

ANGLIA RUSKIN UNIVERSITY
FACULTY OF ARTS, LAW AND SOCIAL SCIENCES
OPERATING OUTSIDE THE LAW: DETECTIVES AND SPIES, 1880 - 1920.

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ABSTRACT

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As a popular fiction hero Sherlock Holmes, embodies a mythical champion of enduring appeal, confirmed in his recent rebranding as defender of the oppressed for the twenty first century in a television series geared for the modern age. Stepping outside the boundaries of the law, he achieves an individualised form of justice superior to that of the judicial system in the eyes of his readers, yet, as I argue in this study, his long list of criminal offences places him firmly in the realms of criminality.

This thesis explores the fictional discretionary lawbreaking of Sherlock Holmes and a range of contemporaneous maverick literary detectives and spies in popular literature produced between 1880 and the end of the First World War, including Martin Hewitt, Dick Donovan, Judith Lee, Hagar Stanley, Charles Carruthers and Arthur Davies, Richard Hannay and Bulldog Drummond. From Holmes to Hagar Stanley, the urban gypsy, my aim is to unearth the reasons for, the motivations behind and the implications of, the illegal behaviour of these fictional detectives. Charting the criminal liminality of amateur and professional detectives who manipulate justice on the mandatory authority of readers of popular fiction, I investigate the works in an interdisciplinary study that focuses on socio-cultural, historical, criminological and legal perspectives. In the light of a range of influences that created societal change, including the rise of professional society, evolving perceptions of crime, criminals and the law and the impact of societal shift from a religious to a secular morality, I engage with themes of gender, class and race revealing the discrimination and marginalisation endured by much of the population.

My argument in this thesis counters the wholly Foucauldian view of D. A Miller in *The Novel and the Police* (1988) and Stephen Knight in *Form and Ideology in Crime Fiction* (1980), amongst others, who see the role of the fictional detective as embedding discipline, rational order and regulation in the reading public. Instead I argue that the behaviour of the literary detective represents a challenge to authority, which destabilises the status quo by shedding light on deep-rooted injustices at the heart of the judicial system. Each of the chapters in the study highlights aspects of the criminal justice system that run counter to the principles of justice, and traces the waning influence of morality on decision making as detectives mutate into spies near the turn of the century.

My choice of texts from the works of eight authors in a combination of eighteen short story and novel works from popular culture, is based mostly on writers whose work featured in the pages of the popular (by popular I refer to authors who have published in magazines as well as in board collections) entertainment *Strand Magazine* in the course of their literary careers and who went on to achieve popular success, thus creating a shared connection and literary bond between the authors.

Key words: Victorian, Edwardian, detective, popular, fiction, spies.

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Abbreviations

- Conversation** *Deconstruction in a Nutshell: A Conversation with Jacques Derrida*. Edited and with a Commentary by John D. Caputo. New York: Fordham UP, 1997.
- Women Writers** Sussex, Lucy. *Women Writers and Detectives in Nineteenth Century Detective Fiction: The Mothers of the Mystery Genre*. Great Britain: Palgrave Macmillan, 2010.
- Sisters** Kestner, Joseph A. *Sherlock's Sisters: The British Female Detective 1864-1913*. Aldershot: Ashgate Publishing, 2003.
- Continent** Knight, Stephen T. *Continent of Mystery: A Thematic History of Australian Crime Fiction*. Melbourne: Melbourne UP, 1997.
- Crime Fiction** ____, *Crime Fiction: 1800-2000: Detection, Death, Diversity*. Basingstoke: Palgrave Macmillan, 2004.
- Secrets** ____, *Secrets of Crime Fiction Classics: Detecting the Delights of 21 Enduring Stories*. North Carolina: McFarland, 2014.
- Form** ____, *Form and Ideology in Crime Fiction*. Bloomington: Indiana UP, 1980.
- Bloody Murder** Symons, Julian. *Bloody Murder: From the Detective Story to the Crime Novel: A History*. Revised Second Edition. London: Pan, 1992.
- Memories** Doyle, Arthur C. *Memories and Adventures*. 1923, reprinted Cambridge UP, 2012.
- Men of Blood** Wiener, Martin J. *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England*. Cambridge: Cambridge UP, 2004.
- Probable Cause** Panek, Leroy L. *Probable Cause: Crime Fiction in America*. Bowling Green, Ohio: Bowling Green State UP, 1990.
- Figure** Priestman, Martin. *Detective Fiction and Literature: The Figure on the Carpet*. New York: St. Martin's Press, 1991.

- Atonement*** Schramm, Jan-Melissa. *Atonement and Self-Sacrifice in Nineteenth Century Narrative*. Cambridge and New York: Cambridge UP, 2012.
- Memory*** Buchan, John. *Memory Hold-The Door*. London: Hodder and Stoughton, 1940.
- Crime and Society*** Emsley, Clive. *Crime and Society in England: 1750-1900*. Harlow: Pearson, 2005.
- Spy Story*** Cawelti, John G. and Bruce A. Rosenberg. *The Spy Story*. Chicago and London: University of Chicago Press, 1987.
- Mystery*** _____, *Mystery, Violence and Popular Culture: Essays*. Wisconsin: University Press of Wisconsin, 2004.
- Special Branch*** Panek, Leroy L. *The Special Branch: The British Spy Novel 1890- 1980*. Bowling Green, Ohio: Bowling Green University Popular Press, 1981.
- Masculinities*** Kestner, A Joseph. *Masculinities in British Adventure Fiction, 1880 – 1915*. Aldershot: Ashgate Publishing, 2010.
- Jurisprudence*** Wacks, Raymond. *Understanding Jurisprudence: An Introduction to Legal Theory*. Oxford: Oxford UP, 2005.

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Signed: Kate Morrison

Date: 24/01/17

Introduction

'Well, it is not for me to judge you', said Holmes, as the old man signed the statement which had been drawn out. 'I pray that we may never be exposed to such temptation'.

'I pray not, sir. And what do you intend to do?'

'In view of your health, nothing' ('Boscombe Valley': 252).

In the context of the story 'The Boscombe Valley Mystery' from the collection *The Adventures of Sherlock Holmes* (1892) by Arthur Conan Doyle, the fictional detective Holmes takes the law into his own hands. Despite rescinding authority to adjudicate in the case, Holmes passes a secular form of judgment on the old man, John Turner, remitting the penalty to be paid for the crime of murder to a 'higher court than the Assizes' (25). By absolving the old man and stepping beyond the boundaries of the law, Holmes assumes the executive prerogative of mercy and procures an alternative justice to that provided by the legal system. Holmes's actions in the story give expression to Derrida's argument that the law can be improved by deconstruction, as he reminds us that 'justice is not reducible to the law, to a given system of legal structures', but what gives us the momentum to improve and transform it (*Conversation*: 16). By dismantling it, Derrida argues, we expose its rigidity and need for reform, made manifest in Holmes's compassionate response to a dying man through his application of individual conscience-driven and superior justice (16). Part of the appeal of Sherlock Holmes in my early reading of his exploits was his confident negotiation of the legal system in his quest for justice, which always appeared as a more equitable one than that of the lawmakers, and drove my interest in exploring possible explanations for the allure of such miscreant fictional heroes to its readers. It prompted questions of whether, and in what ways, his illegal behaviour was replicated in that of other detective narratives of the time. My argument in this study counters the Foucauldian views of D. A. Millar in *The Novel and the Police*

(1988) and Stephen Knight in *Form and Ideology in Crime Fiction* (1980) and others, who see the role of the fictional detective as operating as a 'normalizing' force of policing power that embeds 'practices of surveillance and strict discipline' in the reading public (Miller: 15). Like Martin Kayman in *From Bow Street to Baker Street* (1992) and Simon Joyce in *Capital Offences*, amongst others (2003), I suggest a more complex explanation of his approach to authority. Rather than imbuing cultural norms, as the likes of Denis Porter and Ernest Mandel suggest, the actions of the literary detective, in my view, disrupt the forces of law and order and expose the flaws and inconsistencies of a system at variance with the society it seeks to represent, prompting his transgression. Contrary to Julian Symons's assertion that 'the detective story is strongly on the side of law and order' (10) offering 'a reassuring world in which those who tried to disturb the established order were always discovered and punished', evidence indicates that the criminal frequently escapes justice and the detective often resorts to illegality to achieve his ends (Symons: 11).

