

**T. C.  
ISTANBUL AYDIN UNIVERSITY  
INSTITUTE OF SOCIAL SCIENCES**



**A CULTURAL MATERIALIST STUDY OF CRIME AND THE LEGAL  
SYSTEM IN THE VICTORIAN NOVEL**

**PHD THESIS  
Sercan ÖZTEKİN**

**Department of English Language and Literature  
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**Thesis Advisor: Assoc. Prof. Dr. Ferma LEKESİZALIN**

**October, 2019**





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T.C.  
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## **DECLARATION**

I hereby declare that all information in this thesis document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results, which are not original to this thesis. ( / /2019).

**SERCAN ÖZTEKİN**



## **FOREWORD**

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## VİKTORYA DÖNEMİ ROMANINDA SUÇ VE HUKUK SİSTEMİNİN KÜLTÜREL MATERYALİZM AÇISINDAN İNCELENMESİ

### ÖZET

Bu çalışma, on dokuzuncu yüzyıl İngilteresi'nde suç ve suçlunun inşası ile hukuk sistemindeki bozuklukların Wilkie Collins, Charles Dickens, ve Charles Reade'in romanlarındaki yansımalarını eleştirel olarak incelemektedir. Dönemin kültürel ve tarihsel altyapısını ele alarak, bu kavramları toplumsal birer inşa olarak incelemeyi amaçlamaktadır. Çalışma, Viktorya dönemi kültürü, toplumu, kurumları, ve edebiyatına, suç kavramı çerçevesinde bakarak, gerçek suç olaylarının, suçlularla ilgili mahkeme ve polis kayıtları ile ceza uygulamalarının geniş bir dökümünü ortaya koymaktadır. Wilkie Collins'in *The Woman in White* (1859-60), Charles Dickens'in *Bleak House* (1852-53), ve Charles Reade'in *It Is Never Too Late to Mend* (1856) adlı eserleri Viktorya döneminin kültürel ürünleri olarak ele alınmakta; bu dönemin tarihsel, kültürel, ve sosyal bakış açısı göz önüne alınarak incelenmekte ve yorumlanmaktadır. Çalışmada, Raymond Williams'ın Kültürel Materyalizm teorisi ve Michel Foucault'nun güç ve disiplin kavramları öne çıkmaktadır. Suçlu kimliğinin inşası, hukuk sistemi temsilcilerinin ve ceza sistemindeki toplumsal ve tarihsel değişimlerin değerlendirilmesinde söz konusu kuramların yardımı gözetilmektedir. Bu üç romanın, Viktorya döneminde suç ve hukuk sisteminin, suç kavramının nasıl inşa edildiğine dair ortaya koydukları resim aynı zamanda geleneksel bakış açlarına nasıl karşı çıktıklarına dair bir kanıt oluşturmaktadır.

**Anahtar kelimeler:** *Viktorya dönemi, Kültürel Materyalizm, suç ve iktidar, suçlunun inşası, hukuk sistemindeki yozlaşma*



## A CULTURAL MATERIALIST STUDY OF CRIME AND THE LEGAL SYSTEM IN THE VICTORIAN NOVEL

### ABSTRACT

This study critically investigates the Victorian constructions of crime, criminality, and the legal system in the mid-nineteenth century England, and the reflections of these concepts in the works of Wilkie Collins, Charles Dickens, and Charles Reade. It aims to analyse these concepts as social constructs regarding cultural and historical background of the age. Victorian culture, society, institutions, and literature are explored in relation to crime along with an overall examination of real criminal cases, police and court reports on criminals and trials in addition to penal processes in the age. Wilkie Collins's *The Woman in White* (1859-60), Charles Dickens's *Bleak House* (1852-53), and Charles Reade's *It Is Never Too Late to Mend* (1856) are examined from the ways in which they reflect historical, cultural, and social perspectives of the Victorian period. These particular novels are regarded as cultural products of their era, an approach conceptualized by Raymond Williams in his theory of Cultural Materialism. In the light of Raymond Williams's Cultural Materialism and Michel Foucault's formulations of power and discipline in his seminal *Discipline and Punish*, this study explores social and historical transformations of criminality, agents of the legal system, the process of punishment, and their reflections in the literary texts of the mid-Victorian period. In the discussion of the texts, it is argued that they challenge the traditional perceptions of crime, criminality, and the legal system.

**Keywords:** *the Victorian age, Cultural Materialism, crime, construction of criminality, corruption in the legal system*



## 1. INTRODUCTION

This study critically investigates the notions of crime, criminality, and the legal system in the mid-nineteenth century England, and the reflections of these concepts in the works of Wilkie Collins, Charles Dickens, and Charles Reade. Victorian culture, society, institutions, and literature are explored in relation to crime along with the representations of criminal behaviour and penal laws as social constructs in the nineteenth century Victorian novel. Wilkie Collins's *The Woman in White* (1859-60), Charles Dickens's *Bleak House* (1852-53), and Charles Reade's *It Is Never Too Late to Mend* (1856) are of focal novels of examination from historical, cultural, and social perspectives of the Victorian period. These particular novels are regarded as cultural productions of their era, an approach conceptualized by Raymond Williams through his theory of Cultural Materialism.

Victorian period was a time of immense change when society, economics, and politics were all subject to gradual transformation starting with the Industrial Revolution. The division between social classes caused by the change in the pattern of production was seen in many areas of social life, as well as in crime and the legal system. The Victorian novel is generally characterized by realistic descriptions of the middle class and working class struggle, and its representations of the social norms of the age. However, those novels that emerged around the 1850s mark a new genre through their depictions of the issues and characters that do not conform with the Victorian social norms and standards. These novels depict the sensational stories filled with deceptions, pretenses, crimes which astounded the readers of its time. In his book *The Novel and the Police* (1988), D. A. Miller states that these works represent "the first instances of modern literature" as they increase the reader's tension and excite them with their non-traditional subjects and portrayals (p. 146). Besides showing betrayal, deception, plotting, and even murder, many of those novels offer an unconventional portrayal of crime, criminal behaviour, and the nature of the legal system in nineteenth century England.

In relation to this, Victorian perceptions of crime and criminality will be scrutinised in this study as they provide background information on political, legal, and social developments of the nineteenth century that are depicted in these novels. The Victorian perspectives of illegality and how criminal identity is constructed socially in a materialist culture will be studied in relation to the cultural context. Understanding the implementation of laws and other processes of trial and prosecution will be well-suited to explore the functioning of the legal system. To this end, an examination of real criminal cases, police and court reports on criminals and trials, together with punishment processes in the Victorian age between the 1840s and 1860s will be presented to bring light to cultural and historical exploration of the age. By investigating these sources, the attitudes towards culprits, and the perceptions of criminal behaviour will be observed in the newspapers and broadsides published in that period. Because these newspapers and broadsides are palpable cultural productions in the Victorian period, they turn out to be useful sources in order to understand the perspectives on breaking the laws, and the popularity of crime stories in the Victorian society. As an important part of daily life in the Victorian age, newspapers are indispensable sources that reflect the society's reactions to particular events and scandals. These sources, together with fictional works, provide essential data about the criminal cases in the nineteenth century, and they give detailed information on the criminals' lives and trials with the reports of witnesses and criminals. Therefore, they shed light on how the penal system and the situation of prisons functioned.

The historical and social context, thus, helps us understand the construction of criminal identity and criminal mind that the novels touch upon. The writers in question challenge the traditional and established Victorian attitudes towards criminality and the judicial system which gained popularity, for Victorian people gradually started to be fascinated by sensational and crime stories towards the mid-nineteenth century. The historical documents of criminal cases and the representations of them in newspapers and broadsides for the consciousness and ideology of the public and how they are reflected in literary works are scrutinized in this study. Hence, this tangible data will be useful to unravel certain Victorian proclivities, mindsets, and understandings towards the notion of crime and criminality.

Clive Emsley has made an important contribution to the historical study of crime and police in England; therefore, two of his books will be of great source for the framework in this study. The first one is *Crime and Society in England, 1750-1900* (2005) in which he displays a broad overview of the criminal accounts in the eighteenth and nineteenth centuries. After giving an introduction and statistics on crime, he presents different perceptions on crime, and the processes of prosecution, detection and punishment. The second book this study makes use of is *The English Police: A Political and Social History* (2014), a very influential source on understanding the policing and disciplining in the Victorian age.

Before proceeding with the examination of crime and the legal system, it is of high importance to analyse the social and cultural background of criminality and how they are represented in Victorian fiction. To that end, I draw on Raymond Williams's analysis of culture and theory of Cultural Materialism. Raymond Williams, in his cultural theory, describes culture as "a whole way of life" and stresses its constructedness through relations and exchanges in the social production (1977, p. 17). Thus, in his theory, culture can be defined as a general process of development in which literary works and social practices produce meaning. In *Culture and Society* (1960), Williams attributes the transformation of culture to the rise of industrial capitalism. With this in mind, certain developments and technological advancements bring about significant changes particularly in the British society, so a new society and a new culture flourish. Thereupon, he describes culture as the relationships among elements such as politics, law, religion, and literature in a social life and system. Therefore, defining literature in isolation in the social construction cannot be deemed any longer.

Marx and Engels in *German Ideology* (1854) states that "[i]t is not consciousness that determines life, but life that determines consciousness" (p. 37). Raymond Williams, in *Marxism and Literature* (1977), adapts Marxist views into his cultural theory. For example, he takes the idea of determination and transforms it to the proposition that cultural activity is determined by social and economic situations (p. 83). Additionally, he postulates that an analysis of culture should be historical, considering that culture is formed in historical processes. (1977, p. 11). Williams, however, rejects the Marxist idea that culture is determined mainly by economic situation. Instead, he states that society, economy and culture are all interrelated, and

they are influenced by one another. John Brannigan, in *New Historicism and Cultural Materialism*, explains that a materialist analysis of culture explores how culture is produced “technologically, practically, and ideologically” (1998, p. 95). That is to say, cultural materialist approach defines culture as a broad term including social and political beliefs, practices, and forms of expression, and the “concept of culture as constitutive social process” is emphasized thoroughly (Williams, 1977, p. 19). In other words, modes of production affect social and cultural forms of a society and “cultural practices [...] are embedded in social relations” (Klaus, 1993, p.91). Contrary to idealism, economic realities determine how people feel and think from a materialist perspective. Hence, culture “is not separated from the rest of social life (as in the standard specialization of culture as the arts), but has to be seen in terms of a principle of wholeness” (Prendergast, 1995, p.10). Thus, this theory examines all kinds of texts as products of social and cultural changes in a society.

In terms of the power relations handled in cultural studies, Raymond Williams is influenced by Antonio Gramsci’s ‘model of hegemony’ which is basically described as “the predominance of one social class over another by means of coercion” (Parvini, 2012, p. 60). This model is described as “relating the ‘whole social process’ to specific distributions of power and influence” by Williams (1977, p. 108). Thus, powerful groups or classes dominate the weaker and marginalized groups in the social structure; these suppressed groups that are in minority are generally the subjects of a cultural materialist study. Williams also uses the Marxist idea of production and generalizes it by emphasizing the social and political sense of production in society. He posits that any ruling class creates a material production which is political and social order (1977, p. 93). John Brannigan emphasizes Williams’s idea that society and culture are always in the process of alteration, which is reflected in material production such as “institutions in economics, politics, and society” (1998, p. 39).

Raymond Williams stresses the determining forces and the development of mental structures, and postulates that, in literature, the content might be the reproduction of reality, but the structure “can show us the organizing principle by which a particular view of the world, and from that the coherence of the social group which maintains it, really operates in the consciousness” (2005, p. 23). By ‘structure’, he actually means literary representations based on social facts, and he does not distinguish the

consciousness of a social group and literary world. Thus, the consciousness of a society is formed and determined by social and cultural relations, including literature. At the same time, Raymond Williams describes that ideology is employed in “the actual consciousness of both dominant and subordinated classes” (1977, p. 109). According to the materialist approach, cultural, social, political, economic and religious procedures of society determine the structure of society and the traits of the people living there.

Williams defines cultural materialism as “a theory of the specificities of material cultural and literary production within historical materialism” (1977, p.5). He examines the relationship between social conditions and literature as well, but does not separate literature from the other texts such as religious, legal, or historical documents. A literary text functions as a part of a system along with other historical and cultural texts. This theory can be seen as a form of analysis which examines literary texts as material productions in the social order. Also, literary texts are studied in the cultural context because they are influenced by the conditions of the period in which they were created. Thus, Cultural Materialism provides a historical reading of the literary works in attempt to reveal the meaning in relation to cultural context at a particular period. According to Raymond Williams, this literary and social criticism

is a theory of culture as a (social and material) productive process and of specific practices, of arts’, as social uses of material means of production (from language as material practical consciousness’ to the specific technologies of writing and forms of writing, through to mechanical and electronic communications systems) (1980: p. 243)

By emphasizing the material production, Williams traces the roots of his theory to Marxist theory. Raymond Williams claims that literature is one of the many social and cultural practices and is present “from the beginning as a practice in the society” (2005: 44). He states that a cultural study cannot be considered complete without all practices in society, including literature. Therefore, all cultural practices operate as ideological state apparatuses or super-structural elements through which a society arranges itself on a material basis. In *Political Shakespeare*, Jonathan Dollimore and Alan Sinfield highlight that “the particular institutions of cultural production (the

court, patronage, theatre, education, the church)” are highly effective in social constructions because they shape people’s perceptions (1985, p. viii).

Literary texts are significant as much as historical and political texts because they are seen as important products in cultural and social terms. Raymond Williams attributes the changes in literary works to changing economic, social, and cultural conditions and focuses on cultural conditions in which literary texts are formed and accepted (Brannigan, 1998, p. 39). In this respect, “culture is made continuously” and literary texts are “reconstructed, reappraised, reassigned all the time through diverse institutions in specific contexts” (Dollimore and Sinfield, 1985, p. viii). Because of that, Dollimore and Sinfield place great emphasis on the influence of literary works in cultural production.

As John Brannigan (1998, p. 4) states, literature has powerful influence on historical events and promotes subversion to hegemonic control. He stresses that literary texts and history shape one another (1998, p. 94). In other words, history is an important shaping element of literary texts, and literary texts are effective reforming forces for history. Each literary text embodies the culture of a society and culture is formed by historical facts, and this theory examines “literary texts as wider context of cultural and political institutions” (Brannigan, 1998, p.13). As a prominent element of culture, literature cannot be thought separately from the other elements of the system. Cultural materialist critics believe that literary texts are affected by cultural and historical factors. At the same time, these literary texts influence social and cultural incidents. Thus, it can be observed that literature and culture have an intermingled relationship with each other.

Cultural materialism attempts to reveal the oppositional sides of the writers and the ways that they are against the ideology, although they may seem to conform to the traditional beliefs and representations. It focuses on ideology, the role of institutions, power relations and the possibilities for subversion, and literature is set in a historical context. As Alan Sinfield emphasises in *Faultlines: Cultural Materialism and the Politics of Dissident Reading*, dissidence is important in this theory in terms of revealing challenging and oppositional propositions against traditional cultural forms (1992). In addition, Brannigan states that this theory engages in the representations of the “other” and the problems related to “race, gender, and sexuality in literary texts” (1998, p. 116). In this way, as a literary theory, it explores the portrayal of the

social system which “exploits people on the ground of race, gender, and class” (Dollimore and Sinfield, 1998, p. viii). This proposition is pivotal because the exploration of racial, gender and social perspectives of criminality in the Victorian age form a substantial part of this study.

Thus, this study considers the Victorian perceptions of crime and criminality as cultural formations. In this regard, Michel Foucault’s ideas on crime and punishment are pertinent. Michel Foucault, in his book *Discipline and Punish: The Birth of the Prison* (1975), dwells on the concept of crime and the mechanisms of discipline and punishment in the eighteenth and nineteenth century Europe, mainly in France and England. He presents a historical study of the concepts of crime and punishment starting with torturous public punishments in the eighteenth century. He further goes on with the evolution of crimes and punishment accordingly. He brings the concept of power to the centre of his analyses and relates the historical transformation of punishment to monarchical and then, later to governmental power. He also attributes the alteration in the forms of crime to Industrial Revolution and capitalism, and the changing social structure.

In the light of Raymond Williams’s cultural materialism and Michel Foucault’s formulations of the idea of power, this study explores social and historical transformations of criminality, agents of the legal system, the process of punishment, and their reflections in the literary works of Wilkie Collins, Charles Dickens, and Charles Reade in the mid-Victorian period.

### **1. 1. Victorian Social Constructions of Crime, Criminality and Criminal Laws**

Crime was a debatable issue in the context of the nineteenth century England. There were different social perspectives on crime and the criminal identity throughout this period. Furthermore, the legal system implemented various reforms to deal with the criminal cases and personalities. However, crime was a social construct that was used so as to maintain the communal order in the Victorian period. The foundation of the modern police force and implementation of several criminal acts manifest the use of state power in an authoritative way in the fight against crime. Accordingly, as the Victorian society was a disciplinary one, crime became a necessary tool for exerting power over the citizens.

In order to use this power, the government should make people believe that crime is dangerously threatening the social welfare. Raymond Williams proposes that consciousness is a part of “human material social process” (1977, p.60). Correspondingly, he states that this consciousness is determined by the social being. Thus, collective consciousness is pivotal in the construction of crime and criminality and in the determination of whether a particular behaviour is criminal or not. Morality and social norms also play a key role in the constructions of crime. Different acts may be seen as offensive and criminal in different societies and times. As a result, crime can be considered a relative concept depending on the society in which it is described. One act may not be seen as a criminal behaviour in a community, whereas the same act can be punished severely in another society. Michel Foucault states that society defines “what must be regarded as a crime”, so it is not arbitrary or natural (1995, p. 104). Thus, apart from being absolute and moral, crime can be a political and social construct with regard to time and place. In this respect, the perceptions of crime and criminality are thought to be shaped through time within social and political changes in the nineteenth century. Ian Marsh, in *Theories of Crime*, explains this as follows:

The fact that crimes, and the ways in which they have been punished, vary from place to place and time to time highlights the importance of social reaction is determining what behaviour is categorized as criminal. There is no particular action that is criminal in itself – an action becomes criminal only if society defines it as such. (2006, p. 4)

That is to say, social configurations of crime are connected to the age in which they are constructed. David Taylor mentions this in his book *Crime, Policing and Punishment in England, 1750-1914*, and underlines the fact that there were drastic changes in the concept of crime, of both its perceptions and prosecution. In the eighteenth century, crime was more an abstract notion, and it did not pose a threat to the society. Taylor explains that crime in the eighteenth century was seen as a sinful act, not a menace to the order of the society (1998, p. 2). However, the nineteenth century brought an obsession with order, power, and stability, which made crime something to be prevented and controlled with a more professionalized police force and penal system. After a while, “social control has replaced crime control in analyses of the criminal justice system” (Taylor, 1998, p. 4). Crime started to be used

as an instrument in order to supervise the public. The situation of the working class was a menacing factor to the welfare of the bourgeoisie, and this gap between the classes needed to be preserved by defining the proletariat as criminals and authorizing them in the legal system.

Radical changes in the early nineteenth century led to social and economic upheavals which contributed to the social perceptions of criminality. One of the most significant advancements was in the economic system as explained by James Eli Adams in “ ‘The boundaries of social intercourse’: Class in the Victorian Novel” because the improvement of steam power in Britain beginning from the second half of the eighteenth century generated a newly dynamic economy based on industrialization (2005, p. 48). Technological changes brought rapid and efficient travel and communication, which provided more effective trades. Besides, the Industrial Revolution paved the way for manufacturing, and the development of the railway system in England. As Alison Case and Harry Shaw point out in *Reading the Nineteenth-Century Novel*, all these improvements intensified the social classes because of the rise of the middle class through trade, and the expansion of the working class in the industrial cities. (2008, p. 3). However, only the bourgeoisie enjoyed the industrialized Britain.

Sean Purchase (2006, p. 3), in his work *Key Concepts in Victorian Literature*, explains that after long years of hardships and economic problems, the Victorian bourgeoisie started to enjoy prosperity and peace by the 1850s-60s. The power shifted from landowners to the bourgeoisie class of industrialists, manufacturers and tradesmen. With the Industrial Revolution and the advancements in society, newly emerged middle class became financially powerful. As John Randle (1986, p. 111) proposes in *Understanding Britain*, the bourgeoisie was successful in economic and political reforms. As their wealth and prosperity expanded, the bourgeoisie felt more secure in the society and tried to protect their property. Moreover, they exploited the working classes who were living in inhumane conditions.

As the society was transferred from the rural to the more industrial one, crime started to pose a danger to the social stability. As David Taylor puts forward, “a more urbanized, more mobile and impersonal society, more reliant upon formal sanctions, had come into being.” (1998, p. 2) The presence of the working class, which coincides with the appearance of a criminal class, meant a lot of poor and needy

people wandering in the streets. Criminal behaviour was not just a sinful act or psychological disorder to be cured in religious institutions, unlike in the previous centuries. Thus, criminality had to be dealt with more professional and formal institutions in the prosecution and punishment processes. This was highly related to the social structure and class conflict in the Victorian age. Maureen Moran, in *Victorian Literature and Culture*, proposes that economic achievement and intellectual progress, especially those connected with industry, strengthened the bourgeoisie's status and power (2006, p. 3). Industrialization escalated production and manufacturing swiftly, which increased the gap between the social classes. Aristocrats as former landowners, and tradesmen now formed the bourgeoisie, and their income was based on production and property. For this reason, the protection of their property and wealth was essential because they did not want their prosperity to be jeopardized and risked due to the conflicts in the society or frauds that could be revealed.

With the threat of crime, public anxiety led to the inclination to define crime, criminality, and the reasons behind them. The most common perspective on the criminal personality was the image of an anti-social outsider who threatened the welfare of the community. Taylor states that there was a prevailing viewpoint that criminals formed an outcast group, separate from ordinary citizens in their disrespect for the law (1998, p. 49). Thus, the inclination to exclude criminals as rebels and abnormal personalities was the general social attitude. This caused a scapegoating of some groups in the society for whom these criminal behaviours could be attributed. While elaborating on crime, authority and the government in his article "Crime, Authority, and the policeman-state", V. A. C. Gatrell points out that the poor had always been pigeonholed as criminals and they were the objects of the law, "but systematised urban policing could only accentuate this bias" (1990, p. 277). From the state and the bourgeoisie's point of view, crime was generally regarded as connected to poverty, and the poor were considered as conscious individuals who chose to commit crime instead of working for a living. Moreover, the changes in social structure after the Industrial Revolution were an important reason in this respect. The creation of wealthy middle class and poor working class transformed the perceptions of crime in the society. Overcrowding, poverty, and unemployment in new urban areas characterized the new community. Thus, bourgeoisie saw the working class as

degenerate and threat to their authority and social order. In her article, “Crime, Policing, and Punishment” in the nineteenth century Britain, Heather Shore argues that “the notion of a separate criminal class, with its own language, culture, and spatial identity, increasingly took hold from the early to the mid-nineteenth century.” (2004, p. 382). This means that the working class was intended to be patronized in a newly industrial society where they were considered only as a labour force that makes up a dangerous group for the bourgeoisie at the same time.

In addition to the traditional ideas about industrialization and the rise of the working class, there are some other assumed reasons why crime rate increased in the nineteenth century. In his work *Crime and Punishment in Victorian London: A Street-level View of the City's Underworld*, Ross Gilfillan (2014, p. 13) elaborates on how the flow of agricultural workers to the cities and the migration of refugees because of the famine in Ireland caused an explosion of crime especially on the streets of industrial cities. In this sense, in his article “The History of Crime in England, 1550-1900”, James Sharpe (1995, p. 6) states that after the end of the wars in the late eighteenth century and the defeat of the French in 1815, a great number of soldiers were left without any decent jobs, which affected the crime rate in the early nineteenth century. Along with the effect of the escalating population, in an urbanizing and industrializing society, the proletariat were regarded not only as criminals, but also as a revolutionary class that threaten to the social and economic system.

In the previous centuries, crime had been dealt with the engagement of the public in the prosecution process (Emsley, 2005, p. 183). The local people decided for an appropriate punishment, which was quite effective in a trial. Towards the mid-nineteenth century, certain precautions started to be taken in order to maintain the social order. The criminals were seen as weak and sick, often in need of medical help and discipline. They were no longer considered merely cunning or sinful. The social belief usually ignored the harsh physical conditions that led people to criminal behaviour. Thus, crime was regarded as the inherent personality of the working class, and it was not quite possible to escape from their predetermined fate, and the predestined life of a criminal. All of these were some of the traditional perspectives on crime and criminal in the Victorian period, and this perception of crime was mostly a matter of class conflict. This class conflict in this industrial age based on

material inequality engendered criminality as well. Bourgeoisie defined criminality on their own terms and constructed proletariat as immoral and criminal, although poverty might be a reason for committing crime.

In spite of the general belief on the poor's inclination to crime, Clive Emsley states that many experts and commentators denied the relationship between lack of money, poverty and crime, so he adds:

The main causes of crime were given as moral weakness, luxury, idleness, corrupting literature, parental neglect, and lack of education; any one, or any permutation of these were discussed and debated at length and given different emphases depending upon the prejudices and aspirations of the individuals concerned, and also upon the changing economic and social climate within which they were being presented. (2005, p. 58)

It can be observed that poverty is not the only reason for perpetrating crime. On the issue of the connection between crime and social class, J. J. Tobias (1967, p. 153), in *Crime and Industrial Society in the Nineteenth Century*, stresses that Royal Commission on Constabulary Force, in 1839, reported that poverty had been wrongly thought to be the chief reason of the increase in crime rate. It was social poverty, not individual poverty that led people to commit crimes. Especially children were drawn into the life of crime because of their parents suffered from financial difficulties and lack of education which compelled them to choose crime as a way of living. Hence, poverty is not a more significant reason for crime than the class conflict and the ignorance of the bourgeoisie. In his book *Crime Fiction*, John Scaggs emphasizes that “[i]t is the homeownership bourgeoisie reading public whose interest it is to see the dominant social order of which they are a part maintained, and their stake in it protected” (2005, p. 45). Accordingly, bourgeoisie only wanted to preserve their rights and keep the proletariat away from their property, so the legal procedures were the perfect tools for this aim.

As observed, criminal behaviour in the Victorian age cannot be restricted only to the working class. Prominent figures from the upper classes were engaged in criminal activities as well. On that account, criminality might be also related to leading a luxurious lifestyle, being idle in most of the time, and having an immoral character. At the same time, those researching criminality did not focus on the big thefts such

as the ones in big companies and businesses, but they mostly concentrated on the small and petty crimes, which was prominent in the construction of a criminal class. As a result, exposed criminals were generally from the working class; otherwise, the perceptions of criminality and criminal class would be very different from the common attitudes (Emsley, 2005, p. 58). What is more, traditional Victorian morality could not accept the fact that respectable citizens might commit crimes, too.

Apart from the social classes to which the criminal behaviour is attributed, ethnicity played an important role in the definition of criminality as well. Deirdre David (2002, p. 88) explains how technological and industrial advancements strengthened the sense of British supremacy over other nations in the nineteenth century. As the Victorian society was very traditional and prejudiced against other races because of the economic and imperial expansion, this generally influenced the perspectives about criminal identity. Taylor emphasizes this issue as such: “The gypsy as a thief or abductor or the Jew as fence were well-established stereotypes. [...] But it was the Irish who were most consistently associated with criminality” (1998, p. 49). Some criminal cases in which foreigners, especially the ones in the service of upper class houses, took part helped this ideological stance define criminality.

From a gender perspective, crime was generally associated with male behaviour despite the presence of many female criminals. The fact that a woman commits a crime was more shocking and immoral than a male criminal because of the status of women such as the stereotypical image as angel in the house in the Victorian age. It was much more shameful for a woman to behave indecently as it would shatter the family and the social order in society more devastatingly. Taylor indicates that a criminal mother was worse than a criminal father as she would bring a new corrupt generation, and he adds that “the weakness of women underpinned another popular explanation of female criminality – that of the young woman seduced and exploited by the men” (1998, p. 60). Women still were not thought to be capable enough to commit a crime by themselves, but they were seen only as accomplices to male criminals. That is why female criminals were thought to have mental issues, to be prostitutes, or influenced and deceived by male criminals in order to help them commit a crime. Additionally, Emsley points out how middle-class women were regarded as ‘kleptomaniac’, while the working class women were seen as ‘thief’

(2005, p. 98). Hence, class perceptions could also be observed in classifying female criminals from different social classes.

All these perceptions on criminality brought about the need to control the groups associated with crime, and this was related to the age of advancements and industrialization. In the age of rapid development, progress was one of the most essential issues that defined the Victorian period, so the prevention of crime was crucial in order to demonstrate social and political development. However, the need to maintain social order brought with itself controlling and powerful governance. Crime was shown to have risen and started to threaten social and economic stability. A criminal class was created in the society which was generally consisted of the members of the working class. In addition to upper class and non-British criminals, this class issue in crime needs to be stressed. There were figures from different social strata in the crime scene, but criminals with working class backgrounds dominated social perceptions. Several acts and laws were implemented in order to stop the rise of crime rate, and the penal system was changed many times in the course of the nineteenth century. With the growth of the police force, the 1869 Habitual Criminals Act made it possible for people to be arrested just because of their suspicious acts and provided imprisonment for certain periods (Emsley, 2005, p. 2). Another similar act was the 1871 Prevention of Crimes Act, which contributed to the empowerment of the police force on the public because this regulation authorized the police with considerable controlling power over those who had been found guilty of more than one crime and could therefore be regarded as 'habitual' criminals (Emsley, 2005, p. 23). These examples show that while fighting with the increasing crime in society, the government exerted its power through the legal system.

Michel Foucault gives the treatment process of a plague in the seventeenth century as an example for the social control. He describes the domination of the people in order to prevent the contagion of the plague, and states that the quarantine of the town, and removing the sick led to the creation of an idealized community (1995, p. 199). This example can be compared to the dictation of power in the nineteenth century by using crime as a tool for dominating and isolating the people from working class who were described as criminals. Although the crime rate did not rise as it was presented in official records, it was used as a way of creating fear and anxiety in the society. V. A. C. Gatrell states how public fears were formed on the basis of criminals:

Crime was becoming a vehicle for articulating mounting anxieties about issues which really had nothing to do with crime at all: social change and the stability of social hierarchy. [...] We know that what was increasing in the first half of the nineteenth century was not crime but the prosecution rate, a very different matter. (1990, pp. 249-250)

The fact that the criminal cases were not properly recorded in the previous periods makes it difficult to use statistics comparing with the ones in the nineteenth century. While referring to criminal records before 1805, Emsley states that there is not much evidence remained from eighteenth century petty sessions and the surviving records indicate that the few sentences were registered and filed (2005, p. 21). Thus, regarding the absence of archival works and proper policing in the eighteenth century, criminal and court records were taken more professionally in the Victorian period. The developed police system and changes in the legal system obviously presented an increase in the recorded crime rate. There were some difficulties in the analysis of crime statistics in the nineteenth century. Most crimes, especially violent ones, were committed inter-personally or domestically, so people knew each other, and these crimes were not reported (Emsley, 2005, pp. 41-42).

In the study of crime in the previous centuries, one element that needs to be considered seriously is variable and unreliable crime statistics and records. Also, it is not easy to produce statistics based on crimes committed by the members of different classes, for some crimes were not recorded and especially many crimes committed by the bourgeoisie were ignored and not recorded. Taylor states two significant observations in the discussion of crime records as such:

First, crime figures do not measure the totality of criminal activity; that is, there is a dark area of unrecorded and unknown crime. Second, the relationship between real and recorded crime is likely to vary over time because of a variety of factors affecting attitudes towards the law and its administration. (1998, p. 17)

Although this may be partly correct, it does not make the present crime records totally useless. What makes it a problematic issue is the change in the definition and redefinition of crime in the period. The list of serious crimes was updated many times when new crimes were committed and some others were not regarded as

criminal behaviour anymore. Hence, these problems in statistics deny the truth of the so-called rise in crime rate.

This alleged increase in crime and the deficiency of crime records contradict with the common belief that crime rate was increasing and the streets were becoming more and more dangerous. Newspapers contributed to this understanding, as Ross Gilfillan (2014, p. 2) elaborates on the fact that the criminal cases were reported even in the newspapers, with photographs, and public records as first-hand accounts. Newspapers and broadsides were prominent agents in the Victorian society because they were the only media tools that formed the social consciousness to a great extent. Tabloid newspapers, or broadsides were very famous, and people consumed those papers to satisfy their hunger for sensational events. Moreover, most newspapers illustrated crime scenes and caricatured police forces, especially in the Jack the Ripper case. Apart from presenting several criminal stories, newspapers were contributing to the social anxieties about the rising crime rate. About this issue, Heather Shore expresses that “[p]ublic attitudes were partially influenced by the periodic panics about crime and disorder.” (2004, p. 382). While the newspapers were trying to sell more due to society’s desire for violent crime stories, they were at the same time creating fears about it, which affected both social and legal attitudes towards criminals.

Another thing that newspapers were influential on was the quick spread of criminal cases due to efficient and far-reaching press. Also, increasing literacy helped the news to be read and learned by a great number of people, including the working class. Unlike in the previous centuries, the criminal cases and stories started to reach the population more quickly. In addition to the increasing literacy rate, the fact that newspapers were sensational pieces both stylistically and content-wise caused them to be sold a lot. There were drawings of murder scenes and executions as well, which fed especially the society’s craving for scandalous events. Furthermore, fears created by the newspapers “led to more arrests by the police and more prosecutions, while the courts also took a tougher line” (Taylor, 1998, p. 33). This obviously served for the authority of the police and the government to control the working class more effectively and easily. These news contributed to conventional perceptions of crime and made the labelling process of the proletariat as criminals easier.

Regarding this control, the relation between political power and the implementation of laws is notable because Victorian bourgeoisie was extremely effective in the construction of laws and criminal acts. As Taylor states, “the law was also used to protect narrower elite interests,” and the making of laws, and prosecution process was highly related to the upper class aristocrats (1998, p. 9). Thus, the protection of those groups but not others through laws can be related to political and social issues. Undoubtedly, the powerful classes used their financial and social authority in many parts of the government. V. A. C. Gatrell (1990, p. 246) points out that the crimes which disturbed elite interests caused impressive displays of legal force. Accordingly, the legal system was apparently protecting their interests. Emsley postulates that the procedures of legal system “drag poor, petty offenders through the courts, but allow large-scale corporate offences to go unprosecuted” (2005, p. 6). On that account, the injustice in the prosecution of different classes is very clear in different attitudes towards the lower and upper classes. That is to say, the legal system was firmly lenient in pursuing the offences of its paymasters in the upper class (Gatrell, 1990, p. 269).

Referring to this biased attitude in the construction of laws in his book *White Collar Crime in Modern England*, George Robb (1992, pp. 147-148) points out that 1844 Company Act did not strengthen the law against the frauds in companies, but perpetuated the government’s indifference to crimes in business and finance. In addition, Clive Emsley (2005, p. 7) states that the 1844 Company Act did not require accountants as auditors for checking a company’s books, and companies did not have to publish their records and accounts until the twentieth century. In this way, the legal system continued to ignore financial crimes and frauds in certain companies. *Illustrated London News*, in 1843, stressed this fact by saying: “If we progress at the same rate for half a generation longer, commercial dishonesty will become the rule, and integrity the exception. On every side of us we see perpetually – fraud, fraud, fraud.”<sup>1</sup> Some newspapers did not avoid publishing the stories of financial scandals which were not as common as crimes committed by the poor. Emsley refers to an

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<sup>1</sup> *Illustrated London News*, 2 December 1843

article in *The Times* published in 1865 “on the case of a Mr Payne, treasurer of the Manchester Relief Fund, who had pocketed £2,400 from the fund. It noted how Payne had avoided prosecution because the law was simply not geared to cope with such an offence.” (2005, p. 10). In his study on middle class crimes in nineteenth century England, Rob Sindall (1983, p. 32) points out that some directors of banks who were involved in embezzlement cases received imprisonment for not longer than eighteen months, which reveals the disproportionate sentencing of criminals from different social classes. These examples present the partiality in class terms in the investigation of cases related to the middle and upper classes.

Apart from all above-mentioned facts, Victorian people were immensely fascinated by the crime stories. Although crime created fear in the public, people enjoyed criminal cases and stories, and they wanted to learn every detail about them. Trials and public executions were especially the most popular events because people enjoyed the details in courts, and punishments. Michael Diamond (2003, p. 157), the writer of *Victorian Sensation, or, the Spectacular, the Shocking and the Scandalous in Nineteenth-Century Britain*, states that an estimated 40,000 spectators went to watch François Courvoisier’s execution, and around the execution area, certain places at the windows of neighbouring houses were sold for large amounts, and roofs were filled with curious people.<sup>2</sup> This paradoxical relationship is generally based on the rise of the middle-class, leisure time, and increased rate of literacy. William Makepeace Thackeray (1840), in an article “Going to see a man hanged”, describes the public’s excitement on the day of Courvoisier’s execution in disgust. In addition to crime stories and newspapers, most of the melodramas were based on the real criminal cases, and these plays were quite popular at the time.<sup>3</sup> This constant awe and curiosity for crime never diminished in the entertainment of the public.

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<sup>2</sup> François Courvoisier’s case was one of the most famous criminal cases in the Victorian Age. His case will be referred in the next sub-chapter.

<sup>3</sup> In *The Invention of Murder*, Judith Flanders, in chapter three “Entertaining Murder”, presents an extensive study on Victorian melodramas about the scandals and true crimes, and she states how those plays were more popular as long as they involve violent crimes. 2011, 99-139.

### 1. 1. 1. Victorian criminal cases

There were a lot of different types of crimes, such as juvenile, professional crimes, arson, pickpocketing, or prostitution. However, crimes of violence against person and property were the most common and notable ones in the nineteenth century. The perceptions based on class, gender, and race were quite influential in the punishment processes and the courts.

It is appropriate to examine some sample cases briefly in this part. In the scope of the juvenile offences from the passing of Juvenile Offenders Act in 1847, children under the age of 14 could be tried and sentenced for certain periods for larceny, or petty crimes (Emsley, 2005, p. 209). A child could be sentenced to 7 days imprisonment and hard labour, in addition to being whipped, just for stealing nine pounds of sugar.<sup>4</sup> In contrast to these cases, frauds and embezzlements in big companies could be ignored and concealed due to the laxity of the law for them. Many of the financial crimes were not prosecuted due to the absence of proof. David Taylor emphasizes this situation by showing how “the prosecution for the fraud of the directors of the bank of Overend, Gurney & Company, which collapsed on 11 May 1866, failed” (1998, p. 45). In other words, many of these companies were apparently protected, and financial crimes related to them were ignored owing to their contributing position in a capitalist economy.

