor in the Lester household. Maximillian E. Novak describes this emphasis on romance as a movement away from the realistic portrayal of crime found in Moll Flanders: "Bulwer's failure says much about the swerve from a realistic rendering of crime in, for example, Defoe toward a genteel type of novel that placed a heavy emphasis on the idealized love plot" (139). In placing the criminal in a generic, rather than a critical, role in the novel, Bulwer-Lytton virtually reduced him to a plot element.

This reduction is evident in Bulwer-Lytton's attempt to shift the emphasis of the criminal biography away from crime. Eugene Aram is based on the life of an actual criminal of the same name, but Bulwer-Lytton considerably modified the historical Aram for his own purposes.[8] The

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[8] In general, Bulwer-Lytton softened the historical account of Eugene Aram, and he made his character less culpable in a subsequent edition. In the original edition of Eugene Aram, the edition which is used in this study, Aram claims of his role in the murder, "my hand struck--but not the death-blow" (Eugene Aram [London: Richard Edward King, n.d.] 371). In 1849, when he re-issued Eugene Aram, Bulwer-Lytton revised the novel and made Aram an accomplice in robbery but not murder. In doing so, he bowed to the critics who "had objected to his making a hero of a murderer" (Nancy Jane Tyson, Eugene Aram: The Literary

historical Aram apparently murdered Clarke because he believed he had seduced his wife (The Complete Newgate Calendar III 283). Bulwer-Lytton gave his Aram a more interesting and complex motive, as described by Keith Hollingsworth:

> What he [Bulwer-Lytton] wished to demonstrate, in Aram's reasoning [was] the practical fallacy in Utilitarian ethics. . . . Eugene Aram is shown deceiving himself. Disregarding any moral absolute, he balances one choice against another, considering the greatest good of the greatest number, and self-interest betrays him. (89)

Believing that he can make an important scientific discovery from the proceeds of a robbery, Aram balances the worth of his victim with the gains to be had by his murder:

> What was the deed--that I should rid the earth of a thing at once base and venomous [Clarke]? Was it crime? Was it justice? Within myself I felt the will--the spirit that might bless mankind. I lacked the means to accomplish the will and wing the spirit. One deed supplied me with the means. (377)

The murder, then, is committed for wealth, but that wealth is stolen from one who serves no useful purpose in

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History and Typology of the Scholar Criminal [Hamden: Achron Books, 1983] 106).

order to be used for a higher purpose that will serve mankind, and Aram would appear to be following the utilitarian formula. The higher purpose for which Aram intends to use the stolen money, however, is not presented in detail by Bulwer-Lytton, so Aram's flawed reasoning is not presented very forcefully. His rationale could have been used to explore the criminal mind more fully if used as the basis of the plot, but, as Walter C. Phillips notes, "'the problem' in the destruction of the miserable wretch Clarke, which might well have fascinated a latter-day realist, [is] subordinated to the current model of sensational stories" (171).

Bulwer-Lytton's emphasis on the "abnormal and unnatural" takes the forms of concentrating on the romantic and domestic complications of crime, which are evident in the aftermath of Aram's being exposed as a murderer. In his written confession to Lester, Aram appears mainly troubled by the effects of the murder on his failed romance with Madeline and on her family, rather than by the problem murder itself poses. The utilitarian equation still occupies his mind, but the effects of his crime on his intended marriage to Madeline are his main concern:

> All my calculations were dashed to the ground at once; for what had been all the good I had proposed

> to do--the good I had done--compared to the anguish I now inflicted on your [Lester's] house. Was your father my only victim? Madeline, have I not murdered her also [Madeline died of grief after Aram's arrest]? (378)

The problem posed by murdering a "miserable wretch" is passed over briefly, while the problems posed by the murderer's romance with Madeline are given the final word. In effect, Bulwer-Lytton gives the abnormal situation of the murderer's involvement in romance priority over his involvement in murder. The specific nature of Aram's crime is of less importance than the fact that, as a criminal, he makes for an unusual chain of events in a romance that is thwarted by circumstance. The criminal, then, causes turmoil within a family, rather than within society as a whole or within a segment of it. In this limited role, he is of little thematic value.

As noted by Keith Hollingsworth, "Eugene Aram contained no message of social reform" (82), and one might add that it contained no message concerning the essential nature of the criminal. Aram only serves as a warning against a flawed philosophical system, of which the flaw is described quite succinctly by him:

> Men rarely violate the individual rule in comparison to their violation of general rules. It is in the

> latter that we deceive by sophisms which seem truths. In the individual instance, it was easy for me to deem that I had committed no crime. I had destroyed a man noxious to the world; with the wealth which he afflicted society, I had been the means of blessing many; in the individual consequences mankind had really gained by my deed; the general consequence [the effect on Madeline and her family] I had overlooked till now. (377)

Aram effectively points out that not every consequence of the utilitarian formula can be foreseen; however, he does not grapple with what problem the murder might have posed if it had never been discovered. He appears only to regret the murder on the basis of its "general consequence." In failing to develop the intricacies of Aram's crime and of Aram's personality, Bulwer-Lytton offers a tantalizing, but ultimately unsatisfactory portrait of the criminal because he allowed the events surrounding a sensational romance and its effect on a family to take priority over the events surrounding an interesting and unusual crime. Walter C. Phillips' assessment of Paul Clifford might well apply to Eugene Aram: "the shifty point of view reveals the temporarily unavailing struggle of something deeper and more significant against the prevailing model of sensational romance" (169).

The "something deeper and more significant" mentioned by Phillips could be a stronger emphasis on the psychological state of the criminal. In the absence of a sustained confrontation between the criminal and the judicial system and society, the criminal's romantic struggle is a poor substitute. The struggle within himself concerning his crimes is of greater interest and offers at least some insight into the criminal's mind, if not his role in society and the judicial system. The important point noted by Phillips, however, is that the criminal serves a primarily generic purpose rather than a critical one in the sensation novel. It is this type of novel's emphasis on the abnormal that speeds the criminal's transformation from being critical or representative of social or judicial problems to being a domestic traitor and psychological aberrant. Bulwer-Lytton should, however, be given credit for illustrating at least some moral struggle in his criminal, Eugene Aram. He was more drawn to "the study of moral anomalies" than social criticism in Eugene Aram, but he had not reduced his interest in the criminal to "bizarre mentalities" (Cazamian 50), as he did later in his final Newgate novel, Lucretia or Children of Night.

Lucretia, or Children of Night

A stronger emphasis on the criminal's mental state is evident in the last novel to earn the Newgate label, Bulwer-Lytton's Lucretia, or Children of Night. This novel also explores the criminal's relationship to the home more thoroughly than did Eugene Aram in attributing the cause of the criminal's life of crime to her being raised in a mismanaged household. Like Eugene Aram, Lucretia has little to offer in the way of criticism of the judicial system and society, but it does not focus as exclusively on romance as did Eugene Aram. Its importance in the literary evolution of the criminal is its emphasis on finding the causes of crime within the home and within the criminal's mind, rather than in his relationship to the judicial system or society.

In Lucretia, Bulwer-Lytton establishes Lucretia's distorted view of the world early in the novel and attributes her outlook to the "evil . . . influences of early circumstance and training."[9] She is corrupted in her youth by her tutor, Dalibard, who teaches her to rely on her intellect alone, without guidance by morals. Lucretia states: "You have confounded in my mind evil and good, or, rather, you have left both good and evil as

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[9] Lord Lytton, Lucretia, or Children of Night (London: George Routledge and Sons, 1878) i. All further citations will be taken from this edition.

dead ashes . . . . You have made intellect the only conscience. . . . I wish that my tutor had been a village priest!" (31). She is intelligent, but lacks moral understanding. Essentially, she is predisposed to crime by her early education in the home.

She is also represented as a monstrosity. She appears to embody two distinct selves: "The profile was purely Greek, and so seen, Lucretia's beauty was incontestable; but in front face . . . all the features took a sharpness, that, however regular, had something chilling and severe" (69). Her body "would have charmed equally the artist and the sensualist," but it is flawed by her hands which are more like those "of a man than a woman," and "in that hand, it almost seemed as if the iron force of the character betrayed itself" (68). In short, she is "the head of the young Augustus upon the form of Agrippina" (69). Her physical description is over two pages long, but it continually plays on one note: the unusual mixing of masculine and feminine qualities in her appearance. She is, as a character, divided against herself.

Her appearance suggests an interesting psychological portrait of the criminal, but the thematic context in which she is presented is mostly confined to that of the "domestic traitor." She is singled out as especially perverse when a letter she wrote, in which she desired

her uncle's death, is discovered. She is condemned by her uncle, and he alters his will, relegating her to third in line for his estate. Later in the novel, she tries to eliminate those who stand between her and the estate for the benefit of a young man whom she believes to be her missing son from her second marriage. The second half of the novel is based on Lucretia's treachery in this quest, while the first half mainly concerns the treachery of Dalibard (who is Lucretia's first husband) and his influence on Lucretia. In both parts of the novel, poison is used to kill relatives in a bid to acquire their wealth or to simply have them out of the way. Dalibard even tries to poison Lucretia in order that he might marry a rich woman, but Lucretia has him assassinated. The novel also contains, in the words of Keith Hollingsworth, "a bewildering variety of other characters, of ordinary, or even extraordinary goodness" (189).

The main focus of the novel, however, is the presence of a murderer in the home. Bulwer-Lytton views this kind of criminal as especially "abnormal and unnatural" and as belonging to a special category: "the domestic traitor is a being apart from the orbit of criminals" (115). In the domestic traitor, the novelist has an opportunity to explore the most sensational of crimes, familial murder, without having to descend into

the dens of the criminal underworld. The domestic murder cannot be attributed to a failure in the judicial system or society because it arises within the family and is contained by it. Furthermore, as Bulwer-Lytton points out, it is a crime from which neither society nor the legal system can offer protection: "In his home, the ablest man, the most subtle and suspecting can be as much of a dupe as the simplest" (115). The domestic criminal's presence in the home serves the generic purpose of "inducing a sort of thrill," but he serves little critical purpose.

The domestic criminal, then, only allows for a detailed examination of the criminal's personal view of his environment. Lucretia views the world merely as a power struggle, in which she cannot be held culpable for her crimes if her own ends are served: "she had adopted the Machiavelism of ancient statecraft as a rule admissable in private life, so she seemed scarcely to admit as a crime that which was but the removal of a barrier between her aim and her end" (321). She has no dealings with the judicial system because she goes mad after her crimes are brought to light. She is representative of an intellectual failing and of the evils of home education, but not of a failure in society. She is an interesting psychological aberration that plays an important role in a sensational plot, whose resolution

involves the standard elements of the domestic mystery, such as unknown parentage, wills and romance. In the hands of a different novelist, she would have constituted an interesting psychological portrait of the criminal mind if the deviant elements of her character, rather than her role as a "domestic traitor," had been given greater emphasis. Such an emphasis is found in an earlier novel of this period, Dickens' Martin Chuzzlewit.

Martin Chuzzlewit

Dickens managed to find a more interesting use for the domestic criminal in his next novel after Barnaby Rudge, Martin Chuzzlewit. The main criminal figure, Jonas Chuzzlewit, only plays a role in a sub-plot of the novel, but he is more psychologically complex than any character studied thus far in the literary evolution of the criminal. He commits two major crimes in the novel, the first of which, his attempted murder of his father, is associated with his upbringing in the Chuzzlewit household. His second major crime, however, the murder of Montague Tigg, is associated with Jonas' disturbed mental state. Martin Chuzzlewit's place in the literary evolution of the criminal is its establishing an emphasis on the criminal mind and the struggle that takes place

within it, rather than emphasizing the criminal's role in a domestic setting, society or judicial system.

Jonas Chuzzlewit plays only a limited role as an example of a social evil in the opening of the novel. He is a product of the high value placed on wealth by society in general, and the Chuzzlewit family in particular. He has been raised and educated in finance: "The very first word that he learnt to spell was 'gain,' and the second (when got into two syllables), 'money'" (177).[10] He, like Lucretia, is a domestic traitor:

> from his early habits of considering everything as a question of property, he had gradually come to look, with impatience, on his parent as a certain amount of personal estate, which had no right whatever to be going at large, but ought to be secured in that particular description of iron safe which is commonly called a coffin, and banked in the grave. (177)

Much like her, he is predisposed to crime by his early education in the home. Jonas attempts to poison his father, and believes he is successful, though his father knew of the attempt, did not imbibe the final dose of poison and simply died of ill-health. The reader, however, is not certain that Jonas has attempted the

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[10] Charles Dickens, Martin Chuzzlewit (Toronto: Penguin Books, 1986). All further citations will be taken from this edition.

murder of his father until later in the novel, and the main emphasis on Jonas is on his unusual psychological state in the aftermath of the crime, rather than his continuing preoccupation with greed.

The complications that arise after the attempted murder are mainly of a psychological kind, and Jonas' role in the domestic setting is no longer of importance. His mental state becomes troubled after his father's death, when he is haunted by the presence of his father's corpse: "The lightest noise disturbed him; and once, in the night, at the sound of a footstep overhead, he cried out that the dead man was walking, tramp, tramp, about his coffin" (452). His life becomes much more complicated, however, when another character, Montague Tigg, blackmails Jonas concerning evidence of his father's murder. Eventually, Jonas murders Tigg in order to be free of the blackmail threat. His reaction to this murder is the most interesting element in Dickens' portrayal of the criminal in this novel, and constitutes a new stage in the literary evolution of the criminal.