The lawlessness and norm-violation practised by Holmes in his pursuit of truth and justice, then, presented the driving factor for this study of fictional detectives, which covers the period from 1880 to 1920. In his study *A Counter-History of Crime Fiction* (2007), Maurizio Ascari draws attention to the 'sensational lineage' of detective fiction indicating how 'traditional accounts' of its development sought to distance it from its 'sensational roots' by grounding its literary status on 'scientific method', thus giving it respectability (1). Traces of the links between sensational literature and its association with crime and deviance are evidenced in the behaviour of literary detectives, whose tendency to 'flout ordinary civil law or moral constraints', allows him to operate 'outside and above the law', despite his professing to defend it,

as Charles Rzepka points out (47). Fictional detectives constantly confront the narrow spectrum of the legal system and my study identifies precisely where the clash occurs within the span of forty years of popular detectives from Holmes to Drummond. With a wealth of material to choose from in the archive of neglected crime fiction writers of the era, my choice of texts is based mostly on writers whose work featured in the pages of the popular entertainment *The Strand Magazine* in the course of their literary careers and who went on to achieve popular success, thus creating a shared connection and literary bond between the authors. By popular I refer to authors who have published in magazines as well as in book collections. The influence of *The Strand Magazine* in shaping the form of the detective short story and its popularity, reflective of the tastes, ideology and opinions of its wide readership, makes it an ideal starting point for the investigation. By situating the final analysis in 1920, I consider the changing cultural trends and attitudes towards race, gender and class in the wake of the Great War before the onset of the 'Golden Age', 'ushered in' by Agatha Christie's *The Mysterious Affair at Styles* (Symons: 102). John Buchan and Fergus Hume provide the exceptions to those appearing in *The Strand*, the former making his appearance in the July 1915 edition of *Blackwood's Magazine* with *The Thirty-Nine Steps* and Hume achieving fame through self-publication of *The Mystery of a Hansom Cab* (1886), which prompted Conan Doyle to emulate his success, according to Stephen Knight, who notes that Conan Doyle 'started writing the Sherlock Holmes stories in the very year that Hume was a runaway success in London' (*Continent*: 151). The literary heritage of the authors in this study was shaped by the influence of mass circulation periodicals and newspapers with wide readership and the drive for commercial success, built on effective advertising. My choice of authors for the study reflects detectives who originate from different backgrounds and who operate

alongside Arthur Conan Doyle's Sherlock Holmes. Charting the criminal liminality of amateur and professional detectives who manipulate justice on the mandatory authority of readers of popular fiction, I investigate the works in an interdisciplinary study that focuses on socio-cultural, historical, criminological and legal perspectives. In the light of a range of influences that created societal change, including the rise of professional society, evolving perceptions of crime, criminals and the law, and the impact of societal shifts from a religious to a secular morality, I engage with themes of gender, class and race revealing the discrimination and marginalisation endured by much of the population. Each of the chapters in the study highlights aspects of the criminal justice system that run counter to the principles of justice.

In this panoramic view of fictional detectives over a period of forty years, I begin with Conan Doyle's gentlemanly amateur Sherlock Holmes, before shifting focus to Arthur Morrison's professionally motivated Martin Hewitt, who immediately follows Holmes in *The Strand Magazine*, juxtaposed with J. E. P Muddock's hard-nosed official police detective, Dick Donovan, whose name he adopts as pseudonym for much of his work. Following on from the amateur and professional detectives, and offering an unorthodox and retaliatory approach to detection and the punishment of wrongdoers, I investigate Richard Marsh's Gypsy protagonist Judith Lee and her counterpart Fergus Hume's Hagar Stanley, who construe yet another vision of discretionary justice, as they compensate for official police failure to capture Jack the Ripper. Sherlock returns in the ensuing analysis along with Erskine Childers's Carruthers and Davis to earmark the bridge between detective and spy. Finally, John Buchan's Richard Hannay illustrates more fully the intermingling of detective and spy genres in his encounter with 'The Black Stone'. He is contrasted with H. C. McNeile's

Bulldog Drummond, the war-hardened veteran who battles vicious aliens, set on the destruction of England, revealing that might is right in the struggle for survival. The opportunities presented in the study offer fruitful possibilities for future analysis, and in that I see this as a generative work, which I could have continued all the way to Fleming or Rankin. However, limiting the scope of the enquiry to the period when the genre became firmly established in the 1880s, with its burgeoning magazine market, to the post-war years of public disillusionment and remodeled moral values, I include a range of popular sources that provide an original insight into the enigmatic subject of justice and its relationship with the law in a more in-depth analysis than would have been possible with wider remit.

'The law to break the law can be compelling', as Jonathan Kertzer points out in his study *Poetic Justice and Legal Fictions*, and, as the theme of this interdisciplinary study of transgressive literary agents of justice who challenge the forces of law and order to achieve justice, its ramifications are wide reaching (13). Analysis of the implications of lawbreaking by detectives and spies, wrought in fictional transmissions from eight authors in a combination of eighteen short story and novel works from popular culture, enhances a field of literary criticism on detective fiction in need of expansion. By providing fresh readings and interpretations, cognizant of Stephen Knight's recent reflection on the 'noticeable absence of a body of work that is not yet lying in the library of crime fiction criticism', which is neither a 'broadly-based' survey nor an author study, my focus on detailed close reading and analysis of selected texts is singular in its unearthing of specific sociological implications (*Secrets*: 3). Identifying instances of infringements of the law and the rationale underpinning the illegality perpetrated by the detectives in the narratives, my

work interrogates the multi-layered nuances and 'voices' of the texts and goes some way towards filling the void alluded to by Knight (*Secrets*: 3). Building on the revised climate of detective fiction criticism alluded to by Ascari (2007) and on his view that 'the profile of the literary canon has changed significantly', stretching beyond national borders in appraisals, this work extends the boundaries of criticism through its engagement with the writings of forgotten and neglected authors, whose work achieved success and popularity in its day (Ascari: x). In this, it follows in the footsteps of Lucy Sussex, whose comprehensive study *Women Writers and Detectives in Nineteenth Century Detective Fiction: The Mothers of the Mystery Genre* (2010), explores previously marginalised women writers revealing the extent of their input into early detective writing. Also, adding to the work of Clare Clarke in her study *Late Victorian Crime Fiction in the Shadows of Sherlock* (2014), an informed investigation of the moral complexity of late Victorian crime fiction, which was once viewed through a narrow analytical lens, my aim is to trace a line of enquiry through the writings of authors whose work began as a series of episodes published in newspapers and periodicals before appearing in collections in the period from 1880 until 1920. In this study I chart their fictionalised illegality and norm - violation and the waning influence of morality as they convert into spies. Clarke's work investigating detective fiction from 1885 to 1900 shares ground with mine in its elaboration of moral themes involving detectives, but unlike mine, her work interrogates the detective as criminal, exemplified in Arthur Morrison's villainous detective Horrace Dorrington and Robert Louis Stevenson's Jekyll and Hyde, amongst others. Clarke's focus centres on the rogue fiction principle of role reversal, referencing the villain as hero and the detective as undoubtedly criminal.