Michael Diamond (2003) presents a general survey of both the sensation novel and sensational crimes in the Victorian age. He divides his survey into different parts on royalty, religion, politics, sex scandals, and murder by demonstrating a lot of criminal cases in the Victorian age and the sensation they created in society. Murder was the most serious and terrific crime; especially The Ratcliff Highway Murders of 1811 and the Jack the Ripper murders of 1888 were the most known examples (Taylor, 1998, p. 27). However, Taylor states that London was not that horrific in terms of murder cases as opposed to the depictions in the newspapers and sensational

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<sup>4</sup> Convictions: Mainly Juvenile Nos. 1 – 306. Jan – Dec 1848. Reference Code: MSJ / CY / 01 / 001. Middlesex Sessions of the Peace: Summary Jurisdiction, Records of the Convicts. London Metropolitan Archives. Isaac Gordon, 21 Jan 1848

literature because “analysis of crimes tried at Old Bailey between 1810-1850 shows that murder and manslaughter accounted for less than 2 per cent of the total” (1998, p. 27). In addition, Ross Gilfillan (2014, p.2) emphasizes how London was safe in the nineteenth century compared to the previous periods. It can be observed how crime was used as a tool for creating fear in society and controlling the public with regards to criminal issues.

One of the earliest sensational cases was Ratcliff Highway murders which created big panic in 1811. A family was murdered wildly, and this contributed to the sense of anxiety to a great extent. On the night of 7 December 1811 the Marrs and their fourteen year old apprentice were found dead in their shop on the Ratcliff Highway in the east end of London, and Williamsons were murdered after twelve days in the same area. John Williams was arrested after a while just because he knew John Peterson who had a peen maul found in the kitchen. The maul had the initials “JP” on it and it was thought to have belonged to him. John Williams committed suicide in his cell, and he was known to have been the murderer. These murders brought about the idea that an organized police force was necessary, and the foundations of a police force started to be established. Judith Flanders postulates, in her book *The Invention of Murder*, that this case was so interesting and “more dramatic than the slow deaths of so many from hunger, or faraway death of soldiers and sailors in an unending war, and the story was soon everywhere” (2011, p. 2). This shows how people were amazed by the criminal stories and how it caused dismay in society. Senseless crimes have always attracted the attention of people more because they cannot make sense of sudden deaths, or murders. However, dying in war or dying because of socio-economic reasons has always been historical facts, so people got used to them.

François Courvoisier was the agent of another significant murder case in the early 1840s. On the morning of 6 May 1840, Lord William Russell was found in his bed; his throat had been cut. As he lived alone, with his servants, his murder was an inside job. The main suspect was the Swiss butler and valet Courvoisier (Diamond, 2003, p. 154). He “was a murderer whose crime provoked much anxiety about both the

tension between classes and the incomprehensible behaviour of foreigners”.<sup>5</sup> As all the evidence against him was circumstantial, he was about to get an acquittal. However, a woman who was an inn keeper came to the last trial and said that Courvoisier had left some silver spoons which belonged to Lord Russell and had been missing since the murder. Although it was not clear evidence against him, he was executed. Finally, he confessed the murder on the scaffold. In another confession in prison, he confessed that he got the idea of murder from Harrison Ainsworth novel *Jack Sheppard*, which was very popular at the time (Diamond, 2003, pp. 156-157). The important thing is that he might not have been executed, had it not been for the slight evidence at the last day. The fact that he was executed just because he was thought to have stolen some of his master’s property shows the deliberate intention of punishing a foreign butler who might have murdered someone from the upper class.

Another case which was similar to Courvoisier’s happened in the late 1840s. Maria Manning and her husband were convicted of murdering Patrick O’Connor, a Customs House employee, and a part time usurer. His body was discovered by two policemen on 17 August 1849 under the flagstones of the kitchen in Mr. and Mrs. Manning’s house in Bermondsey. Mrs. Manning was a more interesting character due to her personality and ethnicity. She was a Swiss, like Courvoisier, and she stood stronger during the trial and execution. She had worked as a maid at some upper class houses until she got married to George Manning in 1847, but the marriage was not merry, nor was the pub profitable (Flanders, 2011, p. 158). She possibly had known O’Connor before, and she might have murdered him with her husband due to financial problems. After they disappeared, the police divisions finally found her through a lot of questioning and tracing. She was arrested in Edinburgh, “where she was trying to sell railway shares stolen from the murdered man” and her husband was caught in Jersey (Diamond, 2003, p. 160). They blamed each other for the murder, but both of them were executed after Mr. Manning confessed that they did it

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<sup>5</sup> “Courvoisier, François (1816-1840)”, Neil R. A. Bell, Trevor N. Bond, Kate Clarke, M.W. Oldridge, *The A-Z of Victorian Crime*, Amberley Publishing, 2016

together. However, Mrs. Manning was more insensitive and firm compared to her husband. Even at the end of the trial when the deed is announced she still claimed that she was not guilty.<sup>6</sup> These things caught the public's attention, and she was a popular figure as a female murderer. *The Times*, like other newspapers, gave all the details about the case, including detailed information about the tools used for murder.<sup>7</sup> Even Charles Dickens is thought to have based his character foreign maidservant Hortense in *Bleak House* on Mrs. Manning.

Here, it is proper to mention another similar case. Mary Ann Parson was subjected to torture and was killed in March 1850 by her master and mistress, Robert and Sarah Bird, a farmer and his wife in north Devon (Flanders, 2011, p. 213). As Flanders explains, the couple was not sentenced to death because the judge said they should have been released as it was not clear if the man or the wife had committed the crime. That created a public outrage because Mr. and Mrs. Manning had been executed just four months before this case, and they had kept blaming each other for the crime. In this case, the only difference was the social strata the convicts belonged to, which influenced the prosecution process and the punishment they received.

1850s saw the increase in murders by poisoning, one of which was William Palmer's case. His case was one of the most famous poisoning cases in the nineteenth century. George H. Knott (1912, p. 3), in his extensive work *The Trial of William Palmer*, states that William Palmer had been a medical practitioner for two or three years, but he left this profession for the turf, horse-racing. Then, he met Mr. John Parsons Cook whom he was convicted of poisoning. Eventually, he had a lot of debt during this time, and he had even forged his mother's signature to receive a sum of money once. He is believed to have poisoned Cook to get his money, and he possibly prevented

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<sup>6</sup> The trial of George and Maria Manning for the murder of Patrick O'Connor. The case became a cause celebre. Included in the file is a transcript of the hearing, correspondence between the victim and the accused and a description of the defendants' execution written by Charles Dickens. Reference: CUST 40 / 30, Date: 1842-1849. The National Archives, Kew, London.

<sup>7</sup> "The Bermondsey Murder." *Times* (London, England) 22 Aug. 1849: 5. *The Times Digital Archive*. Web. 19 July 2017.

many things to conceal the poisoning case. First, he did not want a post-mortem and wanted to bury Cook without informing his family. However, when Cook's father wanted a post-mortem, Palmer deliberately smashed the jar in which the contents of the stomach were put after the post-mortem (Flanders, 2001, p. 260). His criminal actions are related to the money he was going to get from insurance companies, which shows the defects in the insurance industry (Diamond, 2003, p. 169). He was convicted of murdering his wife and brother, too (Diamond, 2003, p. 167). He was apparently a serial killer who murdered about 16 people and committed forgery in order to get rid of his debts. Finally, he was hanged publicly.

Madeleine Smith was the agent of one of the most sensational murder cases in the late 1850s. In 1857, she was charged with murder by poisoning Emile L'Angelier, who was her ex-lover. She was thought to have used arsenic or other poisons to kill him. She was from a wealthy middle-class family in Glasgow (Diamond, 2003, p. 171). However, she had a relationship with Emile L'Angelier who was a warehouse clerk. When her family did not approve that relationship, and another suitable husband appeared, she agreed to marry him (Diamond, 2003, 171). Eventually, Emile threatened Madeline to send their love letters to her father; these showed that she lost her virginity to him, which required a legal marriage in Scottish laws (Diamond, 2003, p. 171). She was seen buying arsenic which was found in Emile's body after he died, but she said she had used it for cosmetics.<sup>8</sup> She was quite self-assured and cool during the trial, similar to Mrs. Manning. Finally, she had an acquittal because it was not proven. Michael Diamond emphasizes the class issue in the case, and he explains as such: "It was a help to Madeleine that the man in an illicit relationship was assumed to have been the seducer, and that Emile, who was poorer than she, was seen as a fortune hunter" (Diamond, 2003, p. 175). Apparently, the Victorian conventions on gender and class were abused in order to acquit a potential murderer from the social class which had not been associated with criminality.

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<sup>8</sup> "The Glasgow Poisoning Case" *The Times* (London, England) Thursday, July 02, 1857; pg. 5; Issue 22722. The Times Digital Archive, British Library; London. Web. 19 July 2017.

Although Madeleine was not sentenced to death and released due to not enough proof, Eliza Fenning had been executed for a similar crime in 1815. She was a maid, and her case was alike to Madeleine's in terms of poisoning and the proofs (Flanders, 2011, p. 187). She was accused of poisoning the owners of the house in which she was working. The surprising fact is that no one had even died in Eliza's case unlike in Madeleine's. Thus, this shows again the class bias the Victorian society had even for the criminal cases. Madeleine managed to escape the gallows possibly due to her social class; however, Eliza had been hanged after a short period of trial.

The most sensational murder case of the Victorian age came towards the end of the century, and this was Jack the Ripper's murders. It also redefined the configurations of criminal identity and efficacy of policing. Five women, who were prostitutes, were mutilated between 1888 and 1889. The murderer was never caught, and Michael Diamond points out that he was a particularly impressive figure regarding the number of related crimes and the inability of the police to solve them (2003, p. 184). There was a lot of speculation on the identity of the murderer, the most common of which was that he might have been the member of the House of Lords, or a man of noble birth. Diamond (2003, p. 188) relates the police's unwillingness to offer a reward to the possibility that they knew the murderer but did not want to arrest him. This increases the thesis that the police deliberately stopped investigation because of the identity of the criminal. Another possibility could be that the victims were mistresses, or acquaintances of mistresses of somebody from royalty, or aristocracy. The fact that some of these women might have had some connections or secrets related to them was the most probable motive for these murders.

Likewise violent murder cases, the crimes against property, with violence or non-violence were of the most horrific crimes to be punished harshly. Property was one of the most important things the middle and upper classes have, which actually stands for Victorian materialism and rising capitalism after the Industrial Revolution. Only the bourgeoisie benefitted from the achievements of industrialization, and this made the rich richer and the poor poorer. This might have triggered frauds, or crimes with financial motives. Street and highway robbery took important forms in the making of laws and the modern police force. V. A. C. Gatrell (1990, p. 297) states that property was defended by the English law better than protecting the person, and he adds that a man would be arrested for robbery much more than violence. Rapid

industrialization accelerated the number of financial crimes, and the importance given to property. Michel Foucault further elaborates this transformation as such:

In fact, the shift from a criminality of blood to a criminality of fraud forms part of a whole complex mechanism, embracing the development of production, the increase of wealth, a higher juridical and moral value placed on property relations, stricter methods of surveillance, a tighter partitioning of the population, more efficient techniques of locating and obtaining information: the shift in illegal practices is correlative with an extension and a refinement of punitive practices. (1995, p. 77).

About this shifting nature of crime and criminality, Foucault points out those violent physical crimes against the body altered into crimes against property. He relates it to the rise of bourgeoisie and the increased gap between social classes. This capitalist atmosphere contributed to the increase in frauds and financial scandals, and they were also noteworthy in terms of presenting money based motives for crimes. Especially, this type of crime shatters the conventional perspectives of criminality because they were generally committed by the middle or upper class member unlike the common belief that the crime is an inherent characteristic of the lower or working classes. Clive Emsley (2005, p. 6) puts the fact that fraud in railway companies in 1850s was largely ignored and tolerated. Moreover, law was very slow to act against the abuses and criminal actions in commercial and financial areas. As the nineteenth century brought a new economic order in a capitalist manner, the state would not react and detect the financiers. It has been explained as such:

[...] the dramatic growth of industry, and indeed of local and national government, the transformation of finance, the underdeveloped nature of accounting and auditing and the inadequate protection offered by the law meant that the opportunities for such activities increased dramatically, [...] but only a few of the financial criminals ever appeared before the courts. (Taylor, 1998, p. 45)

David Taylor brings another perspective to these financial crime and their punishment by stressing the laxity of laws in detecting and punishing these misdemeanours. These examples of criminal cases in the nineteenth century demonstrate that the class bias and different attitudes to the members of different

social classes prevailed even in the courts. The fact that social status is effective in decision making and punishment processes explains the inclination to blame only the proletariat for their criminal behaviours.

One of the fraud cases is the Tichbourne the Claimant case. In 1866, a man claimed to be Robert Tichbourne, who had been an heir to some estates in Hampshire and had disappeared twenty years earlier. He was opposed by the relatives who proved that he was not Robert Tichbourne. He was accused of perjury and forgery, but was released on bail after being judged in court (Diamond, 2003, pp. 57-61). The significant thing is that later he was punished and given fourteen years of imprisonment for selling Tichbourne bonds and other financial crimes, but again released after ten years. Thomas Provis was another prominent figure convicted, in 1854, of “forging certain documents, purporting to be deeds and certificates belonging to the Smyth family” (*The Heath House and Ashton Cause*, p. 29). He claimed that his parents had married secretly in Ireland in 1796, and that he was their son. In an attempt to prove this story in a court of law, he forged the marriage record and wills showing that Sir Hugh Smyth acknowledged his lost son’s legitimacy before his death in 1824. He was then uncovered as Thomas Provis, a horse-thief and a previous schoolmaster. Finally, he was sentenced to transportation for twenty years, but he died, in 1855, in Dartmoor prison. As observed, these criminals might not have been punished so severely because of forgery; however, they would possibly lose their reputation and social status. Hence, these kinds of criminals were not afraid of being legally punished, but they were anxious about losing their fortune and social identity.

### **1. 1. 2. The new police**

With the influence of the so-called increasing crime rate and social anxiety stemming from criminals, the foundations of the modern police force were established around the late 1820s. Public fears and anxieties due to prevailing criminal events were used by some authorities as a justification of the emergence of the police force. This justification is sustained through the use of newspapers and the rise in prosecution, which brought about the idea that crime was very common in the poor areas and posed danger in society. However, it is not hard to recognize different treatments of the police to people coming from different social classes; especially the oppressive

attitude against working class is extremely noticeable. Michel Foucault (1995, p. 87) reminds us that bourgeoisie used the police force to their advantage to protect their property, which was the pivotal object of crime. While the police force was enforcing supervision in social life of the proletariat, the bourgeoisie was possibly content with the situation due to the control over the possible danger to their social welfare. David Taylor explains that there was an emphasis on class divisions “as the propertied elites, old and new, in a rapidly industrializing country, sought to protect their interests via an extended criminal code, the new police and the new regime” (1998, p. 4). Hence, the state’s need to police and discipline criminal behaviour required the creation and identification of the criminal whose aforementioned stereotypes were constructed socially.

In the eighteenth century, there were part-time constables and watchmen who performed particular policing activities. Henry Fielding and his brother, John Fielding, had felt the necessity of some professional forces to catch criminals, and they had formed “Bow Street Runners” in 1749. Stephen Knight (2004, p. 10), in his book *Crime Fiction, 1800-2000: Detection, Death, Diversity*, points out the fact that they were actually called “thief-takers” but working as mobile police force attached to Bow Street court in central London. In other words, they were not as effective and professional as Fielding brothers had expected. Furthermore, Clive Emsley (2005, p. 221) emphasizes the inefficiency of these constables by stressing that they were not preventive in the control of crime, and they had variety of tasks such as collecting county rates and pursuing any wrongdoings reported to them. In *Bloody Murder: from the Detective story to the Crime Novel: a History*, Julian Symons indicates that Bow Street Runners were believed to be engaged in corruption, befriending criminals, and sharing rewards with them because they “were in effect private detectives operating partly for private reward, and widely thought to be susceptible to bribery” (1972, p. 46). That is to say, they were more concerned with the protection of properties, rather than catching the criminals. Bow Street Runners functioned until 1839, after the establishment of Metropolitan Police Force in 1829.

Besides the presence of inadequate and corrupt constables and watchmen in the eighteenth century, the new police seemed to have brought a distinctive force in the early nineteenth century. However, there were still some problems in it. In the beginning, there were a lot of unskilled men, most of whom came from the

countryside and received little or no training, which made them rather inappropriate for the job. Judith Flanders (2011, p. 77) explains how the conditions were uneasy in the first decades of the nineteenth century owing to the end of the French-British wars, increasing number of unemployed men, high food prices, and different riots in the society. In addition, David Taylor emphasizes that the police were still under bureaucratic control because “they were effectively agents of the ruling elite, acting on their behalf, enforcing their codes of behaviour and responsible to them” (1998, p. 73). As understood, these forces had been protecting the rights of the upper class from the beginning.

This inefficiency and the need to control public brought about serious discussions on the foundation of the new police forces. Richard A. Gaunt (2010), the writer of *Sir Robert Peel: The Life and Legacy*, states that Robert Peel, the architect of the Metropolitan Police Act, made a speech on the increase in the crime statistics for many areas of London, and the insufficient law enforcement agencies for this rise. Taylor proposes some problems with this argument on the increasing crime rate. First, the rise in registered crime records demonstrates more an increase in pursuits and criminal suits than an increase in criminal action (Taylor, 1998, p. 74). That is to say, there was not a real increase in the crime rate, but in records and prosecutions with the coming of more controlling forces. L. A. Beier, in the article “Identity, Language, and Resistance in the Making of the Victorian “Criminal Class”: Mayhew’s Convict Revisited”, elucidates that “there are indications that prosecutions and policing were key elements in swelling convictions in the crucial period between 1805 and 1842” (2005, p. 500). Accordingly, the increasing number of policemen caused more arrests and trials, which was believed to be an increase in the crime rate. Secondly, Peel exploited the public concerns about the rising crime rate as a threat to social welfare. In addition, he is thought to have shown the increased crime rate in an inflated and exaggerated way in order to convince the committee for the establishment of a new and ordered police force. He showed a rise in population of 19 per cent in London and Middlesex, but an increase in crime of 55 per cent (Emsley, 2014, p. 25). This possibly created a public anxiety about this frightening increase in criminal activities.

Robert Peel had experience in Dublin about the difficulties in maintaining social order in the cities (Gaunt, 2010, p. 18). Thus, he aimed to form a more effective

police force, but he could not achieve that due to some arguments against him in the previous committees. However, in 1829, he formed another committee which was on the same side with him and enabled to establish the police force that he desired to enact (Taylor, 1998, p. 75). Finally, Robert Peel's Metropolitan Police Force was established in the same year.

With the emphasis of Peel and his supporters, the police were initially seen as "the protectors of the weak and the oppressed, instead of a tool of the powerful" (Flanders 2011, p. 140). However, soon it became just the opposite with the forces' inclination to treat the members of social classes differently. The new police were introduced as a civil force, not an army, and their duties were more preventative than tracing the criminals. However, these duties turned out to be more varied caring jobs such as looking after insane people and children, taking care of the streets, and preserving public order (Flanders, 2011, p. 79). With the considerable effect of Peel's discussion, the new police system started to spread throughout the country with the inclusion of many towns and boroughs. The implied idea was that these police officers would walk about the city and function as "visible indicators of the power of the state, a constant threat to wrong-doers" (Knight, 2004, p. 30). People would be aware that the police were everywhere controlling not only crime, but also their own lives. Robert D. Storch (1976, p. 487), in his article "The Policeman as Domestic Missionary", clarifies that the main operation of the police supervision was based on the information that the police were around and about to show up at any time. In this way, the police became the agents of discipline that was necessary to exert over the poorer areas. Michel Foucault refers to this case as such:

Disciplinary power, on the other hand, is exercised through its invisibility; at the same time it imposes on those whom it subjects a principle of compulsory visibility. In discipline, it is the subjects who have to be seen. Their visibility assures the hold of the power that is exercised over them. [...] It is the fact of being constantly seen, of being able always to be seen, that maintains the disciplined individual in his subjection. (1995, p. 187)

Through the effect of this discipline in society, the police started to gain more and more power, and there was a "transition to police society" because many towns had police forces by the 1830s (Shore, 2004, p. 388). These police officers were given extended rights to maintain order and investigate anyone they please, especially the

members of the working class. Although they were given a lot of duties to provide welfare in the society, the preservation of public order was of major significance (Taylor, 1998, p. 81). As David Taylor explains, this power gave them the authority to control and survey many parts and areas of the social life. The fears about the order of society brought about fundamental changes in the making of law and the police force. Towards the mid-nineteenth century, the police control was ascendant in many areas of the working class and in many industrial cities. Many things were done unauthorized; also being drunk and disorderly was illegal, not only undesirable, so “[t]he police were now [...] parasites, living off the working classes” and interfering their social lives (Flanders, 2011, p. 149). As Foucault proposes (1995, p. 96), the legal procedures became more common in society, and police activities enlarged. V.A.C. Gatrell terms this as ‘policeman-state’, and states that law “was the means and order the primary objective of this enterprise, and the state became its necessary agent” (1994, p. 244). In other words, the law and the police force were used as a way of the government’s enforcing discipline in society. After Constabulary Act in 1839, policing spread from London to the rest of the country. The installation of the police force was managed due to Peel’s message about the need for prevention of crimes, so the rural areas experienced a transition to a policed society in a similar manner (Shore, 2004, p. 387).

Together with that visibility of the police and control, another significant aspect to dwell on is the efforts of the police to gain a respectable position in the society. Clive Emsley postulates that they “could demonstrate their worth, however, by publishing the statistics of arrest” (2005, p. 239). Apparently, the easiest offences to detect were the petty offences in the street such as begging, illegal street selling, and soliciting. As Emsley points out, these offences like drinking or prostitution were very prominent to be removed for the respectable Victorians (2005, p. 240). In addition, they were the easiest ones to observe and deal with. Thus, the increase in crime coincides with the arrests in the society, which formed a respectable image of the police in public.

In the way the press helped the state create criminal identities, newspapers also maintained the image of the police as the efficient protectors of the community. The construction of the police as an effective and powerful force was strengthened especially by the publications of *Police Service Advertiser*, which mainly focused on

the matters about the police (Emsley, 2014, p. 100). Emsley explains that the journal contributed the image of the police as professionals and experts in the fight against crime, and this idea was supported by the government (2005, p. 243). As an illustration, *Daily Telegraph*, in 1862, boastingly reports that Mr. Bumstead, an inspector of notes to the Bank of England found that the note which belonged to David Hayes was a forgery.<sup>9</sup> This means that a bank could have an inspector of notes, and the newspaper reports the inspector's finding fake notes as if it were a really crucial job. That is to say, the police force was glorified and defended by some newspapers in spite of the abundant articles and news on the inadequacy and ineffectiveness of the police investigations.

In addition to the press, the new police force was apparently built owing to the class conflict which prevailed in the nineteenth century. Emsley states that the new system fit the requirements of the bourgeoisie as well as the control requirements of capitalist system (2005, p. 221). Whereas the working class was subject to closer gaze and control, the ruling and upper classes were using the force under the name of preventing crime. Thus, the "police as an instrument created by and for the capitalist state as a means of imposing and maintaining class hegemony" was a prominent agent in order to dominate the public (Emsley, 2014, p. 2). In enforcing the laws, the police were imposing a dominant ideology in the society, which "meant that working class districts were more likely to come under gaze of the police, while within those districts certain groups, vagrants and especially poor Irish, were also likely to be targets" (Taylor, 1998, p. 82). While using the crime control as an excuse, the police controlled working class districts, so workers were both victimized and marginalized. On the changing nature of criminality to property related crimes, Foucault emphasizes that stricter mechanisms of control were employed where individuals and their everyday behaviours are placed "under surveillance" (1995, p. 77). That is to say, the changes in punishment were done in order to put public activities under close observation and enter the control into citizens' everyday lives. G. W. M. Reynolds,

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<sup>9</sup> "Police Intelligence". *Daily Telegraph* (London, England), 16 Apr. 1862, p. 2, *The Telegraph Historical Archive*, [tinyurl.galegroup.com/tinyurl/53a2p2](http://tinyurl.galegroup.com/tinyurl/53a2p2). Accessed 19 July 2017. British Library, London.

in *The Mysteries of London*, states that a policeman certainly had several golden reasons for not investigating anything in a rich man's house, whereas he "instantly ran [...] after a small boy who he suspected to be a thief" (1996, p. 36). This shows the biased attitude against different social classes, for the working class is an easy target for criminality.

The working class is commonly reported to have been very hostile to the new police, which could be related to this social control. James Sharpe clarifies that "the new police forces were run into considerable opposition not only from criminals and the emergent working class communities that the police found themselves expected to control", but also from the some local elites owing to its being expensive and a threat to liberty (1995, p. 6). The unexpected oppressive management of society was opposed by many parts of the working class community. Robert D. Storch (1976, p. 482) points out the hostile attitude and attacks on the police forces in Yorkshire, after their intrusion to the pubs and beer houses in 1857. This working class resistance was on the rise because of the police's strict supervision of their social life. As Clive Emsley (2005, p. 237) stresses, the management of public order did not just involve riot control; the new police were employed in order to repress working-class leisure activities that displeased middle-class sensitivity. In this way, the control of crime was used as an excuse for disciplining the proletariat.

The expansion of the Metropolitan Police forces by the 1839 Police Act enlarged the disciplinary power of the authorities (Taylor, 1998, p. 83). The police attempted to control leisure and moral behaviour of people in public areas. Although the police seemed to bring order to society in a considerable extent, the deficiencies in the policing system were apparent. Besides police surveillance, corrupt and tough policing intensified the tensions and conflicts between the public and the police (Taylor, 1998, p. 86). The police force had discipline problems, and some constables were dismissed due to drunkenness and some other offences (Emsley, 2014, p. 200). In addition, the police were quite ineffective in suppressing riots and chasing criminals. Clive Emsley states that, in the East End of London, there were protests against that metropolitan policemen who "were spending too much time warning children not to play with their hoops in the street and protecting the wealthy of the West End" (2005, p. 239). Instead of fighting criminals, the police were dealing with trivial issues in order to control the working class districts.

By the mid-nineteenth century, the police force continued to enlarge after a process of patchy development. The number of policemen, borough and county forces increased with the passing of the County and Borough Police Act in 1856 (Emsley, 2005, p. 221). After that, every county had a police force, the largest of which was still the Metropolitan Police (Taylor, 1998, p. 88). However, there were a lot of changes in the people who joined the forces. As a great amount of discipline was required to become a policeman, many men would quit after a short period of working and training (Taylor, 1998, p. 89). Another problem in the system was unskilled workers and agricultural labourers employed in the police forces. Although it was not a well-paid occupation, it offered good wages for them.

Also, the required discipline made policing a hard task to perform, and many policemen were dismissed beginning in the early years of the new police forces (Taylor, 1998, p. 94). Being drunk, neglecting the duties, and some other misbehaviour contrary to an expected manner were the reasons that led to dismissal from the police force (Taylor, 1998, p. 95). Nonetheless, the number of dismissals fell towards the late nineteenth century because the appearance of the career policeman is the crucial feature in the creation of a “disciplined and quasi-professional police force” (Taylor, 1998, p. 97). This reinforced the construction of a criminal class in the prevention of the supposed increase in crime. The police officers were given the right to arrest on suspicion even though the convict was not proved to be guilty, and this was shown as a precaution to prevent crime. This case was open to be abused and it was done deliberately in order to show the arrests in relation to the efficiency of the police force in the detection and prevention of crime. (Emsley, 2005, p. 244)

The detective department was established in the 1840s due to the necessity of tracing criminals through more professional forces. The police force was not eligible for detection and more men were needed for this job. After some ineffective duties of finding criminals and the negative reports in some newspapers on the failure of the police to get the wanted men, Richard Mayne started to form a proto-detective department (Taylor, 1998, p. 72). Firstly, he recruited a few men for this job and formed a team for detection. He signed an order in 1840 allowing some active and intelligent men to trace criminals and stolen goods. He had already had two men under his supervision, so these men were apparently detectives (Flanders, 2011, p.

145). Thus, with Mayne's efforts, the Detective Department was opened in 1842 with two superintendents and six sergeants (Flanders, 2011, p. 147). Scotland Yard was the address of the headquarters of the Metropolitan Police, so it became another name for especially the Detective Department after 1842. The police work was now both prevention and detection of the crimes in a more professional way. When some divisions of the police started to function as effective detective forces, some perceptions began to change positively after the mid-nineteenth century. The coming of detective police officers reflected Victorian obsession with social order which was represented in detective fiction in the late nineteenth century. Julian Symons postulates that it was related to the rise of middle class, and the detective stories were "on the side of law and order" (1972, p. 17).

### **1. 1. 3. The courts and the penal system**

David Taylor (1998, p. 106) states that there was a variety of courts found in the eighteenth century England, the most important of which were Court of King's Bench and the assize courts, the county and borough courts of quarter sessions, and the courts of summary jurisdiction. They were generally classified based on the importance and seriousness of the crime committed; for example, Court of King's Bench was dealing with the most serious crimes. In the early nineteenth century, many crimes were transferred from assize courts to quarter and petty sessions, and the courts of summary jurisdiction. Thus, the number of crimes prosecuted in these sessions increased considerably, which made the process rather harder. Summary courts generally dealt with misdemeanours, while felonies had to be dealt with before the jury. Furthermore, the spread of summary jurisdiction gave a lot of rights to the prosecutor on however he wanted the convict to be punished (Emsley, 2005, p. 203).

In the early nineteenth century, "inquests were held as quickly as possible after the event, usually at public house or tavern near the scene of the crime" (Flanders, 2011, p. 3). Especially, if the victim was from the lower class, this inquest would be done so quickly by a constable in a public house, unlike the serious cases brought to the court. The increased rate of prosecution in the petty crimes possibly caused many crimes to be prosecuted without much care. The people were mostly teenagers in juvenile jurisdiction or members of the working class, so they were commonly charged with similar punishments. Almost 35 or 40 people would be prosecuted on

the same day in some petty sessions.<sup>10</sup> Accordingly, very little time was devoted to each case in these sessions, and wrong or unjust convictions could have been inevitable. In the late eighteenth and early nineteenth century, escaping from convictions was not hard due to the high rate of pardoning in the courts, which made the reliability of the system mostly false. Taylor states that during the second half of the nineteenth century “85 percent of all people convicted of capital offences were reprieved” (1998, p. 120). Because of the high number of convictions and criminals to deal with, these releases might have caused a questioning of the efficacy of the courts.

Law was a prominent institution which adjusted people to the social order, but also it reinforced the traditional beliefs on crime. It was not always just and lawful regarding to different classes. Dorothy M. Stetson, the writer of *A Woman's Issue: The Politics of Family Law Reform in England* explains that law formed “the official judgement of a society about accepted values and standards of proper behaviour” (1982, p. 4). In addition to construction of the traditional perspectives on crime, Victorian laws evinced the demarcation between social classes as well. Furthermore, deficiencies and failures made the legal system problematic. The role of the police as prosecutors was enlarged after the mid-nineteenth century, so “the police dominated the prosecution of offenders against public order, public decency, and public safety” (Emsley, 2005, p. 195). As it could be understood, the inadequacy of the courts was deliberately intended to overcome even with the intrusion of the police.

Courts were also places for entertainment for the public; however, it was a stage of putting the state’s power over the society. David Taylor emphasizes the position of the assize sermons and the rituals of the court as “part of this theatrical demonstration directed at the populace as a highly visible reminder of the power of the state” (1998, p. 113). While the public enjoyed the excitement of details in the

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<sup>10</sup> There are 35 people to be prosecuted in the “List of Cases for Trial on Friday, the 21<sup>st</sup> Day of April, at Ten o’Clock precisely”, Middlesex April Sessions, 1837. A Calendar of Prisoners in New Prison, Clerkenwell, For the Session (4<sup>th</sup> April). London Metropolitan Archives.

courts, the invisible force of the state was presenting the so-called efficiency of punishing the criminals at the same time.

David Taylor refers to the class representations in the process of prosecution and their influence on the courts, and he stresses that an accused person could have a positive response if he had been given reference by someone from the higher social class (1998, p. 130). He states that although sufferers were generally shown as from the wealthy as the victims of the criminal poor; however, these were actually from the vast range of groups, from the wealthy to the members of the working class (Taylor, 1998, p. 121). Moreover, the judges' and magistrates' discretionary powers had ideological importance to preserve the reputation of the small elite. Therefore, the ruling class was able to make the courts a selective tool of biased justice. Clive Emsley (2005, p. 203) argues that Game Laws mostly preserved the rights of the wealthy and upper class members. Also, magistrates were of the side of these people, and they protected the concerns of the upper class. Combination act was as notorious as Game laws which preserved the rights of the wealthy. As Emsley explains, starting in the eighteenth century, these laws and acts conferred the prosecutor rights to punish the poor who are involved in property related crimes (Emsley, 2005, p. 204).

During the second quarter of the nineteenth century, industrial entrepreneurs began to dominate the landowners in many jurisdictions in the Black Country. Emsley (2005, p. 205) states that 'Master and Servant Act' was obviously used to control labour and working class in these districts. Thus, the position of the magistracy changed, and the industrial businessmen took over the charge in law. Due to these acts and cases, magistrates' impartiality was questioned most of the time. It was apparent that they were not that impartial because many of them were employers in industries in some towns still in the early nineteenth century (Emsley, 2005, p. 205).

For many cases, courts were the last places to appeal due to the waste of time and money. Taylor states that "would-be prosecutors were unwilling to proceed because they believed the punishment to be disproportionate to the crime" (1998, p. 111). Thus, informal ways were much more desirable rather than appealing to courts. Also, the position of judges changed due to the performances by lawyers (Taylor, 1998, p. 116). While judges were more efficient and active in the eighteenth century, they became rather a detached and observant figure sitting and guiding the trial.

Additionally, the length of trials was increased by these developments in the system. The cost of trial procedures were seen as drawbacks by many people, and it was one of the reasons why people would not appeal to law and the courts. In some cases, prosecutors would even have to pay more than the amount stolen from them.

In the second half of the nineteenth century, eighty per cent of the sentences were imprisonment, while more than ten per cent was sentenced to the penalty of hard labor. David Taylor adds that penal servitude and hard labour was a more typical punishment for crimes of violence against property (1998, p. 120). This shows the materialist outcomes of the system where property was always one of the most prominent elements in society, and it needed to be protected better than many things for the upper classes. As Michel Foucault states, “the economy of illegalities was restructured with the development of capitalist society” (1995, p. 87). That is to say, the increased value of property with industrialism shaped the nature of criminality and legal reforms. This situation increased the number of inheritance cases dealt with in the Court of Chancery which was commonly criticized because of its ineffective and slow lawsuit process.

Lawyers were also significant agents in the process of prosecution, although their intrusion was gradual. J. M. Beattie (1986, p. 375), in *Crime and the Courts in England, 1660-1800*, states that the presentation of the accused by the lawyers increased from 1780 to 1800 from one in eight to one in three. David Taylor explains that “the invasion of the lawyers” gave the courts and cases a more formal and organized tone (1998, p. 116). Thus, their authority became more apparent and normal in the proceedings of the cases. Douglas Hay, in his article “Crime and Justice in Eighteenth – and Nineteenth-Century England”, supports this fact by stating that “once allowed into the courtroom the lawyers shaped the trial procedure increasingly into an adversarial mold as they took part in more trials” (1980, p. 54). Additionally, Clive Emsley (2005, p. 198) points out how the position of lawyers became increasingly central in the courts, and he adds they were boasting about their expertise, although the standards of training in law was not very strict and advanced. He adds that trials became places for contests between lawyers, “so judges and juries played less of a central role and, in addition, trials became much longer and much more formal.” (Emsley, 2005, p. 201). It can be observed that the introduction of

lawyers into legal processes more commonly transformed the process of criminal trials.

When David Taylor explains the nature of punishment in the nineteenth century, he points out three elements which are “the retributive, the deterrent, and the reformative” (1998, p. 124). Firstly, punishment represented society’s disapproval of criminal behaviour, and the criminal had to retribute and pay for what he or she had done in some ways. Secondly, punishment was the most prominent way to deter the members of Victorian society from entering the world of criminals. On the social impact of public executions, Foucault states that “[t]he penalty must have its most intense effects on those who have not committed the crime; [...], if one could be sure that the criminal could not repeat the crime, it would be enough to make others believe that he had been punished” (1995, p. 95). That is to say, it was a warning for the public to show what happens when they break the laws; that was one of the functions of public executions in the nineteenth century. While referring to these public executions, Michel Foucault describes it as a demonstration of dominance and power together with the creation of terror in society, and he adds that public execution did not establish justice again; it restarted power (1995, p. 49). The authorities obviously wanted to make people feel scared and be aware of the consequences of what might happen if they commit offences. Finally, it was believed that the criminal reformed and transformed by the experience in prison, including different ways of discipline. Those discussions shaped the shifts and arguments about punishment in that period.

The punishment system changed a lot from the late eighteenth century to the end of the nineteenth century. Before the nineteenth century, apart from execution, there were limited forms of punishment such as fines, transportation to American and Australian colonies, and short term of imprisonment (McGowen, 1995, p. 80). Transportation was the dominant secondary punishment as the newest alternative to execution and imprisonment in the eighteenth century; however, it came to an end due to the hostility with the American colonies in 1776 (Taylor, 1998, p. 143). Then, Australia was the cheap alternative to prison building in Britain, and it was another place for transportation until 1867 (Taylor, 1998, p. 143). Prisoners, chosen due to their potential for reform, were sentenced to eighteen months in confinement before being transported to Australia. They would receive a ticket-of-leave immediately,

which allowed them conditional liberty. Nevertheless, after the abolishment of transportation of criminals and execution for many crimes, there had to be radical reforms in punishment. The construction of prisons was avoided owing to their cost, but now there was a need for more prisons, and decisions had to be made on what to do about the rising number of criminals. On this change in the nature of punishment, Michel Foucault (1995, p. 8) states that although the punishment became less severe beginning in the late eighteenth century, it got more invisible but more effective by entering into many areas of society.

In the later periods, there was much discussion about death penalty and reformation in relation to punishment. It was the most common and effective system until the mid-nineteenth century, and it “had a practical and symbolic significance in the overall justice system” (Taylor, 1998, p. 125). In 1820, capital punishment was abolished for some crimes such as shoplifting, theft, and the sending of threatening letters etc. (Taylor, 1998, p. 131). By the early 1840s, there were only seven capital offences, and only four remained 20 years later. Public executions in the early nineteenth century can be thought of as a serious issue in terms of being a kind of entertainment instead of deterring crime as a way of showing the punishment of a criminal (Taylor, 1998, p. 133). This reinforces the idea of the ambivalent Victorian attitudes, which means both fear and pleasure for crime stories and public executions. Foucault sees the act of punishment as monarchy’s show of power and control until the end of the eighteenth century. Criminality was regarded as a reaction against monarchy, so executions were a kind of monarch’s revenge on reactionary people. Then, he states that in the nineteenth century, the ‘man’ in criminals, that is, the idea that this person was also a human being, was discovered and there was a reaction against inhumane practice of punishment. Thus, there were propositions that criminals should be punished more humanely, and this marks the end of monarch’s power and attempt for its revenge on criminals (Foucault, 1995, pp. 73-74). In addition, Clive Emsley (2005, p. 265) regards public punishment as a theatre through which the ruling class or the state was dictating its control over the masses by warning them about what might happen if the laws are transgressed. While the government was trying to impose its power through public executions, people were more interested in it as a form of entertainment. Similarly, Michel Foucault (1995, p.58) declares that the purpose of public execution was that people must witness the

punishment and be afraid of it. In other words, society must take part in public execution to guarantee that the punishment works.