Jonas' reaction to the murder does not serve the purposes of criticizing the judicial system or society, or of exploring the criminal's spiritual state in a Christian context. Instead, one could best describe Dickens' portrayal of Jonas as the first serious exploration, in the literary evolution of the criminal,

of the criminal mind, divorced from a critical context. Noticeably absent is the haunting presence of the dead that was evident in Jonas' thoughts after he believed he had murdered his father. Sykes too was haunted by Nancy's presence after he murdered her, but, in Jonas' murder of Tigg, the haunting is of a more clearly psychological nature:

> he was not sorry for what he had done. He was frightened when he thought of it--when did he not think of it!--but he was not sorry. He had a terror and dread of the wood [where he committed the murder] when he was in it; but being out of it, and having committed the crime, his fears were now diverted, strangely, to the dark room he had left shut up at home. He had a greater horror, infinitely greater, of that room than of the wood. Now that he was on his return to it, it seemed beyond comparison more dismal and more dreadful than the wood. His hideous secret was shut up in the room, and all its terrors were there; to his thinking it was not in the wood at all. (802)

Jonas transfers his fears from the crime scene to the scene of his ordinary life in an unusual rationalization process that is portrayed with exceptional skill. His ordinary life becomes the phantom, not the murder victim; the criminal is divided against himself. As Edmund

Wilson notes, "the crime and flight of Jonas Chuzzlewit already show a striking development beyond the cruder flight and crime of Sykes" (17). The "striking development" in Martin Chuzzlewit is Dickens' emphasis on Jonas' flight from himself instead of from a ghost. This "flight" from the self is the antagonistic relationship that defines the criminal in Martin Chuzzlewit.

The evolution of the criminal into a character in conflict with himself is evident in comparing Jonas' murder of Tigg to his attempted murder of his father or Syke's murder of Nancy in Oliver's Twist. Jonas' attempt on his father's life was, for the most part, an illustration of the extremity of greed, and was consistent with Jonas' character and perverted view of the world; Syke's murder of Nancy was consistent with his evil character. The murder of Tigg, however, is motivated by self-preservation and results in inconsistency and instability in Jonas' character.

Jonas believes he must murder Tigg to free himself: "Still he was not sorry. No. He hated the man too much, and had been bent, too desperately and too long, on setting himself free" (803). He does free himself physically from Tigg by murdering him, but the murder leaves him psychologically trapped:

> Dread and fear were upon him, to an extent he had never counted on, and could not manage in the least

> degree. He was so horribly afraid of that infernal room at home. This made him, in a gloomy, murderous, mad way, not only fearful for himself, but of himself; for being, as it were, part of the room: a something supposed to be there, yet missing from it. (804)

He is "at once the haunting spirit and the haunted man" (804). Here the criminal's only struggle is with himself. He has no relation to society or any of its institutions; as noted by Edmund Wilson, "What is valid and impressive in this episode is the insight into the consciousness of a man who has put himself outside of human fellowship--the moment, for example, after the murder when Jonas is 'not only fearful for himself, but of himself'" (17). Jonas' isolation from society, however, is mainly a manifestation of his isolation from himself, from the everyday self that he has destroyed by committing murder.

Edmund Wilson argues that Dickens' "probing of the psychology of the murderer . . . becomes ever more convincing and intimate" (17), and cites Martin Chuzzlewit as the fist example of this growing intimacy. In Jonas, Dickens does appear to better understand the troubled mental state of the criminal, but the intimacy is only on an intellectual level. Jonas is no more sympathetic than Dickens' previous criminals; he is only

more interesting because of the unusual condition of his mind. George Orwell's assessment of Dickens' attitude to the criminal is significant in relation to Jonas. Orwell states: "Although he is well aware of the social and economic causes of crime, he often seems to feel that when a man has once broken the law he has put himself outside human society" (434). Having committed murder, Jonas is isolated from human society, but he is isolated mainly by his deteriorating mental state, and he is conscious of little more than his mental deterioration. He is as inarticulate about his role as a criminal in relation to society as Dickens' previous criminals and is mainly a representation of psychological deviancy, which only suggests his social deviancy.

This emphasis represents the last stage of the criminal's literary evolution in that his struggle has been reduced to that of mental torment only. Jonas has enough intellect and social position to make the emergence of the chaotic side of his character interesting on a psychological level. He does, however, cease to be of social significance after his murder of Tigg, and he becomes of interest for his own sake, for the sake of a study in the abnormal.

Resolving the career of such a criminal is simply a matter of revealing his deviancy rather than the flaws of the judicial system or society. Jonas is accused, tried

and convicted in his own home, and he kills himself before he need go to an actual court. A court case would have been redundant in that Jonas' crimes had already been uncovered by a variety of characters, including a private investigator, Nadgett, in what might best be termed a "domestic court," his home. Thus, his criminal career begins and ends in the home. He is more than a domestic traitor, however, because he betrays himself as well as his family in committing murder. The nature of this self-betrayal, in taking the form of increasing mental instability, represents a new antagonistic relationship involving the criminal. Dickens focused on this form of antagonism in the criminal in his last two novels, Our Mutual Friend and The Mystery of Edwin Drood, but not before exploring the criminal's relationship to the judicial system and society by making use of a different kind of character, the detective.

The Social Detective: Bleak House

Between Richmond and The Memoires of Vidocq, and Charles Dickens' Bleak House, the detective appears only briefly in the novel. For example, Bow Street Runners have very minor roles in Paul Clifford, Oliver Twist, Night and Morning, and Lucretia. None of these

appearances, however, is of much importance in the literary evolution of the criminal. The most important appearance of the detective in the novel after Richmond is in Dickens' Bleak House. Dickens has been mistakenly credited with creating "the first police detective hero in English fiction [Inspector Bucket of Bleak House]" (Murch 95). Though this credit properly belongs to the author of Richmond, Dickens was the first novelist to fully explore the role of the detective in the social novel, and Bleak House offers the most extensive examination of the role of the detective in society of any work in the nineteenth century. Much like the detectives studied thus far, Dickens' detective, Bucket, is in conflict with the current judicial and social class system. Dickens' method of using the detective for a critical purpose, however, mainly focuses on the detective in implicit contrast to the existing judicial system and its relationship to the social hierarchy. Similar to the social criminal in Barnaby Rudge, Dickens' social detective reveals by contrast, rather than criticizes, deficiencies in the judicial system and society.

This implicit contrast is first evident in Dickens' writings about the Detective Police, which were established in 1843-44 by Sir James Graham, the then Home Secretary (Murch 87), that he published in Household

Words from 1850 to 1853. These articles recount some of the Detective Police's adventures in crime solving, but Dickens is mostly interested in their efficiency and their relationship to the judicial system.

Their efficiency is due to a number of praiseworthy qualities Dickens finds in these detectives:

> [The detective department] is so well chosen and trained, proceeds so systematically and quietly, does its business in such a workmanlike manner, and is always so calmly and steadily engaged in the service of the public, that the public really do not know a tithe of its usefulness. ("The Detective Police" 485)

This admiration for the detective force has, however, been treated rather harshly by contemporary critics. Ian Ousby describes the tone of admiration in the articles as often being "naive and uncritical"(206); similarly, Philip Collins notes a tone of "boyish hero-worship" in Dickens' description of the Detective Police (206). The efficiency of the Detective Police probably suited Dickens' own "mania for tidiness, punctuality, routine and efficiency" (Collins 211).

In "On Duty with Inspector Field," however, Dickens' admiration for the named inspector is for his useful role in society and not just his heroic qualities. What Dickens admires in Field is the efficacy of the

individual in administering the law. In his account of their nocturnal tour of London's slums, Dickens notes that "In all [slum lodgings] Inspector Field is received with warmth" (518). Field buys coffee for the poor and converses with them. He has a practical effect in the slums, while "we [the general public] timorously make our Nuisance bills and Boards of Health, nonentities, and think to keep away the Wolves of Crime and Filth" (518). His presence, as an embodiment of the law, has a purpose in deterring crime: "Every thief here cowers before him . . . . All watch him, all answer when addressed" (516). Perhaps Dickens does exaggerate the powers of Field, but the history of the Metropolitan police appears to support Dickens' praise. A job in the Metropolitan police meant extreme rigour and discipline, and, of the 2800 constables serving in May 1830, only 562 remained four years later; the rest had either left or were dismissed (Emsley, Policing 63).[11] Detectives were selected from the most capable constables (Radzinowicz IV 188); which likely did make them praiseworthy people.

Besides efficiency, the detective offered, for

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[11] The goal of keeping police officers above reproach made for reprimands that seem extreme today. A constable, Thomas Britchfield, "was dismissed from the Bedfordshire force for an 'improper acquaintance' with a married woman" (Emsley 82). Alfred Mayes, in 1885, was demoted from the rank of superintendent to that of constable for "drinking and being absent without the Chief Constable's permission" (Emsley 82).

Dickens, a new perspective on the criminal. In "The Detective Police," a group of detectives is asked, "Whether it is reasonable or ridiculous to trust to the alleged experiences of thieves as narrated by themselves, in prisons, or penitentiaries, or anywhere?" (488). The detectives clearly place little value on the criminal's own story: "In general, nothing more absurd. Lying is their habit and their trade; and they would rather lie--even if they hadn't an interest in it, and didn't want to make themselves agreeable--than tell the truth" (480). The detective's account of a crime differs from the criminal's because it is straightforward and unembellished, as described by Dickens:

> In the Courts of Justice, the materials of thousands of such stories as we have narrated--often elevated into the marvellous and romantic, by the circumstances of the case--are dryly compressed into the set phrase, "in consequence of information I received, I did so and so." Suspicion was to be directed, by careful inference and deduction, upon the right person; the right person was to be taken . . . there he is at the bar; that is enough. . . . These games of chess, played with live pieces, are played before small audiences, and are chronicled nowhere . . . . Its results are enough for justice. (503)

This systematic approach to justice does not always produce the desired result, but not from any problem in the detective's work. In "The Artful Touch," for example, a detective brings a criminal to court, but "while them slow justices were looking over the Acts of Parliament, to see what they could do to him, I'm blowed if he didn't cut out of the dock before their faces" (508). The implicit contrast between the efficient detective and the inefficient court is clear in this anecdote, and it is the contrast that is explored in detail in Dickens' presentation of Inspector Bucket in Bleak House.

Inspector Bucket plays a small role in the second third of Bleak House and an important role in the last third in a sub-plot involving a murder investigation. In pursuing this criminal case he operates efficiently, fairly, and compassionately. The main plot of the novel involves a civil case which is handled by the Court of Chancery ineptly, corruptly, and indifferently. As in Poe's short stories, the contrast is between a system of justice that somehow falls short of its ideals and the just individual who is able to further their cause by defying the practices of the judicial system. Unlike Poe, however, Dickens contrasts the administration of civil and criminal law, and the detective's methods of administering the law are shown to be superior primarily

because of his disregard for social class rather than his superior intellect.

The legal system set in contrast to Bucket is the civil court of Chancery, an institution that is opaque to reason, fairness and any known idea of justice. Bleak House opens with a description of fog-covered London, and "at the very heart of the fog, sits the Lord High Chancellor in his High Court of Chancery" (50). The Court of Chancery is criticized for causing misery and for only supporting the claims of those who have money:

> This is the Court of the Chancery; which has its decaying houses and its blighted lands in every shire; which has its worn-out lunatic in every madhouse, and its dead in every churchyard; which has its ruined suitor, with his slipshod heels and threadbare dress, borrowing and begging through the round of every man's acquaintance; which gives to monied might the means abundantly of wearying out the right. (51)

These two main criticisms of Chancery, that it is inefficient and favours those who have money, are closely connected. A Chancery suit is "a slow, expensive, British, constitutional kind of thing" (60) that, due to the delays of bureaucracy, favours the rich because only they can afford the expenses incurred by a suit.

Indeed, even the rich can be ground down by the

inefficiency of Chancery, as is apparent in the suit, Jarndyce and Jarndyce, that affects the main characters of the novel. This suit has "become so complicated that no man alive knows what it means" (52). It has involved several generations of the Jarndyce family and has accomplished nothing more than draining the estate in question. When the suit is finally resolved by the production of the original will, the entire estate is consumed by legal fees, and one of the potential heirs, Richard Carstone, has his vitality consumed by his obsession with the suit and dies shortly after its resolution. The Jarndyce and Jarndyce suit causes domestic disorder, but this question of a will is not a domestic mystery in the way that it was in Oliver Twist or Night and Morning. Jarndyce and Jarndyce presents an insoluble mystery because, as D. A. Miller states,

> it is so illegible that we don't even have a sense, as we should have with a mystery, of what needs to be explained or, more important, of what might constitute either the clues or the cruxes of such an explanation. (66)

The meaning of the suit, rather than how it might be resolved, is the mystery, as described by the sometimes narrator, Esther Summerson:

> I counted twenty three gentlemen in wigs, who said they were in it; and none of them appeared to

> understand it much better than I. They chatted about it with the Lord Chancellor . . . and nothing could be made out of it by anybody. (400)

The temptation here is to conclude that Chancery resists interpretation entirely, and it certainly does for the characters involved in the suit. D. A. Miller concludes:

> One consequence of a system that, as it engenders an interpretive project, deprives it of all the requirements for its accomplishment is the desire for an interpretive project that would not be so balked. This desire is called into being from within the ground of a system that, it bears repeating, resists interpretation on two counts: because it cannot be localized as an object of interpretation, and because it is never willing to become the agency or subject of interpretation. (69)

Chancery offers little to the characters involved in the suit because it never deals directly with meaningful legal questions.