In this study, I argue that the role of fictional detectives as pillars of the legal establishment in upholding judicial values is nullified by their discretionary law-breaking, and necessitates a reappraisal of their relationship with the law. It questions the kind of justice their literary interactions articulate and why such fantasy judgments that disregard established procedure resonate with the expectations of a popular readership. Lawbreaking detectives, I argue, arrived long before Dashiell Hammett's hard-boiled and morally dubious detective, Sam Spade, who was influenced by his author's eight-year stint working as an operative of the Pinkerton private detective agency, which gave him 'the backgrounds and many of the characters for his stories' (Haycraft: 169). The lawlessness and anti-authoritarian rhetoric central to Hammett's characterisation and to Raymond Chandler's Philip Marlowe, can be read in embryonic form in the behaviour of classical detectives like Sherlock Holmes, whose ethical code of conduct breaches conventional views of the inviolability of the law and sets a new standard of justice, claiming moral ascendancy over the contemporary beacons of legislative institutions. Here I argue against the reductive view of literary detectives as puppets acting to uphold institutional values and the maintenance of law and order. Instead, they represent a narrative ability to identify the weaknesses of a partisan judicial system, which they hold to account through satiric discourse, disparagement and shrewd circumvention of its rules and procedures. Although in the end, elements of the law appear to be upheld in the stories in response to crime, the fictional detectives I examine engage in radical deviations from legality to achieve their ends and are, finally and reluctantly, congratulated by the official forces of law and order for their far-sighted interventions and despite using forbidden methods in tackling crime. This suggests that they too believe in alternative forms of justice, yet are constrained in solving crime by

complex rules and regulations and subjection to inefficient legal procedures. A further thread of the analysis establishes the links between detective and spy fiction and demonstrates the close affinity that exists with a genre that began in the 1870s in works like George Tomkyns Chesney's *Battle of Dorking* (1871) and continued through William Le Queux's invasion literature to the early spy fiction work of Erskine Childers in *The Riddle of the Sands*. Using interdisciplinary analysis, I explore the ways in which legality and morality altered when the national interest was imperiled through international rivalry, subversive espionage plots and the possibilities of invasion by neighbouring countries.

The basis of literary success for most of the writers in the study, *The Strand Magazine*, was founded by George Newnes in 1891 on the success of his weekly paper *Tit-Bits*, and claimed to give 'wholesome and harmless entertainment to hard-working people', according to Reginald Pound in *The Strand Magazine: 1891 - 1950* (Pound: 32). Although it professed to be a family magazine, its appeal initially was mostly to men, which Pound claims is 'no anomaly' since the 'paterfamilias was still all powerful in the domestic circle' at the time of its initial publication (70). Newnes was heavily influenced by the influx of American magazines like *Harpers* and *Scribner's* into the British market and wanted his magazine to have 'a picture on every page' and be 'organically complete each month, like a book', as Pound explains (30). The predominant role played by Conan Doyle in creating the legendary Sherlock Holmes, a hero immediately accessible to readers and on whom many subsequent writers based their protagonists, offers a hero replete with disruptive tendencies as the starting point for the investigation in Chapter One. The long list of legal transgressions committed by the amateur detective Sherlock Holmes, which would

see a lesser man convicted to a lengthy, if not life, prison sentence, comes under scrutiny: allowing murderers to escape justice; failing to prevent an assassination, breaking and entering on a regular basis are some of the offences committed by Holmes. In judgment decisions in the five stories under review, his innate moral code of conduct redirects the judicial process to reflect a more personalised and even-handed judgment. Through his actions he draws attention to those aspects of the legal system that frustrate the aims of justice: from the failure of the police to properly evaluate circumstantial evidence when they rely on hearsay and unreliable testimony to prosecute crime to the outdated and ineffectual laws that fail to protect the weak and marginalised in society. Drawing approbation as a detective for his well intentioned and morally inspired interventions on behalf of the victims of crime in the spirit of outlawed heroes, his resolution of cases is mostly engineered through rational deduction and occasional boxing bouts with adversaries, but as he mutates into a spy interacting with foreign agents, his response to crime becomes more physically aggressive. Julian Symons notes in *Bloody Murder* that the nature of the detective story of the time was like 'a fairy tale' unconnected to reality, yet in his autobiography *Memories and Adventures*, Conan Doyle remarks on the similarity between cases he has been called upon to investigate and those he had invented to showcase 'the reasoning of Sherlock Holmes' (Symons:13). Doyle remarks that several times in his life he was approached by women searching for abandoned fiancés, evocative of 'A Case of Identity', and in one particular case in August 1909, the woman in question wrote to thank him for 'an extraordinary escape' when she discovered, through Conan Doyle's efforts, how 'unworthy he [the absconded suitor] was of her affections' (*Memories*: 132). Holmes's lawbreaking in the stories pinpoints inadequacies in laws

concerning the legal position of women and ticket-of -leave men who were unfairly punished and often permanently criminalized in society.

The rise of a society founded on principles of professionalism prompted the need for specialised training and expertise in the field of investigation and policing, as elsewhere, and its ramifications provide the cultural context for Chapter Two and my comparison of the amateur detective with that of the professional in Arthur Morrison's Martin Hewitt. Morrison's fame as a writer of slum fiction novels, such as *A Child of the Jago* (1896), is well documented and overshadows his skill as the writer of crime fiction who immediately followed on the heels of Conan Doyle's Sherlock Holmes after he tumbled to his supposed death at the Reichenbach Falls in 'The Final Problem' in the December 1893 edition of *The Strand Magazine*. Literary criticism of Morrison's contribution to the field of crime fiction is thin on the ground and lies in an occasional paragraph or essay suggesting he is a clone of Holmes. Stan Newens and P. J. Keating contribute biographical accounts of his life, and in his introduction to *Best Martin Hewitt Detective Stories*, E. F. Bleiler informs of the publication of Morrison's subsequent volumes of Martin Hewitt stories in *The Windsor Magazine* in 1895 and 1896 with a further volume appearing in *Harmsworth's London Magazine* in 1903 (xi). Hewitt is the antithesis of Holmes in many ways, except for his ready willingness to engage in lawbreaking, which he does in the same spirit of defiance of officialdom. As a self-made man who operates from an office in town rather than a comfortable home environment like Holmes in Baker Street, he relies on his hard-won reputation as an investigator to earn a living and develops a code of conduct in line with his professional stance and duty to his clients. Claiming to be a 'law-abiding citizen', his actions belie his words as he regularly breaks and enters properties in the

search for evidence, uses ensnaring techniques to flush out criminals and takes the law into his own hands by replacing courtroom procedure with his own form of justice. Highlighting the prevalence of middle-class crime in the suburbs, he focuses on the inability of the police to pierce the outward cloak of respectability of bourgeois criminals in their myopic focus on lower class criminality. Bringing the influence of scientific intervention into the sphere of female crime and punishment, he redefines the offence of child abduction in a rehabilitative approach to justice.