As in the previous century, the property of the bourgeoisie was one of the most important things to be protected in the Victorian age, and this can be seen in punishment of crimes related to property. On this issue, David Taylor indicates that “[h]ighway robbers and burglars were twice as likely to be hanged as mere horse thieves” (Taylor, 1998, p. 129). As this type of crime was one the most fearful ones in the early nineteenth century, greater importance was given for the prevention of that offence. They were the most feared crimes and the most crucial reason for the reformation of the police force. Michel Foucault (1995, p. 85) claims that beginning in the second half of the eighteenth century, the illegality about properties became less tolerable because the changing position of land as the property of the bourgeoisie brought an inclination to punish the illegality of property more severely by the effect of this class.

Similar to transportation in the eighteenth century, imprisonment was one of the subjects of debate in the nineteenth century. David Taylor (1998, p. 141) explains that for some Marxist historians the development of the prison is related to the Industrial Revolution in terms of controlling the poor. Clive Emsley agrees with this by stating that “in the revisionist account there is a fit between the new system of prison and punishment and the control requirements of the developing capitalist system” (Emsley, 2005, p. 254). The changes in the punishment system brought difficulties for convictions because people convicted of different crimes could be released due to the high number of prisoners. This meant a great number of idle and previously convicted people needed to be controlled.

The decrease in the number of executions, the abolishment of transportation of the convicts, and the increase in the imprisonment brought the need for more prisons (Taylor, 1998, p. 120). There were two distinct arguments in the formation of prisons; these were religious and secular ones. Firstly, it was believed that man’s sinfulness which threatened society should be cured with the forgiveness of God and the potential for salvation from sin (Taylor, 1998, p. 147). That is why there were priests and religious ceremonies in prisons. Secondly, secular beliefs depending on the developments in the eighteenth century aimed to change the characteristic of criminal to break the association of crime with something to take pleasure from. In

this way, the criminals' personality was believed to change with regards to experiences in the prison.

Along with the increase in crime in society, the deficiencies in prison system were seen as another reason why the increase in crime rate could not be stopped and decreased. As Randall McGowan proposes in "Well-Ordered Prison: England, 1780-1865", it was believed that the prisoners would influence each other and inflict the younger and less-experienced ones; for example, William Crawford published a report in 1834 and offered two systems of prison discipline: "silent and separate systems" (1995, p. 99). In Pentonville, separate system was practiced due to the belief that if the convict is left alone in solitary confinement, he would have time for himself to think about his sins and chances of redemption (Emsley, 2005, p. 277). In this system, the prisoner is also kept busy by irrational jobs, such as crank, which were not useful for the prison or the prisoners. Towards the end of the nineteenth century, the prison system became stricter due to mistakes done before, and deterrence was emphasized in new laws that introduced hard labour or crank labour which involved turning a handle up to ten thousand times (Taylor, 1998, p. 152). These monotonous and unproductive works were believed to deter the criminal. However, torturous punishments would do nothing but harm the prisoners psychologically.

Penal Servitude Act of 1853 started a three-stage system where separate confinement followed by productive labour on public works and finally parole on ticket-of-leave (Taylor, 1998, p. 151). Randall McGowan (1995, p. 103) states that the panic aroused by crime owing to ticket-of-leave man caused some discussions over the prison system in the 1850s. He adds that some writers were complaining about criminal classes composed of these men out of jail, and newspapers were demanding longer periods of imprisonment or hard labour. Thus, the prison was a right way to deal with criminals because it provided an environment for control over individuals. Michel Foucault stresses that fact because "the isolation of the convicts guarantees that it is possible to exercise over them, with maximum intensity, a power that will not be overthrown by any other influence; solitude is the primary condition of total submission" (1995, p. 237). In this way, the prisoner is claimed to surrender and let himself be dominated by the prison authorities.

Randall McGowan (1995, p. 106) highlights the fact that the prison system in the mid-Victorian period did not change much unlike it had been desired to alter. The condition of the prisons and the prisoners were not very different from the previous century. The prisoners were subjected to harsh conditions and severe punishment. Most people agreed that comfort and pleasure had no place in prisons, and prisoners would be deterred by some forms of punishment; beating or a reduced diet was believed to reshape the prisoners' characters. Milbank Penitentiary, which was planned to be a big prison holding one thousand prisoners, turned out to be a disaster. Scandals, indiscipline, and bad health record led to a prison riot and caused the prison to be closed in 1823 (Taylor, 1998, p. 148). Accordingly, the efficiency of the prison system was doubted and questioned. John Perry, one of the prison inspectors, disclosed that they were not certain about what imprisonment could do but admitted that society could not do without it (McGowan, 1995, p. 105). In addition, Michel Foucault states that the prison system was attacked as the great failure of legal system (1995, p. 264). This inefficiency could be related to the increasing number of prisoners after the abolition of transportation and execution, and the authorities' inexperience in terms of dealing with such a lot of convicts.

After the reduction in the number of capital punishment, there was a shift from punishing the body to punishing the mind (Taylor, 1998, p. 140). The function of prisons as institutions of salvation and redemption was altered. As David Taylor puts forward, the prison was regarded "as an institution of first reform" where the criminal would be reformed in the early nineteenth century, while it was seen "more as a last resort" regarding many alternatives and sentencing practices in the late nineteenth century (1998, p. 145). Nevertheless, the Victorian prison as an oppressive and despotic institution never changed no matter what kinds of reforms were made in the penal system. On this pretentious humanitarian reforms in the legal system, Michel Foucault declares that the need for punishment without torture and public spectacle brought some problems about the nature of new and modern forms of punishment. He emphasizes that the proposition for humane laws and punishment did not bring a substantially clear measure and definite regulations, and he defines this situation as "leniency" (Foucault, 1995, p. 75). The tolerance for some crimes and members of society created illegalities and loopholes in the legal system which

could be abused easily. As understood, the legal and penal system was quite ineffective and corrupted in the Victorian age in spite of various legal reforms.

## **1. 2. Victorian Crime Fiction**

Since crime aroused great interest in the Victorian society, the popularity of crime fiction with its variations was a reflection of this excitement. The nature of the best sellers of that time included criminal stories about any kind of transgression. Whether a focus on the criminal, the legal system, or the detective and tracing a crime, these were interesting motives for reading those stories together with the real narratives of crime. As long as they contained a crime and an exciting storyline, it was inevitable for the Victorians to admire crime stories. Thus, the depiction of criminals and the question of mystery became a fundamental concern for many of the Victorian novelists.

Julian Symons (1972) emphasizes the difficulty of separating crime and detective fiction from each other clearly. Crime fiction started to appear as a genre and draw attention in the late eighteenth century. As it coincides with the gothic stories, it is generally related to that in terms of its content. However, crime fiction dwells on the issues of criminality, and generally detection of crimes in a period when laws were controversial. Gothic novels, nevertheless, aim to arouse the feelings of terror and excitement due to the use of mysterious events, and “the solution is never in itself of much interest” (Symons, 1972, p. 25). Nonetheless, crime fiction focuses on the crime itself and unravelling criminals and mysteries.

Even in the early eighteenth century, crime and criminal identity were of the issues the novelists deal with in works such as Daniel Defoe’s *Moll Flanders* (1722). Nonetheless, William Godwin’s novel, *Caleb Williams* (1794), could be seen as an earlier version of a detective novel. Godwin, Mary Wollstonecraft’s husband and Mary Shelley’s father, was an advocate of anarchism. Anarchism is against exerting class divisions and using ineffective legal force, and Godwin “sees a better system than aristocratic power” (Knight, 2004, p. 10). Godwin made critique of the present system and legal injustices in his novel, which is the story of a servant’s tracing his master for his crimes but being unable to finalize his investigation due to the villain’s social status. This tradition of opposing and criticizing social norms can be observed even in early crime narratives.

Crime fiction is supposed to involve a crime, criminal, victim, and usually a detective or the police. However, early crime writing did not have any detectives or police officers since there were none until the early nineteenth century. Only thief-takers and constables were responsible for detection of crimes until the foundation of professional police force in Britain. One of the earliest examples of crime stories in the nineteenth century were Newgate novels in the 1830s. They were coming from the *Newgate Calendar*, which narrated the lives of criminals in the eighteenth century, especially the ones in the Newgate Prison. In the eighteenth century, these collections were published in different volumes by the chaplain of the Newgate Prison (Knight, 2004, p. 5). They continued to be reprinted and reissued throughout the nineteenth century. They were highly moralistic biographies based on the criminals in London prisons. Thus, it was possibly intended as a moral and disciplining account in order to control the society and give lessons on the cruelty of crime.

After the popularity of Newgate Calendars, Newgate novels became popular in the 1830s. Those were fictionalized stories of real criminals in the *Newgate Calendar*. They were criticized because of glamorising the lives of criminals by presenting them as heroes. This situation was unacceptable considering Victorian morality and laws. As there were no professional detectives or police forces, it was normal that criminals were the main focus of those narratives. Lyn Pykett, in her chapter “The Newgate novel and sensation fiction, 1830-1868”, explains that Newgate novels “looked back to the eighteenth-century literature of crime and also to the radical indictments of oppressive legal and penal systems at the turn of the eighteenth and nineteenth centuries” (2003, p. 19). Pykett goes on explaining that these novels called for sympathy for the criminals rather than the aggrieved people, and they depicted the criminals as the victims of the circumstances or society. However, Heather Worthington (2005, p. 14), in *The Rise of the Detective in Early Nineteenth-Century Popular Fiction*, states that it was actually the entertainment feature which sold these stories. This brings us the most important aspect in crime fiction. Although they were designed to educate the public morally, people were taking pleasure in reading the sensational stories of criminals.

In the first half of the nineteenth century, crime stories including Newgate Novels were conforming to the traditional perceptions of criminality because most of them

narrated the stories of criminals from the lowest levels of the society. This contributed to the general perspective of the Victorian society and the fears about crime and criminals. That was one of the most significant things in the construction of criminal identity. However, both *The Newgate Calendar* and Newgate novels were focused on the criminals and trying to show a different side of a criminal personality. For example, Judith Flanders states that Newgate Novels, while talking about Eugene Aram, “focused more on Aram’s self-education, [...] concentrating instead on the picture of a man with thirst of learning, oppressed by a rigidly hierarchical society” (2011, p. 102). Also, Edward Bulwer-Lytton, one of the writers of the Newgate novels, strived to make Aram a tragic figure: a noble man ruined by a single mistake (Flanders, 2011, p. 105). Bulwer’s novel *Paul Clifford* (1830), which was based on the real figure in the eighteenth century, was an attack on the corrupt, oppressive legal and penal systems of his day (Pykett, 2003, p. 22). That is, these novels inaugurated the first instances of challenge to the conventional attitudes against crime and criminal identity.

In the mid-nineteenth century, the interest in crime and criminal diminished, as detection and solving the mysteries in criminal cases became more interesting for the public. The increase and necessity for detectives were possibly very effective for this popularity which continued with the Victorian sensation fiction and later with the Detective stories. The success of Newgate novels was followed by the sensation novel in late 1850s and 1860s. Wilkie Collins, Charles Reade, and female writers like Mary Elizabeth Braddon, and Mrs. Henry Woods were among the most prominent pioneers of the genre. These writers took a more different path from the writings about criminals in the previous decades. In other words, they were interested in different topics from the traditional ones in Victorian fiction. The rising popularity of sensation fiction started towards the second half of the nineteenth century with the rising scandalous and criminal stories in middle and upper class houses. The term sensation novel included particular works of the 1860s “when the concept of ‘sensation’ was all the rage” (Diamond, 2003, p. 189). Crime and sensational events like adultery and bigamy helped newspapers increase their sales and popularized this fiction in the Victorian society. Wilkie Collins, Charles Reade, and Mary Elizabeth Braddon were the prominent representatives of the genre.

The popularity of this genre was apparently related to the improvement of the press and abundant reports on criminal cases in newspapers. Also, the greed for sensational crime stories and increased illiteracy contributed to the success of the genre. As Winifred Hughes argues in her “The Sensation Novel”, this genre “was a product of Victorian mass culture”, and these novels were made to satisfy the public hunger for sensational stories and to earn money in a commercial atmosphere. (2002, p. 267). Moreover, these works were commodities in a market where publishers and writers competed with each other. There were detailed descriptions and illustrations in many of the newspapers in order to increase the excitement of the cases and feed the social taste for crime narratives. Hence, it is inevitable that these fictional and real life crime stories provided the plotlines for sensation novels, like Newgate novels. However, sensation novel was mostly based on the events in upper middle class houses, so domestic crime was the most outstanding topic in these novels.

A lot of works belonging to sensation fiction strive to go beyond their time through the issues and characters that do not comply with the nineteenth century social norms. Those novels depict the sensational lives with deceits, pretences, crimes which would possibly astound the readers of its time. D. A. Miller, the writer of *The Novel and The Police*, states that they represent “the first instances of modern literature” as they increase the reader’s tension with adrenalin and excitement effects, also with untraditional subjects and portrayals (1988, p. 146). Besides showing betrayal, deception, plotting, and even murder; many of them offer an unconventional portrayal of femininity and masculinity in the Victorian Age. Furthermore, it is not wrong to say that those writers were challenging the conventional social perspectives on family, class, gender, and crime.

Victorian sensation novel is generally described through its several scandalous aspects such as deception, duplicity, sexual deviances, contrivances, and even madness, which question Victorian bourgeoisie morality. Accordingly, some representatives of this genre can be regarded as social critics by focusing on these uncommon topics. The sensation novel can be said to offer a protest against the established moral and aesthetic values of the Victorian England. That is why they were criticized harshly by some critics and by the writers of domestic fiction as well. The canonical and traditional works of literature were supposed to elaborate and

evince the traditional Victorian values. However, sensation novel critiqued the Victorians and their wrong-doings.

By presenting atypical criminal identities unlike in the traditional Victorian perspectives, these novels show the hidden and true events in the British middle-class houses. In addition, they expose realities of the hypocritical Victorian society. As Judith Flanders (2011, p. 295) points out, sensation fiction implicitly expresses a world in which every respectable person had potential criminality and a scandalous secret life. However, she separates crime and sensation fiction from each other by stating that sensation fiction is about mystery while crime fiction is about certainty and criminal identity (Flanders, 2011, p. 295). Thus, sensation fiction differs from other genres of crime fiction due to its focus on bourgeoisie and critique of the legal system which supports the interests of this class.

One of the most upsetting representations of the sensation novelists was the image of a Victorian house. They maintained the idea that crime and scandals existed even in the most respectable families. Both society and literature of the age appeared to have protected the middle and upper class criminals. Whereas few middle class murderers appeared in realist novels, sensation fiction strived to depict murder, adultery and bigamy committed also by the respectable members of society. Mary Hartman (1973, p. 399) states that the critics were annoyed by the existence of middle and upper class criminals in these novels. That is, this incident outraged the traditional authorities as Victorian prudery and hypocrisy were disclosed.

After the mid-nineteenth century, there was a growing demand for detectives as leading characters in the novels, in addition to the thirst for crime in the previous decades. This shift from the focus on the criminal to the detective reflects the social change, Victorian morality and dependence on the law. The fact that the moment of crime is usually omitted in the narration of detective novels is a reference to the public's interest in detection, not crime or criminal. Unlike the detailed description of crimes in the fictional or real crime stories in the previous decades, the moment of committing the crime forms a very small part in detective novels after the 1850s. That is why, in most of the detective stories the crime itself is not narrated, but the process of tracing the criminal is explained throughout these stories. Criminal action is only mentioned in the process of detection, maybe in flashbacks or after the criminal is found.

Thus, sensation fiction, in a way, helped establish the foundation of detective fiction which became a very popular genre in the last decades of the nineteenth century. Detective fiction reached its peak in popularity due to the appearance of Sherlock Holmes, the famous detective character created by Sir Arthur Conan Doyle. This popularity increased with the Golden Age of the detective fiction in the twentieth century, including writers such as G. K. Chesterton and Agatha Christie.

Sensational novels include either amateur or professional detectives in addition to mystery and suspense in their plots, but those detectives are not the major characters nor the heroes of the novel as the Victorian society expected. Inspector Bucket in Charles Dickens' *Bleak House* (1852-53) could be one of the first detectives in English Literature; however, he is a minor character in this long and multi-layered novel with a lot of sub-plots and characters. Later, Wilkie Collins presented Sergeant Cuff in the *Moonstone* (1868), which became very popular. Apparently, the genre reached its highest popularity with Sherlock Holmes in the last decades of the nineteenth century. These two novels pioneer the genre with their plots and pave the way for sensation and scandals in literature. They were published in late 1850s and early 1860s, which define the phase between the Newgate and the sensation novels, so it is obvious that they reveal the features of both early Victorian crime narratives and the sensation fiction of the 1860s. If *Bleak House* had been published in the 1860s and place the sensation in its centre, it would have been a perfect example of the genre. *It Is Never Too Late to Mend* examines mainly the scandals in the prison system, though many of other novels by Charles Reade are known as sensation novels. *The Woman in White* is generally accepted as the first example of the genre which was published in 1860 after its serialization in 1859 and 1860.

This study analyses the fictions of Charles Dickens, Wilkie Collins, and Charles Reade in the light of the cultural and historical constructions of crime and criminality during the Victorian period. It attempts to show how the social and cultural conditions construct criminal identity in a material culture and how these representations affect literary production. While dwelling on the constructedness of criminality, it explains the authority and deficiency of the legal and punishment system in the nineteenth century. Belonging to the tradition of sensation fiction, these writers, especially Wilkie Collins and Charles Reade, attempt to challenge the conventional Victorian perspectives of crime and criminal behaviour. By examining

the traits, concepts, and theories of cultural materialism, it is seen how these writers resist traditional attitudes to crime in the Victorian age. Moreover, these novels will be read and studied regarding the power relations and the authority of ruling social classes in the nineteenth century.

In the second chapter, Wilkie Collins's *The Woman in White* (1859-60) will be studied in the context of Victorian cultural and social background. As it has been stated before, Collins attempts to challenge the conventional perspectives of criminal identity because of showing criminals from the upper class, contrary to traditional idea that criminal behaviour is an inherent characteristic of the poor and the working class. The criminal identities and crimes committed by Sir Percival Glyde and Count Fosco will be analysed together with Walter Hartright's amateur detection of these crimes which can be attributed to the inadequacy of the police force and the legal system in the Victorian age. They commit different types of crimes such as murder, forgery, poisoning, swindling, so it will contribute to our analysis of crime with its different kinds and accounts of criminality.

In the third chapter, Charles Dickens's *Bleak House* will be examined in the same context. It was published in 1852-53 as a serial, and it is apparent that it was written in order to criticize the court system and the class divisions. While the representation of the legal system is analysed in the novel, the position of lawyers and judges will be studied. The ways to deal with crime and the detection process of a murder, and the prosecution of potential criminals will be examined. While the deficiency of the court and trials is given through the never ending case of Jarndyce and Jarndyce, the position of lawyers and the newly found detectives is emphasized in a critical way.

In the fifth chapter, the prison system and the attitude towards the criminals are analysed in Charles Reade's *It is Never Too Late to Mend* (1856). Moreover, the power relations and the situation of the prisoners will be examined in addition to the representation of criminals, legislators and the punishment system. The victimization of criminals because of wardens' abusing their power and authority is what makes the novel unconventional. Thus, it is closer to Dickens's *Bleak House* in terms of presenting the relations between powerful forces and the criminals. Showing unbearable conditions and tortures in the prison, the novel challenges another traditional perception of criminality and discipline.

The incidents in all of the novels in this study were basically reflections of the real events in the Victorian age. Therefore, this makes the texts applicable in the study of cultural materialism in order to examine them as historical records and the representations of reality in a literary context. Moreover, in each novel, the writer presents a different perspective on the traditional ideas on crime, criminal and legal matters in the period. The writers of these novels can be said to have functioned as social critics, and their novels can be studied in relation to social conditions and cultural norms and perceptions of the period. These writers strived to catch the reader's attention about the ills and deficiencies in society and the legal system. Furthermore, they exposed the perspectives and collective consciousness about criminality and the legal system in the Victorian age.

It is claimed that these novels reveal the unconventional perspectives against traditional attitudes on crime and the penal system in the Victorian age. Investigating historical documents such as official reports by courts and the police on criminals and criminal cases, their reflections in newspapers, magazines and broadsides together with the examination of literary works in the same period will contribute to our cultural and historical understanding of the constructions of crime, criminality, courts, and the figure of detective.

## **2. WILKIE COLLINS'S THE WOMAN IN WHITE AND THE SHIFTING NATURE OF CRIME**

Wilkie Collins, one of the most distinguished writers of the Victorian sensation fiction, represents the Victorian perceptions of criminality, social and cultural constructions of crime and problems of the British legal system in his novels, combined with secrets and sensations. His fiction reflects many aspects including an interest in detection, documentary information, and dynamics of social identity blended with unconventional narrative styles. Many of his stories are constructed around legal issues, including wills, inheritance, marriage laws, and property rights in the nineteenth century. Andrew Mangham (2010, p. 381), in his chapter "Wilkie Collins (1824-1889)", clarifies the reason why his stories focus on law and criminal issues; that is possibly because Wilkie Collins was trained as a lawyer but preferred writing. Class and gender issues, social mobility, crime and the loopholes of the legal system feature substantially in his fiction. In the *The Woman in White* (1859-60), Collins portrays two major issues of anxiety in the middle class; these are madness and the intrusion of crime into the British upper class and gentility. The novel investigates the notions of criminal identity, and uses strategies of the detective work as it deals with crime in the nineteenth century.

*The Woman in White* represents one of the first examples of sensation novels. The serialization of the novel in 1859 and publication as a book in 1860 coincide with the appearance of sensation fiction as a genre; therefore, this novel has often been regarded as one of the first examples of sensation novel. With the plot in this novel, Collins also fed Victorian readers' craves for sensational incidents just like the ones in newspaper reports in that age. *The Woman in White* includes many sensational incidents which keep the middle and upper class reader enthralled and increase their appetite for tension and sense of excitement they were seeking in their dull lives. In the very beginning of the story, the horrifying portrayal of Anne Catherick, 'the woman in white,' is one of the most obvious examples of that.

In addition to desire for sensational stories, Lyn Pykett (2006, p. 53), in her chapter “Collins and the sensation novel” in *Cambridge Companion to Wilkie Collins*, states that the sensation novel is also related to the cultural atmosphere of the mid-Victorian age when people started to get away from each other and could not even get to know their neighbours. The Victorian fears about strangers and the fact that these people may hide something from their past are reflected in these novels, which is one of the most crucial reasons for the popularity of sensation fiction during the mid-Victorian age. As Andrew Lycett (2013, p. 2) mentions in his book *Wilkie Collins: A Life of Sensation*, Collins’s sensation novels were based on uncovering the double standards and hypocrisy beneath the surface of Victorian society. This hypocrisy is related to class issues in the nineteenth century due to the spread of stories about criminals from the upper class and aristocracy.

To clarify aforementioned arguments, it is appropriate to present a brief synopsis of the novel in order to understand the central themes and conflicts. The novel is actually narrated by Walter Hartright, a middle class painting teacher, who strives to unravel the mystery and crimes of two aristocrat characters, Sir Percival Glyde and Count Fosco. Hartright visits the Fairlie house to teach how to paint to Marian Halcombe, and Laura Fairlie, whom he later falls in love with. However, Laura is promised to Sir Percival by her late father before he died. For this reason, she cannot reciprocate Walter’s love, although she seems to be attracted by him. After a while, Laura and Sir Percival get married, and it is understood that Sir Percival is after Laura’s fortune that she inherited from her father. Realizing this, Walter traces his past and tries to collect statements from different characters in order to re-establish Laura’s identity which was swapped with Anne Catherick by Count Fosco in the past. Thus, Anne Catherick functions as a threat to Sir Percival because of her claim to have obtained the hints of a secret about him. After his efforts that last for months, Walter finally discovers that Sir Percival is the illegitimate son of an aristocrat, and he has forged the marriage record of his parents in the church’s book.

The narration in the story, therefore, renders as the collection of testimonies by different characters including Walter Hartright, who organizes and uses these statements as a means to reveal the crimes of villains and the identity of his beloved Laura Fairlie. With this complicated and sensational plot, Collins pioneers detective fiction with his novels. After the depiction of Walter’s amateur detective work in *The*

*Woman in White* (1859-60), he expands the act of detection to the figure of Sergeant Cuff in *The Moonstone* (1869), who is regarded as one of the first detectives in English literature. T. S. Eliot describes *The Moonstone* as “the first and greatest of English detective fiction” (1999, p. 426). Thus, Collins’ fiction is generally included in both sensation and the detective genre.

In the beginning of the story, the narrator directly features the necessity of telling a story resembling a court investigation. Collins here clearly addresses the Victorian middle-class readers who were quite thirsty for sensational stories generally about bigamy, murder, scandals in a British genteel home. He portrays real criminal trials with significant scenes of sensation which provide entertainment for the Victorian society. During the Victorian period, people would crowd the trials, especially sensational crimes such as murder, adultery, bigamy, or illegitimacy. Referring to this actuality in the very beginning of the story, Collins refers to a trial process, which means the narrators in the novel will act like witnesses in a court.

Wilkie Collins was possibly amazed by the fact that witnesses, indeed, contribute to the resolution of mysteries and crimes. As Michael Diamond (2003, p. 197) observes, Wilkie Collins was intrigued by the trial of William Palmer which became one of the most sensational cases in the mid-1850s. This is one of the reasons why he mostly employs a narrative structure with different characters’ testimonies. In this way, he attempts to create the same effect for readers who would crowd the trials to experience the excitement for sensational crime stories. Similarly, Lyn Pykett argues that domestic secrets and fears are the central concerns in the novel, and these generally cause “implosion and disruption of domestic stability as a result of secrecy or concealment of one kind or another” (2006, p.54) For instance, Count Fosco’s extensive knowledge on chemistry and implications that he might have poisoned or stunned some characters by using chemicals are prominent references to poisoning cases which created social panic in the mid-Victorian age. Additionally, Sir Percival’s secret and Anne Catherick’s bastardy are remarks to sensations in Victorian respectable families.

The way Wilkie Collins challenges social conceptions of Victorian morality during his lifetime; he shakes literary traditions on structural and thematic levels in his fiction. The opening of *The Woman in White* creates a sense of mystery and nervousness which is sustained until the end of the story. This mysterious narrative

draws the readers' attention throughout the story; that is what the sensation fiction tries to achieve by increasing the genre's popularity. Moreover, Collins brings important novelties in terms of characterization such as the characters of Count Fosco and Marian Halcombe. Notably, Marian Halcombe could be seen as one of the earliest strong women in English literature with her masculine features, and she attempts to solve the mystery in the plot. As Michael Diamond (2003, p. 197) points out, this portrayal of unconventional female character is one of the aspects of sensation fiction and its modernity that Collins elaborates. In addition to Marian, Count Fosco carries out as a very eccentric character. His effeminate style and excessive gallantry makes him a pretentious con-man who does not display characteristics of a criminal. Rosemary Herbert (2003, p. 37) describes con man or con artist as a character who takes advantage of others' confidence or weakness with the use of ingenious skills in deception, disguise, or manipulation. This description pertains to Count Fosco on a large scale, and this characterization presents hypocrisy and inclination to criminality in aristocrat members of society.

The inspiration for such sensational stories in the 1860s apparently came from the real incidents and newspaper reports about them, which brought about large numbers of sale. As Deborah Wynne (2001, p. 42) states in *Sensation Novel and the Victorian Family Magazine*, what Walter Hartright calls a strange family story coincides with many stories presented in Charles Dickens's *All Year Round*, so the story's comparison to the incidents is very apparent. She points out that the fictional stories about financial crimes such as forgery were also supplemented by articles and news about the same crime as a sensational feature (Wynne, 2001, p. 51). This shows the cultural atmosphere of the Victorian age where scandalous and sensational news helped the popularity of sensation fiction; thus, the novels were constructed around criminal issues.

Similar to his inspiration from the trials for the narrative structure of the novel, Wilkie Collins is inspired plot-wise from a French case in the late eighteenth century. In this case, Madame de Douhault's brother conspired to get the money she had inherited from their father by confining her to a lunatic asylum under a fake name (Pykett, 2005, p. 130). Hence, Collins emphasizes the fact that the crimes, especially monetary ones, could be committed by the members of the respected society as much as the ones from the lower levels of it. This issue stresses the hypocrisy in the

Victorian society and social double standards, for the novel reveals the neglected reality that criminality is not limited to the working class.

Employing these subjects in his fiction, Collins tries to show the ways in which perceptions of class and social identities were formed in the Victorian age. Class differences play a major role in the novel, which affects the course of the events. Marian, Laura, and Walter all three undergo processes of social change throughout the story, and they finally return to Limmeridge House. Therefore, this chapter mainly focuses on unconventional criminal identities different from traditional perspectives, the critique of laws, amateur detection and its relationship to the condition of the legal system. In addition to dynamics between criminality and social identity, the novel is also related to the Victorian discussions about crime and the efficiency of detection and policing system. While the popular novels of Collins vigorously accentuate these issues, they refer to the outcomes and the potential for change in the Victorian society.

## **2. 1. Aristocrat criminals: Sir Percival Glyde and Count Fosco**

In *The Woman in White*, one of the most crucial issues to touch upon is the representation of criminality and the perceptions of crime in the Victorian period. Wilkie Collins aptly challenges the relation between the notions of criminality and social identity through the insertion of criminals from the seemingly decent aristocracy. Like in many examples of sensation fiction, criminals are rarely from the working class in the novel, but they are generally well-educated and respected people. This could be highly related to scandals in the bourgeoisie and aristocracy in the mid-nineteenth century. About the upper class criminals, Andrew Mangham states that criminality “shifted from the slum districts of London to the comfortable firesides of the nineteenth-century suburbia” in the 1860s (2010, p. 383). That is, the perceptions of crime as an intrinsic feature of the lower class were subverted by the crime stories that portray the upper-class criminals. Victorian fiction inaugurated the representation of these shifting constructions of crime after the mid-nineteenth century.

In his stories, Collins is constantly fair in his sympathetic depictions of the poor and the working class. The characters from the lower class, although not abundant, are depicted as the victims of circumstances and social values. In *The Moonstone* (1869),

for example, Rosanna Spearman, one of the maids in the house, is wrongly accused of stealing the diamond, and she commits suicide mostly because of her shame and love for Mr. Blake, the gentleman of the house.<sup>11</sup> On the other hand, Collins is quite consistent in his portrayal of the brutality, hypocrisy, and pretentious gentility of the bourgeoisie and aristocracy. Sir Percival Glyde and Count Fosco, the villains in *The Woman in White*, display all these qualities that sensation fiction applies to most of the characters from aristocracy. Although they look very privileged and noble, they are both quite reputable but pretentious in their social lives, which makes them acceptable in their social environment. Accordingly, it is implied that educated criminals could mask their criminal personalities by employing the manners and behaviours of an upper-class member. A. B. Emrys, in *Wilkie Collins, Vera Caspary and the Evolution of the Casebook Novel*, explains that Collins's stories and "plots pivot on the desire for money and status by relatively impoverished and greedy members of the upper middle classes" (2011, p. 118). The crimes they commit often stem from financial difficulties and their desire to keep their social status, which is correspondingly related to materialist values of the Victorian age.

What matters most here are unconventional criminal identities because their representations are closely connected to the criticism of traditional perspectives on criminality. In this respect, Sir Percival Glyde is the actual source of the mystery and crimes in the novel. He is an aristocrat who is born and raised abroad, yet he later comes back to England and inherits his father's property there. Everything about him seems ordinary until after his marriage because his marriage to affluent Laura Fairlie is a way to get the amount of money he needs for his debts. Thus, his motive for the marriage and his criminal actions is a materialist one. There is a clear reference to financial problems of the upper classes, and Sir Percival is in a huge debt, the substantial amount of which he intends to pay with the money he expects to receive from Laura. He tells Count Fosco that "[t]he money is only to be got in one way, and in that way, I tell you again, it *shall* be got" (p. 201). Here, he talks about the legal and the safest "way" to take money from his wife, which will definitely erase all the

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<sup>11</sup> Collins, Wilkie. *The Moonstone*. (1869) 1999. Hertfordshire: Wordsworth Editions

suspicious about them. As Deborah Wynne states, these novels “addressed common anxieties about the difficulties of regulating a rapidly expanding urban society whose wealth was dependent on the mysterious processes of an anonymous marketplace” (2001, p. 51). Thus, in this relation, Sir Percival’s situation could be seen as a reference to the financial issues of the middle-classes and forgery cases. Accordingly, his forgery refers to general Victorian anxiety about gentlemen criminals.

Sir Percival is a pretentious upper-class criminal who strives to exploit the laws and take advantage of social, economic, and emotional sensitivity of a lady. He seems to be an aristocrat with virtues, yet he is not virtuous, but morally corrupt. His practices are all related to his obsession of maintaining his social status by resolving his financial problems. In the novel, he commits all the crimes in order to get money and cover his financial problems and fake his social identity. Jack Katz points out that crime represents a search for “the goals [people] seek in different ways –mainly money and all it can buy” (cited in Goode, 1990, p. 6). For Sir Percival, the easiest way to do this is to marry Laura and steal her fortune, without being punished legally and socially. In this way, Sir Percival and his friend Count Fosco commit serious crimes with the aim of accomplishing their material gains in order to stay in the same social strata. Count Fosco later explains their situation as such:

The bond of friendship which united Percival and myself was strengthened, on this occasion, by a touching similarity in the pecuniary position on his side and on mine. We both wanted money. Immense necessity! Universal want! Is there a civilised human being who does not feel for us? How insensible must that man be! Or how rich! (p. 544)

Here, Count Fosco points out the fact that his friendship to Sir Percival is based on economic terms. He helps Sir Percival’s criminal acts on condition that he receives the amount of money he needs in return for his service for Sir Percival’s monetary and criminal aims. As it is observed in this part of narrative, Count Fosco seems to be right in his request for money even though it is through illegal ways. He presents himself as a man desperately in need of money, and strives to conceal the fact that his monetary aim for getting a part of Laura’s possession is more important than her life. His pretensions and extravagantly polite manners mask his criminal identity even in his writing. He continues to manipulate Sir Percival and states that the

amount of money he needs is a lot less than what Sir Percival needs; however, he would help him in any case:

"Cut it short! I wanted some thousands and you some hundreds, and without the money we were both in a fair way to go to the dogs together. There's the situation. Make what you can of it. Go on."

"Well, Percival, in your own solid English words, you wanted some thousands and I wanted some hundreds, and the only way of getting them was for you to raise the money for your own necessity (with a small margin beyond for my poor little hundreds) by the help of your wife." (p. 290)

Count Fosco skilfully understates the fact that he needs money by mentioning his "poor little hundreds", for the amount he needs is so little compared to the one Sir Percival needs. As a result of that, Sir Percival tries to use the legality of his marriage to make Laura sign a document which will probably let him get the amount of money from Laura's fortune. In the nineteenth century, criminality that is presented here, like in many sensation novels, generally includes crimes related to exploitation of "legal technicalities", not violent actions (Walters, 1973, p. 3). When Laura denies signing that document without understanding what it is about, Sir Percival loses his temper and unsuccessfully tries to force her to do it. Then, Marian asks for help from Mr. Kyrle, a friend of their lawyer Mr. Gilmore. Mr. Kyrle says that it must be for getting an amount of money from Laura. Thus, consulting a lawyer again solves their problem a short time because Mr. Kyrle does not assist them further. Both sides consult the law in different ways and for different reasons. While Marian and Laura look for legal counsel, Sir Percival and Count Fosco try to find legal means for their mercenary misdeeds. Firstly, they abuse the laws which enable men make use of their wives' fortune because Sir Percival can receive Laura's fortune after her death. Moreover, they can easily get away with punishment because of their upper social status and clever schemes. Walter, in order to pursue these criminals, cannot get legal assistance due to his social status and deficiencies such as the slow process in criminal investigations. All in all, these show that the legal system does not work efficiently and it can be abused because of the loopholes in many laws and legal procedures.

Sir Percival's imprisonment of Laura and her half-sister at home is also motivated by material goals as well as family secrets. Typically in sensation fiction, secrets and intrigues are interconnected with the material motives of the crime in the novel. The money he gains from his marriage will allow him to live in the manner of a

gentleman. Accordingly, Count Fosco and Sir Percival Glyde “will stop at nothing to salvage their social positions”. (Emrys, 2011, p. 118) They keep the sisters at home in order to prevent their communication with anyone and stop possible help they can get from outside. In addition, the sisters are also forbidden to see each other on the grounds that they are extremely ill. Even Mr. Gilmore unexpectedly says that Sir Percival should obey the arrangement or he will think that Sir Percival “exposes himself to the base imputation of marrying Miss Fairlie entirely from mercenary motives” (p. 139). In other words, Sir Percival’s monetary aims in getting married to Laura are foregrounded in many parts of the novel.

In addition to this, Anne Catherick, the woman in white whom Walter comes across with in the beginning of the story, is incarcerated because of Sir Percival’s secret which would ruin his life as an aristocrat. Accordingly, Anne is kept in an asylum due to her implications that she knows Sir Percival’s secret, even though she does not actually. She just overhears the conversation between Sir Percival and her mother about a secret that is important to him. Thus, she pretends to know this, which would be seen as a threat to Sir Percival. Because of that, she is kept in an institution for being allegedly insane due to her slight mental deficiency since her childhood. Sir Percival thinks that he can get rid of a possible threat of the revelation of his secret. However, Anne escapes from the asylum and wanders around the Limmeridge House in order to reach and warn Laura about the possible dangers in him and her marriage to Sir Percival in the near future. Wilkie Collins refers to injustices and malfunction of asylum system in the Victorian age similar to Charles Reade’s criticism of asylums in *Hard Cash* (1863). It is seen that a respectable gentleman can easily incarcerate a woman in an asylum because these institutions do not closely investigate patients like Anne Catherick. In this way, Percival can discard her by taking advantage of this defective system in asylums and scandalous cases in which male relatives confide their female relatives into lunatic asylums (Pykett, 2005, p. 131).