Chancery can, however, be localized and interpreted in an entirely different context than the operations of law and justice. Lawyers "weary out the right" by extending suits to increase their own fees, and a number of innocent characters are victims of this system. Mr Gridley, for example, has his life ruined by a Chancery suit. After the death of his father, Gridley goes to the

court simply to determine what portion of a legacy has already been paid to his brother. The suit devolves into absurdities and delays, including an inquiry into whether or not Gridley is his father's son, that eventually place him in a great deal of debt. Gridley's assessment of the Court of Chancery is that the operations of the system of justice have overpowered and replaced the pursuit of fairness and truth:

> The system! I am told, on all hands, it's the system. I mustn't look to individuals. It's the system. I mustn't go into court and say, "My Lord, I beg to know this from you--is this right or wrong? Have you the face to tell me I have received justice, and therefore am dismissed?" My Lord knows nothing of it. He sits there, to administer the system. (268)

The operating principle of the courts is no longer justice, and no individual in the system appears to operate on that principle.

Rather, the court simply maintains a system that has a purpose that has little to do with justice:

> The one great principle of the English law is, to make business for itself. There is no other principle distinctly, certainly, and consistently maintained through all its narrow turnings. Viewed by this light, it becomes a coherent scheme, and not

> the monstrous maze the laity are apt to think it. Let them but once clearly perceive that its grand principle is to make business for itself at their expense, and surely they will cease to grumble. (603-04)

As a business, Chancery runs quite efficiently in that its inefficiency increases the income of its members. Unlike most businesses, though, it provides no useful service to its customers. Chancery lacks individuals who take responsibility for ensuring justice, instead possessing a system that has meaning, economically, but not judicially. Chancery and the lawsuits that take place in it do not, therefore, elude interpretation entirely. The void of meaning in Chancery relates to a specific area of meaning, justice, and is presented for a specific reason: to criticize a system that has lost sight of its purpose.

This kind of criticism, however, was not original and critics have pointed out that Dickens' attack on Chancery was hardly innovative: "It [Dickens' indictment of Chancery] followed in almost every respect the charge already levelled in the columns of The Times" (Butt and Tillotson 187). Indeed, The Times and Dickens appear to reach the same conclusion concerning the usefulness of Chancery for the citizens it is supposed to serve: "To the common apprehension of Englishmen the Court of

Chancery is a name of terror, a devouring gulf, a den whence no footsteps return. . . . There is no word so terrible to an Englishman as this" (in Butt and Tillotson 185); and, in Dickens: "there is not an honourable man among its practitioners who would not give--who does not often give--the warning, 'suffer any wrong that can be done you, rather than come here!'" (51). What is innovative in Dickens' criticism of Chancery is that he implicitly contrasts its operations with those of a different arm of the judicial system, the detective.

The first contrast between the old system of civil law and the new police system, however, is presented before the introduction of Inspector Bucket. This contrast is established when Tulkinghorn, a corrupt lawyer, searches with Snagsby for a man named Nemo and finds his corpse. The laughable operations of the courts are then set into motion when a policeman visits the scene and stands by while the Coroner's Court takes over. The first summoned from that court is the beadle, who seeks witnesses for the impending inquest, but appears to accomplish nothing, as described by the narrator in a mock legal report: "Beadle goes into various shops and parlours, examining the inhabitants; always shutting the door first, and by exclusion, delay, and general idiocy, exasperating the public" (195). The beadle is inefficient and his amateurism is soundly criticized by

the policeman: "The policeman considers him an imbecile civilian, a remnant of the barbarous watchmen times; but gives him admission [to the scene], as something that must be borne with until Government shall abolish him" (195). In contrast to the frantic beadle and his lack of purpose, the police officer is calm and, though superficially rather casual, his composure embodies his duty: "the unmoved policeman . . . pursues his lounging way with heavy tread . . . to look casually about for anything between a lost child and a murder" (196). The police officer looks either to serve, by finding a lost child, or to protect, by apprehending a murderer; whereas the operating principle of the beadle is unclear to the public, as is the operation of the court by which he is employed. The coroner, in instructing the jury, does not review evidence and procedure so much as he washes his hands of the whole process: "If you think you have any evidence to lead you to the conclusion that he committed suicide, you will come to that conclusion. If you think it is a case of accidental death, you will find a verdict accordingly" (200). The coroner seems unconcerned with his duty and the law itself.

In contrast, the police balance duty with judgement of how best to administer the law in particular situations, even if doing so means ignoring the letter of the law. Later in the narrative, a constable brings a

young homeless boy, Jo, whom Snagsby had met at the scene of Nemo's death, to Snagsby's home. Appearances are against Jo because the constable finds two half-crowns in his pocket, which he received from a lady in a black dress. The constable's main concern is that Jo "move on"; as to where, his "instructions don't go to that" (320). When Snagsby assures the constable that Jo will move on, the constable does not lock the boy up, and gives him the useful advice, "catch hold of your money" (322). In one way, the constable is restricted in that he follows orders and forces loiterers like Jo to move on even though they have no place to go. However, he is not completely bound to the technicalities of the law in that he shows some compassion in not locking Jo up, which he certainly could do for vagrancy.[12] Compared to the impersonal, slow torture of Chancery, the police offer a much greater degree of competence and fairness, and, in this case, the constable acts according to principles of fairness rather than the letter of the law. He is not concerned with the social problem Jo represents, and, in this way, he is limited by duty.

Inspector Bucket wields more intelligence and judgement than regular police officers, but, initially, he is presented as an officer for hire. He first appears

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[12] A reward for arresting a vagrant was in place until 1824 (Radzinowicz II 63).

in the employ of Mr. Tulkinghorn, who concocts a blackmail scheme against Lady Dedlock that involves his gathering evidence concerning her illegitimate child from a union with Hawdon, alias Nemo, before her marriage to Sir Leicester Dedlock. He hires Bucket to find Jo in order to gain more information. Bucket, however, is deceived about Tulkinghorn's purpose and believes he is pursuing a just cause: "as far as I can understand it, there seems to be a doubt whether this dead person [Hawdon] wasn't entitled to a little property, and whether this female [Lady Dedlock] hasn't been up to some games respecting that property" (362). Bucket brings Snagsby with him to identify Jo and gives his word "as a man" that he will treat Jo fairly.

His and Snagsby's journey into the slums of Tom-all-Alone, which for Snagsby is a trek into "the infernal gulf," to search for Jo reveals Bucket's lack of bias against the poor, a bias that was evident in Chancery. While there, Bucket engages in conversation two women who live in these slums. He is quite at home amongst the poor, and, observing a child in one of the women's arms, Bucket converses with the woman about the child:

> "Why what age do you call that little creature?" says Bucket. "It looks as if it was born yesterday." He is not at all rough about it; and as he turns his light gently on the infant, Mr. Snagsby is strangely

> reminded of another infant, encircled with light . . . seen in pictures. (366)

This scene is the first in which we see Bucket in action as a detective, and he displays some interesting qualities.

Bucket walks calmly amidst the poverty and disease of Tom-all-Alone, while Snagsby "feels as if he couldn't breathe the dreadful air" (364). His composure, though, is not just professionalism; as we see in the passage above, he treats the poor as social equals, as individuals, by engaging them in conversation in a way that is not condescending. He does not choose to light up the squalor of the room; indeed, he illuminates the humanity of the impoverished with his lantern. The implied comparison between this scene and paintings of Mary and the infant Jesus in the manger underscores the worth, perhaps even the divine spark, of humanity, even in this hellish scene. He engages them in serious conversation about the difficulties the women face in raising their children, to which the mother responds: "Think of the children that your business lays with often and often, and that you see grow up!" (367). Bucket, however, can only appeal to the mother's child-rearing abilities; he is not a social reformer: "'Well, well,' says Mr. Bucket, 'you train him respectable, and he'll be a comfort to you in your old age, you know'" (367).

Bucket's advice is sincere, if not particularly helpful considering the difficulties faced by the impoverished woman, as the woman herself points out to Bucket. Nevertheless, the woman promises to try, and Bucket has treated her as thinking individual, rather than as a class in opposition to himself, or as an object of pity, or, for that matter, as a member of a class that is a breeding-ground for criminals. In contrast, Snagsby's only act of communication is to lay a half-crown on the table, "his usual panacea for an immense variety of afflictions" (368).

Bucket is foremost, however, a detective, and before he can converse further with the women, his lantern turns to the job at hand, Jo. In dropping the women as an object of interest and turning his attention to his job, Bucket is viewed by Q. D. Leavis as embodying a "strict separation of his everyday good-heartedness from his bloodhound professionalism" (139). Bucket's duty is never far from his mind, but it is mixed with simple, direct compassion, as seen above.

Moreover, his professionalism allows him to operate in a variety of social classes. He is equally at home in an upper-class setting. When Bucket, Snagsby, and Jo leave the slums of Tom-all-Alone, "the crowd, like a concourse of imprisoned demons, turns back yelling, and is seen no more" (368). As they eventually climb the

"dim stairs" of their destination, Tulkinghorn's residence, they leave a scene of physical decay and enter a scene of moral corruption, though the change in setting to a higher location might suggest entering paradise from the inferno. Here, Jo is asked to identify a woman in a black dress, who appears to be Lady Dedlock's maid, Madame Hortense. In reality, Jo reveals that he encountered Lady Dedlock herself the night he was paid to direct a woman, wearing Mademoiselle Hortense's dress as a disguise, to Hawdon's grave. He confirms that Lady Dedlock enquired after Hawdon, and Tulkinghorn's blackmail scheme is strengthened, though Bucket is ignorant of this intention. In his interactions with the extremely poor in Tom-all-Alone, the middle-class Snagsby, and the upper-class Tulkinghorn, Bucket is consistently concerned only with duty. He does, however, reserve compassion for those most deserving, the poor, and remains the most business-like with Tulkinghorn, with whom his interests are strictly professional.

In his next appearance, Bucket acts in the interests of the courts. Bucket must serve a warrant on a victim of Chancery, Mr. Gridley, who "allowed his temper to get a little the better of him [and had] been threatening some respectable people" (363). By the use of surveillance and disguise, Bucket finds the dying Gridley at Mr. George's Shooting Gallery. Although Bucket is

again acting in a professional capacity, his admiration for Gridley's fight in Chancery is evident: "Haven't I come into Court, twenty afternoons for no other purpose than to see you pin the Chancellor like a bull-dog?" (407). Bucket's attempts to rouse Gridley are useless, and he soon dies. Q. D. Leavis notes that "the good feelings that Mr. Bucket exercises whenever possible are merely paradoxical in his position and are constantly being disconcerted by the nature of the material he has to work in" (138). The crucial point here is that there is a paradox, that there is at least some tension between respect for humanity and respect for the law. This is a tension entirely absent in Chancery, and Bucket can allow the tension to exist in himself because his personal judgement can temper the regulations of the law. He is an ally of humanity, rather than merely an ally of the judicial system.

Nevertheless, in his first two appearances, Bucket serves the private interests of a corrupt, wealthy lawyer, and the public interests of a corrupt court to persecute the innocent and impoverished. However compassionate he is in these activities, he is merely a professional for hire. He represents a fairer element of the judicial system than is otherwise presented in the novel, but nothing more. Bucket is at this point, as Q. D. Leavis notes, "in the service of a bad system, which

he cannot afford to question or think about" (138). The bad system is Chancery and its employee, Tulkinghorn.

Bucket's skills as a detective in criminal matters, however, are not part of a bad system, though certain segments of society do not appear to desire his presence. The narrator implies that Bucket's job does not entail pursuing the injustices of the upper classes, many of which do not transgress a legal code. Dickens' description of Leicester Square presents a den of thieves where Bucket and his law enforcement are not wanted:

> . . . skulking more or less under false names, false hair, false titles, false jewellery, and false histories, a colony of brigands lie in their first sleep. Gentlemen of the green baize road who could discourse, from personal experience, of foreign galleys and home treadmills . . . [of] broken traitors, cowards, bullies, gamesters . . . all with more cruelty in them than was in Nero, and more crime than is in Newgate. For, howsoever bad the devil can be in fustian or smock-frock (and he can be very bad in both) he is a more designing, callous, and intolerable devil when he sticks a pin in his shirt-front, calls himself a gentleman, backs a card or colour, plays a game or so of billiards, and knows a little about bills and promissory notes, than in any other form he wears. And in

> such a form Mr. Bucket shall find him, when he will, still pervading the tributary channels of Leicester Square. But the wintry morning wants him not and wakes him not. (419)

Leicester Square is an area of the city that Bucket and justice have not yet penetrated, and no one appears to invite him to do so, even though crimes against humanity are so pervasive there.

When Bucket is called upon to enter this level of society, after Tulkinghorn is murdered, he does successfully determine what crimes lead to the murder and who is responsible for it, but not without difficulty and error. The upper-class world of Tulkinghorn and the Dedlocks constitutes a social boundary that contains the corrupt form of justice represented by Chancery but which is not often crossed by the honest workings of criminal justice, as represented by Bucket. Nevertheless, he is successful in administering the law.