Sharing the professional ethic of Chapter Two, the writer and journalist, J. E.P Muddock is included as an early contributor to *The Strand Magazine* who was extremely popular and prolific in his fictional output. He made his entry into the magazine prior to Arthur Conan Doyle with his article entitled 'A Night at the Grande Chartreuse' in the February 1891 edition of the magazine (Vol. 1: 268 - 276). Muddock's detective, Dick Donovan, is remarkable in the study for his strict adherence to the letter of the law in response to crime, placing law and order over justice and compassion. Generally considered inferior in literary terms, Muddock's writing bears close affinity with Gaboriau and the earlier Casebook tradition of detective fiction, exemplified by the work of William Russell in *Autobiography of an English Detective by Waters* (1863) and James McLevy in *The Edinburgh Detective*, a series published in the 1860s. His characterisation of Dick Donovan is evocative of the Bow Street Runners, who were able to use their professional skills to augment their earnings from 'bounty-hunting', as Sussex points out (*Women Writers*: 21). Muddock's work is worthy of study because it provides a link between the predominant reading material of lower class working readers in popular magazines and that of more middle-class readership. It could also be argued that Muddock's

technique and style of writing prefigures the later form of detective fiction embodied in police procedurals. Ridgeway-Watt notes that Donovan appeared in one hundred and fourteen short stories, published in ten collections between 1888 and 1896, and further observes that 'some of the Donovan stories are excellently done, employ scientific procedures, and could rank with the less successful Holmes stories' (Ridgeway-Watt: 265). Fiction from both writers is liberally sprinkled with clients from the respectable middle classes and gentry, but also harnesses an array of working and lower middle-class members of the urban landscape, such as sporting gaffers, shopkeepers, seamen and clerks. Critical to this chapter is the work of Haia Shpayer-Makov, whose informative study of the history of police detection *The Ascent of the Detectives: Police Sleuths in Victorian and Edwardian England* (2011) from its origins in 1842 to 1914, addresses the formative period of professionalisation of the detective branch of the Metropolitan Police and Scotland Yard. In an era where the pseudo-science of criminal anthropology shaped public perceptions of the nature of the criminal in line with the views of criminologist Cesare Lombroso, and in which 'physiognomy and phrenology turned the body into a signifier of crime', as Ascari explains, the recidivist criminal posed a physically identifiable danger to society (Ascari: 146). The subject is ably explored in Neil Davie's account, *Tracing the Criminal: The Rise of Scientific Criminology in Britain* (1988), and is central to our understanding of depictions of the criminal in detective fiction narratives of the day.

In Chapter Three, I share some ground with Joseph Kestner, who in his seminal work *Sherlock's Sisters: The British Female Detective 1864-1913* (2003), argues convincingly for the valorising of fictional female detectives as empowered through an 'exercise of surveillance over the culture' (221). Unlike Kathleen Gregory

Klein in *The Woman Detectives: Gender and Genre* (1995) who believes the authors of such protagonists engage in an 'undercutting of the woman in one or both her roles', I argue for her depiction as an innovative experimentation in gender challenge, who stimulated debate over the changing nature of female identity (Klein: 5). Notable for their arrival on the literary scene long before their acceptance in the real world of criminal investigation, the distinctive role of female detectives as agents of justice introduces a vibrant and new perspective on the search for truth and the unearthing of crime in the era. In terms of lawbreaking, the transgressions of female detectives in this study stand shoulder to shoulder in the hierarchy of criminality with previous fictional detectives in the study. Fergus Hume's Hagar Stanley (1898), a Gypsy protagonist 'of considerable spirit', in Michele Slung's estimation, runs a pawnshop in Lambeth where her clients originate from the seamier side of London, presenting physical dangers seldom experienced by women, yet her ingenuity in maintaining a safe distance from shady clients and solving crime is worthy of any modern day hero (Slung: 361). Like Judith Lee, her female counterpart in this chapter, her approach to justice is retributive, akin to that seen in the Old Testament, and corresponds to the treatment she may expect as a marginalised member of the community. Steeped in potential criminality, Hagar receives what often turn out to be stolen goods in her pawnshop and can be seen to turn a blind eye to low-level criminality, yet she assumes the role of interrogator of an aristocratic suspect in a murder enquiry in one of the stories. Symbolic of the attributes of the New Woman, Richard Marsh's Judith Lee redefines the feminine mystique with quasi-supernatural abilities to lip-read at a distance, inspiring dread amongst the criminal classes and wrongdoers. No stranger to violence, her first adventure in 'The Man Who Cut Off My Hair', which appeared in *The Strand Magazine* in August 1911, saw her aged thirteen, strapped to a chair by

thieves who proceeded to viciously cut off her hair before threatening to kill her with a knife in what Kestner suggests is 'clearly a symbolic rape' (*Sisters*: 199). Using her lip-reading skills in 'Conscience', one of the stories under examination in the study, she discovers a serial killer operating on the railway system and incites him to commit suicide. Morphing into a spy in later adventures, her skill in jiu-jitsu saves her from violent encounters, which become the norm as she confronts anarchists and defeats fraudsters in the pursuit of equitable justice. As Kestner suggests, operating in the 'province of men rather than women, the female detective is gender-bending in terms of patriarchal constructions of the feminine, since she is a woman empowered primarily through rationality' (*Sisters*: 229). According to Lucy Sussex, 'The female sleuth was a trope that expressed anxieties about women's changing roles, and parallels could be drawn with the lives of the authors themselves' (*Women Writers*: 4). While I agree that the fictional female role creates a projected future fantasy for female readers, Sussex's comment does not account for the dominance of male writers promoting female detective protagonists at the time. In opposition to the subjugation of women through the scrutiny of male contemplation, Judith Lee operates a reversal of power by laying hold of it and redirecting it towards society.

With the fusion of detective and spy narratives materializing towards the end of the nineteenth century, indicative of Ascari's claim for 'hybrid zones' in which 'conventions mingle' (xii), in Chapter Four I probe the fluidity of the genre as it mutates into spy fiction, and explore the extent to which morality and legality is clouded by what David Stafford in *The Silent Game: The Real World of Imaginary Spies* calls '[n]ational vulnerabilities and fears' (ix). Patriotism, loyalty and threats to empire provide ample justification for illegality and establish the rationale for

espionage, as the link between detective and spy emerges in Erskine Childer's novel *The Riddle of the Sands* (1903). Its heroes, Davies and Carruthers are accidentally caught up in international intrigue and form the subject of investigation along with Sherlock Holmes, who is remodeled as a spy in 'His Last Bow: The War Service of Sherlock Holmes' (1917), mooted as the fictional characterisation of Roger Casement. Arthur Conan Doyle wrote a spirited letter of entreaty for mercy on behalf of Casement before his execution for treason in 1916, which fell on deaf ears, according to Pierre Nordon in his biographical account of Doyle's life, entitled simply *Conan Doyle* (51). In the story, 'His Last Bow', Holmes operates without a warrant and resorts to using violence to restrain an agent, whom he accuses of espionage for a foreign government, binding him to a chair and ransacking his safe for documents that pose a threat to national security, before finally kidnapping him and bundling him off to Scotland Yard. Davies and Carruthers, the protagonists in *The Riddle of the Sands*, contravene the territorial sovereignty of Germany by spying in her waters and lying to the local police about their reasons for being there. Seeking to protect the national interests, they engage in duplicity and suspend their normal ethical code to prevent potential harm to England's future.