After his efforts of inspection, Walter discovers that Sir Percival’s secret is much worse than his mere intention of stealing Laura’s fortune. Walter continues his investigation in the place where Sir Percival and Mrs. Catherick’s mother secretly met in the past. Walter finds out that Sir Percival actually does not have a claim for the privileges he enjoys in England due to the English laws of illegitimacy. He

reveals that Sir Percival forged his parents' marriage record in the church's book in the vestry and created his legitimacy by himself because his parents were not married when he was born. Walter learns that the previous priest of the church kept another copy of the church book of records. Then, he finds out that this marriage record compressed into a narrow space at the bottom of a page, and the same record is absent in the other copy of the book which Sir Percival is not aware of. That means Sir Percival has written this marriage record himself in the church's book, and this makes him an illegitimate son in the eyes of Victorian laws and moral values. As Walter finds out in the other copy, "a blank space" is a reference to Sir Percival's identity founded on nothing. However, he creates his social identity and makes himself accepted in the society with his gentility and artificial legitimacy. Sir Percival's identity is in fact his own fabrication inspired by his aristocratic relationships in the society. Wilkie Collins obviously points out the constructions of social and criminal identities because Sir Percival abuses traditional perspectives of criminality that are bestowed to the poor because he tries to get away with his crimes by faking aristocracy.

While Sir Percival is trying to prevent Walter from learning the truth about him, he is locked in the vestry because of the broken door. The vestry catches on fire and burns him inside, destroying the book where the forged marriage record is kept. Sir Percival's burning to death like in a hell-fire in the church vestry is both a shocking scene and a relief for the Victorian reader because his death means the destruction of the threat to class issue. If he was not dead, Victorian reader would suspect that an illegitimate man could easily be a gentleman, menacing the social order and class distinction.

Sir Percival's inefficiency to stop Walter's interrogation about him is another aspect that makes him an unconventional and an inadequate criminal. Sir Percival's only motive is money and higher social status, yet he is not a wise and cunning criminal as expected. His only crime is forging his parents' marriage records in the book of the church through the help by Anne's mother. This is related to the illegitimacy laws in the Victorian age, which Collins ably criticizes. Moreover, Sir Percival's ineffectuality and incapability in plotting against Laura and Marian without Count Fosco's assistance refers to Victorian morality and sensibility about criminal identity. Sir Percival, despite not being a naive aristocrat gentleman, still cannot be as skillful

as Count Fosco in criminal actions. This shows Victorians' attributing criminal identity to the lower levels of society because traditionally Sir Percival is not regarded as a criminal.

Through his criminal identity, Count Fosco can be one of the most interesting and eccentric characters portrayed in English literature. His pretentious and exaggerated manners, his effeminate style and desire for fashionable clothes, as well as his constant love for his birds and rats make him a peculiar con-man. He is a perfect example of the Victorian con-men who were extremely pretentious and extravagant in their manners and lifestyle. Through their pretentious gestures, they would manipulate and trick people much more easily in their criminal actions. In addition, Count Fosco stands for a foreign villain with more talent and intelligence than Sir Percival. His being more skill in crime than a British gentleman satisfies Victorian conceptualizations of criminal identity with foreign background.

The fact that Collins portrays Count Fosco as a more intelligent and a more talented criminal compared to Sir Percival provokes Victorian readers' fear of foreign people as criminals. Sir Percival's inexperience and ineptness in committing and concealing his crimes can be alluded to Victorian concept that a British gentlemen cannot be such an atrocious villain. As an example, Clyde K. Hyder describes the crime and the scheme after Anne Catherick's death as "too ingenious for a British villain" (1939, p. 302). The idea was that only a foreign or very devious criminal could be guilty of such a serious misconduct, but not a well-born British man. This attitude is also emphasized in the following extract:

"Before they had been quite four months in our neighbourhood there was a dreadful scandal and a miserable break-up in their household. Both of them were in fault--I am afraid both of them were equally in fault."

"You mean both husband and wife?"

"Oh, no, sir! I don't mean Catherick--he was only to be pitied. I meant his wife and the person—"

"And the person who caused the scandal?"

"Yes, sir. A gentleman born and brought up, who ought to have set a better example. You know him, sir--and my poor dear Anne knew him only too well." (p. 421)

Walter interviews a woman from the village Mrs. Catherick lives in, and she talks about the scandal in the village because of the seeming adultery between Sir Percival and Anne Catherick. The social expectations about Sir Percival as a gentleman are destroyed because of this scandalous incident. As the woman says, he is expected to be more decent and thoughtful regarding his social status. Nevertheless, he is not punished or condemned openly after his ostensibly immoral relationship with her. It is probably because of his social status which prevents people from misjudging and detesting him.

After Laura and Sir Percival's honeymoon, Sir Percival and Count Fosco have an interesting conversation on criminal identity and crime when they talk about the position of the lake around Blackwater Park. The following quote denotes their ideas on criminality:

“[...] It looks just the perfect place for a murder, doesn't it?”

"My good Percival," remonstrated the Count. "What is your solid English sense thinking of? The water is too shallow to hide the body, and there is sand everywhere to print off the murderer's footsteps. It is, upon the whole, the very worst place for a murder that I ever set my eyes on."

[...]

If a fool was going to commit a murder, your lake is the first place he would choose for it. If a wise man was going to commit a murder, your lake is the last place he would choose for it. (p. 205)

At this moment, Count Fosco classifies criminals as wise and fool, which astounds Laura to a great extent, and thus she starts questioning him. This quotation unravels Count Fosco's perception of morality and criminality. For him, if a man commits a crime without leaving a trace behind, this man is a wise man who deserves respect. Also, he does not discuss morality in criminal behaviour, but only the appropriateness of the place for a murder. Marian is terrified by this discussion on crime and asks boldly “why Count Fosco should celebrate the victory of the criminal over Society with so much exultation, or why [...] Sir Percival, should applaud him so loudly for doing so” (p. 208). By asking that, Marian strengthens her suspicions of these two men about their criminality. Her bewilderment indicates Victorian morality and reactions against such a revolting conversation on criminality.

The novel portrays the loopholes of the legal system which help smart criminals to get away with their crimes. The following description is a prominent example because this is the first time Count Fosco openly elaborates his ideas on the legal system and criticizes the inadequate efforts to show the policing system as effective in contrast to general belief that it is quite an effective system:

The machinery it has set up for the detection of crime is miserably ineffective--and yet only invent a moral epigram, saying that it works well, and you blind everybody to its blunders from that moment. Crimes cause their own detection, do they? And murder will out (another moral epigram), will it? [...] In the few cases that get into the newspapers, are there not instances of slain bodies found, and no murderers ever discovered? Multiply the cases that are reported by the cases that are NOT reported, and the bodies that are found by the bodies that are NOT found, and what conclusion do you come to? This. That there are foolish criminals who are discovered, and wise criminals who escape. The hiding of a crime, or the detection of a crime, what is it? A trial of skill between the police on one side, and the individual on the other. When the criminal is a brutal, ignorant fool, the police in nine cases out of ten win. When the criminal is a resolute, educated, highly-intelligent man, the police in nine cases out of ten lose. If the police win, you generally hear all about it. If the police lose, you generally hear nothing. And on this tottering foundation you build up your comfortable moral maxim that Crime causes its own detection! Yes--all the crime you know of. And what of the rest?" (p. 207)

Collins, through Count Fosco, implies the defective situation of the policing system and questions its efficiency. Count Fosco apparently talks about the Metropolitan Police and the Detective Department which is founded later. This ineffective policing and detection of crimes can be associated with abundant criminal actions. Count Fosco makes clear the fact that the inefficiency of the police is covered with few successful stories of catching the criminals and bringing the order. He clarifies how an illusion is created socially in order to cover the ineffective policing system. It is pointed out that undetected crimes outnumber the detected crimes. Furthermore, as a very proud and cunning criminal, Count Fosco refers to the types of criminals, for it is quite easy for the clever criminals to get rid of the legal means. This shows that,

compared to petty criminals, Count Fosco is a much more dangerous threat to society owing to his ideas on crime and his strong criticism of the English police. Whereas Count Fosco criticizes the efficiency of the police, he puts his faith in the clever mind of the criminal. Yet, his undetected crimes by an official authority strengthen his theories on crime and criminal identity, and the inefficiency of the policing system. Thus, this long speech on the weak condition of the law and detection gives the sense of a criminal's relief. Count Fosco, being a very sly and intelligent man, boasts about his skills and the plot he weaves to swap Anne and Laura after Anne's death. Collins, by using a criminal's voice on the critique of policing, presents a more effective manifestation of the legal system. Count Fosco's relaxed speech shows the inadequacy of the legal system which allows the members of the upper class to commit the crimes without being detected and unravelled if they are wise enough. He is so certain that he will never be caught by the police if he becomes careful and skilful enough. It is very much related to the newspaper reports on the police that have been mentioned in the second chapter. Collins, in Count Fosco's voice, elaborates the powerless situation of Victorian detection and the police force.

As opposed to Victorian stereotypes of criminals, Count Fosco unintentionally points out the fact that there are also educated and upper class criminals. It is ironic that, by talking about these kinds of criminals, he actually refers to himself and Sir Percival. Being a criminal whose crimes cannot be detected easily, Count Fosco represents the unconventional criminal identity. The criticism he expresses for the legal system is actually true. He criticizes the laws and the police for being ineffective in sharing the stories of their failures in detecting crimes. The crimes Count Fosco commits with Sir Percival are actually his plans which cannot be carried out by Sir Percival alone. Count Fosco is a very strong and intelligent ally for him, and their crimes go undetected by official authorities. They plot against Laura and cause Anne's death which can only be discovered through Walter's careful tracing and detection of their actions. Walter as an amateur detective with his investigation skills indicates the future detective characters because detective figures in the late nineteenth century solve crimes linked to upper class. They are the only reliable private figures in order to keep the scandals inside the British upper class house. The scandal in the novel is Percival's illegitimacy and crimes motivated by his financial problems.

About the money that they want to steal from Laura, Sir Percival tells Count Fosco that "the difficulty about the money is not the only difficulty. You would be for taking strong measures with the women yourself--if you knew as much as I do." (p. 292) Here, it is understood that Count Fosco does not know Sir Percival's secret which would ruin Sir Percival's life and make him "a lost man" in case of being revealed (p. 297). Sir Percival's anxiety about his secret is related to his social status. He is afraid of losing his status and that is the reason why he does not confide in Count Fosco, and thus he still hides the fact from Count Fosco. He possibly thinks that if Count Fosco learns his secret, he would not help Percival due to his inferior social status because the nature of their relationship is based on material and class terms. They both want to have money due to their financial problems and keep their social status just like they have been doing for many years. Although Count Fosco does not know the truth about Sir Percival, he keeps helping him till the end. As he knows he is going to get the amount of money he needs, he is inclined to accompany Sir Percival and assist him in his crimes. He brings out the implications of the conspiracy they are going to employ later in the story:

"You won't answer me? Well, then, let us say your wife dies before the summer is out----"

"Drop it, Fosco!"

"Let us say your wife dies----"

"Drop it, I tell you!"

"In that case, you would gain twenty thousand pounds, and you would lose----"

"

"I should lose the chance of three thousand a year."

"The *remote* chance, Percival--the remote chance only. And you want money, at once. In your position the gain is certain—the loss doubtful." (p. 294)

Although Sir Percival does not intend to cause her death in order to get the money, Count Fosco clearly and boldly implies the possibility of killing Laura, which would ensure their having the money due to the legality of their marriage. Here, he is portrayed as a more cunning and cruel man than Sir Percival, which once again satisfies Victorian attitudes towards foreigners and their inclination to crime rather than a British gentleman. Count Fosco hints that he conceives a shrewd scheme so as to get a large sum of money following the possible death of his friend's new wealthy

wife. This shows that crimes against property can also require crimes against human beings. The rising bourgeoisie is crueller than the lower-strata criminals. This is clearly observed in their aim to destroy Laura psychologically and incarcerate her in an asylum. They can ruin the lives of several people including Laura, Marian, and Anne just because of the crimes for financial gain.

When Marian falls extremely ill and unconscious for days, Count Fosco tries to prevent her from recovering and talking to Laura because Marian has already learned that their aim is to get Laura's fortune. When a doctor comes to examine Marian, Count Fosco intends to preclude him from curing her and even threatens him by saying that his methods are wrong. He says, "If that unhappy lady dies, I will give my testimony in a court of justice that your ignorance and obstinacy have been the cause of her death." (p. 333). Here, he threatens the doctor to take legal action, so he uses the legal system for his own aims. He wants to eliminate the doctor and maintain his plans to keep Marian ill until they send Laura away. Thus, he uses the legal institutions which English people trust more than anything. As he knows this English sentimentality for the legal system, he uses this in a covered courtesy and gentility. As it has been stated before, educated and upper class criminals can conceal their real identities and pretend to be very kind. Here, Count Fosco demonstrates his fake aristocrat personality because he seems to be caring for Marian while he tries to cover his aim of preventing her from revealing the truth about Sir Percival and Count Fosco.

Anne's mother Mrs. Catherick's conspiracy with Sir Percival reveals another issue on Victorian perceptions of crime. When Sir Percival and Mrs Catherick start meeting in the church room in order to forge the marriage record of Sir Percival's parents, people in the village accordingly speculate that they have been committing adultery. When she wants him to clear her name from this shame, he actually wants people to misjudge them in that way. Mrs Catherick, in her letter to Walter, explains everything about her relation to Sir Percival:

He told me plainly that it was his interest to let my husband and all my neighbours believe the falsehood--because, as long as they did so they were quite certain never to suspect the truth. I had a spirit of my own, and I told him they should know the truth from my lips. His reply was short, and to the

point. If I spoke, I was a lost woman, as certainly as he was a lost man. (p. 482)

In this way, Mrs. Catherick is labelled as an immoral woman in the village, which makes her an undesirable person. This helps Sir Percival feel relieved because he knows that Mrs. Catherick will never make close friends to talk about his secret. In the novel, Walter stresses this fact as such:

Reasoning on these assumptions, and always bearing in mind the one certain fact to guide me, that Mrs. Catherick was in possession of the Secret, I easily understood that it was Sir Percival's interest to keep her at Welmingham, because her character in that place was certain to isolate her from all communication with female neighbours, and to allow her no opportunities of talking incautiously in moments of free intercourse with inquisitive bosom friends. But what was the mystery to be concealed? (p. 425)

Sir Percival, just like he uses English laws in his case, also takes advantage of the Victorian social norms in order to distract people from any possible suspicions of their criminal behaviour. It is understood that an immoral relationship between a man and a woman is much more scandalous than forging a marriage record in order to identify and certify one's social status. Sir Percival, knowing this, lets people talk about them and condemn them for such a sensational affair. This can be seen, when people start accusing them of this relationship. One of the women in the village explains that:

Catherick has found a lot of lace handkerchiefs, and two fine rings, and a new gold watch and chain, hid away in his wife's drawer--things that nobody but a born lady ought ever to have--and his wife won't say how she came by them." Does he think she stole them?' says I. 'No,' says he, 'stealing would be bad enough. But it's worse than that, she's had no chance of stealing such things as those, and she's not a woman to take them if she had. They're gifts, Lizzie--there's her own initials engraved inside the watch--and Catherick has seen her talking privately, and carrying on as no married woman should, with that gentleman in mourning, Sir Percival Glyde. (p. 422)

This shows a significant side of the Victorian perceptions of crime because having an affair with another man and receiving gifts from him is a much worse crime than

stealing those items in the Victorian society. As D. A. Miller points out, what is more sensational and embarrassing than being punished by the law or appearing at a trial is “the social humiliation of its being publicly known” (1988, p. 14). In the novel, Mrs. Catherick bears the brunt of her misbehaviour with Sir Percival and endures the consequences of social shame instead of the risk of being punished by the legal authorities.

Collins’s novels include a lot of seemingly respectable citizens whose crimes are undetected by the police and cannot be discovered easily by the laws. This can be considered a reference to flaws and ineffectiveness in and of the legal system. Although Walter says that Sir Percival could be punished severely by transportation for years, this might not have been the case, as observed in Tichbourne the Claimant and Thomas Provis cases which Sir Percival’s case is very similar to. The ends of criminal characters in the novel generally come with a poetic justice and the influence of Walter’s amateur detection, but not through the official authorities. Sir Percival is burnt to death in a fire, and Count Fosco is killed by one of his former co-members of “the Brotherhood” he belonged to once. Even if the characters did not die this way, they would possibly get away with severe forms of punishment. This brings us to another issue to discuss; that is the feeble condition of the legal system and the laws.

## **2. 2. Criticism of laws and the legal profession**

The inefficiency in British laws, regarding the situation of women and illegitimate children in particular, have led many writers to be satiric and critical about these laws in the nineteenth century, and Wilkie Collins is one of these radical writers. As in most of his writing, Collins makes abundant use of the laws in *The Woman in White* for social criticism. Because many of his novels are related to legal system, it is inevitable to find highlights of the Victorian laws being criticized more explicitly. Lyn Pykett points out that some of Collins’s novels are “excellent examples of [...] more self-consciously reforming novels-with-a-purpose” (2005, p. 40). The purpose in Collins’s works is to elaborate on the legal issues which could be recognized in *The Woman in White*. In addition to laws of legitimacy, the laws relating to property rights of women were the subject of reforming activity and debate in the feminist

discussions. This can be recognized in the novel through a closer look at Laura Fairlie's and Sir Percival Glyde's cases.

Wilkie Collins's legal background influenced both his themes and his narrative technique in his fiction. Besides crime and detection, property and laws of illegitimacy are prominent issues to detect in *The Woman in White*. Wilkie Collins strives to raise awareness about the injustice in the English legal system and laws, especially in the ones about marriage, property, inheritance, and legitimacy. Dougald B. Maceachen (1950) emphasizes in "Wilkie Collins and British Law" how some Collins's novels might have speeded up the reforms in some laws related to matrimony, illegitimacy, and property because he was a passionate advocate of legal reforms in his age. In addition to narrative like a trial procedure, wills and inheritance are some of the main topics in the novel. With the allusions to the defects in the legal system, Collins here criticizes the laws with the examples of illegitimacy and women's property rights.

About the issue of legitimacy, there were no rights bestowed to illegitimate children for inheritance in the nineteenth century. As Dougald B. Maceachen (1950, p. 125) states, the Parliament did not implement a law for the illegitimate children until 1926 Legitimacy Act, which changed the status of illegitimate children and allowed them to be legitimated under some circumstances. It can be clearly observed how social norms construct the legal laws in order to discipline society. Illegitimacy was considered a prominent matter in relation to Victorian morality and social conventions. In the Victorian age, children born out of wedlock were seen as products of immoral and adulterous relationships as a reaction against strict moral values. Sir Percival's act of creating a social and legitimate identity for himself by making a fake marriage record of his parents can be interpreted as an action against the injustice in legitimacy laws. Although he may have rights of his father's property because he is the only son, he cannot legally secure these rights. The law makes him legally blank because he has no rights owing to his illegitimacy and the absence of a will from his father. Collins apparently criticizes the severity of laws by referring to the thin line between legitimacy and illegitimacy. That is, While Sir Percival obliterates his illegitimacy legally and makes himself the heir of his father's fortune, Laura is treated as illegitimate and dead in legal terms. This is not to justify hideous criminal acts like forgery, illegal inheritance, and attempt for murder; however, Sir

Percival would not have to do all these things if he had the rights of a legitimate son. Of course, it does not mean that he would not do any of the criminal acts he and Count Fosco have committed. He would again commit some of these crimes in order to get Laura's money because he would have financial problems even though he had been the legitimate son. Mrs. Catherick, in her narrative, says that Sir Percival's father had promised to do something for his son, but he did not, so the "son (who can blame his?) wisely provided for himself" (p. 480). Here, she almost justifies Sir Percival's deeds and blames his father for doing nothing for his son's inheritance legally, not even a will.

On the condition of laws, another issue to touch is Laura's marriage to Sir Percival and the incidents at Blackwater Park after their marriage; this emphasizes the situation of the laws about married women. Laura Fairlie's marriage and the matter of her inheritance and property, and the question of Sir Percival's getting her fortune as her husband are all references to the rights of women. Laura cannot have a word of her own about her property after the marriage. There has to be a lot of arrangements between both sides and the lawyers. Collins gives a very detailed account of Laura's property and her rights from the narrative by Mr. Gilmore. Although she has certain rights of property, marriage does not allow her the freedom because of the necessity to transmit these rights to her husband. Moreover, the fact that there is not a male supporter or heir in her family makes the situation worse because of her compulsion to get married.

There are no laws or legal authorities to consult in Laura's case. Even the lawyer of the family intends to disregard some of the circumstances, especially the suspicions about Sir Percival Glyde. Moreover, the absence of an adamant man in the family, apart from the family lawyer, does not give her any other chance than complying with Sir Percival and marrying him. Accordingly, the re-establishment of Laura's identity as Laura Fairlie can be interpreted as an attempt to reform women's property rights in the Victorian age. Her gaining the previous status as the lady of the Limmeridge House is a revival of women's rights to get their own property in the eyes of the legal system and society. Even at the end of the story, Walter gathers the villagers around the Limmeridge House in order to prove that Laura is not actually dead. Firstly, he has to convince the society about the facts and the reality about Laura before he goes to the legal and official authorities.

Concerning these laws, Jenny Bourne Taylor denotes in her article “Representing Illegitimacy in Victorian Culture” that sensation novels presents a wide range of narrative opportunities “for exploring how the concept of illegitimacy throws legitimacy itself into question, in particular, ‘legitimate’ marriage and the position of the ‘lawful wife’, who, like the bastard, is constructed as a legal fiction” (1996, p. 128). Both Sir Percival’s identity as the legitimate son and his marriage to Laura seem to be social constructs because they are constructed only in the eyes of the society in order to give the impression of a decent gentlemen with the help of legal procedures. Similarly, Laura is dead legally, and significant proofs need to be submitted in order to prove that she is actually alive. Thus, social identity is related to legal procedures both in its construction and loss. As Jonathan Loesberg (1986, p. 117) states in “The Ideology of Narrative Form in Sensation Fiction”, the loss of identity is a legal issue related to social mobility and status, not a psychological one. In *The Woman in White*, while Sir Percival loses his identity legally, Laura, on the other hand, has to re-establish her identity in legal terms. Thus, Collins presents class issue and the role of the law in controlling the lives of especially social groups who own property.

Apart from the injustice in the laws of property and legitimacy, the ineffectiveness and slowness of the legal process are emphasized in many parts of the novel. The law is so slow and ineffectual that the characters are rather unwilling to pursue legal proceedings. Walter, in the very beginning of the story, explains this as follows:

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-engaged servant of the long purse; and the story is left to be told, for the first time, in this place. (p. 1)

Similar to Count Fosco’s critique of the policing system as an inadequate product of “the machinery”, which is mentioned in the previous part, Walter speaks of the stillness of the same law. Furthermore, he clarifies that the laws do not help to solve every case. As a result, he does the investigation himself; otherwise, it would take him too long to do it by legal means. Collins again criticizes the legal system harshly

along Walter's statement that the law is the organized assistant of the wealthy, not everybody. Thus, the biased attitude of the legal system to different classes is emphasized by the lower-middle class painting teacher, Walter Hartright.

Through the figure of a sophisticated Italian gentlemen Count Fosco, Collins also elaborates on "a mid-century unease that lawlessness was becoming part of the fabric of society" because crimes go undetected in the novel similar to the real cases of forgery or poisoning (Lycett 2013, p. 201). Count Fosco boasts about his intelligence and criminal talent which is related to his comment on the intelligent criminals' generally not being caught by the police. In fact, he is not detected as a criminal by the authorities, and he can freely leave the country on condition that he helps Walter's efforts to prove that Laura is not actually dead. In "The Narrative of Hester Pinhorn, Cook in the Service of Count Fosco", she narrates how Anne Catherick who is actually covered as Lady Glyde is brought to the house and dies after a sudden change in her situation. She dies of a heart problem. With Count Fosco's instructions, this servant is told to say some certain things when she is questioned because of the incident:

In conclusion. I have to say, in answer to questions put to me--

(1) That neither I nor my fellow-servant ever saw my master give Lady Glyde any medicine himself.

(2) That he was never, to my knowledge and belief, left alone in the room with Lady Glyde.

(3) That I am not able to say what caused the sudden fright, which my mistress informed me had seized the lady on her first coming into the house.

The cause was never explained, either to me or to my fellow-servant. (p. 365)

Count Fosco, as a very intelligent man, is ready to do everything to gain his ends. Although he gives a kind of chemical to Anne Catherick, he orders Hester to say that he has not given anything to her. All the three things Hester has to say reveals the things Count Fosco actually did, and he ironically uncovers what he did. Once again, he uses the legal business to make his plot believable and adjusted to the laws. He knows that Hester's statement will be helpful to destroy the suspicions on him and there will not be further investigation about him.

About the situation of lawyers in the novel, Deborah Wynne states that Sir Glyde's forgery is not unravelled by the authorities, and "the only representatives of law Collins presents are the Fairlie's family lawyers who are incapable of preventing or exploring the criminal plots" (2001, p. 55). Despite the presence of lawyers as the only legal agents, they are quite ineffective in the process of chasing Count Fosco and Sir Percival as criminal figures. Indeed, there are three characters of lawyer in the novel: the Fairlie family solicitor Mr. Gilmore, Sir Percival's solicitor Mr. Merriman, and Mr. Gilmore's partner Mr. Kyrle. All these three characters are very representative of the Victorian legal system and social conventions. As Nicola Lacey (2011, p. 603) points out, Collins' view of the legal profession is uncritical because of his belonging to the profession. Although Collins seems to be attacking the law and the legal system, the figure of a lawyer in *The Woman in White* is presented initially as a decent and extremely moral character. However, in contrast to his decency, Gilmore is morally and blindly dependent on the laws. Moreover, he has all the characteristics of Victorian conceptualizations of social, moral, and legal issues. When Walter and Marian ask him to respond evidence about Sir Percival, he chooses to be neutral rather than judgemental. As a lawyer, Gilmore seems inclined to be on the side of the ones with higher social status. On this issue, Lyn Pykett points out that their "tendency to identify with the social status quo is one of the main problems about the lawyers" (2005, p. 122). The problem is that social statuses have tremendous effect on these lawyers, so they do not suspect the members of the upper class of committing crime.

As it has been explained, the lawyer Mr. Gilmore is presented as a helpful man because the lawyer in Collins's fiction is "a faithful family friend, banker, investment broker, and confidential adviser on every subject" (Maceachen, 1950, p.122). However, he turns out to be too blind to see Sir Percival's real character. This may be related to Collins's experiences in Lincoln's Inn, which was not unpleasant. Laura and Marian consult on their lawyer in any difficult circumstances that they come across. Walter, in his first encounter to Mr. Gilmore, defines him as "the exact opposite of the conventional idea of an old lawyer" (p. 99). Walter's quite positive description of Gilmore as a cheerful, ordered, and knowledgeable man gives the sense that a conventional Victorian lawyer barely gives the opposite impression on a

person. In other words, Collins explains the general idea that lawyers are not that cheerful and friendly.

Mr. Gilmore serves as the only trustworthy family friend and assistant who acts as a reliable consultant for help and assistance. Collins seems very sympathetic towards the lawyer Mr. Gilmore as he gets ill because of over work and needs a vacation (Wynne, 2001, pp. 44-45). In that sense, Collins is quite subjective in his description of the family lawyer Gilmore who comes out as a hardworking and truthful man. However, behind this decent character, his ineffective position is emphasized respectively throughout the novel. Mr. Gilmore, who also does not believe in Sir Percival's guilt, tries to take over Walter's work. Nevertheless, he is not as motivated as Walter to find out the truth about Sir Percival. Mr. Gilmore, as the representative of the Fairlie family, functions as an advocate of social division. Although he is a middle class lawyer, he addresses Walter as if he himself belonged to the family. He tells Walter to quit searching for the traces of the incident about the anonymous letter about Sir Percival and says that the search will be carried out alone by himself. Thus, he and Marian strive to eliminate Walter and prevent him from interfering in their family issues because Walter is a middle class teacher, and he is not welcomed to be involved in the secrets of an upper class family.

Mr. Gilmore depends on "the great beauty of the Law that it can dispute any human statement, made under any circumstances, and reduced to any form" (p. 114). He says that because his duty is "judicial kind", he thinks he can do anything legal to fight against Sir Percival (p. 114). However, he does not doubt Sir Percival's statements due to his social status as an aristocrat gentleman. He does not suspect Sir Glyde as much as Walter does. Additionally, Mr. Gilmore states that: "Sir Percival stands very high, sir – an eminent position, a reputation above suspicion – I feel quite easy about results – quite easy, I am rejoiced to assure you" (pp. 101-102). By claiming that the case is very "common", Gilmore also approves Sir Percival's social status and wealth. In this way, Gilmore's unconventional description as a modest lawyer turns out to be very traditional.

Mr. Gilmore, with his traditional personality, advocates class difference which is clearly understood from his attitude towards the social gap between Laura and Walter, and his positively biased approach to Sir Percival. Because Sir Percival is an aristocrat, Gilmore does not even imagine the possibility of his being a criminal.

Apart from his confident attitude towards Sir Percival, Gilmore is quite aware of the class differences between Laura and Walter, and he sees Walter just as a usual drawing teacher who strangely interferes in the family issues of Laura Fairlie. When Walter asks about the marriage of Laura and Sir Percival, Gilmore reveals that: “However accidentally intimate he might have been with the family at Limmeridge, I could not see that he had any right to expect information on their private affairs” (p. 136). For conventional Victorian morality that Mr. Gilmore represents, Walter’s intimacy to the family is unexpected and accidental, and he should not consider himself that close to the family.

In addition to Mr. Gilmore, Sir Percival’s lawyer, Mr. Merriman, is described as deceitful by Gilmore. While mentioning him, Gilmore says that “the hardest of all to deal with are the men who overreach you under the disguise of inveterate good-humour” (p. 133). Even before the marriage, the lawyers of both sides try to negotiate about the inheritance of Laura Fairlie but they fail. Sir Percival’s lawyer does not accept the arrangement that Laura’s fortune should be shared among her future children, Miss Halcombe, and Sir Percival after the marriage on condition that she dies before Sir Percival. However, Sir Percival’s lawyer urges that the fortune should belong to Sir Percival on that condition. He reports: “No admissible. The principal to go to Sir Percival Glyde, in the event of his surviving Lady Glyde and there being no issue” (p. 131). This could be a reference to the material motives for the marriage and the crimes Sir Percival and Count Fosco are going to commit later in the story. It is very apparent that Sir Percival is getting married to Laura for the fortune she has inherited.

The relationship between laws and their inefficiency is emphasized when Sir Percival locks Laura in her room. After Marian is not allowed to see her, she goes to talk to Sir Percival and says: “There are laws in England to protect women from cruelty and outrage. If you hurt a hair of Laura’s head, if you dare to interfere with my freedom, come what may, to those Laws I will appeal” (p. 262). This exclamation is very ironic because neither Marian nor Walter appeals to laws in any circumstances. They know the inadequacy and ineffectiveness of the legal system, which will be of no help to them. It is foregrounded in the novel as such:

A very little reflection, when the capacity to reflect returned, convinced her that any attempt to identify Lady Glyde and to rescue her by legal means,

would, even if successful, involve a delay that might be fatal to her sister's intellects, which were shaken already by the horror of the situation to which she had been consigned. (p. 380)

Marian does not want to conduct legal means due to their slowness and ineffectiveness. She knows that it would not help their situation. Even if it does, it would take a lot of time. Hence, Collins here refers to the inadequacy of the legal system once more. This is why Walter himself tries so hard to collect evidence to prove the real identity of Laura because of the inadequacy of laws.

After he starts his investigation in more detail, Walter visits the doctor who witnessed the Laura's death. Walter says that he was "sent by Miss Halcombe to collect, if possible, more particulars of her sister's last illness than Mr. Kyrle had found the time to procure" (p. 394). As Mr. Kyrle's investigation was so careless and cursory, Walter performs the rest of the task without conducting the laws. The lawyers' dependence on laws makes the investigation of these kinds slighter and slower. Furthermore, after completing the easier task of questioning the people related to Laura's death in some way, he starts "the dark and doubtful way, which began at a lawyer's door" (p. 395). The use of "the dark" and "the lawyer's door" in the same statement evokes rather critical approach to the legal profession. This statement could be analysed in different ways. The way Walter handles in chasing Sir Percival and Count Fosco could be dark and doubtful because of the lawyer's incompetence to assist him in legal terms. That is the reason why Walter takes over the detective work in order to reveal the crimes of the villains in the novel.

### **2. 3. Walter Hartright: the amateur detective**

Wilkie Collins's characterization of Walter Hartright embodies complicated Victorian perceptions of social identity and the legal system. Collins blurs Hartright's social status by placing him in a position between a lower class artist and a later landowner (Pykett, 2005, p. 55). He is a cultural intellectual in an obscure social place and an amateur detective figure who seems to be striving to climb the social ladder. Moreover, he is the one who is mostly opposed to pretentious aristocrats and intellectuals namely Count Fosco and Sir Percival. What is more, Walter seems to be in transition from a painter to an aristocrat with property as long as he proceeds in his narration and criminal investigation.

In relation to Walter's position in the novel, there is an ironical relationship between law and illegality due to the dynamics between criminal behaviour and lawful processes. In this way, Collins's critique of the British legal system prevails. In "Reading Detection in *The Woman in White*", Mark M. Hennely, Jr. denotes that "Fosco works within the law, indeed with Glyde even uses the law to steal Laura's inheritance and achieve Glyde's illegal ends, while Hartright works outside the law even to the point of being arrested [...], in order to secure Laura's legal rights" (1980, p. 461). Count Fosco and Glyde manipulate law, and seek to cover their criminal identities through the legality of their deeds; Walter, on the other hand, investigates the case and their crimes on his own without conducting legal means which even leads him to break the laws. Similarly, referring to his and Marian's place in the eyes of society, Walter points out blind Victorian moral and social values which make people insensitive to the reality:

We two, in the estimation of others, are at once the dupes and the agents of a daring imposture. We are supposed to be the accomplices of mad Anne Catherick, who claims the name, the place, and the living personality of dead Lady Glyde. [...]

In the eye of reason and of law, in the estimation of relatives and friends, according to every received formality of civilised society, "Laura, Lady Glyde," lay buried with her mother in Limmeridge churchyard. Torn in her own lifetime from the list of the living, the daughter of Philip Fairlie and the wife of Percival Glyde might still exist for her sister, might still exist for me, but to all the world besides she was dead. Dead to her uncle, who had renounced her; dead to the servants of the house, who had failed to recognise her; dead to the persons in authority, who had transmitted her fortune to her husband and her aunt; dead to my mother and my sister, who believed me to be the dupe of an adventuress and the victim of a fraud; socially, morally, legally--dead. (p. 372)

Here, the complex relationship between legality and illegality is emphasized by Walter's narration. While Laura is dead in the eyes of society and legal authorities, the reality is different from what everybody thinks. Laura's death is in fact Count Fosco and Sir Percival's scheme to present her death in legal ways by way of burying Anne Catherick under the name of Laura Fairlie. Thus, the legal system approves

something not real and right. In addition, Walter and Marian are regarded as criminals that abduct Anne Catherick, who is actually Laura Fairlie kept in the asylum under the name of Anne Catherick.

Walter also criticizes the authorities who have transferred Laura's fortune to her husband and aunt without much investigation as she is considered legally dead. Emphasizing his lower social status and the absence of financial power for legal investigation, Walter elucidates this as such:

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. (p. 563)

Walter stresses both his poverty and the inefficiency of the laws. At the same time, he highlights the issue of legality and wealth as prominent. Even if they had money to conduct laws, it would not be helpful. The inadequacy of the legal system is emphasized no matter how rich each person is. Thus, laws allow people to inherit their wives' fortunes; however, they are not very effective in cases of fraud, conspiracy, and re-establishment of lost social identity. Walter, in a way, is content that he does not have financial power in this process of investigation. He is of this opinion until he restores Laura's identity and becomes the owner of the house after their marriage. Jan-Melissa Schramm (2000, p. 13) emphasizes that Walter's lower social status triggers his action for himself, and he continues his investigations illegally in order to restore Laura's identity as well. His poverty is his motivation both to unravel Sir Percival's crimes and to marry Laura. Accordingly, in this goal, the lack of social and legal control provides Walter Hartright the freedom of pursuing the criminals.

The complicated relationship between law and justice is underlined in the opening of the narration by Walter. Although he says in the beginning that he uses "the machinery of law", all the things he does are out of the law. The things Walter does

for his aim show criminal behaviour, but they are ignored here because of his convincing character and his aim for bringing justice and helping Laura. Walter assures himself that sometimes justice can only be reached outside the law if it is used for good means.

Apart from the poor condition of the laws and the relation between legality and illegality, the situation of courts and the process of legal investigation should also be analysed due to some detailed descriptions of them in the story. When Walter is prevented from going to the church vestry by the men of Sir Percival, they deliberately create a fight to apply to legal means to stop him. The process of questioning Walter and dragging him to the court is described as such:

We went on to the town-hall. The clerk made out a formal summons, and the charge was preferred against me, with the customary exaggeration and the customary perversion of the truth on such occasions. The magistrate (an ill-tempered man, with a sour enjoyment in the exercise of his own power) inquired if any one on or near the road had witnessed the assault, and, greatly to my surprise, the complainant admitted the presence of the labourer in the field. I was enlightened, however, as to the object of the admission by the magistrate's next words. He remanded me at once for the production of the witness, expressing, at the same time, his willingness to take bail for my reappearance if I could produce one responsible surety to offer it. (p. 457)

Here, the magistrate of the town-hall is described as a repulsive man who enjoys his power and position. Clive Emsley explains magistrates' position by clarifying that they "had always been effective during the eighteenth and the nineteenth centuries, while the juries were becoming less and less active in the high courts" (Emsley, 2005, p. 202). Walter probably dislikes the magistrate because once again his investigation is prevented by an insignificant inquiry about his whereabouts in the village and his fight with the man who apparently follows him. This inquiry is presented as unreasonable because of the inefficiency and artificial atmosphere. Another important aspect is the necessity of a trustworthy person as a guarantee for him to be released. In other words, social status is important even for the release of one from a trial or inquiry.

After the fire in the church and Sir Percival's death, the inquiry is carried out in the next day, which is described by Walter as:

The London solicitor of the deceased (Mr. Merriman) was among the persons present. But he was quite unable to assist the objects of the inquiry. He could only say that he was inexpressibly shocked and astonished, and that he could throw no light whatever on the mysterious circumstances of the case. At intervals during the adjourned investigation, he suggested questions which the Coroner put, but which led to no results. After a patient inquiry, which lasted nearly three hours, and which exhausted every available source of information, the jury pronounced the customary verdict in cases of sudden death by accident. They added to the formal decision a statement, that there had been no evidence to show how the keys had been abstracted, how the fire had been caused, or what the purpose was for which the deceased had entered the vestry. This act closed the proceedings. The legal representative of the dead man was left to provide for the necessities of the interment, and the witnesses were free to retire. (p. 491)

This detailed description of the inquiry unravels essential information about the inquiry system and the nature of the questioning after such terrible incidents at the church. Sir Percival's lawyer, Mr. Merriman, cannot help with the solution of the case although he is his solicitor and thus must know some important information about Percival. However, neither Mr. Merriman nor anyone else related to Sir Percival is questioned in detail. No further investigation is executed about the case and Sir Percival. This is in total contrast with what is expected from the British laws and what Walter has done until that moment. "The inquest was hurried for certain local reasons which weighed with the coroner and the town authorities." (p. 471). It means that the investigations in smaller courts were in the hands of the local authorities at that time.