Bucket's dealings with the Dedlocks illustrate his adaptability to a very different class than found in Tom-all- Alone. He is able to present himself appropriately to each member of the household:

> Mr. Bucket makes three distinctly different bows to these three people. A bow of homage to Sir Leicester, a bow of gallantry to Volumnia, and a bow of recognition to the debilitated cousin; to whom it

> airily says, "You are a swell about town, and you know me and I know you." (772)

The narrator also comments on "his adaptability to all grades" (777). Bucket communicates to Sir Leicester that his wife has had a lover, Hawdon, before him and that Tulkinghorn had planned to relate this information to him. Bucket does so in a gentle way by first fortifying Sir Leicester's courage by relating how gentlemen are able to suffer calamity and how strange things happen in high families. He takes no more advantage of the rich than he does of the poor. There is no class conflict in Bucket's system of justice, and, in this way, he differs fundamentally from the Court of Chancery.

Bucket's actions and behaviour are purposeful, and he does not hesitate to use his authority, as when he tries to put an end to Smallweed's attempt to carry on the blackmail scheme: "'I am Inspector Bucket of the Detective, I am; and this' producing the tip of his convenient little staff from his breast-pocket, 'is my authority'" (785). Bucket's authority is found in his personal presence and not in his relationship to a judicial system.

Indeed, he conducts his own court when he reveals Mademoiselle Hortense's guilt. Bucket's recounting of how the events of the murder took place is now a standard device in detective fiction, often called the summing-up

chapter. What is most interesting about this device in Bleak House is that it resembles court procedure in that the accused is present, evidence is produced against her, and the accused is allowed to rebut, though Bucket warns her of her day in court by stating that "you'll say something that'll be used against you" (794). Bucket arrives at his conclusions by his own careful detective work as well as that of his wife. Bucket's and Mrs. Bucket's investigative methods and well-thought-out conclusions are not bound by the delays and technicalities of the legal system, and, except for formalities, make a court case superfluous.

Mademoiselle Hortense tries to belittle his success, but her criticisms are those of the defeated: they are misplaced and malicious. She asks three rhetorical questions of Bucket: "Can you restore him [Tulkinghorn] back to life?"; "Can you make an honourable lady of Her [Lady Dedlock]?"; "[Can you make] a haughty gentleman of Him [Sir Leicester Dedlock]?" (799). Hortense's criticisms hardly diminish Bucket's authority, as some critics have suggested: "Hortense enumerates the various existential problems that, outlasting Bucket's solution, make it seem trivial and all but inconsequential" (D. Miller 96); and "After her arrest Mademoiselle Hortense subjects him to a brief but telling catechism" (Ousby 106). Hortense's criticisms better represent the

pettiness of her character than genuine criticisms. Essentially, she asks Bucket if he has power over life and death, and if he has the power to change custom and prejudice that has been in place for several centuries; no one could reply honestly in the affirmative. She does, perhaps, point to the fact that Bucket is not a social reformer. He is a reformer of the day-to-day proceedings of criminal justice, which he accomplishes with efficiency and fairness by operating independently of the judicial system.

His importance in the novel is that he is a model of the efficacy of the individual in the pursuit of justice. Dickens does not expound on how this efficacy might be used in social reform or improving the operations of civil law, yet Bucket represents at least a limited hope. In criminal justice there is always an involuntary victim, and Dickens' presentation of Bucket illustrates an individual who is able to pursue the ideals of justice for that victim because he is not bound by the delays and technicalities of the courts. As well, Bucket's pursuit of criminal justice transcends the class stratifications on which Chancery's pursuits are contingent.

Bleak House's importance in the literary evolution of the criminal is similar to that of Richmond or Poe's short stories in that criticism of the law is entirely shifted from the plight of the criminal to the operations

of the detective. Indeed, the main criminal figure, Hortense, is of little thematic importance. Rather, the study of crime is placed in a quasi-legal context in the study of the detective; however, insofar as the detective does not directly criticize the courts, he only serves the purposes of criticizing the judicial system by way of implicit contrast. That is, if Dickens had not dwelt on the inefficiencies of Chancery in Bleak House, Bucket would have mainly served a generic purpose, as did the criminal in the sensation novel, because he is not a spokesperson for legal reform. He replaces the criminal as the means of social criticism, but, like the social criminal, he is a mute critic.

The Domestic Detective: The Woman in White

Unfortunately, Dickens never returned to the detective as an important character in his remaining works, though his contemporary Wilkie Collins did employ the detective in a much more limited capacity. Collins' The Woman in White gave crime detection an important place in the novel, but the main difference between it and Bleak House is that Collins' novel is entirely focused on the events surrounding a crime that never really rises out of the context of family life. Much

like the novel involving the domestic criminal, domestic order is of more importance than social or judicial concerns in The Woman in White. This novel is similar to the sensation novel, but is best described by T. S. Eliot as "pure melodrama": "we are asked to accept an improbability simply for the sake of seeing the thrilling situation which arises in consequence" (415). The area of improbability concerns the crime that is central to the novel's plot, as well as the thrill of members of that household having to engage in investigating that crime. Some criticism of the judicial system is evident in the novel, but the only antagonism is found in a conflict between two characters, one in the role of a detective and one in the role of a criminal, who are at the centre of domestic turmoil.

The novel is structured, from the outset, as a recounting of the significant details of a crime: "As the judge might once have heard it, so the reader shall hear it now. No circumstance of importance, from the beginning to the end of the disclosure, shall be related on hearsay evidence."[13] A series of narrators present whatever information they possess that is relevant to unfolding the case. The need for this kind of informal court setting to tell the story is due, apparently, to

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[13] Wilkie Collins, The Woman in White, (New York: Oxford University Press, 1991) 1. All further citations will be taken from this edition.

the corrupt practices of the courts:

> If the machinery of the Law could be depended on to fathom every case of suspicion, and to conduct every process of inquiry, with moderate assistance only from the lubricating influences of oil of gold, the events which fill these pages might have claimed their share of the public attention in a Court of Justice. But the Law is still, in certain inevitable cases the pre-arranged servant of the longest purse; and the story is left to be told, for the first time, in this place. (1)

We have, however, only the author's assertion that the law is inadequate to deal with this case, because the legal system does not enter the novel.

Indeed, the case is far too unusual for the legal system to become involved. Collins' description of the "central idea" of the novel is a useful starting point for examining the context in which the detective is placed:

> The central idea of A Woman in White is the idea of a conspiracy in private life, in which circumstances are so handled as to rob a woman [Laura Fairlie, later Lady Glyde] of her identity by confounding her with another woman [Anne Catherick] sufficiently like her to answer the wicked purpose [gaining Fairlie's inheritance]. The

> destruction of her identity represents a first division of the story; the recovery of her identity marks a second division. (596)

Collins' description of the novel's central idea emphasizes the domestic setting of the crime and its personal, rather than its social, effect.

A brief summary of the domestic conspiracy that forms the basis of the plot gives some idea of the unusual train of events in the novel. Count Fosco and Sir Percival Glyde, the main criminal figures of the novel, switch the identities of Lady Glyde and Anne Catherick, and when Anne Catherick dies, Lady Glyde is dead in the eyes of the world, and Glyde inherits her fortune. Lady Glyde, who is ill, is put in an asylum in place of Anne Catherick. Lady Glyde's sister, Marian Halcombe, and her friend, Walter Hartright, are placed in a difficult situation. While they know the truth, appearances are against them, and they must work against a death certificate, Lady Glyde's funeral and her tombstone to prove Lady Glyde is alive. In addition, her servants and her uncle do not recognize Lady Glyde because of her altered appearance due to illness. While Lady Glyde is alive, Hartright and Marian do not "have a shadow of a case" to give her back her legal identity: "[she is] socially, morally, legally--dead" (380).

They have no opportunity to make use of the law, and

their lawyer, Mr. Kyrle, lays the blame on English juries who, when faced with a choice "between a plain fact, on the surface, and a long explanation under the surface, . . . take the fact in preference to the explanation" (408). As in Caleb Williams, explanations hold very little weight, even if they are the only means of ascertaining the truth. Given the circumstances, however, the problem with the courts in this novel does not appear to be corruption and class bias, but, rather, an inherent limitation of human nature. Moreover, the improbability of the situation is of greater interest than the role of the judicial system.

Nevertheless, to overcome the problem of not being able to use the courts, Hartwright vows to become a judicial system unto himself. Essentially, he is filling a gap in the judicial system, much as Dupin did in Poe's short stories. Hartright, however, offers little detailed explanation of why he must assume this role, and how his methods are superior to those of the courts: "those two men [Fosco and Glyde] shall answer for their crime to ME, though the justice that sits in tribunals is powerless to pursue them" (410). Collins does not offer any sustained criticism of the judicial system; instead, it is quickly dismissed in order to emphasize a confrontation between Fosco and Hartright after Glyde dies in a fire.

Hartright remains determined to pursue Fosco in order to clear Laura, and the plot is reduced to a conflict between two characters, both operating outside the courts. Fosco makes a vow that is similar to Hartright's in that he intends to become a judicial system unto himself if Hartright pursues him: "He [Hartright] has a man of brains to deal with, a man who snaps his big fingers at the laws and conventions of society, when he measures himself with ME" (508). The difference between them is that Hartright assumes the role of a tribunal meting out justice, while Fosco assumes the role of an executioner who operates according to no principle but personal safety. Hartright, then, places himself directly in conflict only with the criminal, rather than with the judicial system or society.

His success in this confrontation is dependent on a series of very unusual events. Hartright, in order to assist his quest, brings a fellow-countryman of Count Fosco's, Pesca, to an opera where he can observe the Count. Pesca does not know Fosco, but Fosco appears to know, and be afraid of, Pesca, and quickly leaves. This meeting, conveniently enough for Hartright, uncovers an unusual relationship between Pesca and Fosco: they both belong to a secret society, termed "the Brotherhood" for the purposes of secrecy. Fosco is forfeited his right

to belong to the Brotherhood because of his crimes, and, for that, he must "die by the principles of the Brotherhood" (536); "No human laws can protect him" (537). The Brotherhood, then, represents the will to transcend the legal system, rather than the necessity of doing so in certain circumstances. Its members use vengeance to punish the breaking of a set of laws held above the legal system. Hartright uses this promise of vengeance to coerce Fosco into writing a detailed confession of his crime so that Laura can retrieve her legal identity. Fosco in turn demands that Pesca not be informed of his betrayal of the Brotherhood. Hartright's plan works, Laura is restored to her legal identity by a court of law, and domestic order is restored.

This legal remedy, though, only occurs as a result of working outside the courts and the sanction of the law. Hartright claims that lack of money prevented him from using legal measures, which likely would not have brought about a successful conclusion:

> It was strange to look back and to see, now, that the poverty which had denied us all hope of assistance, had been the indirect means of our success, by forcing me to act for myself. If we had been rich enough to find legal help, what would have been the result? The gain (on Mr. Kyrle's own showing) would have been more than doubtful; the

> loss--judging by the plain test of events as they had really happened--certain. The Law would never have obtained me my interview with Mrs. Catherick. The Law would never have made Pesca the means of forcing a confession from the Count. (578)

Hartright, like the detective, achieves justice by operating outside the forum of the courts. He differs from previous detectives, however, in that his criticism of the judicial system is superficial, and his methods do not constitute an implicit contrast to an existing system of justice. Rather, he is held in contrast only to the criminal, and his conflict with the criminal is the only sustained antagonistic relationship presented in the novel. Moreover, the crime itself is of little social or judicial significance.

The importance of The Woman in White in the literary evolution of the criminal is in its reduction of the thematic range of the struggle between the detective and the criminal. The detective figure does voice criticism of the courts in order to protect its victim, Laura, but his central conflict is only with the criminal.

The Moonstone

Much like The Woman in White, Wilkie Collins' The Moonstone is based on a domestic scene that is upset by a

crime and restored by the solving of that crime. There is, however, even less criticism of the judicial system and society in this novel, and the criminal himself has virtually no presence. The detective's methods of investigation, in the context of a domestic setting, on the other hand, are given greater emphasis than in The Woman in White. The organizing principle of The Moonstone is similar to The Woman in White's "court-room" structure in that a series of characters present, in chronological order, what is relevant to unravelling the case. A variety of characters play the role of detective in this novel and their methods of investigation are the novel's main focus. A professional detective, Cuff, is of special interest because his role in the domestic order is, to some extent, that of an antagonist.

His powers of observation and induction, however, are the qualities first established after his appearance in the novel. He is asked to help solve a domestic mystery involving the disappearance of a valuable diamond owned by Rachel Verinder. The diamond has been stolen from her room, and Cuff immediately notices a paint-smear on the door. A police sergeant, Seagrave, assumes that the paint was smeared by the petticoats of one of the servants entering the room, and labels the smear "a mere trifle." Cuff responds that in crime investigation he

has "never met with such a thing as a trifle"[14], and concludes that, because the paint takes twelve hours to dry, it must have been smeared before 3:00 a.m. on the morning of the theft, and was therefore smeared by the thief's nightgown. From this point on, Cuff separates himself from the operations of the police and gives his "brother-officer up as a bad job" (111).