In the final Chapter of the study, the theme of military heroes and adventurous amateur spies persists in the character of Buchan's Richard Hannay in *The Thirty-Nine Steps* (1915) and H. C. McNeile's (Sapper) fictional hero Bulldog Drummond in *Bulldog Drummond* (1920). Confirming the rise of militarism in the lead-up to the First World War, this chapter adds to our understanding of the way in which detectives morphed into spies. Hannay, the reluctant amateur spy reflects on his lawbreaking at one point in the narrative, charging himself with being 'an unholy

liar, a shameless imposter and a highwayman with a marked taste for expensive motor-cars' (Buchan: 51). Pleased, that as yet, he is not a murderer, a night in the open air appeases his conscience over his lawless behaviour. H. C. Mc Neile's (Sapper) fictional hero Bulldog Drummond, a forerunner of James Bond, with his effortless suave charm, disregard for personal danger and blasé approach to legality, is notable for the creation of a fictional hero who, like Holmes, endured for generations, and inspired the characterisation of leading men for cinema and television. Emblematic of empowerment of the many rather than individual heroics which counted for little, as demonstrated in the trenches in the face of mechanised warfare, his fierce brand of retributive justice stands in stark contrast to that of Holmes at the outset of the study.

In the contextual climate of the times in which the stories were written, the demise of natural law and its affinity with the divine saw its replacement with a system of ethics designed for 'achieving the greatest good for the greatest number' in utilitarian legal positivism as Michael Tonry explains. Detective fiction narratives reflect the search for another form of reality, which re-establishes the links between religion and morality and in which a more compassionate form of justice is iterated (Tonry: 11). Countering the harshness of scientific advances with a renewed morality in the early detective stories, the gentlemanly code of conduct, based on truthfulness and integrity, recedes in spy fiction as the decades wore on, yet can still be read in the 'Golden Age' detective stories of Agatha Christie and others in the 1920s and 30s (Tonry: 11). Mindful of interpretation as a selective process involving speculation and cultural influence, my reading of the texts in this work is guided by the many theoretical and critical works available to consult in a range of fields apart from

detective fiction, such as sociology, the philosophy of law, legal theory and criminology, amongst others.

CHAPTER ONE

HOLMESIAN JUSTICE: WOMEN, CLASS

AND CRIME IN THE WORKS OF ARTHUR CONAN DOYLE

Arthur Conan Doyle (1859 - 1930): Sherlock Holmes

It could be argued that in his response to criminality Sherlock Holmes puts the law itself on trial and questions its ability to reflect justice. By both ignoring the law and ridiculing its inability to offer substantive justice, he exposes its shortcomings and inadequacies. Acting as judge and jury in response to the circumstances of each story, he implements his own code of justice exacting revenge, exonerating criminals and allowing others to escape justice. Here I examine Holmes's liminality in dispensing judgments in a selection of stories within the Sherlock Holmes canon relating to gender, class and crime. Beginning with an exploration of the social and legal position of women and the extent to which dominant ideologies of gender delineated their roles in the stories, I draw on Holmes's responses to particular cases, analysing the values he articulates in his conduct towards women and family. The stories under review include 'A Case of Identity' (1891) which exposes a young working -woman's vulnerability and susceptibility to emotional abuse and family tyranny, providing Holmes with the opportunity to threaten violence against the perpetrator, Mr Windibank. Written a year later, 'The Adventure of the Speckled Band' (1892) showcases tyrannical male violence directed against female family members by an atavistic debauched stepfather and provokes powerful reactions from Holmes as he sweeps aside legality to procure justice for his distressed client. In the final analysis of gendered representations, characterised in 'The Adventure of The Abbey Grange'

(1904), the plight of women who continue to suffer at the hands of drunken husbands and outdated divorce laws is invoked, compelling Holmes to interfere with formal legal procedure to secure redress where the law cannot. Class tension and conflict are illuminated in the next part of the study, where I probe the question of Holmes's class-consciousness, and consider whether his response to crime alters according to the criminal's status in society. 'The Adventure of The Blue Carbuncle' (1892) presents a critique of the nature of circumstantial evidence in convicting an innocent man and models the iniquitous terms of the 1871 Prevention of Crimes Act whose provisions, according to Helen Johnston et al in *Victorian Convicts: 100 Criminal Lives* (2016), altered the nature of justice for the accused (36). Since the new burden of proof 'required reasonable grounds for believing in the innocence of the accused rather than whether the latter could prove it'; the subjective judgments of middle-class magistrates, often class-based, skewed justice, and regularly condemned the innocent to lengthy prison sentences (Johnston: 36). In 'The Adventure of Charles Augustus Milverton' (1904), a wealthy female assassin escapes the noose when Holmes delivers his own brand of justice at the expense of a working-class servant and raises the possibility of class-inflected bias in his judgments. Such literary narratives drove the need for a mediating champion like Sherlock Holmes to balance the scales of justice in favour of the innocent and the oppressed. By examining the representation of class interactions and tensions mirrored through the middle-class lens of the Holmesian canon, I will unfold the contrasting images of upper, middle and working-class criminality, and interrogate Holmes's extralegal response, including perverting the course of justice, burglary, deception and aiding and abetting murderers to escape formal justice.

In the age of emerging modernism in which the stories were written, women's sexuality was a contentious issue, often reflected in the media's reporting of cases involving sexual crimes, a theme clearly illustrated in many of the stories, which also offer informative contrasts on women's property rights in relation to their marital status, male violence and exploitation. Since the legal position of women often placed them in precarious predicaments, where access to impartial justice and redress were either limited or non-existent, recourse to an amateur detective like Sherlock Holmes offers an imaginary palliative to the realities of discrimination for female readers. Spanning a period of forty years, including the last two decades of Queen Victoria's reign, the Edwardian era and a decade of the reign of George V, the selected stories highlight contentious legal and cultural issues that emerged at a time when society experienced 'the cumulative effect of the profound changes wrought by industrialisation' which furnished it with a 'wholly new temper and texture', as Poplawski explains (519). In the age of rapid progress in science and technology in which the stories take place, examining the fictional Holmes's response to crime raises questions about whether the judicial system provides equal access to justice for all and whether it has kept pace with societal changes. His willingness to infringe the legal process to restore the balance of equitable justice raises questions about whether the judicial system had matched the progress of societal and institutional relationships and whether he considered it to be unjust, inadequate, or both. By exploring his behaviour and attitudes and questioning his justification for infringing the legal process in cases involving the treatment of women, my aim is to shed light on contemporary attitudes towards women, their access to justice and the problematic issues they faced in their daily lives.

'A Case of Identity' (1891)

Strikingly, the opening remarks of 'A Case of Identity' clearly illustrate the significant role of the media in promoting public consciousness of perceived criminal threats to society and the central role of women in its generation. In her study of late Victorian cultural history *City of Dreadful Delight* (1992), Judith Walkowitz notes the changing nature of women's visibility in public spaces in London in the 1880s challenging the male prerogative of flaneur and giving rise to 'countless stories of sexual danger' (Walkowitz: 5). Fuelled by sensational reports of the Ripper murders, such narratives, she explains, were the result of 'a conjunction of shifting sexual practices, sexual scandals and political mobilisations' that helped shape public opinion and attitudes to women in the public space (Walkowitz: 5). Written less than a decade after W. T. Stead's scandalous newspaper article of 1885, 'The Maiden Tribute of Modern Babylon', which detailed evidence of youthful prostitution, 'A Case of Identity' demonstrates the ambivalent position of women on the cusp of modernity, yet still constrained by the moral and legal expectations of a bygone era, entrenched in patriarchal domination.