In addition to the deficiency of laws, there are no useful police officers or detectives in the novel. Not an officer is appointed for the resolution of the case although the police and detective department had already been established at the time when the novel is set in. The absence of any professional is a crucial implication of the inefficiency of the policing system. The novel was written in the end of 1850s but the story is set in the 1840s, which evidences that nothing changed much since that time

in spite of the great efforts that were made to improve the police department. The only one in detective work is of Walter, and trials are so trivial for him that they even prevent Walter from succeeding what he aims for. The absence of a police officer or a detective is also a reference for Victorian middle class fears about the interference of the police into their house. The intrusion of the police into British genteel house voices the anxiety about the revelation of the family scandals. That might be one of the most considerable reasons why there is no police in Limmeridge House and Blackwater Park and why they do not want help from the police, but only from the lawyer as a loyal servant to the family. In the novel, criminal acts stay free from state, and public interference. As public authorities are unaware of Sir Percival's forgery, his death is an unofficial execution, the reasons of which cannot be questioned and learned properly. Right after Walter's first encounter to Anne Catherick, he comes across with two men who look for a woman in white. These men ask a police officer about this woman and they say they will "pay all expenses, and a fair reward into the bargain" (p. 21). It can be understood here the police officers were not paid much and they would cover their expenses by the public. The reward is also a reference to the police to be financially motivated to fight the criminals.

With his objective attitude towards the police, Walter seems to be a usual citizen in the beginning of the story. Nicholas Rance, the writer of *Wilkie Collins and Other Sensation Novelists*, explains that "Hartright's confidence in the sweetness and light of the established social order of which the police are guardians has been undermined" (1991, p. 86). In the beginning of his encounter, he seems non-reactionary to the police maybe because of the senses Anne has aroused in him. However, when he starts his investigation to save Laura from her marriage and fake identity, he turns out to be rather reactionary towards the legal system by understanding its defects.

In the novel, Mr. Gilmore's partner Mr. Kyrle, another lawyer, functions as the other figure of amateur detective for a short time. However, he cannot perform this investigation smoothly because he believes everything he hears to be true, and finalizes the task of questioning Laura's sudden death. This could be another allusion to the deficiency in the legal system and detection. Mr. Kyrle, in spite of having legal power to perform the investigation, does not carry out this task due to the legality of

the death and Count Fosco's social status. Since Mr. Kyrle is not motivated to find out the truth, this task is passed on to Walter, who is much more stimulated to re-establish Laura's identity, get her fortune back, and finally marry her. Walter explains the situation of Mr. Kyrle and Count Fosco's influential character as such:

To exhaust this part of the subject before going farther, it may be mentioned that Count Fosco offered every facility to Mr. Kyrle, on that gentleman's stating that he was sent by Miss Halcombe to collect such particulars as had not yet reached her of Lady Glyde's decease. Mr. Kyrle was placed in communication with the medical man, Mr. Goodricke, and with the two servants. In the absence of any means of ascertaining the exact date of Lady Glyde's departure from Blackwater Park, the result of the doctor's and the servants' evidence, and of the volunteered statements of Count Fosco and his wife, was conclusive to the mind of Mr. Kyrle. He could only assume that the intensity of Miss Halcombe's suffering, under the loss of her sister, had misled her judgment in a most deplorable manner, and he wrote her word that the shocking suspicion to which she had alluded in his presence was, in his opinion, destitute of the smallest fragment of foundation in truth. Thus the investigation by Mr. Gilmore's partner began and ended. (p. 374)

In addition to Count Fosco's manipulation of the laws and Mr. Kyrle's naivety, Walter criticizes Mr. Kyrle's ineffectual position although he is a man of law. He is easily influenced and tricked by Count Fosco's wit and ingenious explanations that leaves no room for suspicion. After consulting Gilmore's partner Mr. Kyrle, Walter realizes that the legal means will not be helpful to him. On condition that there is no proof for the re-establishment of Laura's identity, Mr Kyrle speaks of the difficulty in the case: "if this case were to go now into a court of law –to go before a jury, bound to take facts as they reasonably appear – where are your proofs?" (p. 399). It is observed that the court of law would not be helpful without proofs; however, there is no official assistance to get these proofs. This is why Walter investigates the proofs for the correction of Laura's identity.

In the scarcity of strict laws to consult, Walter actually likes his position as an amateur detective in the aim of discarding Sir Percival not only as a criminal but also as a rival for his love for Laura. As Walter M. Kendrick (1977, p. 33) elaborates in "The Sensationalism of *The Woman in White*", Walter enjoys the omniscient

perspective of the narrative. He is in a position that provides him the full account of events from different perspectives, which gives him almost an omniscient point of view. In other words, he enjoys the possession of all the papers and documents for the solution of the case, and finally the ownership of the estate thanks to his marriage to Laura. This situation is elaborated by Walter as such:

A life suddenly changed--its whole purpose created afresh, its hopes and fears, its struggles, its interests, and its sacrifices all turned at once and for ever into a new direction--this is the prospect which now opens before me, like the burst of view from a mountain's top. (p. 371)

Walter's life and his purpose suddenly changes after learning Sir Percival's secret. It can be interpreted that his aim of re-establishing Laura's identity is moved into a new "direction" which is the final conclusion that Sir Percival is not an aristocrat and Walter can get married to Laura in an easier way. This is the secret way in which many of the novel's more sensational moments "enable the more materially determined narrative of Walter's accession to power to be represented as though it were the product of chance occurrences, uncanny repetitions, and fated events" (Cvetkovich, 1998, p. 111). In other words, the underlying motive of Walter's quest for justice is to climb up socially and marry Laura in spite of their different social strata.

Just like the way Victorian readers feel both excitement and relief when they read and learn about the upper class criminals, Walter Hartright feels the same way when he discovers that Sir Percival is actually the illegitimate son who does not have any rights of inheritance. "The rigid social hierarchy of the Victorian age meant that a sensation was all the greater if the protagonist enjoyed high rank" because, even in real life or in fiction, a villainous baronet always seemed more devilish than a criminal without a title (Diamond, 2003, p. 6). Thus, Walter uses this in his investigation because he knows that the revelation of Sir Percival's secret will create more impact than a usual scandal in the aristocracy. The extent of the crime Sir Percival has committed and the scandal can totally eliminate his name and ruin his social position. In this way, because of his illegitimacy, Sir Percival's social status turns out to be lower than Walter in Victorian laws. Walter's criticism of laws and the inadequacies in the legal system actually provides him the road for opportunity to

ascend in the social system by unravelling the secrets of a pseudo-aristocrat, Sir Percival Glyde.

As Lyn Pykett (2006, p. 57) states, Walter serves not only as a detective but also as a witness whose testimony is used in the court. Still, he cannot be considered a real witness because he has not witnessed anything about Sir Percival and Count Fosco personally. He has just started taking statements from different characters and tracing Sir Percival and Count Fosco in the light of the information he has obtained from these witnesses. His organization of the other testimonies by other characters turns him into a figure of a functional lawyer who uses these testimonies in the court. Nonetheless, Walter tries to solve a case which lawyers and the police fail to unravel.

Walter starts his personal investigation, functioning as an amateur detective. His first aim is to find the discrepancies between the day she left for London and the day she was reported to have died. She leaves Blackwater to go to London the day after Anne Catherick is abducted by Count Fosco and she dies of a heart attack. Later, she is reported to be Lady Glyde due to their physical resemblance. If Walter manages to prove the accuracy of these dates, it is one of the most critical steps to prove that Laura is actually alive:

If I had given him the least chance of lodging any sort of legal complaint against me, the interference of the local magistrate would no doubt have been turned to account as a clog on my proceedings, and a means of separating me from Marian and Laura for some days at least. (p. 409)

Here, Wilkie Collins clarifies the fact that Walter sees the general procedure of a trial as very time-consuming and an obstacle to his investigation and going back to their house in London where Marian and Laura are waiting for him and hiding from Count Fosco. He seems to know that the trial will help nothing, but it will be just a burden and a blockage in his way to prove the real identity of Sir Percival and schemed death of Laura Fairlie. Although he might go to the court after he announces the re-establishment of Laura's legal identity, he does not do that in the narrative. The reader does not witness Walter resort to any legal authorities even after Sir Percival's death. This also shows how ineffectual the legal system is and it will not help in their case.

Wilkie Collins presents Walter Hartright as the early prototype of detective figure in the novel of late nineteenth century. He is presented as a decent man whose only aim is to solve the crimes and restore the order to an upper class house. Later detectives like Sherlock Holmes are intellectual members who deal with crimes related to this stratum of society. Walter, similarly, attempts to find solutions to the crimes committed by respectable members of society. He is similar to Sherlock Holmes because Stephen Knight (2005, p. 55) describes Sherlock Holmes as an intelligent, moral, and energetic character. Walter is depicted an admirable character with his efforts to pursue criminals. This comes from the need to glamourize the detective and police departments contrary to the early Newgate stories which glamourized criminals in the early nineteenth century. Stephen Knight (2005, p. 63) regards these later detectives as another type of disciplinary power against disorder related to crime.

The situation and position of Walter illustrate commonly identified social and class conventions in the Victorian age. Firstly, he belongs to a social class lower than Laura's status, and this prevents him from getting together with her. Likewise, this class difference is stressed by Marian with her traditional perceptions of class because she kindly sends Walter away due to his interest in Laura in the beginning of the story. Then, he tries to discard Sir Percival not only because of his criminal identity, but also because of his higher social status in society. Walter's unmasking of the crimes and misdemeanours of aristocratic men, such as Sir Percival Glyde and Laura's own father, is a story which provides a cover for the story of his own acquisition of their power through marrying Laura— after restoring her identity (Chetkovich, 1998, p. 111). Walter contemplates marrying Laura after Sir Percival's death which indicates his aim for the entrance into a higher social class.

In addition to these, Walter's emphasis on his lower status and social differences is further evidence that he is quite uncomfortable with his position in society. He tells Mr. Kyrle that "You have shown me that the legal remedy lies, in every sense of the word, beyond our means. We cannot produce the law proof, and we are not rich enough to pay the law expenses" (p. 401). Another difficulty in the legal system is emphasized here; that is the expenses which make it troublesome and difficult to take legal action. Walter refers to both his lower social status and the inefficiency of the law when people do not have financial support. By saying, "If I had been a richer

man I would have gone back to London, and would have comforted myself with a sight of the two dear faces again that night.” (p. 476). Walter points out his situation that prevents him from seeing Marian and Laura. In every opportunity, he implicitly re-emphasizes his poverty and the effects of this on his investigation:

“Yes: the Secret. It is our only sure hold on him. I can force him from his position of security, I can drag him and his villainy into the face of day, by no other means. Whatever the Count may have done, Sir Percival has consented to the conspiracy against Laura from another motive besides the motive of gain. (p. 406)

The class issue can be observed more clearly here with Walter’s claims. He wants to strip Sir Percival and Count Fosco off their social status which acts as their security. He holds on this secret and crime in order to dispossess them from their social classes due to their illegal actions. Even though Sir Percival might not be as active as Count Fosco in conspiring against Anne Catherick and Laura, he is as guilty as Count Fosco because he does not interfere and stop his cunning and felonious actions.

“Sir Percival has a high position in the world,” I said; “it would be no wonder if you were afraid of him. Sir Percival is a powerful man, a baronet, the possessor of a fine estate, the descendant of a great family----”

She amazed me beyond expression by suddenly bursting out laughing.

“Yes,” she repeated, in tones of the bitterest, steadiest contempt. “A baronet, the possessor of a fine estate, the descendant of a great family. Yes, indeed! A great family-- especially by the mother's side.” (p. 442)

Walter’s disgust and hatred for Sir Percival due to his social status is very lucid in his sarcastic manner when he talks about Sir Percival’s power related to this social class. Because of Walter’s strong emphasis on the titles and property that Sir Percival owns one by one, he seems to long for them. He also implies that the titles and property Sir Percival owns have been possessed by illegal procedures possibly.

Referring to these materialist issues, Mr. Kyrle says that “as the money question always enters into the law question, that I see little hope, even if you ultimately established the fact of Lady Glyde's being alive, of recovering her fortune” (p. 401). Here, Mr. Kyrle denotes that the hope of restoring Laura’s fortune is crashed in terms

of legal procedures. Furthermore, he reveals his suspicions by telling Walter that he might “have, no doubt, a personal motive for proceeding” and his investigation for the sake of Laura (p. 400). Walter, in the aim of refuting the idea that he might have a personal motive, explains his situation:

"There shall be no money motive," I said, "no idea of personal advantage in the service I mean to render to Lady Glyde. She has been cast out as a stranger from the house in which she was born—a lie which records her death has been written on her mother's tomb--and there are two men, alive and unpunished, who are responsible for it. That house shall open again to receive her [...], and those two men shall answer for their crime to ME, though the justice that sits in tribunals is powerless to pursue them. I have given my life to that purpose, and, alone as I stand, if God spares me, I will accomplish it."  
(p. 401)

Walter's cling on his power is embodied in his self-assurance and dependence on his authority because he strives to restore order by chasing criminals. He regards himself superior to even the laws and authorities because he wants the villains to answer him. His desire to take revenge of what has been done is very strong. Thus, the inefficiency of the laws is emphasized once again through the description of Walter's determination which is stronger than the legal system. Walter confesses that “it was a satisfaction to me to feel that the surest way, the only way left, of serving Laura's cause, was to fasten my hold firmly on the villain who had married her” (p. 410). For him, the most important motive to trace and reveal Sir Percival's secret is the fact that Sir Percival had married Laura, whom Walter is in love with and considers marrying. Apart from “the vindictive motive” to find the truth about Sir Percival, one of his “other and better motives” is to get married to Laura and legally own the Limmeridge House. Walter desperately tries to persuade the readers that he does not have any monetary aim in his investigation:

While I acknowledge that I was not strong enough to keep my motives above the reach of this instinct of revenge, I can honestly say something in my own favour on the other side. No base speculation on the future relations of Laura and myself, and on the private and personal concessions which I might force from Sir Percival if I once had him at my mercy, ever entered my mind. I never said to myself, "If I do succeed, it shall be one result of my success that

I put it out of her husband's power to take her from me again." I could not look at her and think of the future with such thoughts as those. [...] All my hopes looked no farther on now than to the day of her recovery. There, till she was strong again and happy again--there, till she could look at me as she had once looked, and speak to me as she had once spoken--the future of my happiest thoughts and my dearest wishes ended. (p. 410)

Here, by stating that Walter has no other motives than bringing justice, he actually gives himself in and confesses indirectly that he, in fact, wants to take revenge and thinks of the "speculation on the future relationship of him and Laura". He unconsciously reveals that he thinks of getting married to her even he declares that he does not. Although Walter says that he is not motivated for his reunion with Laura in the future, this idea shows that he has been actually thinking about marriage. Another prominent thing is that he waits for Laura to get better and stronger after her traumatic experiences in the asylum. Otherwise, he cannot marry her if she is thought to be traumatized without being aware of her social existence.

The disclosure of that secret might, in past years, have hanged him-- might now transport him for life. The disclosure of that secret, even if the sufferers by his deception spared him the penalties of the law, would deprive him at one blow of the name, the rank, the estate, the whole social existence that he had usurped. This was the Secret, and it was mine! A word from me, and house, lands, baronetcy, were gone from him for ever--a word from me, and he was driven out into the world, a nameless, penniless, friendless outcast! The man's whole future hung on my lips--and he knew it by this time as certainly as I did! (p. 461)

Walter finds out the secret and feels great power over Sir Percival, which is one of the most significant moments in the novel. He is the only one who learns the secret and he has so much power that he can destroy Sir Percival's life as a gentleman. He almost regards himself superior to any legal authority. Apart from his aim of saving Laura, his feeling of power to a great extent outweighs the importance of Laura's situation. He does not think of Laura and saving her from that hopeless case she is in. Walter's authoritative position is also strengthened in the end when he tries to prove the re-establishment of Laura's identity in the presence of the villagers in Limmeridge. When Mr. Kyrle as the lawyer approves Laura's identity before the

public, Walter explains that “I put my arm round Laura, and raised her so that she was plainly visible to every one in the room. “Are you all of the same opinion?” I asked, advancing towards them a few steps, and pointing to my wife” (p. 562). Here, Walter’s domination over Laura is very apparent in the way that he raises and shows her to everybody in order to prove the restitution of her identity legally as the mistress of Limmeridge and the true person to inherit the fortune. It also displays Victorian social conventions that it is more important to certify to the villagers rather than to legal authorities. In this way, Walter himself assures his place in the Limmeridge house and the social level by getting married to Laura. Finally, he explicitly declares this fact to Marian after his marriage and the birth of their son:

“Do you talk in that familiar manner of one of the landed gentry of England? Are you aware, when I present this illustrious baby to your notice, in whose presence you stand? Evidently not! Let me make two eminent personages known to one another: Mr. Walter Hartright--THE HEIR OF LIMMERIDGE.” (p. 569)

This final exclamation by Walter displays that he reaches what he has desired from the very beginning. His son becomes the heir of Limmeridge, and accordingly he becomes the master of the house in a similar way. Pamela Perkins and Mary Donaghy, in “A Man’s Resolution: Narrative Strategies in Wilkie Collins’ “The Woman in White” ” postulates that “Walter’s quest to restore Laura’s identity becomes inextricably entangled with his attempt to dispossess Sir Percival of lands and wife in order to claim the latter, at least, for himself” (p. 400). In the light of this information, Walter’s narrative might not be very objective regarding his aim of re-establishing Laura’s identity and having his own subjective point of view in the narrative. What’s more, he might be using the necessary evidence for his own aim and taking the advantage of ineffective legal system which will be elaborated more in the next chapter on Charles Dickens’s *Bleak House*.



### 3. CHARLES DICKENS'S BLEAK HOUSE AND DYSFUNCTIONAL LEGAL SYSTEM

The most serious and pathetic point I tried with all indignation and intensity to make, *in my first book*, (Pickwick) was the slow torture and death of a chancery prisoner. From that hour to this, if I have been set on anything, it has been on exhibiting the abuses of the Law.<sup>12</sup>

Charles Dickens is, without a doubt, one of the most iconic and emblematic writers of the Victorian period. He is commonly regarded as a social novelist with his realistic descriptions of Victorian social life, especially the poorer districts of London life, so his engagement with the issues of crime and the problematic aspects of the legal system is an inevitable part of his fiction. The problems of Victorian penal system can be noticeable even in his early novel, *Pickwick Papers* (1836-37), in Mr. Pickwick's trial and imprisonment. Dickens, for the first time, in *Oliver Twist* (1837-39), introduces the professional criminal Fagin, who turns homeless boys into criminals. Later, from the early 1850s, starting with *Bleak House* (1852-53), he also founds the basis of sensation fiction which becomes extremely popular in the 1860s. Additionally, he endeavours to expertise in detective fiction with his last and unfinished novel *The Mystery of Edwin Drood* (1870). His employment of the themes and issues circumambient crime and its social causes is not surprising, considering their popularity at the time. As an eminent observer of his time, Dickens adopts the themes of crime and criminality as a prominent literary trend, which continues to prevail during his writing career. Thus, it can be seen that he represents the current literary movements of his time and includes crime as the palpable social reality in many of his novels.

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<sup>12</sup> Letter to Mrs. Cropper, 20 Dec. 1852. *The Pilgrim Edition of the Letters of Charles Dickens*, vi (1850-2), Graham Storey, Kathleen Tillotson and Nina Burgis (eds), Oxford: Clarendon, 1988, p. 827.

Although he possibly did not decide to write crime fiction in the first place, there is always a mystery to be unravelled in a Dickens novel, and criminal issues and justice system usually receive strong criticism. Writing in the 1920s, William S. Holdsworth sought to demonstrate in his book, *Dickens as a Legal Historian* that Dickens's representations of the law were of value to legal historians because they could supply material which we cannot get anywhere else, and also "these pictures were painted by a man with extraordinary powers of observation, who had first-hand information" (1929, p.3). In addition, Holdsworth (1929, p. 9) points out that Dickens's early experiences and training in a lawyer's office were influential on his creative writing and observation skills. Dickens's descriptions are usually considered to be more important than of any historian's because he was an astute observer and received the original accounts although he did not have professional experience of the law. Moreover, his visits to his father who was imprisoned in the Marshalsea Prison for debt and his training in the offices of some attorneys left contributing impressions on him (Coles, 1983). His short working life in a legal office as a young boy was especially effective in realistic and striking depictions of the legal issues in his novels.

Serialized and later published as a book in the early 1850s, *Bleak House* pioneers the sensation fiction with its scandals and mysterious incidents. Michael Diamond (2003, p. 189) considers Dickens to be a great influence on the sensation novel, especially after the publication of *Bleak House* with its amalgam of murder, mystery and densely plotted narrative. Like many of Dickens's novels, *Bleak House* is a very long novel with a lot of characters and sub-stories embedded in the plot. Nevertheless, the main plotline is structured around a dysfunctional legal system that concerns Chancery Court and the Jarndyce and Jarndyce case, which is an inheritance suit that lasts for decades as a result of on-going claims of many people on the property. Another storyline in the novel follows Lady Dedlock's mystery and Tulkinghorn's murder which is related to one another. The other important story is of Esther Summerson, who becomes Ada's guard and the housekeeper in Mr. Jarndyce's Bleak House in Hertfordshire, outside of London. Esther is also the first person narrator in many chapters of the novel. Overall, Dickens presents the reader different characters in a very long novel which revolves around the legal system and criminality.

The novel opens with a gloomy atmosphere in the description of Chancery district and the court. J. Hillis Miller, the writer of *Dickens: The World of his Novels*, postulates that the beginning of the novel displays the corpse of a dead society, “smothered in fog immobilized in mud, paralyzed the injustices of an outmoded social structure frozen in its stratifications, and enmeshed in the nets of inextricably tangled legal procedures” (1958, p. 169). Then, the novel introduces us the reasons and the nature of this social paralysis in relation to the corruption in the legal system. It starts with Jarndyce and Jarndyce case and the new heirs Richard and Ada, and Esther Summerson as Ada’s guard. Esther is an orphan girl brought up by her aunt who constantly humiliates her and tells her that she is a disgrace to her mother whom Esther never knew. The other important character that another subplot is constructed around is Lady Dedlock, who is married to an older but wealthy baronet Sir Leicester Dedlock. When Mr. Tulkinghorn, the family lawyer, goes to Chesney Wold where the Dedlocks live, Lady Dedlock recognises the handwriting in one of the papers arrived from the court. Tulkinghorn, realising her excitement, starts tracking this handwriting which belongs to Nemo, who recently dies when Tulkinghorn finds him in his place. In the meantime, Lady Dedlock goes to the place Nemo used to live and she finds Jo, the street sweeper, who shows her where Nemo is buried.

Mr. Tulkinghorn, with the Inspector Bucket’s help, finds out that Lady Dedlock is somewhat related to the dead man who might have been her former lover. Showing the hints that he is aware of the secrecy about an illegitimate child, Tulkinghorn starts threatening Lady Dedlock about revealing it. She learns that her baby did not die in childbirth but lived as an orphan who turns out to be Esther Summerson. After Tulkinghorn leaves Lady Dedlock, he is murdered at his office. Inspector Bucket starts looking for the murderer and finds a suspect, George, but he gives the hints that Lady Dedlock could be the murderer. However, finally he arrests Madame Hortense, who is Lady Dedlock’s former maid. Lady Dedlock commits suicide because some people know that she had an illegitimate baby before her current marriage, and this would be a scandal and ignominy for her husband, Sir Leicester Dedlock.

Jarndyce and Jarndyce case goes on and Richard tries so hard to get what he deserves in the case, even if that means getting sick and losing everything he owns. When the case is finalised, nothing is left because the property is absorbed in the costs of the

case, and Richard eventually dies due to his physical deterioration caused by the hardships and stress of the case.

Dickens' interest in trials and criminal cases, and the fact that he accompanied police officers looking for criminals in the streets of London during his lifetime manifest themselves effectively in his writing. In *Bleak House*, he presents the intrusion of two elements to society; these are lawyers and detective department. Both of those agents are strictly castigated as representatives of the governmental control and discipline over society. Larry M. Wertheim, in his scholarship on law, literature, and morality in Charles Dickens's fiction, attempts to show that law is inadequate in achieving moral ends and equity, and he states that "law and lawyers not only fail to advance morality and justice, but, in fact, significantly undermine and obstruct moral decency" (1994, p. 114). As Dickens is aware of this condition, he initially employs the critique of law and lawyers by portraying them as indecent and immoral beings in a materialist society.

Although Dickens is often criticised for lacking juridical and technical details in his descriptions of legal matters, his obvious aim is to present his reaction against the injustices in the legal system of his time. Chancery Court is one of the most notorious institutions attacked in the novel as a place of bleakness and abuse of power, which probably gives the title its name, 'bleak house.' Dickens criticizes lawyers, magistrates, and judges with hostility because of the power and oppression they employ over society. Kieran Dolin states that "English law is not, for Dickens, the guardian of liberty, but a defective system kept in place by vested interests" (1999, p. 75). Dickens delineates this idea in the novel with his negative representations of legal matters and professionals in this system.

In addition to these judicial issues, detective as a prominent legal figure is foregrounded in the novel. In his book *Dickens and Crime*, Philip Collins (1962, p. 217) points out that Dickens was not against and critical of the police force; however, he was not well aware of the political problems in a policed community. Although Dickens shows great admiration especially for the inspectors, it is not difficult to pinpoint the criticism of detection of crimes in relation with social atmosphere of the age, which is fraught with inequality and injustice. His lack of critique of the police force is rather related to the social class these officers are from. They are generally from the lower classes, and Dickens mostly criticizes their masters, which means the

policing system in general. Defective functioning of the legal and policing system can be observed even though Dickens may not have intended to criticize police and detective officers harshly. Andrew Sanders, in his book *Charles Dickens*, states that *Bleak House*'s "trenchant satire is directed at the creaking institutions of Victorian Britain, the Law above all, but also at a do-nothing government and a self-perpetuating governing class" (2003, p. 30). Hence, this chapter chiefly analyses the novel's critique of laws, legal system, legal profession, the courts, and generally the institution of law in government, then it goes on to explore conventional perspectives on criminal identity and their subversions by Dickens.

### **3. 1. Deficiencies in the legal system**

*Bleak House* is a novel famous for its criticism of law, specifically the Court of Chancery and its abuses in the British legal system. In the main plot of the novel, Dickens clearly shows that the system does not work properly and efficiently, which makes it a subject that requires revision and improvement. That is to say, in its complicated subplots and numerous characters, *Bleak House* demonstrates the malfunctioning of the Court of Chancery with the case of Jarndyce and Jarndyce, and it calls for legal reforms.

Many scholars criticise Dickens for not showing the realities about the Court of Chancery because the government had already restored and improved its system when *Bleak House* started to be serialized in 1852 (Collins, 1962, p.176). However, when Dickens started writing the novel, the system in the court had just started to change. Furthermore, although many attempts for improvement were made, little change was observed until late nineteenth century. Thus, Dickens did not witness much satisfactory reform in the Court of Chancery in his lifetime. The most important reason for this critique of his credibility is that Dickens himself, in the preface of *Bleak House*, states that everything related to the Court of Chancery in the

novel is “substantially true, and within the truth”<sup>13</sup>. In other words, Dickens does not have any doubts about the truthful depiction of the deficiencies in the Court of Chancery and its abuses.

The fact that he reflects a realistic picture of the Chancery Court is possibly related to Dickens’s own experiences in the courts. While striving to deal with some fraudulent people for the pirated copies of *A Christmas Carol*, he experienced the hardships in the Court of Chancery. He reports that the expenses of the case were much more than the damages he wanted to cover. Dickens explains this as such:

it is better to suffer a great wrong than to have recourse to the much greater wrong of the law. I shall not easily forget the expense and anxiety, and horrible injustice of the *Carol* case, wherein, in asserting the plainest right on earth, I was really treated as if I were the robber, instead of the robbed. I know of nothing that could come, even of a successful action, which would be worth the mental trouble and disturbance it would cost.<sup>14</sup>

Related to these ideas on Chancery, Dickens emphasises the ineffectual and slow process in the Court of Chancery from the very beginning of the novel. He starts the novel with a gloomy atmosphere in the description of Chancery with “fog everywhere” (p. 3). William S. Holdsworth (1929, p. 84) describes the physical fog as the symbol of moral fog in the Court of Chancery. That is, the Court is extremely uncaring to human welfare and happiness, and sufferings of people in the never ending processes of property cases do not mean anything to the institution. The court does not care how expensive and slow the process might be for people of limited means and how devastating it could be for them in the end. Furthermore, it is very unresponsive to criticisms, so the change for the welfare of society is not observed in the novel.

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<sup>13</sup> Dickens, Charles. August 1853. “Preface to the First Edition”. *Bleak House*, Wordsworth Editions Limited, p. XXXIII.

<sup>14</sup> C. Dickens, letter to John Forster, cited in W.S. Holdsworth, *Charles Dickens as a Legal Historian*, New Haven, Conn.: Yale University Press, 1929, p. 80.

In *Bleak House*, the Jarndyce and Jarndyce case is the most symbolic element for presenting the malfunctioning of the court system and the generality of property cases in the nineteenth century England. As it has been mentioned in the second chapter, the legal system and laws were very corrupt in the nineteenth century. Besides, the nineteenth century saw a class based society and therefore, there were different treatments about the cases for different social classes both in criminal trials and property cases. To give an example from the novel, Gridley, a poor man, tries hard to get justice in the suit and suffers a lot; however, Lady Dedlock does not even attend the court because she is represented by the family lawyer Tulkinghorn. While Tulkinghorn is given time to speak by the Lord Chancellor, Gridley is totally ignored in spite of his efforts to speak in the court and express himself. Dickens intentionally selects the Chancery Courts for his representation in the novel because “they deal with wills and estates and private properties of the middle class”, so this shows materialism in the Victorian age (Özüm, 2012, p. 112). The case here is an inheritance case which lasts for decades, and the people who have right in this property get nothing in the end.

One of the most famous cases which Dickens is believed to be inspired by is William Jennings Case. It started in 1800, after William Jennings’s death 1798. He left a remarkable inheritance which a lot of claimants strived to hunt because William did not have children. In his article “Stranger than Fiction? The Jennens Inheritance in Fact and Fiction Part Two: The Business of Fortune Hunting”, Patrick Polden elaborates the details about the Jennings case and describes how it took more than a century because some family members were “still chasing these shadows” early in the twentieth century (2003, p. 339). He explains that a lot of claimants emerged both in England and the US in the following decades, and it took about 130 years although it was not fully finalised at that time.

Related to the long process in this ineffective system, in the early 1850s, a *Times* leader writer, Robert Lowe, mentions a Chancery suit which started as long ago as 1816 and states that:

Thirty-six years are something in the life of a man, of a nation, of a dynasty, even of a planet, but in the history of a Chancery suit they are a brief interval [...] When this old suit was new, the counsel who have succeeded to its management were probably babes in arms, and the judge before whom it was

heard a truant schoolboy. [...] The occupant of every throne in Europe, and every prominent office in the English church and state, has been changed, but still the inexorable Chancery suit holds on its way, permanent in the midst of never-ending change, the only immutable thing in an era of restless transition.<sup>15</sup>

These words refer to some characters in *Bleak House*, which will be further illustrated in this part. This extract is very identical to a passage in the novel, and it gives the impression that Dickens was inspired by such reports:

Innumerable children have been born into the cause; innumerable young people have married into it; innumerable old people have died out of it. [...] there are not three Jarndyces left upon the earth perhaps since old Tom Jarndyce in despair blew his brains out at a coffee-house in Chancery Lane; but Jarndyce and Jarndyce still drags its dreary length before the court, perennially hopeless. (pp. 5-6)

The similarity between these two passages shows the slow process and the desire for reform in the courts. In this extract from the novel above, Dickens voices the criticism that was addressed to the legal system. The most important reason for this delay and slow pace is that the Court of Chancery admitted merely written testimonies, not oral ones. Accordingly, this was a process that took a long time because of the preparations of the written documents and their presentations to the court. As Janice Allan (2004, p. 18) explains in *Dickens's Bleak House*, Court of Chancery accepted only written evidence, while Court of Common Laws received oral testimony. This is one of the reasons why Court of Chancery was very slow and ineffective. In addition, about this process, John Marshall Gest states because the testimony in Chancery Court was not oral, it was “unsatisfactory, tedious, and expensive” owing to the compulsion of filing everything through an examiner (1905, p. 420). Another thing was the number of people who were heirs to the property. As new people would become heirs, the process of concluding the case would take

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<sup>15</sup> *The History of The Times 1841-1884* (New York, 1939), p. 130.

longer because this requires restarting the case and searching for these people and their situations. Hence, this was a very long-lasting and unpractical process, which gave the court of Chancery a very bad reputation about the functioning of justice. In Jarndyce and Jarndyce case, while the expenses of the case increase, the value of the estate decreases. Thus, in the end, the property consumes itself in the costs of the court.

In addition to these hardships, Lord Chancellor himself had to deal with all the matters that came to the Court, which took a long time to finalize the cases (Baker, 2002, p. 111). It is frequently stated that even very simple duties took a long time in Chancery trials and procedures. For example, it took the registering clerks about six months merely to settle the decree in the settlement of an estate, and it only required somebody to do it "who understood figures," but there was "nothing that any man of business might not settle in two or three hours (cited in Gest, 1905, p. 422). Holdsworth emphasizes this ineffectiveness by stating that the juridical officers of the court were such incompetent agents that a lot of time passed between the time when the case was prepared for legal examination, and the time when it was actually brought to the court (1929, p. 104). This means that these suits had to be revised with new documents because of this slow and insufficient functioning in the court. Also, Jan-Melissa Schramm, in her article "Dickens and the Law" in *A Companion to Charles Dickens*, clarifies that in both his fiction and a number of his non-fictional pieces Dickens proposes that "the courts – confused by oratory for hire and the application of pedantic rules of evidence – lack the necessary skills to read character properly and make the appropriate findings of fact" (2008, p. 287).<sup>16</sup> In other words, Dickens criticizes the legal system as inadequate and inept. This criticism could be related to the quick decision about arresting Hortense for the murder of Tulkinghorn, which will be elaborated in this chapter.

In the novel, Dickens shows that any change in this malfunctioning system is resisted because a lot of people take advantage of that financially, so revisions in the

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<sup>16</sup> "The Demeanour of Murderers," *Household Words* [ June 14, 1856], a response to the trial of the notorious poisoner, William Palmer in 1856.

functioning of the Chancery court are very slow and time-consuming. There are a lot of people, including clerks, judges, and lawyers, who abuse people using this slow process in Chancery. Dickens stresses this fact by writing that “[t]he one great principle of the English law is, to make business for itself” (p. 467). Moreover, it stands for the social hypocrisy in its declaration that the justice will be done; however, no appropriate justice is achieved in the Court of Chancery, which represents the nineteenth century legal system and its inefficiency. Just as the law that makes business for itself, the agents of the court keep themselves and the claimants busy for nothing, but just for the sake of seeming functional. At some point, however, even professionals of the legal system started to talk about the system critically and demanded reform. Michel Foucault refers to the situation of courts in the beginning of the nineteenth century and states that the necessity of reforms did not only come from the oppositional and enlightened groups, but from the magistrates and especially the lawyers themselves (1995, p. 81). In this way, under the name of reforms, the legal system turned into a corrupt institution which enables these people to abuse their clients financially and emotionally.

D. A. Miller states that “Chancery is a total system of domination, engendering resistances whose mere inversions or duplications of its injunctions only entrench its power more deeply” (1988, pp. 80-81). That is, it is such an ignored and corrupt institution that no one can do anything to change or improve the Chancery Court. This clearly enhances its power and influence on the citizens whose destruction is caused by the court itself. Additionally, in the novel, Sir Leicester Dedlock labels the Court of Chancery as “a slow, expensive, British, constitutional kind of thing” (p. 12). Representing landed aristocracy and dominant ruling class who supported this system, his ideas are very ironic with what aristocracy and Parliament did about the Court of Chancery. In other words, the government had done nothing to change the legal machinery to a large extent (Cunningham, 2008, p. 170). As D. A. Miller points out, thus, “the satire on the inefficiency of the court contradicts the demonstrated power of such inefficiency” (1988, p.64). Similarly, Michel Foucault emphasized that there was too much power bestowed to magistrates and judges, and this caused a paradoxical situation in lack of supervision and over-severe punishments (1995, p. 79). That is to say, however powerful the court seems, it does not work effectively for the good of people who rely upon its justice. Although the legal system imposes

control on the citizens, its injustice and inefficiency can be clearly observed in Dickens's representations.

Alice Van Buren Kelley compares Chesney Wold to Chancery due to its dead and gloomy atmosphere (1970, p. 254-255). This could be seen as a critique of aristocracy because Dickens explains that "both the world of fashion and the court of Chancery are things of precedent and usage" (p. 8). He also adds in the same chapter that the court and the Chesney Wold are not very different from each other. In other words, both the court and aristocracy represent the oppressive agents that employ power on people; Dickens compares these two elements in this respect. Chesney Wold as the world of fashion is described just after the depiction of Chancery in the first chapter.

Krook is a significant character who represents procrastination and inefficiency, that is, the Chancery Court in the novel, because he keeps everything and any documents without even knowing what they are and whom they belong to. He does not have any functional role and does not help anyone although he might have important old documents in his possession because of his habit of hoarding them all the time. Finally, the will that might finalize the Jarndyce case is found in his place after his death, and after this, the case is closed without any bringing neither any justice nor any financial good to anyone who has been waiting patiently to get something from the case. Krook's funeral is depicted in a manner that emphasizes corrupt social values, in the extract below:

Into a beastly scrap of ground which a Turk would reject as a savage abomination [...] they bring our dear brother to receive Christian burial [...] sow him in corruption, to be raised in corruption [...] a shameful testimony to future ages, how civilization and barbarism walked this boastful island together. (ch. 11, p. 130)

Here, Dickens describes Mr. Krook's burial with a terrific portrayal of the graveyard. This description could be generalized as a description of the Victorian society. He talks about the corruption of the Chancery with references to infection because it is effectual in the lives of many characters. He also gives a serious criticism of pervasive hypocrisy in England by referring to British prejudice and boastfulness.

In many instances of the novel, Charles Dickens makes clear that Chancery court is a destructive institution. Additionally, it degrades the lawyers and their clients because the suitors in the case become obsessive and greedy to get the inheritance. Chancery can be seen as an obvious embodiment of power exercised over characters, with its huge impact on people. It represents the extended and blurred status of the cases and for “the moral fog which enveloped the procedure of the Court of Chancery” (Holdsworth, 1929, p. 85) and for those who represent the alleged gravity of the Chancery courts. These defects and dysfunctional nature of the Chancery Court affect a lot of people, some of whom are described conspicuously by Dickens. To name a few, Gridley, Mrs. Flite, John Jarndyce, and Richard Carstone embody hopelessness and destruction that the Chancery Court brought to many lives.