Cuff does assume the role of a judge weighing evidence and hearing testimony, but there is no implicit contrast to a judicial system in his actions. Requesting a room for himself from the servant Mr. Betteredge, Cuff sets up "the Court of Justice, otherwise my [Betteredge's] room" (127) in order to interview all of the indoor servants. Betteredge, acting as a Bailiff, sends in the servants, according to rank from highest to lowest, and hears widely varying reports on Cuff's character when they exit the "court":

> She [the cook] remained but a short time. Report, on coming out: "Sergeant Cuff is depressed in his spirits; but Sergeant Cuff is a perfect gentleman." My lady's own maid followed. Remained much longer. Report, on coming out: "If Sergeant Cuff doesn't believe a respectable woman, he might keep his opinion to himself, at any rate!" Penelope

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[14] Wilkie Collins, The Moonstone (New York: Oxford University Press, 1991) 111. All further citations will be taken from this edition.

> [Betteredge's daughter] went next, remained only a moment or two. Report, on coming out: "Sergeant Cuff is much to be pitied. He must have been crossed in love, father, when he was a young man." (128)

Cuff seems to share Bucket's ability to "adapt himself to all grades," even to respecting the pecking order of the servants. Unlike Bucket, though, the adaptation is not part of an implict contrast to the judicial system. Cuff treats some of the servants rudely to ensure that their own suspicions are not confirmed by his appearing to value their information. He simply ensures the proper atmosphere for his investigation.

Moreover, Cuff tempers his pursuit of justice to the sensibilities of the upper class. Cuff's first suspect is Rachel Verinder, the person who inherited the diamond. He bases his suspicion on three elements of her behaviour: her agitated state twenty-four hours after the diamond is stolen, her rude behaviour to Cuff, and her coldness to her intended, Franklin Blake. From these unusual qualities in her behaviour he deduces, incorrectly, that she stole her own diamond in order to pay off debts. Such being the case, Cuff wants to avoid the courts, not because he fears their inefficiency or corruption, but because:

> As to the usual course of taking people in custody

> on suspicion, going before the magistrate, and all the rest of it--nothing of the sort was to be thought of, when your ladyship's daughter was (as I believed) at the bottom of the whole business. (187)

Cuff is, as described by Betteredge, "an abominable justice that favoured nobody" (184) because he is sufficiently experienced in such cases to suspect and accuse a member of the upper class of theft. His "adaptability to all grades," however, is different from that of Bucket. Cuff's motive for keeping the investigation out of the courts is to avoid scandal, whereas Bucket's investigations outside the forum of the court in all areas of society implicitly suggest the motive of ensuring a fair and productive investigation, in contrast to the corrupt Court of Chancery. "The natural order of the Verinder estate [may be] brutally democratized" (D. Miller 38), but the democratization has no lasting effect, as Cuff is dismissed from the case for his accusations when Rachel denies all involvement in the theft of the diamond.

After Cuff's departure, "detective fever" invades and various characters speculate on the mystery of the diamond's theft, which is resolved in a revelation of improbable events. The question of who stole the diamond is initially solved when Rachel admits to witnessing Franklin Blake steal the diamond. Blake has no memory of

doing so, so the question at hand concerns how the theft took place and how the diamond was, apparently, transported to a bank and pledged.

In attempting to interview a house guest present on the night of the theft, Dr. Candy, Blake uncovers a vital clue to this domestic mystery. Blake's interview with Dr. Candy is thwarted because the doctor became ill after the night of the theft and his memory became sporadic. His assistant, Mr. Jennings, made notes of Candy's ramblings and is able to piece together some hitherto unknown events of that evening: Candy gave Blake opium the night of the theft in order to prove its usefulness for sleeplessness. Jennings theorizes that, in an opium-induced trance, Blake took the diamond to protect it because his mind was preoccupied with the diamond's safety before going to sleep. Jennings concludes that the events of the night must be re-constructed, including Blake's opium-induced trance, in order to prove that he is not guilty of theft. The physical reconstruction of the crime is a similar device to the summing-up chapter. The court room is avoided as a forum to examine evidence, testimony, and to determine, or at least come closer to determining, guilt. Jennings' rationale for avoiding the court is that his theory is not part of mainstream knowledge and would not likely be of value in a legal forum (431). Hence there is no real philosophical charge

against the court as inherently problematic, or any criticism of its inefficiency.

Instead, the circumstances of the crime are simply too exotic for the judicial setting, and herein lies the area of improbability that Eliot described as essential to pure melodrama. The unusual circumstances of the crime are thrilling, but have little more to offer. The improbability of the circumstances divorces the crime from the courts, even if the thief is now not of high social standing, and divorces the crime from detective work except of the most ingenious kind.

What The Moonstone gains in plot complexity it loses in thematic complexity, and very little comment on the workings of justice is to be found, except in a few instances. Mr. Bruff, Rachel's lawyer, objects to the proposed reconstruction as being unsound in relation to legal procedures: "It was quite unintelligible to his mind, except that it looked like a piece, akin to the trickery of mesmerism, clairvoyance, and the like" (445). He puts forward the evidence of an expert witness, an eminent physician, who, when asked about the procedure, shakes his head and says nothing. Nevertheless, during the reconstruction, when Blake is under the influence of the opium, Jennings notes: "I saw the Law [as represented by Mr. Bruff's papers] lying unheeded on the floor" (471). The reconstruction is successful in

proving Blake's innocence, and it succeeds precisely because it avoids the technicalities of law that would disallow it as evidence. The reconstruction even faintly suggests the lack of class distinction in this kind of informal legal procedure. Jenning states: "Betteredge, oblivious of all respect for social distinctions, was peeping over Mr. Bruff's shoulder [at Blake lying in an opium-induced trance]" (471). With no other system of justice presented in the novel, however, one does not find the kind of criticism of systematized justice, by way of contrast, that is found in Bleak House or Poe.

What one does find in The Moonstone is the first instance of a novel which emphasizes detection almost to the exclusion of a criminal. After Blake's innocence is proven, Cuff re-enters the case, now an amateur due to his retirement, and helps determine who is guilty of transporting the gem to London, which is the actual theft, and admits his error in suspecting Rachel: "It's only in books that the officers of the detective force are superior to the weakness of making a mistake" (486). The guilty party is successfully determined, but by the time he is found, he has been assassinated by Indians whose duty it is to protect the gem and return it to their homeland, where it was originally stolen. While investigation and determination of guilt takes place outside the courts and in the hands of a professional

and, later, several amateur detectives, punishment is placed in the hands of a secret society, as it was in The Woman in White. The courts need not enter the case, even for the purposes of punishment; the novel's emphasis on the domestic scene is maintained and detection remains isolated from legal questions.

This emphasis on detection and little else in The Moonstone is very close to A Study in Scarlet's concern with "detection and nothing else." The limitations of such an emphasis are certainly apparent in The Moonstone and described succinctly by Beth Kalikoff:

> The series of events that bring about knowledge and the mystery's conclusion, told by an engagingly entertaining series of narrators, result from the techniques and effects of artistry not life. The power of the individual, even when working with others, is extremely limited. Thus, one of our pleasures in The Moonstone is that its formal symmetry and rigorous plotting "work out" the way real life never does. (126)

The context of law enforcement and the judicial system, so important in the works previously examined, lends significance to the role of the detective. In The Moonstone, not only has the system disappeared, but also the authoritative and efficacious individual, who is,

except for the careful craftsmanship of an expert plotter like Collins, overwhelmed by the exotic and the improbable. By placing the solving of this highly unusual crime in several hands, however, Collins does avoid presenting an over-ingenious detective who, in singlehandedly investigating an improbable set of circumstances, himself verges on being improbable as a character. A character who could singlehandedly solve such a crime was created later by Conan Doyle in his early portrayals of Sherlock Holmes in A Study in Scarlet and The Sign of Four.

The Moonstone, however, did succeed in divorcing the detective from a judicial or social context by placing him in relation to a domestic setting and an improbable crime. In this limited context a closer focus on the criminal or detective could only come from a stronger emphasis on his psychological state. Such a focus on the criminal was achieved in Dickens' last two novels.

V Misfire: The Non-Conformist of Society

The Deviant Criminal: Our Mutual Friend

The final stage in the literary evolution of the criminal is evident in Dickens' penultimate novel, Our Mutual Friend. This novel is based on a domestic mystery involving wills and concealed identities, and the plot hinges on a question of civil law, namely who is entitled to a large estate. The main criminal figure, Bradley Headstone, however, is not directly involved with this domestic mystery and its theme of greed that pervades the main action of the novel. Nor is he embroiled in the legal questions surrounding the estate. Unlike Bulwer-Lytton in his sensation novels, then, Dickens is not concerned with the presence of the abnormal as a plot device in a domestic mystery. Rather, as in Martin Chuzzlewit, Dickens is mainly concerned with a study in the abnormal, a study of the criminal's mind. What is remarkable about Our Mutual Friend, compared to Martin Chuzzlewit, is that Dickens completely isolates the criminal from the social pressures and mysteries that permeate the novel, and allows him to

operate solely according to his personal, deviant view of the world.

Philip Collins observes that by isolating the criminal in this way Dickens "can then treat Bradley Headstone's murderous attempt more seriously and internally, as a psychological study and not a whodunit" (284). Edmund Wilson notes that Headstone is Dickens' most complex criminal and his first who is "a member of respectable Victorian Society" (82). Viewed in the context of the novels studied thus far, Headstone is the first criminal who is important, not for the complexities of his social, legal, or domestic status, but only for his psychological state. He is connected to the novel's plot by his romance with one of the main characters, Lizzie Hexam, but, aside from his place in the plot, he is important in and of himself as a criminal rather than as a representative of, or spokesperson for, social evils.

Headstone's aberrant psychological state is quite well developed compared to that of the criminals studied thus far. He is, as mentioned earlier, a respectable member of society, though his mania for order marks him as having an unusual, but not necessarily criminal, outlook:

> Bradley Headstone, in his decent black coat and waistcoat, and decent white shirt . . . looked a thoroughly decent young man of six and twenty. . . . He had acquired mechanically a great store of teacher's

> knowledge. . . . From his early childhood up, his mind had been a place of mechanical stowage . . . this care had imparted to his countenance a look of care; while the habit of questioning and being questioned had given him a suspicious manner, or a manner that would be better described as one of lying in wait.[1]

Headstone's unusual psychological state is unlike that of Hugh or Dennis because it is his mania for order rather than a predisposition to chaos that marks his character. His middle-class station in society, with its emphasis on form, might account for his "mechanical nature," but his personality appears ill-suited to his class: "He was never seen in any other dress [than the 'decent' attire described above], and yet there was a certain stiffness in his manner of wearing this" (212).

His uneasiness does have a violent undertone, but this undertone is more associated with his psychological state than his role in the social hierarchy:

> He always seemed to be uneasy lest anything should be missing from his mental warehouse, and taking stock to assure himself. Suppression of so much to make room for so much, had given him a constrained manner, over and above. Yet there was enough of what was animal, and of what was fiery (though smouldering), still visible in

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[1]Charles Dickens, Our Mutual Friend (Toronto: Bantam Books, 1990) 212. All further citations will be taken from this edition.

> him, to suggest that if young Bradley Headstone, when a pauper lad, had chance to be told off to the sea, he would not have been the last man in a ship's crew. Regarding that origin of his, he was proud, moody and sullen, desiring it to be forgotten. And few people knew it. (212-13)

Dickens does hint that Headstone's uncertain origins contribute to his moody behaviour, but it is Headstone's repression of the chaotic, animalistic side of his personality that appears to be mainly to blame for his predisposition to violence.

Appropriately, this violent side of his nature comes to the forefront when Headstone falls in love and is confronted with a situation that cannot be managed by his "mechanical nature." In his proposal to Lizzie Hexam, Headstone displays his troubled mental state in a striking manner, which is all the more striking because it is bereft of social, legal and domestic complications. His problems stem from his preoccupation with Lizzie Hexam, which takes a dangerous turn:

> It had been an immoveable idea since he first set eyes upon her. It seemed to him as if all that he could suppress in himself he had suppressed, as if all that he could restrain in himself he had restrained, and the time had come--in a rush, in a moment--when the power of self-command had departed from him. (332)

Like Jonas, or Dennis and Hugh, Headstone, operates peacefully within society until he finds himself in an extreme circumstance in which the chaotic side of his nature is let loose. Reminiscent of the riots in Barnaby Rudge, Headstone's loss of self-control is even described by Dickens in terms of a riot:

> As a multitude of weak, imitative natures are always lying by, ready to go mad upon the next wrong idea that may be broached . . . so these less than ordinary natures may lie dormant for years, ready on the touch of an instant to burst into flames. (332)

In Headstone, Dickens has internalized the riot; he has expressed the inherent criminality of society within the individual, rather than expressing it in a public realm, as he did with the riot in Barnaby Rudge. Therefore, though Headstone functions within the social order, he is psychologically isolated from it.

Headstone's isolation from humanity is evident in his inability to separate his feeling of love for Lizzie and his violent intentions towards the person he believes to be his rival, Eugene Wrayburn. His reaction to Lizzie's refusal of marriage is violent when, standing by a fence, he brings "his clenched hand down upon the stone with a force that laid the knuckles raw and bleeding" (387). He does not intend to harm Lizzie; instead he directs his anger at Eugene Wrayburn. Indeed, he appears to have transferred his

monomania for Lizzie to Wrayburn even while he is proposing to her: "With Mr. Eugene Wrayburn in my mind, I spoke to you just now. With Mr. Eugene Wrayburn in my mind, I have been set aside and I have been cast out" (388). He lays blame for his situation on Wrayburn and imagines that he has been a victim of a conspiracy orchestrated by him: "I have stood before him face to face, and he crushed me down in the dirt of his contempt, and walked over me. Why? Because he knew with triumph what was in store for me tonight [Lizzie's refusal]" (389). Headstone is an antagonist of Wrayburn, but he is mainly an antagonist of himself. He struggles with two desires, one for love and one for violence, that merge to make the criminal mind.