In the story, the main issues raised are family tyranny towards women, reflecting their lack of social and economic power, an absconding suitor who may be liable to legal action for 'Breach of Promise', according to the terms of the 1869 Evidence Further Amendment Act, and women's property rights and legal standing in relation to their marital status. Set in 1887, it was first published in the September 1891 issue of *The Strand Magazine* before publication in 1892 along with eleven other short stories in the collection entitled *The Adventures of Sherlock Holmes*

(Baring-Gould: 412). At the outset of the story, Holmes is seated by the fireside reflecting on his desire to 'gently remove the roofs and peep in at the queer things which are going on, and which 'would make all fiction with its conventionalities and foreseen conclusions most stale and unprofitable', a seemingly voyeuristic attitude (Doyle: 236). Watson, who is reading the newspaper, and whose sense of propriety is outraged by the sensationalist accounts therein, contradicts Holmes's sense of boredom, and complains that 'The cases which come to light in the papers are, as a rule, bald enough and vulgar enough. We have in our police reports realism pushed to its extreme limits, and yet the result is, it must be confessed, neither fascinating nor artistic' (Doyle: 236). Acknowledging the fictional nature of many of the press accounts, Holmes alludes to an article entitled 'A Husband's Cruelty to his Wife' which he mockingly disparages as 'crude' in its usual referencing of 'the other woman, the drink, the push, the blow', denouncing it as overblown rhetoric, and its details as 'perfectly familiar to me' (Doyle: 236). Refuting the allegations of cruelty, Holmes asserts that contrary to the report, the husband 'was a teetotaler, there was no other woman' and the abuse related to nothing more than his hurling his false teeth at his wife, rather than the embellished version presented in the press' (Doyle: 236). His response echoes, to some extent, the accepted view of a nagging wife projected by Edward Cox, 'a serjeant-at-law' and 'author of a leading textbook of the day *Principles of Punishment* in which, as Mary Lyndon Shanley points out, he promoted the view that 'wife-beating was often provoked by a shrill and shrewish wife and that a blow to such a woman was almost in the nature of self-defence' (Shanley: 171). From his remarks, we may infer that Holmes seems to accept moderate physical chastisement of a wife, if circumstances dictate.

The main character in the story, Miss Mary Sutherland, is a woman of independent means who has recently been jilted by her fiancé, Mr Hosmer Angel, an elusive and shadowy individual whom she has recently met. Her background circumstances have led her to the decision that, whilst she remains living at home, she will give financial control of both her income of one hundred pounds per year and the interest on her inheritance, left to her in trust until her marriage, to her mother and young stepfather, Mr. Windibank, who use it to fund their lifestyles. Meanwhile, she lives frugally on her own earnings of sixty pounds per year as a typist, work indicative of a widening range of employment roles available to women. It reveals her status within the respectable working class and provides evidence of emerging themes of modernity in the stories. With the possibility of a change in her marital status looming, her mother and stepfather conspire to ensure that she remain at home so that they continue to benefit from her largesse, without the interference of a husband. As the beneficiary of a reasonable income, combined with her earned income and the bequest, held in trust until her marriage, Miss Sutherland will be a wealthy woman in her own right, once married, but the loss of her financial input will have a serious impact on her mother and Mr Windibank's living arrangements. The terms of the Married Women's Property Act of 1882, which Shanley labels 'the single most important change in the legal status of women in the nineteenth century' improved the position of women, but it was not until the Act of 1884 that the rules of coverture were removed allowing women to have feme sole status and acquire an individual identity in law; considering her economic welfare, the future looks promising for Miss Sutherland (Shanley: 103). Devising a plan to maintain control of her money and ensure she never marries, Windibank disguises himself as Hosmer Angel and assumes the role of her suitor, securing an engagement very quickly after their first walk

together. Miss Sutherland has developed a deep attachment to this quiet idiosyncratic man whom she describes thus:

'He would rather walk with me in the evening than in the daylight, for he said that he hated to be conspicuous. Very retiring and gentlemanly he was. Even his voice was gentle. He'd had the quinsy and swollen glands when he was young, he told me, and it had left him with a weak throat and hesitating, whispering fashion of speech. He was always well-dressed, very neat and plain, but his eyes were weak, just as mine are and he wore tinted glasses against the glare' (238).

The description of a softly spoken suitor who is averse to daylight and is almost reclusive alerts us to the deception. However, Miss Sutherland is bewitched by his charms and Hosmer Angel succeeds in gaining her trust, securing an oath of constancy at all costs before subsequently disappearing on the morning of a proposed wedding to be held at 'St. Saviour's near King's Cross' (Doyle: 238). The promise of engagement was considered a legally binding contract that had existed from medieval times, and was now subject to the terms of The Evidence Further Amendment Act of 1869 due to the number of broken promises that ended in rape or desertion. Although the Act allowed women to recount their story from the witness box, it also maintained 'that a successful claim must be supported by proof of an engagement other than the word of the plaintiff' (Bates: 36). This proof had to be of a 'material standard' and was intended to 'eliminate claims based on inference and fraud' as Denise Bates explains (36). Confirming the significance placed on breach of promise as a means of redress for deceived women, an article in the *Morning Post* of Saturday 31 January, 1891 relates how the Supreme Court of Judicature, Court of Appeal, resumed a case brought by Mr Leslie Fraser Duncan, 'late editor and proprietor of *The Matrimonial News* ' who contested the award of £10,000 damages made to Miss Gladys Knowles for 'breach of promise for marriage' (Issue 37014: 2).

'A Case of Identity' (1891)



"THERE WAS NO ONE THERE."

Figure 1.1 The image by Sidney Paget is taken from the September 1891 edition of *The Strand Magazine*, and illustrates the bewilderment of Mary Sutherland and the cabman at the disappearance of her suitor on the morning of her wedding. (Vol.2: 252).

Mr Duncan had enjoyed the benefits of a sexual relationship with the young Miss Knowles and, despite setting marriage dates on many occasions, he always 'found a pretext for delay' (2). The judge, Lord Justice Bowen delivered a verdict which reduced damages to £6,500 and scolded Miss Knowles's mother for allowing her to

daughter to associate with 'an old man of seventy' (2). His view of Mr Duncan was that 'he was a villain of the deepest dye' (2). The reasons, then, for legal intervention in a case of breach of promise included the idea that a woman was more exposed to seduction on engagement and the possibility of loss of virginity, which would impair her future prospects of finding a husband. Socially, she would be viewed with apprehension for misplacement of her affections. Emotional damage was a further consideration. However, Bates points out that 'By 1879 there were considerable misgivings among the middle classes about breach of promise claims' due to the number of fraudulent allegations being made and the ignominy of giving testimony in court (Bates: 38).