Gridley is a man who has been suffering financial problems and social humiliation as a result of his engagement with the case, and he cannot stop being rude towards men like Tulkinghorn because of their ignorance and cruel attitude against him. He is even arrested for insulting Tulkinghorn, which shows that insult against a lawyer with higher status is a reason for arrest in a very short time. Gridley explains to John Jarndyce that he was a “good-enough-tempered man once”, but he has lost his temper and patience in time owing to destructive power of the Chancery Court. (p. 185). Dickens portrays him as a clear embodiment of the result of the Jarndyce and Jarndyce case. While stressing his unbearable condition, Gridley says, “My whole estate, left to me in that will of my father’s, has gone in costs” (p. 185). Dickens deliberately pictures Mr. Gridley in such a miserable situation in order to show how unjust the Chancery could be. Similarly, Mrs. Flite is another character who has spent her life striving to get what she deserves in Jarndyce case. She is represented as a miserable woman who is driven crazy in time because of her obsession with the case and property. She explains how her family is drawn into the Jarndyce case, and she was gradually transformed into a lunatic who hopelessly expects justice “on the day of judgement” (p. 171). In addition, the former John Jarndyce is known to have shot himself because of the abuses and the vague process in the Court. That is the reason why present John Jarndyce does not want to get involved in the case. He knows that the case will bring nothing pleasant to the one who dreams of financial advantages and social welfare.

Nonetheless, none of these characters' corruption is more evident than in Richard Carstone's change from an innocent man to a depraved character. Richard is the last victim of the Jarndyce and Jarndyce case due to his obsession with having some reasonable amount of money or property at the end of the case. Richard Carstone acquires a "litigious, contentious, doubting character" (p. 450) as a result of his engagement with Jarndyce and Jarndyce because "the uncertainties and delays of the Chancery suit had imparted to his nature something of the careless spirit of a gamester, who felt that he was part of a great gaming system" (p. 197). Dickens here deliberately compares the Court to a gaming system because of the incidental and ambiguous process of finalization in inheritance suits. Additionally, Richards is seen only as a pawn and a victim in this gaming system because of the greedy lawyers and corrupt legal representatives. As Jan Melissa Schramm points out, Dickens "suggests an incisive pun on the chance-riddled procedures of Chancery" which puts the Court contrary to the promising features of fairness, generosity, and justice promoted by Mr. Jarndyce himself in the novel (2008, p. 291).

With portrayals of these characters, Dickens shows that Courts and laws have negative influence on the citizens in the Victorian age. Apart from showing the detrimental effects of the court on people, deterioration of Richard's health and his eventual death could be interpreted as Dickens' criticism of material greed. While Dickens gives a happy ending to Esther who figures as a sensible and innocent character, Richard is given a punishment owing to his blind obsession with the Court of Chancery to get his inheritance. In this respect, Jarndyce and Jarndyce case is also a critique of Victorian materialism and greed because many people are bound to get a fortune from this case but they get nothing in the end. Even the lawyers consider this case as a way of earning money because they abuse the other people's hopes of gaining the inheritance.

What seems very peculiar and ironic in *Bleak House* is that though the deeds are entirely legal according to Equity's rules of procedure, their use is not to settle the case and administer the law but to keep the case going and to go on making the lawyers richer and richer. They use the Court of Chancery to restrict justice and exploit "the law of Equity to be inequitable" (Miller, 2001: 53). What is commonly underlined is that the court represents "forces of the modern, of a newly bureaucratic state, of industrialism and the marketplace under attack by Dickens" (Blake, 1997, p.

6). Dickens shows that the law lost its function and service to the public, but it became a self-serving institution which produces unreasonableness to keep its wheel revolving. Dickens shows that in the novel as such: “suffer any wrong that can be done you, rather than come here!” (p. 4). Nonetheless, it is highly believed that *Bleak House* has been effective in the improvement of some deeds in the Court of Chancery. Kieran Dolins emphasizes that “*Bleak House* was recognized, [...] as a contribution to the reform of Chancery” (1999, p. 77). According to Cunningham, throughout his life and afterwards, Dickens had a position as a reformer and “[m]any have credited him with creating the climate of opinion that facilitated the reforms in education, public health, and criminal law that helped to make Britain a safer and less strife-ridden society” (2008, p. 159). Thus, it is observed once again that literary works are influenced by the social atmosphere of the society and culture from which they emerge, and they become effective in reforming the ills of the society. This understanding verifies the Cultural Materialist point of view that advocates the position of literary works as material products of specific historical conditions and their contributions to historical and cultural transformations (Brannigan, 1998, pp.3-4). Accordingly, *Bleak House* must be considered as a product of Victorian culture and a reaction against the abuses in the legal system. As John Brannigan (1998, p. 68) comments, the novel reminds the readers that there are corrupt courts, prisons, and workplaces outside their safe houses.

### **3. 2. Criticism of lawyers and the detective**

In addition to criticism of the legal system and the Chancery Court, Dickens’s critique of legal profession is also clear in many sections of the novel. Certain characters like Mr. Vholes and Mr. Tulkinghorn come to the forefront with their abusing the deficiencies in the legal system and courts. They serve as prominently dominant legal agents in trials, notably in the Chancery Court in the novel. Unlike Wilkie Collins’s description of a rather more benign figure of a lawyer in *The Woman in White*, Dickens is furious with and critical of this profession mostly due to the defects in the judicial system and the power lawyers have because of the state and corrupt legal institutions. In addition, the Inspector Bucket is portrayed as belonging to a newly founded profession; therefore, he needs to be analysed more critically and attentively as another legal figure apart from the lawyers. Although Dickens is

known to have valued detective and police departments due to their contributions to the welfare and safety of society, prominent dynamics about the relation between society and detective can be unravelled in the analysis of Inspector Bucket as a significant character. Thus, both lawyers and the police detective in the story are presented from a strongly critical perspective due to their abuses of power and control of people.

Lawyers, belonging to a profession that became important in the mid-nineteenth century, appeared as very common and primarily influential agents in the courts in this age. Accordingly, they became quite powerful due to the authority they were given by the government. They, however, both abused this power and tried to make their living by sometimes creating devising useless jobs and manipulating their customers in order to seem useful in legal processes. Dickens, having enough experience and knowledge on this profession, presents a realistic picture of the lawyers in the Victorian age. As Larry Wertheim states, the lawyers in *Bleak House* are represented as “either mercenary or positively evil” (1994, p. 125). As well as the Court of Chancery and the Law, the lawyers are the targets of harsh criticism in *Bleak House*. To illustrate, in the novel, lawyers take money from their clients undeservedly, threaten them to disclose their secrets, and reproduce the power exerted by governmental institutions.

The common presence of lawyers in legal proceedings is related to the situation of trials in the nineteenth century. Jonathan H. Grossman explains that trials before the nineteenth century lasted shorter and they were not very expensive, but the appearance of lawyers changed these procedures (2002, p.18). The increase in criminal trials which is actually related to the abolishment of public executions and transportation required the legal counsel to become the norm in the late eighteenth and early nineteenth century, so the process of litigation became slower and took a longer time (Grossman, 2002, pp.18-19). This incident strengthened the position of lawyers as important agents in trials. Moreover, the demonstration in trials gradually took the place of the scaffold in popular cultural imagination, and “the character of the lawyer began to assume a particular significance as a self-reflexive figure of the author in works of narrative fiction” (Schramm, 2008, p.278). Hence, the lawyers evolved into significant actors in trials with their rhetorical skills in defending their clients, and their influence on the procedures of lawsuits.

Because Dickens examines the law with profound scorn, he describes lawyers with apparent castigation in the novel. John Marshall Gest describes most of the lawyers in Dickens's books as "shysters, as we would call them, or narrow, mean, ignorant pettifoggers" (1905, p 406). Dickens materializes this consideration with the portrayals of lawyers in *Bleak House*. He criticizes those representatives of the legal system as the supporters of this ineffective organization, by presenting people victimized by them. Jonathan H. Grossman explains what Dickens slowly uncovers in many of his novels "is that the lawyer's profession is not only caught up in manipulating interpretations but is also immersed in writing and reading, in orchestrating discourses, and finally in telling stories for money" (2002, p.89). That is to say, Dickens acknowledges the idea that lawyers are very skilful in exploiting laws and their clients while employing the legal means for their financial grounds. In the novel, Mr. Gridley says that the lawyers "gain when I lose it" (p. 185). In addition, Dickens emphasizes that Mr. Tulkinghorn is presumed to manage aristocratic marriage settlements and wills very well as he is "the steward of the legal mysteries", so he has become very rich (p.11). The lawyers' skills making money by abusing legal procedures are constantly highlighted in the novel. They are making up stories even for the sake of winning a case and justifying their client even if the client might be guilty. Jan-Melissa Schramm points out this case in these words: "To Dickens's mature judgment, the greatness of the legal profession is the worst form of self-promotion," so it is an artificial and empty social respectability which he ridicules relentlessly throughout his fiction (2008, p. 279). In other words, lawyers manipulate their clients and the legal procedures in spite of their inefficiency and hypocrisy.

This unreliability and impotence of lawyers are emphasized when Trooper George explains his reason for the rejection of legal representation in *Bleak House* because he is wrongly accused of the murder of Tulkinghorn:

"I should have got a lawyer, and he would have said (as I have often read in the newspapers), 'my client says nothing, my client reserves his defence – my client this, that and t'other'. Well, 'tis not the custom of that breed to go straight, according to my opinion, or to think that other men do. Say, I am innocent, and I get a lawyer. He would be as likely to believe me guilty as not; perhaps more. What would he do, whether or not? Act as if I was; – shut

my mouth up, tell me not to commit myself, keep circumstances back, chop the evidence small, quibble, and get me off perhaps! [...] I would rather be hanged in my own way [...] What I say is, I must come off clear and full or not at all. Therefore when I hear stated against me what is true, I say it's true; and when they tell me, 'whatever you say will be used,' I tell them I don't mind that: I mean it to be used." (pp. 599-600)

In the extract above, Dickens voices social contempt for legal profession because George does not want to be represented by a lawyer. George invokes a resistance against the authority of lawyers in trial due to their control on their clients. Even though he would be imprisoned wrongly, he wishes to be defended by himself, not by a lawyer. He wants his own words to be used in the court, not a lawyer's confusing legal words. George thinks that the lawyer will not help George but himself, his own social and legal reputation as a lawyer. Jan-Melissa Schramm stresses that the coming of lawyers silenced the prisoners and did not allow a convict to speak for himself in trials (2000, p. 119). In George's words, Dickens foregrounds the fact that a lawyer overpowers a client as if he were a criminal. Accordingly, Dickens emphasizes the fact that lawyers misdirect the court no matter what the truth is, which is demonstrated in George's speech as a social mistrust of lawyers.

As Dickens attacks the Court of Chancery in the novel, it is inevitable for him to criticize the nature of legal profession as a corrupt element of the legal system. Dickens initially introduces the lawyer Mr. Kenge, who seems to be quite ignorant about the Chancery suits, or he has accepted the long duration and hopelessness of the case because he does not help for Richard's case too much. However, Mr. Vholes requires closer examination with his symbolic characterization as a greedy lawyer. Dickens depicts him as the obvious representation of corruption and hypocrisy of the legal system. Mr. Vholes appears later in the story when Richard cannot be satisfied with Mr. Kenge's insufficient legal guidance, and he starts getting legal support from Mr. Vholes. Nonetheless, Richard's working with Mr. Vholes triggers his own downfall in the novel.

The portrayal of Mr. Vholes invokes the fact that the legal system creates the existence of lawyers itself and makes them seem necessary. The system requires them even when they are not very essential, so they cannot be taken out of it. Accordingly, the lawyers have to create jobs for themselves for the sake of profiting

from their clients just like Mr. Vholes abuses Richard in order to get his last penny. About the place of lawyers in the nineteenth century, Patrick Polden stresses that most of them “were surely ill-advised and there must be the suspicion that some of the attorneys and solicitors were encouraging hopeless cases in the expectation of costs” (2003, p. 354). In the novel, Mr. Vholes deliberately makes the chancery’s wheel “going round” in order to abuse Richard financially and keep the case’s duration longer. Jarndyce and Jarndyce case is a source of money for Mr. Vholes, and he keeps exploiting Richard financially and emotionally. He makes Richard believe that he is going to get the inheritance, but it does not happen in the end. Although Mr. Vholes possibly knows that the suit will not be finalized positively for Richard, he keeps comforting him about the advantages of the case because of the financial gain in accordance with his so called legal research and work. The following quote shows how the cases in Chancery court are abused by lawyers:

The lawyers have twisted it into such a state of bedevilment that the original merits of the case have long disappeared from the face of the earth. It’s about a will and the trusts under a will—or it was once. It’s about nothing but costs now. We are always appearing, and disappearing, and swearing, and interrogating, and filing, and cross-filing, and arguing, and sealing, and motioning, and referring, and reporting, and revolving about the Lord Chancellor and all his satellites, and equitably waltzing ourselves off to dusty death, about costs. That’s the great question. All the rest, by some extraordinary means, has melted away. (p. 83)

In this sense, Mr. Vholes represents the greedy lawyers who try to take advantage of deficiencies in the system. Larry M. Werthaim states that Mr. Vholes stands for death with his Vampire-like depiction in the novel (1994, p. 128). Also, Kieran Dolin emphasizes “the characterization of Vholes as a vampire seeking respectability” and financial motive to deal with Richard’s suit in Chancery (1999, p. 89). In addition, Mr Vholes’s office is portrayed as a very narrow and claustrophobic place which would entrap people in its darkness and mess of files. That is what happens to Richard when he starts consulting and paying Mr. Vholes for his legal assistance, thus becoming a prey and victim for him. This depiction of the office corresponds to his vampire like portrayal in the novel. Vholes always looks at his client, Richard, “as if he were making a lingering meal of him, with his eyes as well as with his

professional appetite” (p. 470). Accordingly, Dickens emphasizes Mr. Vholes’ greed with the fact that he is exhausting Richard’s hopes and small amount of money he has. Finally, Mr. Vholes consumes Richard with a wolfish appetite for money.

This social control over the public exerted through the Victorian courts, public executions, and policing system is later transferred to families and clients on a wider sense with the introduction of lawyers. In other words, just like Tulkinghorn’s threatening influence on Lady Dedlock, Mr. Vholes is controlling Richard all the time. As Dickens describes, Mr. Vholes “fixes his charmed gaze on his young client” in order to manipulate him in the course of the case and abuse him financially (p. 470). Moreover, he is a very manipulative and devious man constantly reminding the fact that he has three daughters and a father he has to take care of. He has a mask of a very decent and sacrificing father which he uses to cover his greedy and hypocrite personality. Dickens thus stresses hypocritical pursuits in the legal profession at the same time.

Mr. Tulkinghorn, the legal advisor of Dedlock family, is more powerful and possesses higher status compared to Mr. Vholes. Tulkinghorn, being aware of the power he has, makes the best of this power as he wants. He functions as effective as a magistrate in terms of abusing and forcing people to employ what he wants them to do. Maureen E. Markey describes him as “[m]alevolent, malignant, sadistic, calculating, intentionally and consciously evil” (2002, p. 695). Tulkinghorn even functions as an amateur inspector, similar to Walter Hartright, in the case of tracing Lady Dedlock’s mysterious past. Accordingly, Tulkinghorn’s position is evolved from the family lawyer of the Dedlocks to an amateur detective pursuing the traces of Lady Dedlock’s life prior to her marriage. Similar to Mr. Vholes’s annoying sneak, Dickens describes him through the eyes of Lady Dedlock: “Always at hand. Haunting every place. No relief or security from him for any moment” (p. 554). Without any clear motive to rake over the coals in Lady Dedlock’s past, he starts menacing her in spite of his not being a detective.

His position as the lawyer of the Dedlock family gives him the right to protect them even to the point of threatening Lady Dedlock about her possible relationship with a former soldier in the past before her current marriage. He starts menacing and oppressing her not to reveal the scandal publicly, which would be a public shame for Sir Leicester Dedlock. This power that he attains brings his end by murder. In

addition to his threats to Lady Dedlock, his abusing Hortense causes him to be killed by her, which is disclosed by Inspector Bucket later in the novel. Tulkinghorn's motive for threatening Lady Dedlock to the point of making her life unbearable is quite obscure. Robert Coles (1983) states that Tulkinghorn's not having a clear motive for chasing Lady Dedlock is related to Dickens's presenting chances for deep analysis. Dickens describes this situation in the novel as such:

Yet it may be that my Lady fears this Mr. Tulkinghorn, and that he knows it. It may be that he pursues her doggedly and steadily, with no touch of compunction, remorse, or pity. It may be that her beauty, and all the state and brilliancy surrounding her, only gives him the greater zest for what he is set upon, and makes him the more inflexible in it. Whether he be cold and cruel, whether immovable in what he has made his duty, whether absorbed in love of power, whether determined to have nothing hidden from him in ground where he has burrowed among secrets all his life, whether he in his heart despises the splendor of which he is a distant beam, whether he is always treasuring up slights and offences in the affability of his gorgeous clients,—whether he be any of this, or all of this, it may be that my Lady had better have five thousand pairs of fashionable eyes upon her, in distrustful vigilance, than the two eyes of this rusty lawyer, [...] (p. 344)

Tulkinghorn's motives and oppressive personality are elaborated presumably in the extract above. Joseph I. Fradin suggests that Tulkinghorn's behaviours are mainly related to his evil character. (1966, p. 102). Apart from all those reasons, it is the system that bestows Tulkinghorn such power and authority, which makes him feel very powerful over the people who are socially superior to him, like Lady Dedlock. The description of his office with records and secrets in boxes "labelled with transcendent names" of "the great ones of the earth [who] are bored to death" display his power figuratively (p.114). The example of the people who are bored to death is an obvious reference to Lady Dedlock's remark in the beginning of the novel when she says that she is "bored to death" (p. 9). Tulkinghorn wants to exert power over the families whose secrets he aims to learn by blackmailing them. This could be another allusion for the clash between classes, because Tulkinghorn, as a middle-class lawyer, exerts huge power over Lady Dedlock by threatening her to disclose her secret.

Another character who stands for a newly founded agent of the legal system in the nineteenth century is Inspector Bucket with his peculiar personality. Dickens, in the beginning of the novel, presents him as a helper and counsellor for Tulkinghorn, who is trying to solve the mystery of Lady Dedlock. Although Bucket is an inspector, instead of looking for criminals, he is looking for the traces of Lady Dedlock's past, possibly under the effect of Tulkinghorn. This is the first impression Dickens gives about the Inspector Bucket. Although Dickens is known to have been very sympathetic towards the detective officers due to their investigation skills, he does not depict Bucket with such a great talent and indispensable problem solving skills. Bucket does not look for criminals but messes with other people's affairs and helps unravelling scandalous mysteries in the upper class people's lives. His searching for Lady Dedlock's past could be a reference for the social reception of detectives and their engagement with the upper class. This is also related to Bucket's being one of the first inspectors portrayed in literature in England after the foundation of the detective department in 1840s. In other words, early detectives were depicted as chasing aristocratic secrets rather than being mere criminal hunters, which forms the basis for later detectives in literature.

In addition to these, with the entrance of Bucket into the story, especially after Tulkinghorn's death, there is a kind of a transition from a social novel with the depiction of deficiencies in the courts and law to a detective story with Inspector Bucket's looking for the murderer of Tulkinghorn and tracing Lady Dedlock after her escape from Chesney Wold. Thus, the story gradually evolves into a detective story in the second half of the novel. As it is mentioned in the beginning of this chapter, this detective story plotline is one of the things that Dickens pioneered decades before the publication of Sir Arthur Conan Doyle's *Sherlock Holmes* in the late nineteenth century. Just as he pioneers sensation fiction with Lady Dedlock's scandalous past, he also inaugurates some essential features of later detective stories with the introduction of Inspector Bucket.

Philip Collins points out that some articles Dickens had written and published with respect to detectives before the publication of *Bleak House* were mostly complimentary (1962, pp. 204-205). After Bow Street Runners and some defective policing in the early nineteenth century, Dickens is known to have praised Metropolitan Police Force and The Detective Department with these words:

the Detective Force organised since the establishment of the existing Police, 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 enough of it, to know a title of its usefulness (Dickens, 1850, p. 409).

Similar to Collins's description of the family lawyer in *The Woman in White*, Inspector Bucket's description in his decency as a detective figure comes from these ideas. Bucket's respectability corresponds to Dickens's approval of the detective force. In addition to this favourable description, Bucket's disturbing watchfulness is similarly emphasized related to control over society because he is watching everybody all the time with the power endowed him. Bucket's "high tower in his mind" (p.650) is apparently very panoptic, as a reference to Michel Foucault's theory of power and surveillance in prisons. Bucket is similar to Tulkynghorn here, but this vigilance is appropriate for Bucket's occupation and identity. As it is observed, Bucket is initially described as a quasi-omniscient detective, seeing almost everything with his indispensable skills for observation. However, behind his elevated all-knowing status, his flawed and incompetent character can easily be recognised through a much closer look. His absolute authority and assertion of power is invalidated. Dickens further elaborates this in his article "The Modern Science of Thief-taking" by explaining the organization of the police and reminding the duties of the detective at work. His duty, it may be noted, was "not only to counteract the machinations of every sort of rascal [...] but to clear up family mysteries, the investigation of which demands the utmost delicacy and tact" (Dickens, 1850, p. 368).

D. A. Miller describes Bucket's detective story as a simplification of power described in the novel; "For unlike Chancery, the detective story is fully prepared to affirm the efficacy and priority of personal agency, be it that of the criminal figures who do the work of concealment or that of the detective figures who undo it." (1988, p. 69) In this way, detection is much more effective in terms of surveillance because of the legality of watching people for the sake of finding criminals and restoring peace. It is similar to Walter Hartright's case because his actions are justified for the sake of re-establishing Laura's identity and revealing the mystery of Sir Percival. Nonetheless, Inspector Bucket as a professional is a closer representation of the later

figures of detective in the nineteenth century, especially in the stories in the first volume of Sherlock Holmes, which depict the respectable lives of late Victorians (Knight, 2004, p. 59). There is not even murder or serious crimes, but just blackmailing, fraud, or crimes against property. Sherlock Holmes tries to solve these kinds of mysteries with his detection skills. Similarly, Inspector Bucket deals with the matters related to Sir Leicester Dedlock and Lady Dedlock, and he tries to keep the secrets remain concealed in the house. He does not appear when Nemo dies or Mr. Krook is burned to death, but he appears when there are some suspicions about Lady Dedlock. Although he does not only work in upper class areas, his detective skills make him as a more resembling prototype of the later detective figures.

When Bucket arrests Hortense in Chesney Wold, in order to show his power and detection skills, he gathers together a suitable audience before he gives his show of detective expertise, “recounting the extremely improbable cloak-and-dagger methods by which he and his wife solved the mystery” (Collins, 1962, p.280). Walter Hartright does something similar in *The Woman in White*, so announcing the matter and displaying detective skills to public is important for reputation. As D. A. Miller states, the police function in the same system like the court of Chancery because the police spread the power that courts use against people in trials and by punishing criminals (1988, p. 134). Thus, the police use the same power ideologically as they are part of the disciplinary force. The story’s shift from the courts to the depiction of the police and detective represents the enlarging of the power and control in society as well as the professionalization of social control. D. A. Miller once again emphasizes the representation of the police as powerful, “all-pervasive institution like Chancery” (1988, p. 78). It is also suitable for the depiction of lawyers and detectives who are described as powerful and omniscient. Similar to Walter Hartright, Tulkinghorn’s amateur detection includes personal desires; however, professional detective receives his motivation and power from the state. In the novel, Dickens depicts how aristocracy is another motive for detectives because they generally use their skills in the service of the upper class. As mentioned, this is going to be an important matter in the later detective stories towards the end of the nineteenth century. Those later stories commonly contain detectives’ engagement with upper class and investigating crimes in their houses even if they are not very serious crimes.

Whereas there is a rather friendly representation of the detective policeman in the novel, the power and ineffective nature of detection outweigh this depiction. In his study on detection in *Bleak House*, John McBratney stresses the failure of the Inspector (2010, p.64). Although Bucket is very powerful, he is at the same time ineffectual in his searching and revealing some of the mysteries successfully in the novel. Furthermore, he acts as a private hire by Sir Leicester Dedlock after his functioning as a public detective in the investigation of the murder of Tulkinghorn. Detectives' becoming a private hire was already common in the early decades of the Detective Department. As John McBratney states, Bucket takes the place of Tulkinghorn, which points out the replacement of slow and oppressive law with the professional detection (2010, p. 64). Nevertheless, this does not help much the tedious and useless process of restoring peace and finding criminals because Bucket arrests Hortense with the assistance of his wife without much evidence and he cannot find Lady Dedlock alive to bring her back to Chesney Wold. Accordingly, "the detectives are denied the power to which their knowledge seemed to entitle them" (Miller, 1988, p.71), and Inspector Bucket's insufficiency is continuously emphasized in the novel.

Heather Worthington states that Dickens generally describes detective as belonging to the lower classes of society, just like the police officers in the mid-nineteenth century (2005, p. 166). This class issue is important in terms of the motives and manners of the detectives in their relation to upper classes. Worthington explains that Bucket "fails in his dealings with the aristocracy", while he is at ease with lower and middle classes (2005, p. 168). This also implies the class dynamics in the Victorian society. Portraying his detectives as the lower class members, Dickens avoids depicting them as heroes, but he presents them only as public servants with professional detective skills. Furthermore, this is related to the middle and upper class attitudes towards detectives in sensation novels and early detective stories. Wilkie Collins, similarly in *The Moonstone*, presents upper-middle class Verinders's hostile attitude towards the intrusion of the detective in their house.

Bucket seems to be respectively welcomed to Sir Dedlock's mansion in Chesney Wold after Tulkinghorn's death because Sir Leicester trusts him and believes that he will find the murderer of Tulkinghorn. Sir Leicester trusts Bucket so much; however, he ironically promises money to the one who will find the murderer. This money and

Sir Leicester's trust are the most significant motives for Bucket. As it can be observed, in the first stages of this profession, the detective does not have a personal motive for the sake of his occupation, but rather more mercenary and prestigious motives for detection. Thus, Bucket replaces Tulkinghorn in Chesney Wold after Tulkinghorn's death because he can come to the estate, stay and eat there freely for the sake of finding the murderer. In this way, he keeps on functioning as a figure acting freely in an aristocrat British House. In Chesney Wold, Bucket can say comfortably that he will come back in the evening (p. 623). His relaxed manners come from the power and support that he receives from aristocracy. However, Bucket's relationship to Dedlock family is paradoxical and requires further analysis. Although he is regarded as a reliable individual, he is offered hospitality as long as he does not exceed the limits of his social status in an aristocratic house. The class conflict pervades even though the Inspector is a reliable representative of the legal system and the government. He can act freely until he gets involved in the incidents and scandals related to Dedlock family in Chesney Wold. He can do whatever he wants in the other districts except Chesney Wold. Nonetheless, his power and authority is resisted by Sir Leicester Dedlock, which presents the resident power of aristocracy.

Sir Leicester gets furious when Bucket implies that Lady Dedlock might be related to the murder of Tulkinghorn. This family is already bothered by the presence of a detective in their house because of a murder, and the name of Lady Dedlock involved in the murder is enough to make Sir Leicester very uncomfortable. Inspector Bucket announces that he has something to say in regard to Lady Dedlock to which Sir Leicester warns him by saying that: "Officer [...] you know your duty. Do your duty: but be careful not to overstep it" (p. 616). This shows the conventional perceptions of respectable Victorian families that a woman cannot be associated with crime. Sir Leicester, voicing the Victorian pride and aristocratic perspective, states that his "Lady's name is not a name for common persons to trifle with" (p. 616). Here, the common person is implied to be the Inspector Bucket, who is humiliated by aristocracy because of his exceeding the limits of social rank by implicating that Lady Dedlock may be the possible murderer. According to the Victorian social norms, if a woman belongs to the aristocracy, it is impossible to accept her engagement with crime. At this point of the story, however, the reader is expecting

Lady Dedlock to be the murderer of Tulkinghorn because Dickens gives the hint of this fact in the end of the previous chapter. In this part, there is strong evidence against her such that Bucket learns that Lady Dedlock went out at the time of the murder and she was wearing the veil and clothes that George had identified in the prison. Thus, it seems quite possible that Lady Dedlock murdered Tulkinghorn because he had disclosed that he would reveal her secret to Sir Leicester. This seems like a very reasonable motive for Lady Dedlock to kill Tulkinghorn to stop the probable scandal.

Later, however, it turns out that her maid, Hortense is also involved in the crime. As it is learned from Hortense, Bucket brings her to Chesney Wold arranging this scheme very cleverly with his wife, and then he arrests Hortense without much clear evidence. The only evidence he has is some small notes that say the murderer is Lady Dedlock. Bucket's wife reveals that Hortense has written those notes while she is staying in their house. The fact that he arrests Hortense instead of Lady Dedlock shows Victorian class prejudices about crime and criminals as well as discrimination. Dickens shows that Hortense is victimized because of being a maid and a foreigner. She is arrested without much evidence, and the Dedlock family's name is saved from the shame of a public scandal. Dickens organizes the story in such a striking way that it is inevitable to recognize his harsh criticism of Victorian prejudices and injustice.

Bucket makes himself an ally of the upper class. In order to prove his detection skills, he gives wrong statements. He states that Tulkinghorn gave Hortense money in return for her service to him; however, he does not mention that Tulkinghorn did not help her to find a job as he had promised. Actually, Tulkinghorn was supposed to give a reference about Hortense to find job at a respectable family's house. This scene is very symbolic of Victorian legal and court system, for the suspect from the lower class is arrested on not proven facts and even lies, in order not to arrest someone from the upper class.

Another reason why Hortense is suspected and arrested for murder without clear proof was that she hated Tulkinghorn and she threatened him furiously. There is no witness proving that Hortense was in Tulkinghorn's office at the night of murder. Moreover, George's description of the woman he was near T's office matches with Lady Dedlock because George says the woman looked like Esther, which means that

woman might be Lady Dedlock. There is almost the same amount of proof both for Hortense and Lady Dedlock, but Hortense is arrested in the end.

Bucket learns from some witnesses that George was around Tulkinghorn's office at the time Tulkinghorn was murdered. Although Bucket arrests George because of that, he does not arrest Lady Dedlock in spite of sufficient proofs that nail her as a suspect. This again shows class discriminations in the Victorian age. Bucket's arresting Lady Dedlock would be a great scandal in society, and he might lose his job and social reputation due to the power Sir Leicester Dedlock has. This power struggle possibly prevents Bucket to arrest Lady Dedlock, not even blame her for the murder.

Apart from portrayal of various characters involved in criminality, Dickens describes two places standing for different social levels in order to emphasize rigid class distinction. Related to these representations of social class, Tom's All Alone, where the poor people live desperately, is the total opposite of Chesney Wold belonging to the Sir Leicester Dedlock, and this clearly displays the class differences in the Victorian society. Moreover, they are narrated in a sequential order in order to make this disparity more obvious for the reader. There is a difference between the reaction of the people in the poor area Tom's All Alone and Sir Leicester Dedlock's attitude towards Bucket. The lower class acceptance of the detective's penetration into their district is contrasted with the shock felt by Sir Leicester and Lady Dedlock in their first encounter with the Inspector in Chesney Wold.

About finding the murderer of Tulkinghorn, Sir Leicester states that: "I think it cannot be too prominently kept before the whole establishment. I wish my people to be impressed with the enormity of the crime, the determination to punish it, and the hopelessness of escape" (p. 611). Sir Leicester wants the maids in the house to know that there will be punishment for the murder, and he is very determined to have the murderer found. Dickens depicts the Victorian perception of the aristocratic man who wants to warn the household about the consequences of criminal behaviour because they are seen as the suspects of any crime, so he wants to frighten them in that way. In addition to the Victorian perspectives on criminality, Dickens, through Sir Leicester's voice, clearly presents the nature of punishment and how social discipline is achieved by scaring and deterring the public from committing crimes.

Bucket searches for Lady Dedlock instead of looking for the murderer of Tulkinghorn, or fighting other criminals. This might imply that Lady Dedlock is the actual murderer, which might be the reason for Bucket's search, or it shows that Lady Dedlock is more important than finding the murderer because of her social status and her husband. Dickens also introduces sensations in the Victorian age in Bucket's words below:

“Very strange things come to our knowledge in families, miss; bless your heart, what you would think to be phenomenons, quite.’

[...]

‘Aye, and even in genteel families, in high families, in great families,’ says Mr. Bucket, again gravely eyeing Sir Leicester aside. ‘I have had the honour of being employed in high families before, and you have no idea—come, I’ll go so far as to say not even YOU have any idea, sir,’ this to the debilitated cousin, ‘what games goes on!’ ” (p. 610).

From Bucket's point of view, Dickens here voices the sensations in upper class families in the early 1850s even before the coming of sensation novel. Bucket's exclamation is very ironic because the Dedlock family is already involved in such mysteries and scandals because of Lady Dedlock's past.

Bucket's story ends with his failure of locating the place of Lady Dedlock and finding her dead and thus disappointing his aristocrat employer, Sir Leicester Dedlock. The novel in fact does not present a triumph or great success in Bucket's case, which implies the deficiencies of the legal system and detection. After Bucket's final duty and disappearance in the novel, there is no sign of clear restoration of discipline he represents himself. The reader is also presented with the downfall of Richard, which shows nothing has changed. While the novel is nearing the conclusion in the case of detective Bucket and his arresting Hortense, this closure seems quite inadequate. He fails to stop Lady Dedlock's escape, and the continuous suspicion on Lady Dedlock still renders as the reason for the possibility of this quick decision about arresting Hortense. Dickens, till the end, makes the reader think that Lady Dedlock could be the murderer of Tulkinghorn, not Hortense, because Lady Dedlock has more effective reasons to commit the murder than Hortense does. This is also a reference to the crimes in the upper class because most of them could be ignored or released. Lady Dedlock's case is very similar to Madeleine Smith, who

was released because of the class discriminations applied by the legal system although there was enough proof for the murder.

Dickens portrays the agents of the legal system emphasizing the defective features of these characters. Alice Van Kelley states that personalities of Mr. Vholes and Tulkinghorn represent the oppressiveness of Chancery Court (1970, p. 262). They both draw people into downfall and force them to behave on the ground of their wishes. In addition, Bucket represents the paradoxical nature of legal system with the controlling power but the ineffective functioning.

After the figure of amateur detective in Walter, Bucket represents the professional detective but he still cannot manage solving the crimes. While Bucket is at ease with the lower class in Tom's *All Alone* and *Chancery*, he cannot be welcomed to the upper class easily (Worthington, 2005, p. 168). Dickens presents the figure of detective as more humane beings and public servants by placing them to lower levels of society. This is slightly different from the later detective characters that are admired as heroes with their professional skills.

### **3. 3. Reflections on Criminal identity**

Similar to Wilkie Collins's fiction, it is not difficult to see the Victorian perceptions of crime and criminal identity in many of Dickens's novels, especially in *Bleak House*. While Dickens depicts how some individuals from certain groups are targeted as criminals, he challenges those perspectives with unconventional identities due to their probable or unexpected engagement with criminality. Related to criminality in the Victorian age, and the class perspectives discussed previously in the introductory chapter, prejudices and biases can also be clearly observed in the attitudes towards various characters in the novel and their being labelled as criminals.

Jo can be the first character to touch upon in terms of social marginalization and his being targeted as a criminal. Dickens portrays him as ~~such~~ a poor, lonely, and helpless street sweeper that represents the lowest class in society. Due to this social identity, he is obviously regarded as a potential criminal, and condemned as a thief most of the time in the novel. He is mostly chastised and yet displaced by the constables on the streets. In this very symbolic and famous extract from the novel below, the constable is talking to Mr. Snagsby, who actually intends to protect Jo.

Jo's social exclusion and exposure to constant despise and exile to another district is seen in this part of the novel:

‘He won't move on,’ says the constable calmly, [...] , ‘although he has been repeatedly cautioned, and therefore I am obliged to take him into custody. He's as obstinate a young gonoph as I know. He WON'T move on.’

‘Oh, my eye! Where can I move to!’ cries the boy, clutching quite desperately at his hair and beating his bare feet upon the floor of Mr. Snagsby's passage.

‘Don't you come none of that or I shall make blessed short work of you!’ says the constable, giving him a passionless shake. ‘My instructions are that you are to move on. I have told you so five hundred times.’

‘But where?’ cries the boy (p. 230).

The first important thing observed here is that a constable can easily take a little homeless boy into custody just because of his wanderings in the streets and not moving on although he is told to do so. As it is mentioned in the introductory chapter, the constables in the streets were more interested in controlling the society and social life instead of dealing with criminals and decreasing the crime rate which was announced to have increased rapidly in the early nineteenth century. Accordingly, authoritarian power of the government and the supervision over society are noticeable here. The problem is that Jo does not have a place to live in, and he does not even know where to go when he is told to move on with his life. The injustices and defects in the social system show that the government does not care and show concern to what happens to these abandoned boys. They are just commanded to get lost because they are regarded as threats to the social welfare which is not that present in that region of London in the Victorian age. These boys are not protected or included in a plan to rehabilitate and reintegrate them into society. They are just ignored because of their social status and probable criminal identity. The lucky ones can stay in orphanages like the ones described in *Oliver Twist*, but not in very pleasant conditions.

The constable is not the only one to blame, of course, because he gets the orders from a higher institution as he says in the extract. Philip Collins regards the mistreatment of Jo by the street police as an impersonal instruction, and he does not see the police officer as guilty in this case (1962, p. 204). Thus, as Dickens points

out, the problem is in the institutions and the system, not the police officers themselves. They do what they are told to do because they receive their paycheck from the government and money is their only motive to do this job.

Dickens depicts the Victorian biases against the poor. Jo is believed to have stolen the money Lady Dedlock has actually given him. People think that he cannot have received the money from a lady because he is often excluded and despised in the Victorian social structure. The constable also tries to persuade Mr. Snagsby about the fact that Jo has possibly stolen the money. By showing the coins he has found on Jo, he wants Snagsby to produce a negative judgement about Jo and says that he “shook these two half-crowns out of him [...] in only putting my hand upon him!” (p. 231). Once again, the Victorian perceptions are revealed through the figure of constable and his accusing Jo of theft without even bothering for an investigation. Jo is unjustly accused of theft because of his low social status. In addition, despite the description of Bucket as a decent and dutiful man as an agent of the law, Robert Coles (1983) accuses Bucket of causing Jo to die because of driving him out of the city, for Jo is seen as a threat to the welfare of the society. The fact that Jo is cast out from the community shows injustices in terms of Victorian juvenile crimes and extreme punishment employed on poor children.