Headstone's delight in contemplating the murder is given a wider context only with reference to criminals in general:

> The state of the man was murderous, and he knew it. More; he irritated it, with a kind of perverse pleasure akin to that which a sick man sometimes has in irritating a wound upon his body. Tied up all day with his disciplined show upon him, subdued to the performance of his routine of educational tricks, encircled by a gabbling crowd, he broke loose at night like an ill-tamed wild animal [when he stalks Wrayburn]. Under his daily restraint, it was his compensation, not his trouble, to give a glance towards

> his state at night, and to the freedom of its being indulged. If great criminals told the truth--which, being great criminals, they do not--they would very rarely tell of their struggles against the crime. Their struggles are towards it. (533)

This passage again emphasizes the split self of Headstone, but what is also of interest is Dickens' characterization of the criminal as perversely drawn towards crime. That is, crime is only understood in the context of the psychologically abnormal individual who is motivated not by social oppression or sinfulness, but by his perverse and criminal desires. The criminal, then, is interesting as a study in the perverse, but is not an individual capable of articulating his personal state or his motives in a manner that allows for explicit criticism of the judicial system or society. Instead, he is rendered an opaque character. He is, to some extent, inexplicable in a social context, and is, himself, an unsolvable, but stimulating, mystery.

In the aftermath of Headstone's attempt on Wrayburn, Dickens again penetrates the mystery of the criminal mind. Much like Jonas, Headstone has no remorse, but he does not undergo the unusual split in his personality that Jonas underwent in the aftermath of murder because this split takes place before Headstone attempts murder. Instead, he remains obsessed with the details of the murder after its commission, a trait which Dickens generalizes to include

most criminals:

> He had no remorse; but the evil-doer who can hold that avenger at bay, cannot escape the slower torture of incessantly doing the evil deed again and doing it more efficiently. . . . The state of that wretch who continually finds the weak spots in his own crime, and strives to strengthen them when it is unchangeable, is a state that aggravates the offence by doing the deed a thousand times instead of once; but it is a state, too, that tauntingly visits the offence upon a sullen unrepentent nature with its heaviest punishment every time. (691-92)

Dickens' description of Headstone's mental state not only attempts to account for the criminal mind, but also for the inevitability of punishment for the criminal, even in the absence of remorse. This approach to the criminal allows Dickens to explore the criminal mind, but it also allows him to avoid introducing the judicial system because the criminal is punished without its intrusion.

Furthermore, the legal system is avoided at the request of Wrayburn. He requests that Headstone not be pursued for his attempted murder of him because he fears that Lizzie's reputation will be ruined. For Headstone, however, this lack of legal retribution constitutes an even greater punishment:

> That Eugene Wrayburn, for his wife's sake, set him

> aside and left him to crawl along his blasted course. He thought of Fate, or Providence, or be the directing Power what it might, as having put a fraud upon him--overreached him--and in his impotent mad rage bit, and tore, and had his fit. (773)

Headstone's consciousness of providence is limited to the inevitability of its meting out punishment. No attempt is made to reconcile him to society or God, nor is his criminal career resolved in a legal forum. Rather, he only need be reconciled aesthetically to the plot, which occurs when he dies while grappling with the one person, Rogue Riderhood, who can prove he attempted to murder Wrayburn. In the struggle they both drown in a river. Insofar as Headstone is not even the subject of detection, his role in Our Mutual Friend is best considered as a study of the criminal mind.

Detection is, instead, reserved for the domestic mystery of the novel, which only briefly touches on crime. The main detective figure of the novel, Mr. Inspector, sets out to establish the identity of a character, John Harmon, who conceals his identity because of an unusual will left by his father. Harmon is actually suspected of his own murder because, while assuming the identity of Julius Hanford, he identifies the corpse of George Radfoot, who looks remarkably similar to Harmon and is mistakenly identified as him. The unusual train of events surrounding Harmon's assumed identities, and the variety of wills connected to

his estate, make for the main mystery of the novel, in which Headstone is not directly involved. Dickens, by not involving Headstone in the mystery plot, keeps the criminal distinct from domestic turmoil and underscores the turmoil of his aberrant mental state. With the elimination of the domestic mystery, the criminal mind is given even greater emphasis in Dickens' final, unfinished novel.

The Mystery of Edwin Drood

Dickens was also concerned with the deviant criminal in his final, unfinished novel, The Mystery of Edwin Drood. He did, however, offer an important innovation in the literary evolution of the criminal in this work. The most striking feature of the mystery contained in the novel is that it does not take place within a fully developed domestic scene. No large family or household figures in the novel, and many of the main characters have no family. John Jasper, the character most likely responsible for Drood's death or disappearance, is a bachelor. Neville Landless, also a suspect in the murder or disappearance, and his sister Helena, who may have a role in solving the mystery, are orphans. Edwin Drood and Rosa Bud, whose marriage when they come of age has been pre-arranged by their fathers before their deaths, are parentless. The only complication raised

by civil law is this pre-arranged marriage, and it is soon overcome when they agree not to go through with the marriage. No other question of civil law appears to bind characters after this point, and Dickens deserves credit for removing the entanglements of civil law from a novel concerned with the criminal. In removing the domestic scene, Dickens is able to concentrate more fully on a murder, rather than on a domestic mystery, and more fully on the criminal mind and the struggle within it.

As for the main criminal figure, Jasper is the most obvious suspect in Drood's disappearence, if for no other reason than his resemblance to Headstone. Like Headstone, Jasper is in love with a young woman who does not return his affections. Again, he is pre-occupied with a rival, Drood, even as he confesses his love to that young woman:

> Rosa, even when my dear boy [Drood is Jasper's nephew] was affianced to you, I loved you madly; even when I thought his happiness in having you for his wife was certain, I loved you madly; even when I strove to make him more ardently devoted to you, I loved you madly.[2]

The movement from obsessive love to monomaniacal revenge is also evident in Jasper, but in a different form. Jasper becomes obsessed with discovering the murderer of his nephew, and, fixated on that pursuit, he operates only

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[2] Charles Dickens, The Mystery of Edwin Drood (Markham: Penguin Books, 1985) 228. All further citations will be taken from this edition.

mechanically with the world around him:

> Impassive, moody, solitary, resolute, concentrated on one idea, and on its attendant fixed purpose that he could share it with no fellow creature, he lived apart from human life. Constantly exercising an Art which brought him into mechanical harmony with others, and which could not have been pursued unless he and they had been in the nicest mechanical relations and unison, it is curious to consider that the spirit of the man was in moral accordance or interchange with nothing around him. (264)

Jasper, like Headstone, is isolated from society and humanity. He is, psychologically, distant from his environment, and this passage might be intended to identify Jasper as possessing the criminal mind described by Dickens as deviant, and irreconcilable with "the average intellect of average men . . . [instead, the criminal mind is] a horrible wonder apart" (233).

Indeed, Jasper is "a horrible wonder apart" because of the struggle within himself. He leads a double life as a respectable Lay Precentor of the Cathedral and opium smoker in a dismal den. He detests his occupation and refers to the church service as sounding "quite devilish" (48). His opium addiction appears to cause him to lose consciousness from time to time, without "the smallest stage of transition between the two extreme states" (49). Much like Headstone,

he has a troubled mental state, but his opium addiction implies a more distinct split in the self: a split between conscious and unconscious action. This radical split in Jasper might suggest that he murdered Drood in an opium-induced trance, and Dickens does mention, in reference to a different character, a medical case similar to the one used by Collins to describe the existence of the dual state of consciousness that made possible Blake's unconscious theft of the diamond in The Moonstone.[3] Opium might play a similar role in The Mystery of Edwin Drood to that which it did in The Moonstone: a means of having a character perform an action of which he is not conscious, but one cannot be sure that this is the case. Dickens' biographer John Forster gave an account of Dickens' summary of the novel, given by him before he wrote it, that suggests that Jasper may not have been conscious of his deed:

> The story, I learnt . . . was to be that of the murder of a nephew by his uncle; the originality of which was to consist in the review of the murderer's career by himself at the close, when its temptations were to be dwelt upon as if, not he the culprit, but some other

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[3] Dickens uses the following example to describe the existence of two states of consciousness: "if I hide my watch when I am drunk, I must be drunk again before I remember where" (53). In The Moonstone, Collins describes the case of "an Irish porter to a warehouse who forgot, when sober, what he had done when drunk; but, being drunk, again, recollected the transactions of his former state of intoxication" (433).

> man, were the tempted. The last chapters were to be written in the condemned cell, to which his wickedness, all elaborately elicited from him as if told of another, had brought him. (Collins 293)

This passage clearly suggests that the murderer considers another person as the guilty party. Yet, being the murderer, the other party to which he refers must be himself, operating distinct from his consciousness, the memory of which would have to be brought out by recreating an opium-induced trance or by inducing hypnosis. Whatever the case might have been, Forster's comments and the available fragment of the novel do suggest that Jasper has undergone a radical split in his personality. Being free from the domestic mysteries that pervade his other novels, The Mystery of Edwin Drood likely would have been Dickens' most profound study of the criminal as divided against himself. Moreover, Forster's mention of a confession in the condemned cell implies that Dickens may have concentrated some effort on the role of the legal system, but, then again, this scene may have resembled the "Fagin's Last Night Alive" chapter in Oliver Twist in which legal procedure is passed over quite briefly in favour of the mental state of the condemned.

Further questions concerning the role of the criminal in this novel involve speculating on the unfinished portion of the work. I do not intend to offer an ending to the

novel, but, at the risk of being ingenious, I would assert that one cannot be sure that Drood has been murdered. Forster described the novel as concerning a "murder of a nephew by his uncle", but Dickens had based other novels on murders that were unsuccessful, such as Jonas' attempted murder of his father, or Headstone's attempted murder of Wrayburn. Forster goes on to describe how the murder victim and murderer are revealed by the discovery of a gold ring that resists the effects of corrosion from the lime in which the body is thrown, and by the gold ring, "the person murdered was to be identified" (Collins 293). At the risk of sophistry, I would assert that Forster's description mentions only that a body is identified; it may have been misidentified. The essential point is that he is identified by a gold ring. We assume that the body is that of Drood because he had Rosa's gold engagement ring in his pocket when he disappeared, but, in Dickens, bodies have been misidentified in previous novels, such as Barnaby Rudge and Our Mutual Friend.

Another often-cited point in favour of Drood's death is a comment made by one of the illustrators of the novel. Luke Fieldes stated that Dickens, in giving instructions for drawing Jasper, commented: "I must have the double necktie! It is necessary, for Jasper to strangle Edwin Drood with it" (Collins 294). This statement does not, however, confirm that the murder was successful. It is, for example, crucial

that Jonas have access to poison to murder his father, and that Headstone have access to a stick to murder Wrayburn, but neither character successfully murders his victim. Two other comments by Dickens on the work are also of interest. When asked by Aunt Georgina if Drood had been killed, his reply suggests that Drood might be alive: "I call my book the Mystery, not the History, of Edwin Drood" (294). When Dickens was asked the same question by his son, however, he replied "Of course; what else do you suppose?" (294). The context of the question was in relation to Dickens' concern that too much of the story had been let out, and Dickens may have simply been wondering what readers had concluded before the work was complete.

My arguments up to this point are open to the charge of sophistry, but the claim by Philip Collins that "no evidence exists" that Drood is alive is not entirely correct. In Dickens' notes for the novel he wrote a number of possible titles for the work, some of which suggest that Drood has merely disappeared. The titles that most clearly suggest this possibility are as follows: The Flight of Edwyn Drood, Edwin Drood in Hiding, and The Disappearance of Edwin Drood (283). The final title listed is the one used, and below it Dickens wrote, "Dead? Or Alive?" (283). Based on this evidence, one must conclude that Dickens at least considered using a plot device similar to that found in Barnaby Rudge and Our Mutual Friend, in which a character believed to be

dead still roams through the novel.

The final question one must pose in regard to Drood is whether or not Dickens, for the first time, would have had an entirely respectable, middle-class character, the eponymous central character of the novel, murdered. If Edwin Drood was to be murdered, then The Mystery of Edwin Drood must be considered the most radical departure in Dickens' use of the criminal in his later fiction. His murder victims tend to be disreputable, as in the case of Tulkinghorn, Montague Tigg or George Radfoot; or, if they have a grain of decency, like Anthony Chuzzlewit, Eugene Wrayburn and John Harmon, they are not murdered at all. An exception should be made for the elder Rudge's murder of Reuben Haredale, but that murder does not occupy the central action of Barnaby Rudge. Nancy would appear to be an exception to this rule, but Oliver Twist deals with criminals of the underworld variety and Nancy operates in a realm entirely different than that of the murder victims of Barnaby Rudge, Martin Chuzzlewit, Bleak House, and Our Mutual Friend, in that these victims have at least a limited function in mainstream society. The essential point is that Dickens never allowed, with the possible exception of Edwin Drood, a respectable character he had developed in the course of a novel to be murdered in cold blood.