An analysis of the portrayal of Mary Sutherland reflects gender ideologies consistent with those prevalent at the time. An independent working woman, she is confident and self-assured, reflected in her willingness to consult Sherlock Holmes without informing her stepfather, yet she relies on masculine support in times of difficulty. Allusions to her lack of intelligence, emotional fragility and helpless susceptibility to exploitation permeate the text, indicative of the belief that women and men possessed, not only fundamentally different physical characteristics, but that their mental capacities were also configured differently. According to Emsley et al in 'Historical Background-Gender in the Proceedings' in the *Old Bailey Proceedings Online*, confining women's intellectual competence to a narrow field of engagement endorses patriarchal ideology in which 'Men as the stronger sex were thought to be intelligent, courageous and determined. Women, on the other hand, governed by their emotions and their virtues, were expected to portray chastity, modesty, compassion and piety' (Emsley et al: April, 2015). Miss Sutherland's entry into the narrative is

described in gently mocking tones – her physical appearance likened to ‘a full-sailed merchantman’ and reference to her nervous demeanour and ‘vacuous face’ conjuring up a comical and slightly derisory image (237). Catching sight of her on the street outside his rooms in Baker Street, Watson remarks:

Looking over his [Holmes] shoulder I saw that on the pavement opposite there stood a large woman with a heavy fur boa round her neck, and a large curling red feather in a broad-brimmed hat which was tilted in a coquettish Duchess of Devonshire fashion over her ear. From under this great panoply she peeped up in a nervous fashion at our windows, while her body oscillated backwards and forwards, and her fingers fidgeted with her glove buttons. Suddenly, with a plunge, as of a swimmer who leaves the bank, she hurried across the road, and we heard the sharp clang of the bell (237).

Having confided her financial and emotional circumstances to Holmes, Miss Sutherland confesses that on proposing marriage Mr Angel made her 'swear on the Testament', that 'whatever happened, she would always be true to him' and that 'even if something quite unforeseen occurred' he would 'claim his pledge sooner or later' (239). In refusing to renege on her pledge of fidelity, the possibility of a sexual liaison between Miss Sutherland and Mr Windibank provides more compelling evidence for her persistent loyalty to the missing fiancé. Fiercely defending him to Holmes, she declares that Mr Windibank's motives for leaving her cannot be financial, and explains 'Now if he had borrowed my money, or if he had married me and got my money settled on him, there might be some reason, but Hosmer was very independent about money and never would look at a shilling of mine' (239). Her devotion and implicit trust impresses Watson's who remarks 'For all the preposterous hat and the vacuous face, there was something noble in the simple faith of our visitor which compelled respect' (239). His comment indicates his approval that she has the requisite attributes of a truly feminine woman: virtue, kindness and vulnerability, but mostly in need of masculine protection. In the final denouement of the story Holmes, who has immediately recognised Mr Windibank's ploy summons him to Baker Street

to confront him with his infamy. Mr Windibank's first remarks are telling as he apologises to Holmes and remarks:

'I am sorry that Miss Sutherland has troubled you about this little matter, for I think it is far better not to wash linen of this sort in public. It was quite against my wishes that she came, but she is a very excitable, impulsive girl, as you may have noticed, and she is not easily controlled when she has made up her mind on a point' (241).

From Mr Windibank's comments we may infer that Miss Sutherland betrays elements of the New Woman in her stubborn refusal to be entirely controlled by him and follows her own inclinations in matters that concern her. In spite of being abandoned at the altar, a cause of emotional trauma for most people, Miss Sutherland shows resolution and courage in determining to untangle the mystery herself. It could be argued that her independent financial status endows elements of the new woman on Miss Sutherland and gives her the impetus to consult a detective against the wishes of her parents: washing her linen in public is a difficult decision for her, but one that she is willing to attempt. When Holmes informs Mr Windibank that he has identified him as the missing suitor, the villain offers no mitigation for his cruelty and retaliates instead by invoking immunity from prosecution in defiance of Holmes, and declares 'It – it's not actionable' (241). He had been careful to ensure his own safety from prosecution by typing his promissory letters, leaving no handwritten signature that could be used to convict him. Under the terms of the Evidence Further Amendment Act, as Ginger Frost indicates, the law specified that 'no breach-of-promise plaintiff "shall recover a verdict unless his or her testimony shall be corroborated by some other material evidence in support of such promise"' (Frost: 21). Windibank's cavalier attitude and lack of remorse for his vicious and abusive behaviour infuriate Holmes, for he believes him guilty of criminal intent to defraud, apart from the extensive social, emotional and financial damage he is willing to inflict on his

stepdaughter. Holmes also realises that the legal hurdle of a court procedure creates an insurmountable barrier to respectable women who might wish to pursue a claim for breach of promise. Agreeing that the case is not actionable, Holmes, nevertheless castigates Windibank for his heinous behaviour, and is himself reprimanded in turn as Windibank retorts 'It may be so, or it may not, Mr Holmes, but if you are so very sharp you ought to be sharp enough to know that it is you who are breaking the law, now, and not me. I have done nothing actionable from the first, but as long as you keep that door locked you lay yourself open to an action for assault and illegal constraint (242). Incensed by Mr Windibank's callousness, Holmes deplores the failure of justice and, threatening to flog him with a hunting crop, complains that whilst the law cannot touch him, 'there never was a man who deserved punishment more' (242). By hijacking his stepdaughter's marriage prospects and seeking to defraud her of her inheritance, Holmes considers Windibank to have acted criminally and predicts his destiny on the gallows. His desire to resort to physical violence by whipping Windibank reflects the continued use of flogging for a wide range of crimes. In his 1914 work *The Law and the Poor* Edward Parry informs us that flogging as a means of punishment was still being used for offences such as 'garrotting', violations of The Criminal Law Amendment Act, such as procuring, and for 'being an incorrigible rogue', offences, whose administration, he complains, 'depend[s] on the taste and fancy of the presiding judge' (Parry: 210). His allegation that 'the chances of a rich man being flogged for his wickedness on earth are about the same as those of the camel with an ambition to loop the needle' underscores his opinion of the class-based injustice of judicial authority; an injustice that Holmes seems ready to redress in his chastisement of Mr Windibank (Parry: 212).

Despite his introductory dismissal of the press report on an abused spouse as fictitious, Holmes's behaviour in this story alerts us to his sympathy for women who suffer emotional abuse at the hands of unscrupulous men and offers a critique of the sexual double standard that allows men to exploit vulnerable women by seeking to satisfy carnal desire, yet ruin their lives and reputations in the process. Holmes's personal code of conduct typifies a model of masculinity whose chivalric desire to protect women is indicative of Martin Wiener's view of male paternalism. In *Men of Blood* (2004), he suggests that 'the protection of women came to pose the question of the reconstruction of men' and 'became a site of cultural contestation over the proper roles of and relations between the sexes' (Wiener: 6). By this account, Holmes models the acceptable role of the masculine protector of women. The story also illustrates an issue of grave concern to women: how their position of respectability in society can be readily undermined by exploitative practices endorsed by the sexual double standard. Although redress may be had through the Evidence Amendment Act of 1869, most respectable women would balk at the idea of sharing their indiscretions in a court of law and thus ruining any chance of a future engagement. Further insight into Holmes's character and his attitude towards women can be read in his decision to refrain from confiding the truth of the deceit to Miss Sutherland, preferring instead to keep her in blissful ignorance when he confides his reasons to Watson: 'There is danger for him who taketh the tiger cub, and danger also for whoso snatches a delusion from a woman' (242). It could be argued that by concealing the fraud from Miss Sutherland, bearing in mind that her mother and stepfather were both party to it, he may leave Miss Sutherland exposed to future harm from her relatives. Given Victorian views of women's psyche prevalent in the era, Holmes constructs her understanding in terms of her biological configuration and believes her sanity to be at

risk from learning the truth. As Andrew St. George points out, her 'limitations were biologically defined': her identity is thus 'circumscribed' by society's image of her scope and capacity (100). A comparative attitude of Holmes's masculine prejudice is mirrored in Nietzsche's words in *Beyond Good and Evil* (1886) when he observes 'what does truth matter for a woman! Nothing is so utterly foreign, unfavourable, hostile for women from the very start than truth, - their great art is in lying, their highest concern is appearance and beauty', a negative and stereotyped view of women's character (Nietzsche: 125). Despite some shades of worldliness in her portrayal, including her access to public spaces rather than domestic isolation, Miss Sutherland conforms to gendered Victorian identity in her resolve to remain constant to the vanished suitor, yet by taking the initiative to consult Holmes and provide for her own welfare, she could, in my opinion and through what we are told, handle the truth of the affair.