Dickens is very sympathetic towards Jo, like most of the poor characters in his fiction. This may be related to his experiencing of poverty in his childhood. As Andrew Sanders (2003, p.117) argues, Dickens’s childhood experiences at Warren’s blacking-factory made him sympathize with the sufferings of the poor. This has obviously an effect on Dickens’s portrayal of the poor in his fiction. He describes Jo’s death in a very sensitive way, which would be very heart-breaking for any Victorian reader who was not aware of the circumstances those poor people were living in. “Jo dies unable to receive even the comforts of religion, while the social villains (slum landlords, lawyers, politicians, etc.) who caused his death continue to lead seemingly respectable lives in comfort” (Schwarzbach, 2002, p. 235). Thus, Dickens shockingly criticizes society for Jo’s death and for not doing anything to remedy the conditions of these boys, and he writes Jo’s death in a very disheartening manner by announcing that “Dead, your Majesty. Dead, my lords and gentlemen. Dead, right reverends and wrong reverends of every order. Dead, men and women, born with heavenly compassion in your hearts. And dying thus around us every day.”

(p. 551). Here, Dickens blames the society for Jo's death. He addresses people from every class, starting with royalty to the lower classes. He implies that the whole society and even the royalty are guilty of ignoring the poor and their suffering. Additionally, Dickens criticizes the religious doctrines and hypocritical attitude towards religion by the Victorians who do not help the poor in spite of "heavenly compassion" in their hearts.

About this social structure, besides the difference between the representations of Tom's All Alone and Chesney Wold as social oppositions in a class based community, Bringing Jo and Lady Dedlock together is totally a shocking scene in a traditionally biased society of strict class differences. However, it shows again they live in the same society with different opportunities and receive treatment with regards to criminality. Lady Dedlock, covering herself in vain, finds Jo to get information about Nemo, her possible former lover, the father of her illegitimate baby whom she considers dead. Right after the chapter where Jo's death is narrated, the depictions of the aristocratic society and the Dedlocks living in a very luxurious world is a total contrast, which again shows huge differences between social classes.

Apart from Jo as a very symbolic character in the novel, the suspects of Tulkinghorn's murder also give prominent ideas about the social perceptions of criminal identity, marginalization and othering in the Victorian society. In addition to the harsh criticism of the Chancery Court, the murder of Tulkinghorn and the detective work provide Dickens with means to criticize the Victorian society and authorities in the novel. Dickens presents three suspects for the murder, and all these suspects might have their own personal motives for killing Tulkinghorn. As it has been stated before, Mr. George and Hortense represent the traditional perspectives of criminal identity, while Lady Dedlock could be considered a challenge to these Victorian perceptions. This murder could be regarded as a reaction against the legal profession in general and the power Tulkinghorn has over those people. As Tulkinghorn threatens and controls these suspects in different ways, he unconsciously gives them their own reasons to kill him.

Mr. George is the first suspect of murder because of his disagreement with Tulkinghorn. He is forced to give in some documents about Captain Hawdon who was Lady Dedlock's former lover before her current marriage. When Mr. George does not intend to give those documents, Tulkinghorn threatens him and puts him in a

difficult situation because of his debts. Tulkinghorn's power due to his legal profession is clearly seen here because he also arranges Mr. Smallweed to take back the money he lent George, which is impossible for Mr. George to pay in a short time.

Moreover, Inspector Bucket's attitude towards George could be regarded as very biased. Mr. George's shooting gallery is investigated, and he is arrested without much interrogation and evidence against him. This is related to his low social status, his unsuccessful business life, lower rank as an ex-soldier and being a shooting trainer without a satisfactory income. He is seen as a suspect mostly because of his financial difficulties and due to his gender as more prone to commit a crime. As emphasized, male criminals were in majority compared to the number of female criminals. Thus, Mr. George's being a strong and fierce man with some motives to kill Tulkinghorn initially makes him a usual suspect for murder. Similar to the constable's power to take Jo into custody, Inspector Bucket can arrest and handcuff Mr. George because of his possible murder of Tulkinghorn. However, Bucket does not have clear evidence showing that George might have committed the murder, but only some witnesses claiming that George had come out of Tulkinghorn's office at the night of the murder. Additionally, George does not want to talk and react against the laws after he is arrested and imprisoned by Bucket because he knows that defending himself and denying accusations will not help him. This attitude proves the defects in the legal system, which means the laws do not assist the poor people, even though they are not guilty.

Hortense is the other suspect and a very significant character in many respects. Dickens' portrayal of her reveals several issues about the Victorian perceptions of criminal identity. The Victorians despise and mistrust ethnic minorities, which is especially noticeable in the depiction of Hortense. She is the former maid of Lady Dedlock, and due to her acquaintance with the lady, she is used by Tulkinghorn and Bucket to reveal Lady Dedlock's secret. When Tulkinghorn is done with Hortense, he does not help her find another job as he has promised to do. This appears in Hortense's possible motive to kill Tulkinghorn. Additionally, because of her harsh and vengeful personality, she is excluded and not liked much in her social environment. Her personality contributes to already existing attitudes towards her because of her social class and ethnicity. In the first description of Hortense below, the reader gets a perilous impression of her:

My Lady's maid is a Frenchwoman of two and thirty, from somewhere in the southern country about Avignon and Marseilles, a large-eyed brown woman with black hair who would be handsome but for a certain feline mouth and general uncomfortable tightness of face, rendering the jaws too eager and the skull too prominent. There is something indefinably keen and wan about her anatomy, and she has a watchful way of looking out of the corners of her eyes without turning her head which could be pleasantly dispensed with, especially when she is in an ill humour and near knives. Through all the good taste of her dress and little adornments, these objections so express themselves that she seems to go about like a very neat she-wolf imperfectly tamed. (pp. 135-136)

Her foreignness, or otherness, is strongly emphasized in the beginning. Dickens also presents her threatening appearance, which gives a sense of restlessness about her. When she is compared to a "She-wolf", it is pointed out that her villainous energy is tamed by the British society, but it may come out later. Thus, her potential criminality and dangerous personality is emphasized in the very moment she is introduced to the reader.

It can be argued that Dickens might have created Hortense based on Maria Manning, who was referred in the first chapter in this thesis. Hortense is similar to Maria Manning as a ferocious and dangerous character. In addition to her troubling personality, being a maid and a foreigner makes her a usual suspect for murder. Dickens exposes the fear of foreigners prevalent in the early nineteenth-century Britain exemplified by the sensational cases of Francois Courvoisier and Mr. and Mrs. Manning, which were mentioned in the introductory chapter of this thesis. Dickens reflects Victorian society's amazement at the Manning case which was very scandalous at that time. Thus, portraying Hortense based on Manning is related to this complicated Victorian attitude towards criminal cases. While they are afraid of criminals, they have great pleasure reading about these stories and watching the trials and executions. This shows how the Victorian society seeks pleasure and satisfaction through crime and sensation. Hortense's murdering Tulkinghorn is reference to revenge against the cruelty and oppression of the laws as well as a revenge for the cruelty against Jo, representing the poor in a general sense. Hortense's murdering

Tulkinghorn also reflects a reaction against abuses of him by using his legal and authorial power over miserable people.

Hortense's description as a bad-tempered woman corresponds to her label as an almost mad woman, which is a reference for women's being labelled as mad due to their criminal behaviours in the Victorian age. While Dickens describes Hortense in the novel in order to present conventional attitudes towards foreigners as potential criminals, he strives to challenge these perspectives by introducing a female criminal at the same time. Thus, Hortense comes forward a challenge for gender perceptions of criminality. Dickens voices the Victorian anxiety about the foreign criminals in the upper class houses, such as in *Courvoisier* and *Mannings* cases. In addition, Hortense is thought to know a great deal about Lady Dedlock and her secret, and it might be the most important reason why she is arrested instead of Lady D. In this way, Lady Dedlock's secret is safe after Tulkinghorn's death because he also knew that she had a mysterious past which would be a scandal for her husband.

Although Lady Dedlock is the most probable suspect, this is just slightly implied. Only Inspector Bucket suspects her to be the murderer but never discloses this fact publicly. Nevertheless, Dickens displays the events in such a way that the reader assumes that the murderer of Tulkinghorn is most probably Lady Dedlock, which is evidently a scandal for the Victorian reader. Presenting an aristocrat lady as a criminal is one of the most critical challenges to Victorian class perceptions of criminal identity. Additionally, Lady Dedlock is subjected to threats and power struggles because she has a child out of wedlock prior to her current marriage with an old wealthy baronet, Sir Leicester Dedlock. This truth, if revealed, can easily lead to her stigmatization as a fallen woman. To avoid public disgrace and social pressure, she yields to threats and blackmail. Tulkinghorn, learning that she has a scandalous past, starts threatening and oppressing her. Although it is not revealed, if he knows the fact, he possibly suspects that she has a more scandalous mystery than a mere ex-lover. This refers to the discriminatory attitudes towards gender in the world of crime and offense. Judged by the society, women can become the victims of their past which leads them to commit crimes.

With the inclusion of Lady Dedlock, Dickens refers to the class problems in society. Even if Lady Dedlock was the criminal, she would possibly get away with it due to her social status and her aristocratic husband. It is similar to Madeleine's case who

was not punished even though there were proofs that she had possibly poisoned her ex-fiance. Dickens intends to show that a Lady from the upper class can also be engaged in criminality unlike the traditional belief that only people from lower classes commit such crimes. Though she is not brought to court, Dickens gives the reader the sense that Lady Dedlock could be the murderer of Tulkinghorn as well as Hortense. Implicating a Lady in crime is a reaction against the Victorian conventions, which lies in the basis of sensation novel.

Lady Dedlock's motive is the most reasonable and likely one because it is related with her desire for social stability and a secure marriage. Tulkinghorn keeps blackmailing her about her scandalous past and illegitimate child she has before her current marriage. Lady Dedlock has to face two trials: a legal one for murder and a social one for the bastardy of Esther. If she does not kill Tulkinghorn, she will face a public shame and bring disgrace to her husband because of a probable scandal. If she kills him, she will face a legal trial which would be as scandalous as a social one. Finally, she decides to escape, leaving her husband and eventually causing her own death due to weakness and exhaustion during her escape. As Dieter Paul Pollozcek underlines in his article "The Marginal, the Equitable, and the Unparalleled: Lady Dedlock's Case in Dickens's *Bleak House*", Lady Dedlock "continues, however, to weigh potential evidence against her innocence, evidence that might render her guilty of something more complex than murder" (1999, p. 468). She does not want to bear the social shame because of her status unlike Mrs. Catherick in *The Woman in White*. Furthermore, while she seems to be evading this social humiliation, her escape raises suspicions of murder and criminality.

As the lawyer of the family, Tulkinghorn seems to care for the social status of Lady Dedlock's husband. The class distinction is voiced by Tulkinghorn in his conversation with Lady Dedlock, and he stresses the importance of social status with regards to Sir Leicester Dedlock as such:

Because he IS the consideration. Lady Dedlock, I have no occasion to tell you that Sir Leicester is a very proud man, that his reliance upon you is implicit, that the fall of that moon out of the sky would not amaze him more than your fall from your high position as his wife (p. 494).

Tulkinghorn acknowledges the danger in the revelation of this scandal for the status of Lady Dedlock's husband. The sexist and humiliating attitude towards Lady Dedlock here could be the topic of another gender study. To discuss briefly, she is considered to be less important than her husband and just a support for her husband's social status as a wife.

Hence, Lady Dedlock's being a suspect for murder is a protest against both class and gender perceptions of the Victorians about criminality. She belongs to aristocracy, which makes her the least possible criminal in the eyes of the public, and also she is a respectable woman who is supposed to represent innocence and morality. However, that Dickens implicitly underlines her possible criminality is considered to be a challenge to these traditional perspectives. Nonetheless, arresting Hortense instead of Lady Dedlock again presents Victorian traditional class perceptions about criminal identity, which has a biased attitude towards lower class people. While she could be considered a challenge for class perspectives of criminal identity, she is sexually othered due to her mysterious past and illegitimate child.

In conclusion, Dickens unravels the Victorians' class, ethnic, and gender perceptions of criminality through these othered characters, many of whom challenge the Victorian norms and conventional Victorian perceptions of criminal identity. The law, lawyers, and detectives constantly and disturbingly watch people, which is related to the strict governmental authority and controlling the society. These agents' ineffectiveness contradicts with their oppressiveness, which Dickens depicts rendering the nature of the Victorian legal system. Finally, it can be understood that *Bleak House* is actually the Court of Chancery and corrupt Victorian society on a general basis.



#### 4. CHARLES READE'S IT IS NEVER TOO LATE TO MEND AND THE PENAL SYSTEM

Charles Reade's fictional corpus has usually gone unheeded since the beginning of the twentieth century. Although he was very popular in the nineteenth century through his contemporary topics that aimed a call for social and legal reforms, now he suffers critical neglect in literary studies. Nonetheless, Deborah Wynne describes Charles Reade as "a writer who would stand with Dickens and Thackeray" as one of the greatest Victorian writers (2001, p.132). It is probably due to his touching on challenging and taboo subjects such as the conditions in prisons and asylums which were very shocking for the Victorian reader. As Tom Bragg points out, Reade helped to substantiate and popularize subject matter too easily disregarded as unscrupulous and "low" (2011, p. 304). Additionally, Mrs. Oliphant compares Charles Reade to Anthony Trollope in quality, regarding both of them as "admirable novelists, full of insight and power" who "have never had justice done them" (1899, p. 434).

Besides his accelerating literary achievements, he was also recognized for his tendency for using real life documents. Lewis F. Haines describes Reade as "[t]he first English novelist to make a systematic use of human documents" and states that he is a kind of forerunner of Emile Zola (1943, p. 463). Reade was an eager collector of facts, and he confirms this in his preface to *Hard Cash* that

these truths have been gathered by long, severe, systematic labour, from a multitude of volumes, pamphlets, journals, reports, blue-books, manuscript narratives, letters, and living people, whom I have sought out, examined, and cross-examined, to get at the truth on each main topic I have striven to handle (quoted in Rance, 1991, p.78).

This explanation is similar to Dickens's preface to *Bleak House* where he postulates that everything in the story is based on real events. These similarities between Dickens's realist fiction and Reade's matter-of-fact romances bear investigating. That is to say, these two writers strive to depict the real life to the readers and call for social reform through literature.

Although Charles Reade was initially writing for the theatre, as Tom Bragg points out, his real literary breakthrough came with *It is Never Too Late to Mend* (1856), the first self-proclaimed “matter-of-fact romance” (2011, p. 295). Ann Grigsby argues that Reade is regarded as a documentary novelist, writing in the mid-nineteenth century, “Reade achieved his greatest success in documentary novels advocating social reform” (1996, p. 141). Wayne Burns and Emerson Grant also stress *It is Never Too Late to Mend*’s significance as Reade’s “first attempt to write out-and-out social propaganda” (1946, p. 342). This is absolutely reflected in his inspiration to write about the conditions of prisons. Mary Poovey (2008, p. 324) states that Reade wanted to raise awareness and provoke readers to react against social problems. Additionally, Walter Allen explores that Reade’s realism established his reputation for being “always a novelist with a mission, bent on exposing current evils” (1954, p. 248). In the light of this information, it is not difficult to observe Reade’s position as a social novelist who strives to spotlight corruption in prisons.

Besides his various interests in his literary representations, many critics emphasize his position as a social reformist. On the other hand, though Sheila M. Smith (1960) classifies *Never Too Late* and *Hard Cash* variously as “novels with a purpose” (p. 135) and as novels belonging to sensation fiction (p. 145), she declares that *It is Never Too Late to Mend* can be categorized as “a propaganda novel” (p. 141). Moreover, Nicholas Rance describes the novel as Reade’s “first novel of social propaganda” (1991, p. 79). Like Wilkie Collins and Charles Dickens, Charles Reade was also engaged in law owing to his legal studies at Lincoln’s Inn in 1835 (Quinn, 1942, p. 90). In addition to his collecting real-life documents, this is the reason why his fiction is realistic and aims for reform in the corrupt institutions.

There was a feature that decreased Reade’s popularity in time. As Wayne Burns states (1948, p. 690), Reade’s fiction was limited by melodramatic treatment of the subject matter. Reade abundantly relies on the melodramatic side of the narrative, especially in Susan’s relationship to George and Meadows, and the rivalry between Hawes as evil and Mr. Eden as good in *It Is Never Too Late to Mend*. Elton E. Smith emphasizes this fact by saying that the reason for his unpopularity and critical decline is his use of “old melodramatic formulae of black-white delineation” (1976, p. 9). There are very deliberate conflicts between good and evil in many of his

stories. Those characters would be considered very stereotypical and overused later in the twentieth century.

The novel starts with depictions of a small agricultural community in the countryside of England. George Fielding intends to marry his beloved Susan Merton, but her father will not allow this marriage until George presents one thousand pounds and develops his business. George has difficulty in managing his farm with his brother, so they struggle with financial problems. Mr. Meadows is a prosperous proprietor in the village who aspires to marry Susan. He employs his effect to get George into deeper debt and cause Susan's father to be financially indebted to him. In the meantime, George's friend Tom Robinson is imprisoned for theft, later to be transported to Australia. George travels to Australia to look for opportunities for fortune, so he can return with an amount of money and marry Susan. The story moves from the village, to the prison, then to Australia, and eventually back to the farm where George and Susan get married, and Mr. Meadows is punished through social and financial ruin. In the background of this melodramatic storyline, Reade forms a big section of the novel on the criticism of Victorian prisons.

The fact that Reade based many of his novels on real events makes his fiction very appropriate for cultural studies, in the way of placing his works as cultural productions in the social and cultural debates that define the period. He believes that stories based on real events are more effective than merely invented fictional stories (Sutcliffe, 1944, p. 585). Reade's opinions about literature in a way justify Raymond Williams's proposition that literary texts are as important as other cultural documents and they should not be analysed separately from each other. Additionally, in *It Is Never Too Late to Mend*, Reade writes about issues that were not desired to be revealed and dealt with in detail before by any Victorian writer. This is one of the reasons why he was acclaimed with great popularity as a writer at the time.

#### **4. 1. Discipline in the Prison System**

One of the most prominent issues in the novel is apparently the condition of prisons in the Victorian age. The novel addresses the institutional abuse, within the prisons respectively because it is primarily focused on the prison, one of the most discernible symbols of state power. Charles Reade basically attacks two issues in the novel; these are imprudent supervision of prisons and newly founded systems of

imprisonment in the nineteenth century. Additionally, he reveals corruption, brutality and terrible conditions in prisons that are paradoxically believed to improve people by the humane believers of the Victorian progress. In this way, Charles Reade also depicts the Victorian social degradation and hypocrisy about the so-called improvement and humanity in the punishment processes.

In a similar vein, Charles Dickens explains his visit to Newgate prison and describes this place in *Sketches by Boz* (1835), his collection of articles written in the early stages of his writing career. He fictionalizes this description in his representations of the prison in *Great Expectations* (1861), when Pip visits Newgate prison. In the novel, Charles Dickens displays his dissatisfaction with the current prison system, and this prison is presented as a miserable place, similar to Charles Reade's depictions in *It Is Never Too Late to Mend*.

The prison part forms almost a third of the novel, which is the most sensational section and the reason for the success of the novel. It narrates the experiences of some prisoners, specifically a fifteen-year-old boy named Joseph and Tom Robinson, in \_\_\_\_\_ Gaol. The governor, Mr. Hawes, is a cruel man and seems to enjoy molesting the convicts of his prison illegally, especially Joseph who is gradually driven to kill himself. Mr. Hawes's abuses involve the punishment jacket, the dark cell, turning the crank, and some less severe punishments. Meanwhile, Francis Eden replaces Mr. Jones as the chaplain and decides to end the abuses occurring in the prison. Eden and Hawes engage in a power struggle in the prison, as Hawes's punishments become more inhumane. Accordingly, Eden requests higher government officials to remedy these problems in the prison. After the investigations in the prison, Hawes is expelled from management, and Eden arranges the order in the prison humanely. Charles Reade, by using the newspaper reports and the government documents about the investigation at Birmingham Gaol, displays the problem of power within the prison system, introducing a modest and gentle clergyman to overturn the power of the brutal, abusive prison manager.

As mentioned, the feature that makes Charles Reade a distinct writer is his obsession with true stories in the newspapers and police reports, and his striking representations of these cases. John F. Quinn (1942, pp. 4-5) expresses that Charles Reade was abundantly interested in newspaper stories which served as sources for his novels, and he had huge volumes of notebooks where he collected articles from newspapers.

In this way, he strived to achieve what he calls “matter-of-fact” romance which is based on real events blended with his fictional melodramatic predilections. About this interest in newspaper reports, he declares “never to guess where I can know,” which motivates him to inundate his novels with actual events and incidents from real life (C. L. Reade and Compton Reade, 1887, p. 198).

Charles Reade holds the writers of his sources responsible, and particularly the news reporters. For instance, when Reade is accused of writing about improper subject matter, Reade stresses that he is inspired by the stories in the *Times*:

For 18 years, at least, the journal you conduct so ably has been my preceptor, and the main source of my works—at all events, of the most approved. A noble passage in *The Times* of September 7 or 8, 1853, touched my heart, inflamed my imagination, and was the germ of my first important work, *It is Never Too Late to Mend*. That column, 27 a monument of head, heart, and English, stands now dramatized in my pages, and embellishes the work it had inspired<sup>17</sup>. (cited in Brantlinger, 1982, p.10)

Charles Reade tells the newspaper that an article it published on the Birmingham Gaol inquest inspired him for the prison section of the novel. The London *Times* reported that a commission was chosen by Government “to inquire into certain charges of cruel treatment of prisoners in the [Birmingham Gaol]” (“Birmingham Borough” *Times*, 1853, p. 7). The most significant incident which inspired Reade to write the chapters of the novel portraying the prison was the suicide of a young prisoner narrated in the report. This investigation into the Birmingham Gaol provided the source material for nearly half the plot of *It Is Never Too Late to Mend*.

A considerable part of the novel is about the abuses in the prison, which were apparently based on these events in Birmingham Gaol because Charles Reade makes numerous references to the reported events in there. Nonetheless, he defines the

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<sup>17</sup> “Commission of Inquiry Into the Alleged Abuses in the Birmingham Gaol,” *Times*, September 8, 1853, p. 7.

prison in the novel as ‘\_\_\_\_\_ Gaol’ without giving it a specific fictitious name. Thus, it can be said that he deliberately does that in order to repudiate that many of the prisons in England are the same in the Victorian age, not only a few specific ones. This novel, not very different from the reports in some parts, involves sources found in these reports but is conceived by Reade for the purpose of encouraging reforms in prisons. Additionally, John F. Quinn (1942, p. 10) states that Reade studied prison reports and had himself locked in a dungeon before he started writing the novel. This explains how he can write such detailed and realistic representations of Robinson’s experiences in the dark cell hour by hour. This reference to the real events explains the credibility of the plot and the powerful effect of the novel on readers.

Reade reproduces many of the tortures and cruelties reported in the *Times* and in the Commissioners’ *Report*. He therefore combines well-known facts with his own fictional story in order to make his readers recognize the monstrosity that were happening in prisons in England. Furthermore, he inserts excerpts from the *Report* and the *Times* in his novel and forms a powerful parallel between the facts and fiction. In the report on the Birmingham Gaol in *Times*, the teenage prisoner who commits suicide is described as “a mild, docile boy” (“Birmingham Borough”, 1853, p. 9). In the novel, Charles Reade quotes this depiction deliberately and writes it in initial letters in the following passage where the inspector, Mr. Williams, questions the chaplain about Josephs, the young prisoner:

“Do you know a prisoner here called Josephs?”

“Yes sir perfectly well.”

“Well now, what is his character may I ask?”

“HE IS A MILD, QUIET, DOCILE LAD.” (p. 127)

In the novel, all the quotes Charles Reade takes from the reports are written in initials in order to emphasize the veracity of the story based on the real events. In addition, the quotes are quite shocking for the reader even when they realize these are references to the real events. In the extract above, Reade makes readers question why such an obedient and easy-going prisoner is tortured to death. Thus, he castigates the prison system in this way, too.

In the prison sections of the novel, Reade emphasizes the malfunction of prisons and mistreatment of prisoners, especially the young ones. He materializes this critique

through the narrative about Josephs, the sixteen-year-old prisoner, whose story is also based on the facts in the report on Birmingham Gaol. Regarding this report, Hawes's abuses of Josephs and Robinson are the representations of the deficiencies in the prison system and the uncontrolled power given to prison administrators.

Richard Fantina (2010, pp. 1-2) emphasizes that Charles Reade was a radical defender of reform in the conditions of prisons and asylums. Reade evidently criticizes physical punishment of crime in the early and mid-nineteenth century, which necessitates a consideration of Michel Foucault, whose *Discipline and Punish* includes enlightening information about the prison system in the eighteenth and nineteenth centuries. Charles Reade employs the melodramatic tradition in his fiction in order to arouse powerful emotions in his readers. He possibly wishes to stimulate anger and passion against the abuses in the prison. As Richard Fantina (2010) points out, *It Is Never too Late to Mend* presents Reade's first effort to launch 'novel with a purpose', and here the purpose is to awaken the readers about the essential reforms in the prison system.

About the mechanisms of discipline in Europe, Michel Foucault states that hospitals or schools were other institutions of observation and surveillance although they look like they were not built in order to control people (1995, p. 172). He states that this "invention" of disciplinary power is spread from the schools to other institutions like hospitals, military organizations, and prisons (Foucault, 1995, pp. 138-139). Those places were built to supervise people without oppressing them apparently, yet individuals felt that they were being watched and controlled, but without being exposed to physical power allegedly. It is the most effective method of discipline only by observing and showing that you are watching them. Though power is not used through physical force, it is still employed in the prison system via watching the prisoners on a psychological basis. Nonetheless, in the novel, Mr. Hawes goes one step further and attempts to discipline the prisoners in a sadistic way by torturing them when they do not obey the prison rules.

Michel Foucault describes discipline as "the specific technique of a power that regards individuals both as objects and as instruments of its exercise" and makes them obedient beings by the use of power (1995, p. 170). In this system of surveillance, discipline is achieved through the use of "hierarchical observation" which Foucault describes as a "mechanism that coerces by means of observation; an

apparatus in which the techniques that make it possible to see induce the effects of power” (1995, 170–71). This power to see all is important not only for the jailer but also for the inmate because “the means of coercion make those on whom they are applied clearly visible” (1995, 171). In the novel, the prisoners are controlled in this way because they know they will be punished severely through these ways of punishment. They cannot talk to each other or misbehave reacting against the prison rules and the authority of Mr. Hawes.

Related to the systems of discipline and power in prisons, in the beginning of the prison part in the novel, Charles Reade states that prisons are in a state of conversion, which means that there are no clear laws or regulations enforced in the prison system:

Prisons might be said to be in a transition state. In some, as in the county Bridewell Robinson had just left, the old system prevailed in full force. The two systems vary in their aims. Under the old, jail was a finishing school of felony and petty larceny. Under the new it is intended to be a penal hospital for diseased and contagious souls.

The treatment of prisoners is not at present invariable. Within certain limits the law unwisely allows a discretionary power to the magistrates of the county where the jail is; and the jailer, or, as he is now called, the governor, is their agent in these particulars.

Hence, in some new jails you may now see the nonseparate system; in others, the separate system without silence; in others, the separate and silent system; in others, a mixture of these, i.e., the hardened offenders kept separate, the improving ones allowed to mix; and these varieties are at the discretion of the magistrates, who settle within the legal limits each jail's system. (pp. 99-100)

Charles Reade, in the extract above, depicts the situation of the prisons and the legal procedures related to them in the Victorian age. In addition, he refers to the power and authority of the governors in those prisons. He emphasizes the fact that the laws are unwise in the control of these prisons and in assigning disciplinary power to the magistrates. As it is observed in the excerpt, there is no clear regulation about the supervision of the new prisons; many prisons employ different systems, separate or silent, or both of them. Michel Foucault dwells on different courts and legal systems and how these created many “loopholes” because of different customs and

procedures (1995, p. 79). Mr. Hawes abuses these loopholes in the British prison system and organizes the prison by making his own rules. In this way, Charles Reade shows that the deficiencies and leniency in laws about the control over prisons encourage the abuses in these places.

Charles Reade presents a historical overview of the prisons, comparing the old and the new systems. In the old system, prisons were not very deterrent, so even inexperienced criminals would professionalize in crime owing to their interaction with other criminals. Ross Gilfillan states that, after the abolition of the capital punishment and transportation, prisons became crowded and filthy places, run by corrupt administrators, and prisoners were just playing cards and boasting about their crimes. (2014, p. 118). This could be regarded as one of the triggering features for the establishment of separate and silent systems in prisons throughout England because these systems seem to bring discipline initially. On the other hand, the new method brought severe discipline and punishment with separate and silent systems. This is also related with changing perspectives of criminality in the Victorian age which considered them as rotten souls and dangerous beings for the welfare of the society. Regarding the system in the eighteenth and nineteenth centuries, Michel Foucault (1995, p. 125) clarifies that the work in prisons is on the prisoner's soul, and the prison system is managed in order to alter the prisoner's mind.

With the description of Tom Robinson, Charles Reade presents the changing system in prisons because Tom Robinson recognizes some alterations since his last imprisonment. Reade depicts these changes in relation to Tom Robinson who has been to prison several times before. Michel Foucault explains two American systems of imprisonment which are silence and absolute isolation (1995, pp. 237-238). In both systems, the convict feels the power imposed on him, and those systems can be observed in Reade's novel. Furthermore, he shows the abuses and corruption of those systems in Hawes corrupt management of the prison and over-severe punishment exercised over the prisoners. Reade successfully replicates the punishments employed in those two main systems of imprisonment. For example, the prisoners cannot even talk to each other at the church in prison because the church is designed with a set of boxes where the prisoners cannot communicate but only see the clergyman and listen to his praising. In *Discipline and Punish*, Michel Foucault

(1995) reflects a picture of an auditorium in Fresnes Prison and that figure matches almost completely to Reade's depiction of the prison chapel in the novel.<sup>18</sup>

Regarding the power and discipline exercised in prisons, Charles Reade demonstrates that authority of the prison managers and jailers is taken from the magistrates who seems quite irresponsible and careless of the miserable conditions in the prison. Reade writes about the previous manager who wanted to change the strict and torturous management of the prison but could not achieve that owing to the influence of the authorities. Because of that, the wardens and administrators of prisons do not hesitate to torment the prisoners for the sake of dealing with criminals, which refers to the Victorian fear about crime. They consider themselves right treating prisoners in such a cruel way. This discipline will be explained further in more detail in the following part of this chapter. Even the visiting justices, whose responsibility is to supervise the prison, seem careless and pleasant because of the so-called order in the prison which satisfies them to a certain extent. They are only interested in the function and organization inside the prison, and this obviously shows the Victorian insistence on social order and discipline. However, people, including the magistrates of the prison, do not show attention to the miserable conditions in which the prisoners live because Victorian social norms advocate that prisoners should be disciplined and punished severely due to their reactionary behaviours against the society.

John F. Quinn (1942, p.183) postulates that the government did not take severe precautions about the prisons until 1877, and the boys younger than fifteen were still sent to prisons until 1908. In other words, the government used prisons as another institution to exert power on people to make them 'docile', just like the effect of public executions and the police force. This invokes Foucault's theoretical formulations on the concept of power and the exercise of this power in certain institutions such as prisons, hospitals, or schools. Michel Foucault (1975, p. 116) describes the structure of prisons with high walls as the symbol of the power to punish in the nineteenth century. Reade criticizes the physical space of the prison and

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<sup>18</sup> Michel Foucault demonstrates some figures from different prisons, following page 169.

the ignorance of the state about the corrupt management and uncaring government officials who are supposed to control the prisons regularly. In the novel, the magistrates who are responsible for the control just visit the prison, but they do not inspect the cells and prisoners carefully. They believe everything Mr. Hawes tells them about the management of the prison, so he abuses this improper functioning and carelessness of the authorities. He keeps on torturing the prisoners brutally because he is almost sure that the lax control system in the government will not inspect him and the prison strictly.

In the beginning of the prison section, Reade presents a very detailed portrayal of physical conditions of the prison in the novel. It is a descriptive narrative moving from the outside of the prison with two towers in the entrance to the interior with depictions of the cells and the prisoners (pp. 97-98). The dishes given to prisoners are totally insufficient and the cells are described as very small, and these dreadful conditions are emphasized in this early depiction of the prison. Although they are described negatively, Reade calls the cells “inviting at first sight” (p. 99). That shows hypocrisy and pretentious Victorian improvement that hides the painful discipline behind a glorious prison system. As it is observed, there is not a favourable description of the prison from the very beginning. Similar to Foucault’s interpretations, Reade’s description of the prison gives the sense of power employed invisibly. However, this invisible power observed in the initial description of the physical conditions is transformed into more visible and violent discipline inside the prison.

In these attempts to exercise and enforce power over the prisoners, the chaplain as the representative of religion in the prison is ignored overpowered by Hawes, which shows the religious hypocrisy in the Victorian age in addition to the social one. A chaplain should be considered the most respectable person in the jail, but he is regarded as an enemy by Hawes because of overstepping his duty and trying to shake his authority by criticizing the management of the prison. Similar to the previous chaplain who was sent away, the new chaplain Mr. Jones is also resisted by Hawes and forced to leave the prison. Finally, Mr. Eden arrives as the newest chaplain and starts a long struggle with Mr. Hawes. Mr. Eden quickly realizes the corrupt system in the prison, and his humanitarian personality is emphasized in his hatred for the abuses of Hawes.

The conditions of the prison and the feelings of prisoners are described effectively as such:

A thick dark pall of silence and woe hung over its huge walls. If a voice was heard above a whisper it was sure to be either a cry of anguish, or a fierce command to inflict anguish. Two or three were crucified every day; the rest expected crucifixion from morning till night. No man felt safe an hour: no man had the means of averting punishment; all were at the mercy of a tyrant. Threats frightful, fierce, and mysterious, hung like weights over every soul and body. Whenever a prisoner met an officer, he cowered and hurried crouching by like a dog passing a man with a whip in his hand; and as he passed he trembled at the thunder of his own footsteps, and wished to Heaven they would not draw so much attention to him by ringing so clear through that huge silent tomb. When an officer met the governor he tried to slip by with a hurried salute lest he should be stopped, abused, and sworn at. (p. 236)

The conditions are so violent that the relation between the prisoners and the wardens are compared to the one between a dog and a master. Like Dickens's lawyers and detective figures, Mr. Hawes is rendered as another agent of the system and the most visible symbol of the oppressive power. Additionally, Hawes is compared to a tyrant who has no mercy at all. The wardens also avoid contacting Hawes because of the risk of being humiliated or abused by him. In this way, these wardens abuse the prisoners because they are verbally abused by the governor himself. This power is felt everywhere.

As observed, power is exercised in a diffused mode, and everyone is involved in this reciprocation of power because it enters every space. Michel Foucault (1995) explains that even the state itself depends on external relations of power. The modern state for Foucault refers to the apparatuses of the army, the police, prisons, courts. This new type of power has been described as a "fundamental instrument in the constitution of industrial capitalism and of the type of society that is its accompaniment" (Foucault, 1980, p. 105). Charles Reade presents this modern net-like fashion in which the power is employed. The prison exerts the power of the modern state on the prisoners. At the same time, Hawes exercises power over wardens and prisoners, while he is being controlled by the magistrates and the state as well.

Writing about the conditions of prisons in the Victorian age, Ross Gillfillan describes the wardens from the eyes of a real prisoner called James Hard Vaux, and these wardens are depicted as totally insensitive, brutal “by the consciousness of power they possess” (2014, p. 117). Charles Reade portrays these features of managers and wardens in prisons. As observed in the beginning of the prison section in the novel, he emphasizes that the law unwisely provides an unrestricted power to the magistrates of the district where the prison is, and the prison governor is their agent. The magistrates usually support Mr. Hawes because of their laxity in controlling the prison and their reliance on the governor. He constantly says that he will be “master in this jail” (p. 152), which refers to his power struggle not only with the chaplain but also with the higher officials of the government. It is later understood that Mr. Hawes has his own way of managing the prison because the judge who controls the jail is shocked when he sees the punishment jacket and the dark cells. It can be observed that Mr. Hawes, through the power he gets from the officials, governs the prison senselessly and brutally.

In order to reduce the severity of punishment and the extent of power in the prison, Foucault states that the authorities are the ones that employ cruel punishment, and they must feel this sense of pain in harsh punishments (1995, p. 91). Hence, he ascribes all these strict punishments and tortures to the matter of power and the necessity to distribute and make their power felt everywhere. Similarly, Charles Reade materializes feelings of sympathy towards the criminals who are punished harshly. Mr. Eden wants to be locked in the dark cell in order to feel what the prisoners feel when they are punished in this way. In addition, he wants to try the punishment jacket which he can bear only a few minutes, and he feels shocked by the severity of these punishments. In this way, Charles Reade invokes Foucault’s ideas about the necessity of making the authorities feel the same pain when the criminals are punished in torturous ways.

#### **4. 2. Subversive and victimized criminals**

The critique of the poor conditions in Victorian prisons is exemplified through detailed descriptions of punishments and torments in the prison sections of the novel. While Charles Reade tries to shed a light on a scandalized subject like corrupt

management of prisons, these representations subvert the conventional Victorian perspectives of criminality and prisoners.

Michel Foucault states that even though the physical public punishment and torture decreased in the nineteenth century, prisons were still employing some forms of physical punishment, and he describes these punishments concerning the body as “rationing of food, sexual deprivation, corporal punishment, solitary confinement” (1995, p. 16). Charles Reade, in the novel, displays examples of almost all those forms that Foucault specifies in his study. Some examples of these punishments can be observed in Josephs’ being put on the punishment jacket, Robinson’s being held in the dark cell, and supplying half the food they need or depriving them of any food for certain periods of time.

There are numerous punishments described in detail in the novel. Reade condemns the crank as a sneaking monster and a “diabolical engine to keep thieves from ever being anything but thieves,” (p. 146) demanding of a prisoner “idle toil,” (p. 112) in order to humiliate and dehumanize him. The darkness of the cell is “the frightful darkness that chilled and crushed the Egyptians, soul and body; [...] a darkness that might be felt” (p. 106). The unofficial and torturous methods of discipline used in the prison make the prisoners collapse until they are totally left hopeless, so some of them are desperately tempted to commit suicide. Some other typical punishments in Hawes’ management are whipping, depriving prisoners of food, dousing them in cold water, and Reade clearly intends to expose these abuses and wants them to be abolished. These things could not be depicted in the novels very often in the Victorian age, and few writers were brave enough to point out these issues. That is the reason why Charles Reade is one of the most outstanding Victorian authors of his time.

Among these forms of punishment, crank is one of the most significant ones that need to be examined. There is a detailed description of how the crank works as a form of punishment and one of the most common machines of torture for the prisoners in the nineteenth century (p. 111). It is generally constructed on a wall and has a handle which the prisoners have to turn several times. It also has a system of calculation which counts how many times the handle is turned. The description of the crank in the novel shows that it does not have a productive function. Its only purpose is to keep the prisoner busy and make the physical effort longer and harder.