Whether Drood is alive or dead is somewhat a matter of idle speculation, but the question does point to something

important in Dickens' treatment of the criminal. For Dickens, the criminal is never in step with mainstream society, and he is never reconciled to it. He is not saved spiritually, and, in his most penetrating analyses of the murderer, in Jonas, Headstone, and Jasper, the murderer is not even remorseful. He is a "horrible wonder apart" and is dealt with as someone essentially different from the rest of humanity. Dickens' moral purpose in depicting the murderer is to expose him as evil and perverse in his desire to take the life of another. In keeping with this purpose, Dickens never allows the murderer to take the life of a decent, middle-class citizen. That is, he never allows the murderer that much power in society. He may be allowed to function in a superficial manner in respectable society, but he is never allowed to triumph over a member of it.

Of course, The Mystery of Edwin Drood might have been the exception to this general principle, but on the subject of murder Dickens displays few major shifts in his technique from Barnaby Rudge onwards. For example, the murders in Barnaby Rudge, Martin Chuzzlewit, Bleak House, and Our Mutual Friend all involve disguise as an important element in the plot. In all but Bleak House, clothing used for the purposes of disguise ends up in water. Barnaby Rudge and Our Mutual Friend both involve a misidentified corpse as a central device in the plot, and both Martin Chuzzlewit and Our Mutual Friend involve unsuccessful murders. In short,

Dickens was not above repeating a plot device when it came to detailing the events of a murder or attempted murder, and it is quite possible that he would not have broken from this trend in The Mystery of Edwin Drood.

The real innovation of The Mystery of Edwin Drood is evident in what is missing from the existing fragment itself. The scene of action is never the well-developed domestic scene that figured prominently in his previous novels concerning crime or, at least, that setting has not been introduced in the existing fragment. Romance does play a role, but no parents or siblings are there to speed or hinder marriage. The entanglements of civil law, particularly wills and inheritance, are quickly dismissed from the work, though again, some new question of civil law might have been introduced if the novel had been completed. In short, the complications of the household have been eliminated from the existing fragment, if not the novel. The elimination of the developed domestic scene as the theatre of action is the crucial element in the advent of modern detective and crime fiction because only in the absence of domestic complications can crime or detection be given primary importance in the novel.

Moreover, only the elimination of the domestic scene can give primacy to the criminal mind. Only then can the unusual mind associated with crime be explored in depth. The advent of modern detective fiction was heralded by Conan

Doyle's use of this same emphasis, but shifted from the criminal's to the detective's unusual mind. Sherlock Holmes is not "a horrible wonder apart," but he is, at least, a wonder distinct from the rest of humanity, devoted to detection rather than crime.

The Deviant Detective: A Study in Scarlet and The Sign of Four

The next significant appearance of the detective in literature after Collins' The Moonstone heralded a new genre, described thus by Howard Haycraft:

> Collins dropped, in passing, a single matchless pearl [The Moonstone (1868)]. But the creation of a really great detective character, the writing of full-length detective stories concerned with detection and nothing else, was still two decades away--locked in the questing brain of a red-cheeked schoolboy in Edinburgh [Arthur Conan Doyle]. (44)

According to Haycraft, in The Moonstone, "Detection is the plum in the pudding, but it is by no means the entire pudding . . . . And Collins' detective is only a subordinate character" (39). Conan Doyle's exclusive focus on detection and the detective, without reference to social and judicial issues, in A Study in Scarlet, marked the

establishment of modern detective fiction.[4] However, if the pudding in Conan Doyle's first Sherlock Holmes novel is detection, the plum in that pudding is the role allotted to the detective.

The advent of modern detective fiction can be understood as the establishment of the detective as the "thrill" in the novel involving crime. That is, the detective and his methods, rather than crimes in a judicial, social or domestic setting, are the essential theme of the novel. Conan Doyle accomplished this goal by making use of Eliot's "pure melodrama" to portray improbable crimes for the purpose of "seeing the thrilling situation which arises in consequence" (467). The main thrill in the Sherlock Holmes novels and short stories is simply seeing how Holmes will solve a crime, and, to some extent, these early

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[4] Of course, other definitions of detective fiction have been put forward, but Haycraft's isolation of crime detection as the "essential theme . . . [the] raison d'être, the distinguishing element that makes it a detective story" (44) distinguishes Conan Doyle's Sherlock Holmes novels and short stories from previous fiction involving the detective, even if it does not account for all modern detective fiction since the time of Conan Doyle. Even Poe's detective short stories could not be considered as concerning "detection and nothing else" in that they place emphasis on the detective's methods in pursuit of justice as superior to those of the judicial system, rather than to those of only professional detectives. Other definitions of detective fiction, such as A. E. Murch's, are vague in comparison: "a detective story . . . may be defined as a tale in which the primary interest lies in the methodical discovery, by rational means, of the exact circumstances of a mysterious event or series of events" (The Development of the Detective Novel [London: Peter Owen, 1958] 11). This definition does not limit detective fiction to the solving of crime.

examples of modern detective fiction are examples of sensational literature: "The human actors of the piece are, for the most part, but so many lay figures on which to exhibit a drapery of incident" (Phillips 26). The criminal is merely a "lay figure" on which to exhibit an intricate crime and the detective's skill in solving it. Even Holmes himself is somewhat of a "lay figure" because his skills as a detective are of greater importance than the development of his character. What is remarkable about Conan Doyle's early efforts, A Study in Scarlet and The Sign of Four (1890), however, is that the detective retains at least some of the internal antagonism that defined the deviant criminal.

While critics such as Julian Symons have claimed that these two novels are weak in construction (75), they do present the character of Holmes at his most interesting. He represents the final shift in emphasis in the literary evolution of the criminal in the eighteenth- and nineteenth-century novel. That is, the plight of the deviant criminal, the plight of a character divided against himself, is transferred to the detective.

Watson, a man who might be described as the innocent character in the position of the detective when he assists Holmes, claims in A Study in Scarlet that Holmes's "knowledge of Literature [is] nil" but that his knowledge of

"Sensational Literature [is] immense."[5] This specialized knowledge of literature delineates Holmes's character and his role in the literary evolution of the criminal. Holmes has no relationship to the social and judicial issues evident in the picaresque and social novel. Nor does he have any role in a domestic setting, as in Collins' melodramas. He lives in isolation from these issues and this setting for much the same reason as the deviant criminal.

Holmes is, psychologically, detached from his environment and can only function in the world of crime, as a detective rather than a criminal. When pursuing such things as his "medico-legal discovery" for analyzing bloodstains at crime scenes, "nothing could exceed his energy" (20). In the absence of such pursuits, however, "for days on end he would lie upon the sofa in the sitting-room, hardly uttering a word or moving a muscle from morning to night" (20). In The Sign of Four (1890), when Watson asks if Holmes has "any professional inquiry on foot at present," Holmes replies, "None. Hence the cocaine. I cannot live without brainwork. What else is there to live for?" (93). Holmes is at war with "the dull routine of existence" (90) because he has no role to play in the routine exercises of the judicial system or society.

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[5] A Study in Scarlet (Garden City: Doubleday and Company, 1980) 2 vols., I 21-22. All further citations will be taken from this edition.

Instead, he finds his niche in a unique role, as he describes it in The Sign of Four:

> I crave for mental exaltation. That is why I have chosen my own particular profession, or rather created it, for I am the only one in the world. . . . I am the last and highest court of appeal in detection. (90)

He is like Poe's judicial detective, Dupin, in that he fills a gap in the judicial system by solving difficult crimes, but Holmes is driven to detection by a psychological craving, rather than strictly by a desire to pursue truth and justice: "The work itself, the pleasure of finding a field for my peculiar powers, is my highest reward" (90). His crime-solving abilities, then, are due to his psychological state, which renders him incapable of functioning in the mundane exercises of the judicial system or society. He is a study of the detective's mind.

His abilities in detection are as remarkable as his inabilities and ignorance in other areas. In A Study in Scarlet, for example, he reveals that he has not heard of the Copernican theory of the solar system, and does not care when he does hear of it from Watson because "it would not make a pennyworth of difference to me or to my work" (21). Yet, after a brief examination of a crime scene in that same novel, he can state with confidence to the professional detectives Lestrade and Gregson that

> There has been murder done, and the murderer was a man.

> He was more than six feet high, was in the prime of life, had small feet for his height, wore coarse, square-toed boots and smoked a Trichinopoly cigar. He came here with his victim in a four-wheeled cab, which was drawn by a horse with three old shoes and one new one on his off fore-leg. In all probability the murderer had a florid face, and the finger-nails of his right hand were remarkably long. These are only a few indications, but they may assist you. (32)

These conclusions are based on Holmes's powers of observation and his specialized knowledge of footprints, of determining a man's height by his stride, and of "the ash of any known brand either of cigar or of tobacco" (33). He is, in the area of crime detection, without match, and Gregson and Lestrade can only look at each other with an "incredulous smile." Holmes's methods are held in contrast to those of the less competent professional detectives, but the contrast is not extended to any explicit or implicit criticism of the judicial system. Instead, the superiority of Holmes's methods is simply demonstrated as interesting in and of itself.

While engaged in detection, his deviancy disappears and he is no longer in conflict with himself, and only in a limited conflict with the criminal. After solving the murder mystery of A Study in Scarlet, which involves secret societies and the Wild West, he confronts a murderer,

Jefferson Hope, who was driven to his crimes by vengeance. Hope claims to be "as much of an officer of justice as you [the professional detectives and Holmes] are" (82). In this confrontation, however, there is no implicit contrast of systems of justice. Indeed, the only system of justice that enters the novel is of a divine kind: "A higher Judge had taken the matter in hand, and Jefferson Hope had been summoned before a tribunal where strict justice would be meted out to him" (83). Hope dies of a burst aneurism before having to face a trial. The judicial system is, then, of no importance in the portrayal of this detective and criminal. Insofar as the background of the crime is found in secret societies of Mormons in Utah, the crime itself has little social significance. Only the detective and his methods of solving the crime are of importance, and, for this reason, Howard Haycraft can rightfully claim that A Study in Scarlet is concerned with "detection and nothing else."

Much the same could be said for The Sign of Four because the exotic east provides the background for an unusual series of events, involving thefts and murders, that are given little social or judicial significance. However, some interesting features of Holmes's character are evident. It is in this novel that his cocaine addiction is revealed. Moreover, the detective's separation from the domestic setting is also established in The Sign of Four. Watson

marries at the end of the novel, but Holmes has no such intention: "love is an emotional thing, and whatever is emotional is opposed to that true cold reason which I place above all things. I should never marry myself, lest I bias my judgement" (157). In the absence of such a domestic setting or any further detective work for Holmes, "there still remains the cocaine-bottle" (158).

As Holmes's internal struggle is only evident when he is not involved in detection, and as the essential theme of these works is crime detection, Holmes is rarely seen divided against himself. This quality is, nevertheless, his most developed and interesting characteristic, and it is the quality that connects him to the literary evolution of the criminal and the sensation novel's emphasis on the abnormal character's relationship to crime.

His deviancy, however, disappears in Conan Doyle's final two Sherlock Holmes novels. At the end of The Hound of the Baskervilles (1902), for example, Holmes has joined the mainstream as he takes comfort in an opera, "Les Huguenots," and not the cocaine bottle. By the end of The Valley of Fear (1925), he is locked into being a detective only as he thinks of his continuing struggle with the arch-criminal, Professor Moriarty. This transformation of Holmes from being a deviant detective to being only a detective represents the development of detective fiction as a genre in its own right.

In the first two novels Holmes represented the last stage in the literary evolution of the criminal, in still being a literary character. That is, Conan Doyle presented in these novels not only Holmes's thoughts, but the emotions appropriate to those thoughts. He confirmed about the detective what Dickens had confirmed about the criminal: that he must be a wonder apart from the rest of humanity. Holmes was part of the sensation novel's preoccupation with the abnormal and unnatural, but only in the early stage of his career.

Holmes, in the final two novels, is merely part of the early modern detective novel's preoccupation with detection. As Julian Symons notes, this early period consisted of mostly the ingenuity of the detective, and "not much characterization" (79). Crime is simply the means to an end, which is detection (Haycraft 44). Holmes could not be considered a well-developed character, and his crimesolving is mainly a display of his skill, but his being a detective is established in relation to a need in his character, even if this psychological craving for detection disappears in the later works.

The Aesthetic Criminal: Raffles: The Amateur Cracksman

Conan Doyle inspired a number of imitators[6], but the most interesting in terms of reacting against the popularity of Holmes is E. W. Hornung's Raffles: The Amateur Cracksman. Hornung, Conan Doyle's brother-in-law, was inspired by the idea of "a kind of inversion of Sherlock Holmes" (Murch 194), which he discussed with Conan Doyle. He made a criminal, A. J. Raffles, a protagonist who was "on the surface an image of a perfect English gentleman" (Symons 34) but made his living as a burglar. Conan Doyle advised Hornung that "he must not make the criminal the hero" (Symons 91), but in defying the founder of modern detective fiction, Hornung established modern crime fiction as "mainly derived from and . . . re-inforced by playing off the detective story" (Hilfer 2). What is of greater interest than Hornung's reaction against detective fiction, however, is his re-establishement of the criminal in a social context.