Additionally, it provides an invisible observation because the machine records the number of turns even though the prisoner is not watched by the wardens. In this way, the wardens can understand if the prisoner turns the crank as obeyed or not because they can see how many times the crank is turned. Thus, it is a form of discipline without watching the prisoners obviously, but the prisoner knows there will be consequences if the task is not completed. The use of crank and hard labour could be related to Foucault's terms "exhaustive use" which means exhausting the individuals by letting no idleness and wasting time (1995, p. 154). It is done to eliminate any risk of disobedience. In this way, exhaustion is more necessary rather than being useful; that is why crank is such a useless but extremely exhausting activity for prisoners. In the novel, the prisoners turn the crank thousand times and they feel nothing after all, so a dehumanizing method is applied in order to deter their criminal behaviour. It is described in the novel as such:

This clergyman had a secret horror and hatred of the crank. He called it a monster got by folly upon science to degrade labor below theft; for theft is immoral, but crank labor is immoral and idiotic too, said he. The crank is a diabolical engine, to keep thieves from ever being anything but thieves. He arrived at this conclusion by a chain of reasoning for which there is no room in a narrative already smothered in words. This antipathy to the crank quite overpowered him. He had been now three weeks in the jail, and all that time only thrice in the labor-yard. It cut his understanding like a knife to see a man turn a handle for hours and nothing come of it. (p. 146)

Charles Reade, once again voices the irrationality of crank in prison and criticizes the social hypocrisy about these punishments. While a small theft like stealing a piece of bread is totally immoral and needs harsh punishment, crank is not seen as immoral just for the sake of punishing criminals. However, putting prisoners on hard labour or punishment such as crank and leather jacket is more sadistic and immoral than stealing a piece of bread or throwing stones. This renders as the representation of corrupt Victorian social values and double standards. The punishments in prisons are justified because of the social belief that especially the criminals from lower levels of society should be punished severely, for they are dangerous beings and outsiders.

Another form of punishment in the prison is the leather jacket which is described in the novel in detail when it is exercised on Josephs:

A lad about fifteen years of age was pinned against the wall in agony by a leathern belt passed round his shoulders and drawn violently round two staples in the wall. His arms were jammed against his sides by a straight waistcoat fastened with straps behind. [...] A high leathern collar a quarter of an inch thick squeezed his throat in its iron grasp. His hair and his clothes were drenched with water which had been thrown in bucketsful over him, and now dripped from him on the floor. His face was white, his lips livid, his eyes were nearly glazed, and his teeth chattered with cold and pain. (p. 113)

Reade continues to depict the punishments in the prison with more brutal and violent forms. This form of punishment is presented in detail to give the idea of this severity and inhumanity to the readers.

As one of the most pitiable victims of those punishments, Josephs is the obvious representation of the young prisoner who committed suicide in Birmingham Gaol and caused the conditions in the prison to be announced as a public scandal. Accordingly, Charles Reade uses Josephs as a way of referring to those scandals and showing the extent of punishments in the prisons. Once again, he does not hesitate about giving specific details of how Josephs is tortured harshly and left bereft of any wishes to live.

Josephs was imprisoned for stealing beef. This is a clear reference to the injustice in the punishment of the members from different social classes and the criminal cases as discussed in the first chapter of this study which clarifies some examples of juvenile punishment. While young people under the age of fourteen could be imprisoned for petty crimes, people like Madeleine Smith could be released due to their higher social status. This incident is emphasized in the novel in the following excerpt while the visiting justices are discussing Josephs's crimes in the prison:

“That is a nice, quiet-looking boy,” said one of the justices; “what is he in for?”

“He is in this time for stealing a piece of beef out of a butcher's shop.”

“This time! what! is he a hardened offender? he does not look it.”

“He has been three times in prison: once for throwing stones, once for orchard-robbing, and this time for the beef.”

“What a young villain! at his age” —

“Don't say that, Williams,” said Mr. Wright, dryly, “you and I were just as great villains at his age. Didn't we throw stones? rather!” (p. 121)

In this extract, Charles Reade alludes to juvenile delinquency and harsh punishment of teenagers just for petty thefts like the ones Josephs committed. Furthermore, one of the justices denies the immorality of the behaviour they did when they were children, although it is the same thing as Josephs did. When one of the justices denies their crimes as a child, the other justice negates him:

“No?” cried the other, “where is your memory? Why, we threw stones at everything and everybody, and I suppose we did not always miss, eh? I remember your throwing a stone through the window of a place of worship — (this was a schoolfellow of mine, and led me into all sorts of wickedness): I say, was it a Wesleyan shop, Williams, or a Baptist? for I forget. Never mind,, you had a fit of orthodoxy. What was the young villain's second offence?”

“Robbing an orchard, sir.”

“The scoundrel! robbing an orchard? Oh, what sweet reminiscences those words recall. I say, Williams, do you remember us two robbing Farmer Harris's orchard?”

“I remember your robbing it, and my character suffering for it.”

“I don't remember that ; but I remember my climbing the pear-tree, and flinging the pears down, and finding them all grabbed on my descent. What is the young villain's next— Oh! snapping a piece off a counter. Ah! we never did that —because we could always get it without stealing it.” (pp. 121-122)

Here, Charles Reade shocks the Victorian reader depicting the double standards and social hypocrisy in the nineteenth century. The visiting magistrates justify Josephs's offences and punishments because he belongs to the lower class although his actions are just petty crimes. The magistrates say that they did the same things when they were children, but they were never punished for what they did because they were possibly the children of middle class, respectable families. We can understand that when one of them says they did not need to steal things. Hence, the Victorian perceptions of criminality are criticized in this part of the novel because the poor children are punished just for stealing orchards or a piece of beef, while middle class children are ignored when they commit similar offences. What's more, the visiting

justices never question how unreasonably Josephs is imprisoned for such petty crimes. That is, they are the agents of this corrupt legal system, which makes them regard these kinds of crimes to be punished severely.

About the punishment mechanism, Michel Foucault describes the process of how the body is transformed into a docile body after the seventeenth century. The body becomes an object and target of power, and the power is enforced and employed by using discipline on the body. It is not used as a fearful public punishments or tortures for the others to see; however, it is used as an object to obey. As Foucault explains, “discipline produces subjected and practised bodies, ‘docile bodies’ ” (1995, p. 138). In this way, domination is achieved by employing disciplinary power on the body. In the novel, that is what Hawes is trying to do by torturing the prisoners because he wants to manage the order in the prison. This is observed in the frightened prisoners who are almost dehumanized.

In chapter fifteen, Reade describes the process of how the prisoners are driven mad gradually. Firstly, they are given hard labour or crank for certain periods, and then they are sent to dark cells unless they manage to finish these tasks on time. The prisoners are supposed to be reformed or improved in this way, so they are given severe punishments. That is why no regulations about reforming the prisoners are established. They are not believed to be productive and useful citizens in society.

Once again, Reade gives details of Tom Robinson’s experience in the dark cell. The readers witness the process of his going almost mad in a dark and totally silent place. He thinks he can bear all the tortures in the prison but the dark cell. Reade strives to arouse powerful feelings in the reader by these detailed depictions (p. 164-166). Robinson is so depressed in the dark cell that he even wishes to do hard labour instead of not doing anything in the quiet and dark cell which drives prisoners mad gradually. Hence, Tom feels that he is being transformed into a docile body because even “Talking not allowed out of hours” (p. 102). This claustrophobic representation of prison could be compared to the office of Mr. Vholes in *Bleak House* which is described as a very small and stuffy place, and the situation of Robert living in a very small place in the aim of getting the inheritance. Such comparison shows a parallel between the depressing conditions of the penal and the legal system. The gloomy atmosphere is deliberately emphasized as a condition of the prisons by Reade’s realistic descriptions. Robert becomes a prisoner and victim of the legal system and

Chancery Court because of its tremendous effect on people seeking a fortune. He confines himself to his obsession with the Jarndyce case and Mr. Vholes' empty promises. In this way, Robert's gradual physical deterioration and death could be compared to Josephs' situation in the prison.

About the situation of prisoners, Reade states that in the novel "The victims of the Inquisition would have gained but little by becoming the victims of the separate and silent system" (p. 118). He focuses on the fact that the reforms in Victorian prisons did not alter the cruelty in the penal system. He compares the Inquisition and the present Gaol in novel in terms of their brutality and extreme punishments regardless of the prisoners' crimes and personalities. Another thing that needs careful examination is the description of prisoners as victims. Very few writers would describe criminals and prisoners as victims in the Victorian age. Thus, Reade shows his oppositional and challenging side even by presenting this perspective. Additionally, he keeps depicting the prisoners as victims throughout the prison section of the novel. He does not give much information about their personalities before they were imprisoned because he wants to focus on the humane side of them and inhumane management in prisons. He does not want to consider the prisoners as dangerous beings unlike conventional Victorian perceptions. In addition to displaying oppressive attitudes towards prisoners in the Victorian age, he also wants his readers to share his attitudes towards criminals in the nineteenth century.

After the on-going tortures and victimization, they find Josephs "standing in the middle of his dungeon shaking with cold in his drenched clothes and sobbing with his whole body. It was frightful to see and hear the agony and despair of one so young in years, so old in misery" (p. 244). Although he is very young, the things he goes through correspond to a lifetime of a person at the age of eighty. This shows the hardships he has to bear as a teenage prisoner under Mr. Hawes's brutal management. After a long process of torture and exhaustion, Josephs finally hangs himself because he cannot stand the brutality in the prison. This is another reference to the victim in Birmingham Gaol Report by which Charles Reade was inspired to a great extent. This is displayed in Josephs' words below before he dies:

"Some folk live to eighty; I am only fifteen; that is a long odds. I dare say it is five times as long as fifteen. It is hard — but I can't help it. Hawes wouldn't let me live to be a man ; he is stronger than I am. Will it be a long job, I

wonder? Some say it hurts a good deal; some think not. I shall soon know—but I shall never tell. That doesn't trouble me, it is only throttling when all is done; and ain't I throttled every day of my life ? Shouldn't I be throttled tomorrow if I was such a spoon as to see tomorrow? I mustn't waste much more time or my hands will be crippled with cold, and then I sha'n't be able to.” (p. 249)

Charles Reade increases the effectiveness of the story by using Josephs as his mouthpiece in order to display the brutality in those prisons. One of the novelistic devices that D. A. Miller identifies as part of such a disciplinary practice is the omniscient narrator. According to Miller, “As it forwards a story of social discipline, the narrative also advances the novel’s omniscient word. [...] It is frequently hard to distinguish the omniscience from the social control it parallels” (1988, p. 27). In the novel, the omniscient narrative displays the fright and tremor the prisoners feel when they encounter with the wardens, and during the punishment procedures. Additionally, this narration presents the power felt by the prisoners similar to Miller’s account on the narration and the authorial power.

The cruel treatment of prisoners is very much related to the Victorian perceptions of criminality. Because the criminals are considered malicious and dangerous beings, tortures in the prison are normalized and regarded as routine procedures. Michel Foucault states that all the means of power “are disposed around the abnormal individual, to brand him and to alter him” (1995, p. 199). Consequently, the prisoners are dehumanized, and this situation is not resisted by the authorities clearly. Charles Reade attributes this oppressive conduct of prison governors to the state itself. In the novel, Mr. Eden talks about Mr. Hawes and criticizes the State for giving him such uncontrolled power in management of the prison, and he adds that “It is not their fault, it is their nature; their constitution is rotten; in building them the state ignored nature, as Hawes ignored her in his self-invented discipline” (p. 305). Mr. Hawes invents his own way of punishing the prisoners because the government ignores this brutality in prisons. This issue is exemplified in the extract below:

For the present, the account between Josephs and the law stands thus: Josephs has committed the smallest theft imaginable. He has stolen food. For this the law, professing to punish him with certain months' imprisonment, has inflicted capital punishment: has overtasked, crucified, starved—overtasked,

starved, crucified—robbed him of light, of sleep, of hope, of life; has destroyed his body, and perhaps his soul. Sum total—first page of account — Josephs a larcenist and a corpse. The law a liar and a felon. (p. 326)

Reade's criticism of Hawes as one of the agents of the penal system expands into a more general criticism of the law. Similar to his subversion of criminality and the governor of the prison, he subverts the relationship between criminality and law. He regards law more immoral and criminal than the prisoner Josephs who is imprisoned for small crimes. The law is more brutal than many heartless criminals because of punishing the petty crimes like the ones of Josephs instead of dealing with big corporate and financial crimes.

In spite of those numerous brutal punishments, there are not any negative descriptions of the prisoners in the novel. Hence, Reade subverts the traditional Victorian perceptions of criminal identity by putting the blame on the power of the state that lead to the inhumane treatments of prisoners. The prisoners are not brutal and insensitive people, and they can be rehabilitated. That is to say, criminality is again revealed to be a social construct because it is the system and social structure what makes them criminals. Furthermore, if there were not those conventional ideas on being a criminal, these prisoners would not be treated so badly.

Tom Robinson is described as a good-hearted and innocent prisoner, which challenges the Victorian perception of criminality as sole cruel beings. Even before Tom Robinson's imprisonment, he is not described as a corrupt or dangerous being as a criminal. His previous criminality is not emphasized, which shows that the corrupt management of prisons is a much more serious problem. In addition, criminals are also depicted as victims of the brutal system in prisons, and this brings another challenge to the Victorian conventions of crime. Josephs is "threatened, vilified, and tortured every day and every hour of it" (p.238). However, these methods do not work on prisoners because they are either driven mad or forced to commit suicide. In this way, Charles Reade demonstrates that criminals could be transformed into more logical and moral beings with benevolent attention, not with severe punishment, especially physical ones. This criticism of inhumane management of prison is observed clearly when Mr. Eden castigates Hawes sternly, after Hawes' dismissal towards the end of the prison section:

“Madman, to your knees! [...] The land contains no criminal so black as you. [...] I, a minister of the Gospel [...] tell you that if you die impenitent, so surely as the sun shines and the Bible is true, the murder of Edward Josephs and his brothers will damn your soul to the flames of hell forever—and forever—and forever! Begone, then, poor miserable creature! [...] Fly from this scene where crime and its delusions still cling round your brain and your self-deceiving heart. [...] The avenger of blood is behind you. [...] Away! away! Wash those red hands and that black soul in years and years of charity, in tears and tears of penitence, and in our Redeemer’s blood. Begone, and darken and trouble us here no more.” (pp. 319-320)

Here, the figures of criminal and prison governor are defied because Hawes is accused of being a crueller criminal than the prisoners. Reade challenges the Victorian social norms and morality which define criminality. In addition, he fictionalizes the critique of prison management through the character of Hawes. Phillip Collins argues that Mr. Eden serves as Reade’s mouthpiece in his criticism of Hawes and the prison system (1962, p. 209). Eden subverts Hawes’s power because Hawes uses uncontrolled authority disobeying the prison rules while Eden obeys these rules and treats the prisoners with respect. Eden overthrows Hawes through legal procedures.

In the following extract, Reade describes the transformation of the prisoners with Mr. Eden’s system:

My readers have seen how the saint has saved the thief’s life. [...] They have seen a set of bipeds acting on the notion that all prisoners are incurable; they have seen a thief, thus despaired of, driven towards despair, and almost made incurable through being thought so. Then they have seen this supposed incurable fall into the hands of a Christian that held "it is never too late to mend;" and generally, I think, that, feebly as my pen has drawn so great a character, they can calculate, by what Mr. Eden has already done, [...] what love, what eloquence, what ingenuity he will move to save this wandering sheep, to turn this thief honest, and teach him how to be honest yet not starve. (pp. 326-327)

After Mr. Hawes's dismissal and Mr. Eden's replacing him with a more humane management, the prison is described as rather a more peaceful place contrary to the previous conditions under Hawes's brutal and inhumane supervision (pp. 380-381). Mr. Eden creates a more productive and friendly atmosphere in the prison where everything is managed in order, not by strict discipline and torture. His attitude also transforms many prisoners, especially Robinson because "the reader has seen Robinson turned to a fiend by cruelty, and turned back to a man by humanity" (p. 389). Likewise, this is connected to the failure of the prison system because Reade criticizes the old system of discipline and harsh punishment and displays what it would be like with a more humane attitude like the one by Eden because the current system does not recover the situation of criminals. Thus, Reade wishes to demonstrate that a more humane system is possible.

Through the depictions of corrupt management of prisons with the silent and separate systems, Charles Reade harshly denounces these systems and emphasizes the failure of them. He uses Mr. Eden as his mouthpiece in the criticism of separate confinement referring to the fact that how it "breeds monstrous egotism" (p. 384). Mr. Hawes does not hesitate to manage the prison brutally and discipline the prisoners by employing cruel tortures which does not improve the prisoners' conditions. Additionally, Ross Gilfillan (2014, p. 121) explains the failure of both silent and separate system because some prisoners were driven mad due to punishments like dark cells, so the duration of staying in prisons before transportation was reduced to half. Charles Reade refers to this situation by detailed description of Tom Robinson's experience in the dark cell and how he is about to go mad in this process. Likewise, Michel Foucault points out the failure of the prison system and states that prisons do not diminish the crime rate and gives numerous statistics to prove this, and he adds that almost forty per cent of former prisoners were convicted again in the nineteenth century (1995, p. 265).

Charles Reade materializes and fictionalizes Foucault's proposition that discipline in certain institutions were not very humane after a process of restoration in the laws and punishment. Beattie remarks that "[t]he more private forms of punishment inside prisons were not necessarily less cruel, nor indeed less violent, for [...] the disciplines of many penitentiaries could only be maintained by vicious and frequently administered corporal punishments." (1986, p. 617). It means that the abolishment of

the execution as a public punishment and deterrent did not decrease the violent punishments in the prisons. Foucault distinguishes between the old and more barbaric forms of power and the new and more controlling form of power. Reade's representations fit to the new forms of power in prisons. However, he attempts to display that the control of prisons were loose and the old forms of punishment were not abolished fully. Similarly, Richard Fantina points out that "Reade's novels demonstrate that physically coercive techniques were never fully abandoned but simply hidden for hypocritically humanitarian purposes" (2010, p. 40). As observed, the novel serves as a horrifying criticism of hypocrisy and corruption in the prison system.

Apart from the prisons, Charles Reade criticizes the transportation to Australia as another way of punishment in the Victorian age. Firstly, the journey is described as totally devastating and exhausting through Tom Robinson's bad experiences in the ship being expatriated to Australia. Secondly, its inefficiency is emphasized when Tom Robinson starts looking for gold with George in Australia. He can come back to England as a well-to-do man who took advantage of gold mining. Thus, it can be observed that transportation was not very effective in decreasing crime rate of restoring criminals because the convicts could return after a period of time in Australia. Australia's position both as a punishment place and a land for satisfying hopes of becoming rich is very ironic at the same time. Through Robinson's journey from the prison to Australia's gold mines, criminals are rather more rewarded than being punished in this way.

Clive Emsley (2005, p. 275) points out that criminals transported to America were actually given chances to become advantageous members of another state, and there were similar doubts about the situation in Australia. In addition, he refers to stories about some people who simply committed crimes on purpose in order to be transported to Australia. In the novel, Robinson becomes a leader in the gold mines in Australia. This is very ironic because he is a criminal in England. While he is a prisoner under the laws of England, he turns out to be a reliable lawmaker in the gold mines without strict laws and regulations. This shows the constructed nature of criminality because a man could be regarded as a criminal in a civilized community, whereas the same person could be leader when there is no legal system and laws to appeal.

Lawlessness in Australia and gold mines could be compared to the British legal system and abuses of power in prisons and other governmental institutions. Australia, as a recently founded colony and a place of exile, is not very different from Britain and especially the prisons where the governors create their own rules and run the place accordingly. The life in Australia, especially in the gold mines, is as brutal and corrupt as the prison which Mr. Hawes manages brutally disregarding the regulations employed by the lax prison system

I tried to show that Reade's critique of the systems of power and discipline in the prison and the asylum proceeds into a more general criticism of Victorian morality (Fantina, 2010, p. 75). He condemns Victorian corrupt values with the portrayal of prisons because there is a social prejudice against the criminals and they are totally ignored and excluded from the society. That is the only thing that matters for prejudiced Victorians. Thus, the scandal in the prisons is a significant element in terms of subverting conventional perspectives about criminality and demanding humane management of prison and criminals.

The novel puts forward an incisive critique of the arrogance and so-called propriety of those middle-class Victorians who believed their society stood for the peak of progress, and who persuaded themselves that cruel treatment in prisons no longer existed. As one of the characters in Reade's novel declares, "God forgive us! How came this to pass in England in the nineteenth century?" (p. 193). Reade challenges this symbolical quote as such:

Thus in the nineteenth century — in a kind-hearted nation—under the most humane sovereign the world has ever witnessed on an earthly throne — holy Church in vain denouncing the miserable sinners that slay the thief their brother —Edward Josephs has been done to death in the Queen's name —in the name of England — and in the name of the law. (pp. 325-326)

In the extract above, Reade criticizes the whole nation when he seems like praising it. He tries to evoke the reader's attention to the abuses in these institutions while they think they are a kind-hearted nation and one of the greatest empires on the earth. While the holy church is chastising and reprobating the criminals, sadistic people like Hawes and their torturing young prisoners to death are ignored.

Charles Reade's criticism of the Victorian society is similar to Dickens's castigation in *Bleak House* where Jo dies and his death is announced to the whole nation including royalty. Reade criticizes the royalty in a similar manner with Dickens's critique of the nation's ignorance of the individuals like Jo and Josephs. Josephs is victimized like Jo in *Bleak House* because both of them are forced to live in more harsh conditions than the ones they can bear.

Charles Reade goes on explaining how the prisoners are "punished lawlessly by the law till they succumbed, and then, since they were no longer food for torture, ignored by the law and abandoned by the human race" (p. 238). While emphasizing the brutal treatment of prisoners in a shocking manner, Charles Reade points out the social hypocrisy in the Victorian society. Although they always feel proud of being the most developed nation in the world, they ignore the mistreatment, othering, and marginalization of certain groups like criminals, prisoners, and the poor. This malfunction and abuses in the prisons are related to the conventional Victorian perceptions of criminality. As the people considered criminals as immoral, even inhuman and dangerous beings, these criminals are justified to be punished harshly in prisons or publicly.

This hypocrisy can be observed in class distinctions and presentation of characters from different social classes. Firstly, the class difference between George and Mr. Meadows can be examined. George, as a struggling farmer, has to improve his financial condition to marry Susan unlike Mr. Meadows who is a prosperous landowner. Mr. Meadows is similar to Sir Percival and Count Fosco in *The Woman in White* because he can use his social status and do the things legally by consulting a lawyer and accountant secretly. Additionally, Tom Robinson is arrested because of stealing some banknotes, so he is imprisoned and punished by transportation to Australia. However, Mr. Meadows can get away with any form of punishment although he is as guilty as Robinson because of abusing laws and sending George into deeper debt.

Although Reade exaggerates the events in the novel to some extent, he does this for powerful description and impact on the reader. He criticizes the crank because he believes it to be an unproductive punishment. Additionally, he wants the reader to feel pity and sympathy for Josephs, and that is why he portrays him in such miserable and pitiable conditions in the prison. Charles Reade, inspired by the real

events of the age, writes a novel in order to emphasize the malfunction of prisons. On the other hand, he raises awareness in some reforms in prison management and discipline system. Thus, the novel serves as a significant mirror of the conditions in the prison system and becomes a palpable influence on the improvements in the penal system.



## 5. CONCLUSION

The Industrial Revolution had profound repercussions on the culture and social structure of Victorian England, especially on the poor and the powerless. With the expansion of production in factories, the middle class became financially significant and powerful in the economic system. There was a flow of workers to the industrial cities, particularly to London, which resulted in a rapid rise in working class population. Moreover, in *Crime and Punishment in England*, Briggs et al. (1996, p. 90) clarify that industrial capitalism required time-keeping, order in employment, and reliable energy in operating skills unlike in agricultural requirements of sole energy and workforce. Thus, the change in work patterns brought more disciplined control of the people working in the factories who were farmers previously. As a consequence of the rise in working class population due to the industrialization, perpetration and disclosure of crimes in these districts apparently increased at a considerable rate. Along with the rigid class distinctions in this era, certain underprivileged groups from the working class faced marginalization and victimization by being labelled as criminals despite the presence of criminals from higher social classes. Additionally, the government reinforced the Victorian perception that working classes had a strong proclivity for crime. Newspapers and the laws contributed to this social construction of criminality related to poverty. The characterization of the poor as criminals was used as a way of dominating them whereas middle and upper class crimes were largely ignored.

As nineteenth century England engendered a materialistic culture based on capitalist economic system, the understanding of crime gradually transformed. Criminality was not defined only by moral and religious values any longer unlike in the eighteenth century. Class perceptions were very influential in the definition of criminality because of the class based social structure in the Victorian age. The increase in working class population and crime rate required more discipline and control in these districts. Crime was seen as a danger for social stability and order which the Victorians were obsessively attached. Criminal behaviour was generally attributed to

the working class, which was associated with poverty, irresponsibility, low morality, delinquency, or the inherent personality of the poor. Bourgeoisie and aristocracy took advantage of these Victorian norms in their social constructions of the poor and the working class because they did not want the proletariat to get financial power. However, it does not mean that only these social groups in lower classes committed crimes. Regarding his extensive study on crime statistics with respect to social classes, Rob Sindall (1983, p. 23) points out that the middle classes showed inclination to criminality as much as the lower classes, and middle class crimes caused a much larger financial loss.

These social developments and changes altered the nature and social perceptions of crime in the nineteenth century. As a result of industrialization and urbanization, property had a new status and crimes against property and other financial crimes needed to be punished more severely as they increased. Property in the nineteenth century included both “old landed property and newer commercial and manufacturing property” (Briggs et al., 1996, pp. 106-107). This brought about certain revisions in the protection of bourgeoisie’s property and wealth in legal terms. Accordingly, as the working class was commonly pigeonholed as criminals in order to keep them under control and sustain the gap between the social classes, the legal system strengthened the inequality in the punishment of these classes. That is to say, the laws did not protect lives as much as it protected property. Michel Foucault clarifies that “offences against property seem to take over from crimes of violence”, and this is highly connected to this growth in wealth and property (1995, pp. 75-76). David Taylor points out the statistics of crimes against property; that is, these offences increased from approximately 4,500 a year in the early nineteenth century to nearly 30,000 a year in the 1840s (1998, p. 20). He additionally connects this rise to rapid urbanization and industrialization in Victorian England. This situation increased mercenary crimes that are committed not only by the working class but also by the middle and upper classes who wished to keep their prosperity and get more economic power.

Regarding the position of property, financial crimes and fraud are committed in order for the middle class to get more money and pay the debts. Briggs et al. (1996, p. 114) add that crimes against the person correspond to about 10 per cent of all illicit offences in the nineteenth century, so other non-violent crimes form a greater

proportion of crimes overall. Moreover, working class neighbourhoods were more exposed to these types of crimes because of their frequency in these crowded districts. That is to say, crimes committed by the working classes seemed more often than crimes committed by the members of the other social classes. Crimes related to middle and upper classes were ignored or covered to avoid social and financial disreputation. Additionally, crimes perpetrated by the upper class in the countryside could be dealt within the house without the interference of officials, or they could get away with punishment in trials. As Sindall points out, opportunities for the middle class criminality increased with the expansion of commercial and service areas of economy, and crimes committed by this class rose from 9.2 per cent to 15.5 per cent in the 1880s (1983, pp.25-26). However, middle class crimes occurred in offices and they were out of police observation unlike working class offences which were easier to detect in public. In addition, in the second half of the nineteenth century, pickpocketing and juvenile delinquency decreased owing to the introduction of reformatory schools and the Education Act of 1870. That means almost a kind of equality in the number of crimes from the working and middle classes because of the rise in middle class crimes and decrease in working class offences after the mid-nineteenth century.

In addition to biased traditional perceptions of criminal identity, the corruption and laxity in the legal system allowed emotional and financial abuse employed by the agents like lawyers, magistrates, the police, detectives, and prison managers in this system. Within this framework, this study attempts to look at the social constructions of crime and the legal system in Wilkie Collins's *The Woman in White*, Charles Dickens's *Bleak House*, and Charles Reade's *It Is Never Too Late to Mend*. Taking Raymond Williams's cultural materialism as its point of departure, it also focuses on the works of the cultural and social theorists of the Victorian age such as Michel Foucault.

As emphasized in this study, by evaluating Victorian cultural and historical background, it can be observed how people depended on the legal system and how the laws strengthened the position of lawyers and magistrates as powerful people in the middle and upper classes. This ideological construction of the so-called reliability of the legal system led the Victorians to believe its efficiency and rely on the agents of law. The emergence of the professional police force and detectives strengthened

the idea that the prosecution of crimes would be conducted more professionally and thoroughly. The rising authority of the police and the state in order to maintain social order created an oppressive legal system and shaped some perspectives of criminality. This study investigates these developments in the Victorian world of crime and criminality in detail and offers an examination of the connections between the Victorian crime and punishment and the cultural and social perspectives, perceptions, circumstances, and biases.

This study has undertaken cultural materialist approach in order to show oppositional sides of these writers against the dominant ideology and perceptions of criminality. Cultural materialism examines in which ways the existing order transforms itself and offers a perspective for “effective resistance against the dominant order” (Brannigan, 1998, p. 10). As it can be seen, subversion is always a crucial concern in this approach. It analyses the context of the literary texts in the social structure and their attitude against political, economic, and social events in the period they were written. In addition, the clash between power and subversion is emphasized in these texts as a way of reaction against the dominant order. (Parvini, 2012, p. 34). Significant formulations of this literary theory can be clearly observed in all the novels analysed in this study.

Ideology is also reflected in and formed through cultural productions in society, and these novels subvert the dominant understandings regarding criminality and the legal system. As John Brannigan points out, “ideology exists in material form through institutions like the church, the school” (1998, p.12). In this study, this formation of ideology is observed through the institutions such as the laws, the courts, and the prisons in the social structure. Additionally, Dollimore and Sinfield (1985), in the foreword of the first edition of *Political Shakespeare*, underline the influence of institutions in the context where literary texts are constructed. All three writers evaluated in this study were engaged in legal studies and occupations in some ways, so it is remarkable to observe their attitudes against the legal system in the Victorian age. They present different perspectives for the issues of crime and the legal procedures emphasizing these institutions and their impact on the cultural understandings of crime and criminality.

Raymond Williams points out that “there is always other social being and consciousness which is neglected and excluded” (Williams, 1977: 126). Thus,

cultural materialism attempts to reveal the restrained and subjugated minorities in society and their representations in literary texts. In this way, these works try to raise awareness about these excluded people and make a social criticism through their reflections in literature. By exploring the outcomes of cultural, political and social ideologies on the analysis and interpretations of literary texts, an examination of subversions of power in the police force, courts, and prisons, and subversions of propriety with regard to perspectives of criminal identity provide the basis of this study. The novels' positions depend on the context of their production and display the features of resistant and subversive attitudes. Also, they threaten the dominance of certain social groups by challenging conventional perspectives of criminality and subvert the power relations and class struggle. The evaluation of real criminal cases suggests that class system prevailed in the process of criminal trials because people from different social status could get different punishments for the same type of crime.

This study argues that the three writers in question defy the traditional perspectives on criminality in the Victorian age and denounce the bias that criminality only appears in the lower social classes unlike the conventional Victorian perceptions. Reinforcing the ideological stance against the lower classes and labelling them as criminals, the legal system victimized those certain groups by over severe and unfair punishment in order to control them. In this sense, these writers overall question this conception of crime and justice.

The first part focuses on Wilkie Collins's *The Woman in White* and the shifting nature of crime, the position of Victorian laws, and the amateur detective figure. Wilkie Collins challenges the conventional perceptions of criminality and laws as he displays various crimes committed by the so-called aristocrat characters. He portrays how these people take advantage of the laxity of laws with regard to aristocrats and traditional Victorian perceptions of crime and criminal identity by covering their misdemeanours and criminal activities because they know Victorian social norms do not label them as criminals. Moreover, Collins emphasises the legitimacy and matrimony laws and their effects on married women. Lyn Pykett (2005, pp. 40-41) states how married women had no rights of property whereas single women had substantial rights about their properties. Concerning the property rights of women, Wilkie Collins points out this inequality in the property rights of married men and

women and how married women are deprived of their rights after marriage. Additionally, Maria K. Bachman claims that various critics regard Collins as “one of the most prominent crusaders of women’s rights” (2008, p. 84), for he emphasizes this discrimination in criminal identity and legal rights concerning gender perspectives. Collins also illustrates the class struggle prevalent in the Victorian age by presenting upper class criminals and placing a middle class teacher as an amateur detective chasing these criminals to unravel their crimes. Ironically, Walter Hartright receives the status he took from Sir Percival and becomes the heir of the Limmeridge House. This is a clear reference to class differences. In the study, I tried to show how the writer dealt with these issues in the laxity of laws taking the prevalent materialism and greed for money in the Victorian age into account. Along with Collins, the other two writers in this study represent the ways in which materialism and social control prevail in the representations of the property cases, and discipline in prisons.

Next, I investigated into the nature of inheritance cases in the Chancery court and reflections on criminality in Charles Dickens’s *Bleak House*. Charles Dickens illustrates mainly the faulty functioning of the Chancery court, especially in the cases about family estates and inheritance. In this way, he portrays materialism in the Victorian age, in which people who want to acquire wealth through inherited estates are depicted as greedy and corrupt. The court is also guilty because it robs people of their money and their hopes to get property and wealth from the inheritance cases. Dickens portrays lawyers as the key agents of the corrupt legal system who take advantage of the long inheritance suits and trials by abusing their clients financially. The characters like Mr. Gridley, Richard Carstone, and Mrs. Flite are driven to physical and mental deterioration and downfall due to long and dysfunctional legal procedures. Additionally, a professional detective figure is presented with his implied support for the class struggle and deficient skills for chasing criminals. Thus, Dickens stresses the class division which is dominant in the Victorian age because lawyers and detectives treat individuals from various social levels differently regarding their social status. Besides, this biased attitude can be observed in the investigation into the suspects of a respectable lawyer’s murder because it reveals different perceptions of criminality. The relation between criminal identity and the social class is foregrounded in the novel in this respect.

In my study of the criminal perspectives and the legal system in the Victorian age, I also examine Charles Reade's *It Is Never Too Late to Mend* and the condition of prisons in the mid-nineteenth century. Charles Reade, in his representations of the prison system and discipline, portrays the state control and power in their most severe forms which are highlighted by Wilkie Collins and Charles Dickens in different manners. Reade literally posits the question of power and discipline in prisons and presents the power relations and punishment in physical forms and more shocking way than the other two writers analysed in this study do. This could be the reason why his acclaim as a great novelist diminished in time. The power employed by detectives, magistrates, and lawyers in the two novels in this study is materialized by the prison governor Mr. Hawes in Charles Reade's novel. Mr. Hawes abuses the prisoners brutally due to traditional perceptions of criminality and the power he receives from the government officials. Hence, Charles Reade makes the harshest criticism against one of the most conspicuous institutions and the power exercised over people.

Although the three novels studied in this thesis are engaged in criminal and legal issues to a certain degree, they all lack a proper criminal trial scene. This could be attributed to their critique of the inefficiency of the legal system. For example, neither Sir Percival Glyde in *The Woman in White* nor Lady Dedlock in *Bleak House* is brought to court to face legal examination. Their ends come because of poetic justice, not by legal processes. This means that they would possibly get away with legal prosecution as it often happened in criminal cases in the nineteenth century. Nonetheless, they would not possibly escape from Victorian social and moral castigation if they lived and their secrets were revealed. In addition, even Hortense in *Bleak House* and Tom Robinson in *It Is Never Too Late to Mend* are not described in a trial because their cases would be dealt with quickly and they were considered criminals without much investigation and contemplation. This reflects on the fact that these trials were only displays of power and threat against the society in order to deter criminality.

Lawyers in Chancery in *Bleak House*, and prison wardens and magistrates in *It Is Never Too Late to Mend* are equally guilty in being the agents of state power and manipulating people through institutions in a disciplinary society. Similarly, lawyers in *Bleak House* are portrayed as depraved as dangerous criminals; however, Mr.

Tulkinghorn and Mr. Vholes are never convicted of blackmailing, or abusing their clients financially and emotionally. In this way, understandings of social class are also subverted through not only criminal identity but also the relation between social classes. In *The Woman in White*, Walter renders as a threat for the social reputation and stability of Sir Percival Glyde. Similarly, in *Bleak House*, the lawyer Mr. Tulkinghorn's blackmailing and oppressing Lady Dedlock is constantly emphasized in the novel. These upper class characters are chased or threatened by the lower class citizens. What is more, the lawyers represent corrupt Victorian values because of their expected legal function and dignity which they do not perform. In the novels analysed in this study, the place of aristocracy in society and traditional perspectives related to crime are also undermined in order to show the biased attitudes against the poor social classes. Just as those groups face marginalization and victimization as criminals in society, the prisoners face a similar classification when they are literally victimized in prisons.

In conclusion, Wilkie Collins's *The Woman in White*, Charles Dickens's *Bleak House*, and Charles Reade's *It Is Never Too Late to Mend* invite us to meditate on those conventional perspectives of criminality and the dysfunction of the legal system in the mid-Victorian age. Personal experiences of these writers are commonly effective in their portrayals of social and legal matters. In their engagement with the matters of crime and the legal system, each writer argues for a necessity to alter conventional perspectives on criminality and to reform the legal system. It is obvious that these writers raise awareness about the ills of society and institutional malfunction as effectively as the newspapers. As Maceachen states, "[t]o represent in the strongest possible terms the evils that they wished removed was a common characteristic of Dickens, Reade, and Collins" (1950, p.133). Hence, these writers' purpose to dwell on social revisions and influences on some significant legal reforms are other features that unite them as literary figures.

This study concludes with the proposition that literary texts are influenced by the socioeconomic and cultural events of the period in which they are produced. As Raymond Williams points out in his analysis of culture, contrary to Marxist point of view, social determinism cannot be explained only by economic structure. As emphasized in this study in a similar way, although economy is a prominent

precipitating factor in culture, especially ethnic and gender perceptions of crime are not only related to economic determinism, but the culture of society in general. Accordingly, literary works come out as social and cultural products of the age in which they are formed. The novels analysed in this study make us become aware of the social and cultural problems in the legal system and construction of criminality. They are highly affected by the real criminal cases and legal matters in the Victorian age. In this sense, they raise awareness about biases and injustices and lead people to ponder on the ills and hypocrisy of the Victorian society. These writers are known to be influential in reforming the laws and legal processes. While they are influenced by the social conditions, they at the same time help to change the institutions and understanding of crime as a social construct. In conclusion, fictional works of this period expose the reality about crime and show criminality from the middle and upper classes by criticising the dysfunctional legal system and challenging the traditional Victorian perceptions of crime.



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