The main criminal figure, Raffles, is remarkable because he has few of the qualities normally associated with the criminal in sensational literature, such as the aberrant criminal mind, deviant behaviour, or cruelty. He is an

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[6] Melvyn Barnes in Best Detective Fiction ([London: Clive Bingley, 1975] 27) lists some recent collections of these imitators, such as The Rivals of Sherlock Holmes (Harmondsworth: Penguin Books, 1971) and More Rivals of Sherlock Holmes (Harmondsworth: Penguin Books, 1973).

inversion of Holmes in that, whereas Holmes is only adept at detection and nothing else, Raffles is a success in all areas appropriate to a gentleman as well as one area that is innappropriate, burglary. As noted by George Orwell, "Raffles is presented to us . . . not as an honest man who has gone astray, but as a public-school man who has gone astray" (213).

He steals, but he maintains a proper code of behaviour. For example, when planning to steal jewels from a house to which he and his friend, Bunny, have been invited, he remarks:

> As a general rule nothing would induce me to abuse my position as a guest. I've never done it, Bunny. But in this case we're engaged like the waiters and the band [they've been invited as cricket players], and by heaven we'll take our toll."[7]

In Hornung's second Raffles collection, Raffles: The Black Mask (1901), Raffles is annoyed with a fellow gentleman-thief who has abused his position as a guest, and he sets out to steal from this thief as a just reprimand. Moreover, as noted by George Orwell, Raffles is "intensely patriotic," as when he steals a pearl that was a gift from the German emperor to an enemy of the crown (215). He sends a gold cup stolen from the British Museum to a representative of Queen

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[7] E. W. Hornung, Raffles: The Amateur Cracksman (London: Hamish Hamilton, 1975) 46. All further citations will be taken from this edition.

Victoria as a gift for her diamond jubilee. He even dies fighting in the Boer war.

For Raffles, the public cause is also the criminal's cause, and he believes that a successful criminal must have a public role: "To follow crime with reasonable impunity you simply must have a parallel ostensible career--the more public the better"(40). Raffles' "parallel ostensible career" is that of a gentleman and an amateur cricket player, which affords him "glorious protection . . . for a person of my proclivities" (41). The thrill of the criminal in Raffles is in the juxtaposition of a polished gentleman and an equally polished thief rather than in the middle-class citizen and his chaotic mental state. Raffles' criminal mind appears to gain strength in the mundane activities of the gentleman:

> I don't say much about my people, Bunny, but I have the best of sisters married to a country parson in the eastern counties. They . . . let me read the lessons for the sake of getting me to church . . . I've figured out some of my best schemes in that parish, and I know of no better port in a storm. (116)

There is something amusing in this juxtaposition, but there is no moral consideration intimated by it. Raffles himself does not view crime from a moral perspective. When asked to steal a painting, for example, Raffles complains that the fee offered is too low: "My good sir, consider what it

means to us. You spoke of those clubs; we should not only get kicked out of them, but put in prison like common burglars!" (100). Raffles is concerned about his social standing only insofar as being captured might cramp his style. His is a struggle between the pleasure of being a criminal and the pleasure of being a gentleman. There is no suggestion of a moral struggle in Raffles.

What is evident in Raffles that was not evident in criminals of sensational literature is that he is able to articulate the relationship between his private and public selves, even on the subject of murder:

> I've told you before that the biggest man alive is the man who's committed a murder, and not yet been found out; at least he ought to be . . . . Just think of it! Think of coming here [the Albany] and talking to the men, very likely about the murder itself; and knowing you've done it; and wondering how they'd look if they knew! . . . besides all that, when you were caught, there'd be a merciful and dramatic end of you. (83)

Raffles' concerns about committing murder are primarily aesthetic, so there is no social or moral significance attached to the proposed crime. Raffles is not, however, a divided character. He can at least envision the aesthetic significance of his crimes in the public and private realm and understand the connection between the two. In Raffles, the criminal is once more an articulate critic, but more of

a critic of style and art than of social issues.

That, however, is part of his appeal as a character, and, by limiting his role in this way, he presents little moral ambiguity, even if he is a criminal and hero. In the absence of any moral or social complications in his character, Raffles could be described as an aesthetic criminal. He is a criminal for the pleasure it gives him.

VI Conclusion: The Aesthetic Detective and Beyond

Raffles established crime fiction as a reaction against detective fiction, but it also helped to establish reaction as a guiding principle for the development of modern detective and crime fiction. Twentieth-century fiction in these genres can be classified as either conforming to the principle of "detection and nothing else" established by Conan Doyle or reacting against this principle in a variety of ways, with modern crime fiction's emphasis on the criminal as the protagonist being the most extensive reaction. A study of the development of these modern genres, however, is a study of trends within the genres themselves rather than general literary trends, as is the case in a study of their literary background.

The literary background of these modern genres differs from their development because there is no evidence of a sustained series of imitations of and reactions to novels concerning the criminal and the detective. Instead, the continuity in this background is best considered as it has been described in this study, as an evolution of a character type, the criminal, and his function in the novel.

The picaresque criminal or detective, for example, represented a wide-ranging struggle with the law in that genre's emphasis on the individual's relationship to a hostile society that isolates him. Moll must struggle to even understand what it is to be a criminal because she has been denied a role in society that might have given her an understanding of crime. Richmond must struggle even to administer the law because he has no definite role in the judicial system. The picaresque novel was an effective means of expressing criticism of the judicial system and society through the experiences of the criminal and detective, but it was a literary model that had all but vanished by the time Richmond was published.

The criminal biography, in its most sophisticated form in Defoe and Fielding, did find a different setting in which to portray the criminal: as an integral part of a mismanaged judicial system. Jonathan Wild was, perhaps, the best representative of a criminal in this setting. Placing the criminal in this context allowed the judicial system and society to be criticized through guilt by association. That is, the criminal's presence as part of the social system became an additional means of criticism.

The social novel and its prototypes, such as William Godwin's Jacobin novel Caleb Williams, also used the criminal as a means of criticizing the judicial system and society through guilt by association, but this genre of the

novel also reduced the role of the genuine criminal. In viewing "evil under the guise of social injustice" (Cazamian 38), the genuine criminal had to be distinguished from those characters considered criminals only because they were victims of social injustice. Such a distinction is clear in Bulwer-Lytton's Night and Morning and Dickens' Oliver Twist. The social novel's tendency to sympathize with the innocent victim of a flawed society only allowed for genuine criminals to be considered as distinct from those wrongly deemed criminals. Godwin did attempt to clear even the genuine criminal from blame in Caleb Williams, but such an exemption is dependent on that genuine criminal, Falkland, being considered insane, rather than a victim of social conditions. Bulwer-Lytton made a similar attempt in Paul Clifford, but Clifford's career as a criminal is resolved in a romantic rather than a judicial or social setting.

Perhaps the most successful social novel in its portrayal of the criminal is Dickens' Barnaby Rudge. Dickens neither shied away from portraying a genuinely guilty criminal and the punishment meted out to him nor attempted to try to reconcile him to innocent victims of a flawed society. Instead, the genuine criminal was presented as a culpable product of society: he is a victim of social corruption, but not an innocent one. He represents a social problem in his actions and in his presence in society, but he is not considered as someone who is only a criminal

because he has been wrongly deemed to be so, like the mentally retarded Barnaby Rudge. The effect of such a division between the innocent victim of social conditions and the culpable victim in the social novel is the muting of the criminal's voice, and the ascendency of the innocent character associated with the criminal as the representative and voice of criticism.

As for the detective in the social novel, his presence is mainly limited to Dickens' Bleak House, though some social and judicial criticism is evident in Collins' The Woman in White and The Moonstone. He is in these three novels much like the innocent character associated with criminals, but he can master the criminal, whereas the innocent character must escape the criminal. In addition, Bucket is distinct from the innocent character because he is able to transcend the social hierarchy in his job as a detective. In doing so, he offers implicit criticism of the class bias of the judicial system, but he is a mute critic. The innocent victims of Chancery constitute the main voice of criticism. Hartright of The Woman in White and Cuff of The Moonstone have only a very limited role in a social setting and are noteworthy mainly for their ability to deal with the improbable events surrounding the crimes of their respective novels. The improbable events of Eliot's "pure melodrama" separated the detective from the mundane issues of judicial and social corruption in these two novels.

The sensation novel's emphasis on the improbable for the detective and the unnatural for the criminal was the most important literary trend in dissociating the criminal and the detective from the judicial and social setting. While the criminal's and the detective's critical voice was muted in the social novel, he at least represented implicit social criticism. In the sensation novel, however, the criminal and detective tended to represent disorder on only a very small scale in the home. The criminal as "domestic traitor" in Lucretia and Martin Chuzzlewit established the domestic scene as the only theatre of action. This theatre required only a criminal and an antagonist to him, who was later to become the detective. The criminal and the crimes committed by him in these novels were of such an improbable or unnatural kind that no court or social system could account for them. Hence, the domestic criminal destroys himself, as in Lucretia and Martin Chuzzlewit. Someone experienced in the ways of the criminal, such as the detective, could handle the "domestic traitor," but, in the sensation novel, the detective was not matched with him. He was, instead, matched with the evil criminal, as in The Woman in White, or the unusual event of a crime without a criminal, as in The Moonstone.

An exclusive focus on the criminal mind as a "horrible wonder apart" supplied an even greater degree of unnaturalness in the sensation novel. Bradley Headstone and

John Jasper appeared to have only themselves as antagonists, though certain characters in The Mystery of Edwin Drood might be considered as possible detective figures. With such mentally disturbed criminals a detective whose mind was also unusual was required. That is, a new type of detective was required to balance the character conflict.

This detective was found in Sherlock Holmes. As aberrant as the criminals themselves, Sherlock Holmes became the thrill of the abnormal, and the criminal became simply a means of exposing how adept the unusual mind of this detective was at solving crimes. Holmes, however, offered little more than his unusual mind and his skill at crime solving, and the criminal had even less to offer, to the novel.

Taken to the heights of the improbable, Holmes offered a pleasure of a special, if limited, sort. He satisfied a feeling that the character who can deal with crime must be of a special kind: a character who is devoted to crime but on the side of the right. The detective need not consistently be in contact with the criminal underworld or understand the judicial process. He need only have a mind suited to crime detection. The criminal had been brought to a similar point in Dickens' final two novels in that only the criminal's mind accounted for his being a criminal. The detective in this position, however, did not suggest social deviancy as strongly as the criminal in this position did.

Even the limited suggestion of deviancy found in Holmes eventually disappeared.

As for the major writers of detective fiction in the wake of Conan Doyle, they did for the detective what Hornung had done for the criminal. They created the aesthetic detective: a character who is a detective for the pleasure it gives. The detectives of the Golden Age, the period between the wars, may have had their unusual qualities, such as Nero Wolfe's obesity and his fondness for orchids, but they lacked the internal turmoil of Holmes. They retained his specialized knowledge, but not the deviant character that might account for the acquisition of this knowledge. The result was a lack of credibility, as noted in Raymond Chandler's assessment of the Golden Age detective:

> The master of rare knowledge is living psychologically in the age of the hoop skirt. If you know all you should know about ceramics and Egyptian needlework, you don't know anything about the police. If you know that platinum won't melt under about 3000 F. by itself, but will melt at the glance of a pair of deep blue eyes if you put it near a bar of lead, then you don't know how men make love in the twentieth century. (4)

Dorothy L. Sayers' The Nine Tailors is an example of what Chandler likely had in mind in his criticism. As noted by Melvyn Barnes in Best Detective Fiction, "Lord Peter [Sayers' detective] finds that campanology is of greater

assistance to him than criminology [in solving a murder case], but he fortunately has a smattering of both" (49). Lord Peter Wimsey also apparently did know how to make love to a woman in the twentieth century (he gets married in Busman's Honeymoon (1937)) but there is something unsuitable in the mix of a Holmes-type detective, an aristocrat, and a husband. He is neither compatible with real police work nor with our sense that a detective is different in kind from the rest of humanity. He is a detective for the pleasure it gives, rather than for the need it fulfils in his character, as in Holmes.

As no writer could successfully reproduce the unusual qualities of Holmes, innovation could only come from investing the detective with realism. This goal was accomplished by the writer Raymond Chandler acknowledged as his master, Dashiel Hammet. Hammet worked for the Pinkerton Detective Agency during and after World War I (Johnson 17), and from his experience he was able to offer some insights into the world of the detective. In "From the Memoirs of a Private Detective" (1923), Hammet countered many of the qualities associated with the fictional detective. The disguises so essential to Sherlock Holmes' investigations were of little use, according to Hammet, in real detective work: "I know a detective who once attempted to disguise himself thoroughly. The first policeman he met took him into custody" (46). Hammet directly challenged the presentation

of crime in detective fiction: "The chief difference between the exceptionally knotty problem confronting the detective of fiction and that facing the real detective is that in the former there is usually a paucity of clues, and in the latter altogether too many" (48). He offered an understanding of real crime rather than an aesthetic appreciation of crime to the detective novel. In the words of Raymond Chandler, "Hammet gave murder back to the kind of people that commit it for reasons, not just to provide a corpse" (14).

The aesthetic detective continued, and still continues, to thrive, but realism, as a reaction to him, offered a new branch in the development of detective fiction. This innovation was also a return to the kind of detectives and criminals found in the eighteenth- and nineteenth-century novel. The Golden Age detective represented the pinnacle of "detection and nothing else," but the nadir of the literary evolution of the criminal. In Hammet and Chandler, we once again find criminals from a variety of classes and professions, and we find the detective operating in a variety of settings based, not on literary trends, but on reality. In short, they established a new paradigm for the literary evolution of the detective and the criminal in the twentieth century.

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