'The Adventure of the Speckled Band' (1892)'.

A similar theme of wicked stepfathers engaging in criminality by defrauding women of their property emerges in 'The Adventure of the Speckled Band', first published in the February 1892 issue of *The Strand Magazine*, before its inclusion in the 1892 collection of twelve stories collected by Arthur Conan Doyle in *The Adventures of Sherlock Holmes*. The story holds a special place in the canon because of how it was viewed by Conan Doyle himself. Mike Ashley comments how in order to keep Holmes at the forefront of popular literature, Conan Doyle set up a reader's competition in the March 1927 edition of *The Strand Magazine* in which readers were invited to 'list what they thought were the twelve best Sherlock Holmes short stories'

- the winner who was able to list the selection closest to Conan Doyle's choices was to receive one hundred pounds and an autographed copy of *Memories and Adventures* (Ashley: 238). Conan Doyle's first choice of 'The Adventure of the Speckled Band' is no surprise, for it is one of the most intriguing of his stories, written in the locked room format of mystery detection, created by Edgar Allen Poe in his 1841 work 'The Murders in the Rue Morgue' and defined by Julian Symons as one in which 'nobody could have entered the room and there is no trace of a weapon' (Symons: 30). 'The Adventure of the Speckled Band' is set in 1883, a year before the passing of an important amendment to the Married Women's Property Act, whose importance lay in the alteration of a woman's status from that of a mere chattel to an independent and separate individual, in Susan Hamilton's account (Hamilton: 105). Under the terms of the Married Woman's Property Act of 1882, married women could keep all personal and real property acquired before and during marriage giving them the same property rights as unmarried women. Historically, the law was not uniformly applied across class divisions: legally, a wealthy married woman, although she was classed as 'feme covert', could set up a trust or settlement ensuring that on the death of a spouse she could retain control of her property. Settlements usually provided for the children of the marriage on the death of the father. This situation appears to be echoed in 'The Adventure of the Speckled Band', where a wealthy widow, on remarriage has bequeathed her entire fortune of 'not less than a thousand a year', to her new husband, whilst her two children reside with him (Doyle: 279). In the event of their marriage, 'a certain annual sum should be allowed' to each of the daughters from this capital sum, a circumstance bound to cause difficulty on the death of the widow, given the criminal nature of her new husband (Doyle: 279).

The heroine of the story, Helen Stoner, arrives early one morning at Baker Street in 'a considerable state of excitement' (278). Heavily veiled and dressed in black, Holmes ushers her to the fireplace to warm herself, for she is shivering, but she replies: 'It is not cold that makes me shiver . . . It is fear... It is terror' (278). Watson describes her arrival:

She raised her veil as she spoke, and we could see that she was indeed in a pitiable state of agitation, her face all drawn and grey, with restless frightened eyes like those of a hunted animal. Her features and figure were those of a woman of thirty, but her hair was shot with premature grey, and her expression was weary and haggard (278).

The bodily impact of mental strain on a fragile female can be read in descriptive analogies that draw attention to lack of emotional resilience under stress. Her stepfather, Dr Grimesby Roylott of Stoke Moran, 'the last survivor of one of the oldest Saxon families in England' has returned to England from India, where he had a large medical practice, tainted and transformed by his experience of living there. Having escaped a capital sentence for beating his native butler to death, on his return to England he follows in the footsteps of his dissolute aristocratic ancestors who had squandered the estate through gambling and waste by entering into a life of dissipation and degeneration. Rather than setting up a medical practice, he 'shut[s] himself up in the house' and engages in ferocious quarrels with neighbours and all who cross his path (279). His passion for Indian animals and the native lifestyle he enjoyed in India is indulged and recreated when he sends for exotic pets, including a cheetah and a baboon that freely roam the estate. The evil characteristics he has acquired during his oriental sojourn are presented as indolence and erratic violent behaviour, which demonstrate Milligan's contention that 'the characterisation of Eastern peoples as slothful and violent reinforced the power dynamics of Empire' and fostered the notion that returnees contaminated the English countryside with their

corruption (Milligan: 6). Construed as atavistic, Dr Grimesby Roylott represents the eastern contagion of opium to which he appears addicted, judging by his change of character and irrational mood swings. The fictional warning embodied in the narrative endorses the need for the civilising influence of imperial control and political sovereignty over foreign territories in order to contain their influence. Helen Stoner relates how her sister, who had been engaged to marry, had met her death under strange circumstances one night after hearing a low whistling sound, which presaged her death. No satisfactory cause of death could be found, as her room was inaccessible, with the door locked, and there was no visible trace of violence on her body. Two years have passed since her sister's death and Miss Stoner, herself engaged to be married, hears the same low whistling sound in the silence of the night, making her fear for her life. Before embarking on his journey to Stoke Moran, further evidence of Dr Roylott's barbarity emerges when Holmes notices 'Five livid spots, the marks of four fingers and a thumb' imprinted on her wrist, evidence of physical abuse (281). Screening her bruises, Miss Stoner defends her stepfather saying 'He is a hard man . . . and perhaps he hardly knows his own strength' (281). Despite suffering physical abuse at the hands of her stepfather, her symbolic gesture of filial devotion and passivity in the face of violence conflicts with her presumption that he is responsible in some way for the death of her sister and is linked to her own perilous situation. Her vulnerable position reflects the social constraints imposed upon women who are isolated and devoid of assistance, and signals the lack of legal support available to women at the time, especially in cases of family violence. Fear for her personal safety and exposure in terms of physical abuse is compounded by the knowledge that, as a single woman without the means of subsistence provided by her stepfather, Helen Stoner risks losing her livelihood if she chooses to leave: with

nowhere to go and no money to support her, a career on the streets is the likeliest consequence. These conditions would be easily recognised as presenting a familiar theme to Doyle's audience; Putney et al contend that 'Doyle capitalises on a contemporary topic to lend verisimilitude to stories rooted in real-life issues', confirming the prevalence of family tyranny in the era and evidence that the narrative is more true to life than it is given credit for (Putney: 48). A parallel may be drawn with the circumstances of the previous story where prospective economic loss on the marriage of his stepdaughter had driven the stepfather to devise an ingenious plot to maintain control of her wealth, albeit a less vicious one, thus highlighting women's lack of power or access to the law and their inability to safeguard themselves against family tyranny. Martin Wiener points out that there emerged towards the end of the century a growing awareness of 'women's right to bodily security, against both beatings and coerced sex'; a 'civilising' offensive which worked on public opinion to make it unacceptable and unmanly to inflict violence on women and children (*Men of Blood*: 34). The criminal aristocrat, Roylott, visits Holmes in his rooms in a temper described thus:

A large face, seared with a thousand wrinkles, burned yellow with the sun and marked with every evil passion, was turned from one to the other of us, while his deep-set, bile shot eyes, and his high thin fleshless nose gave him somewhat the resemblance to a fierce old bird of prey (282).

Roylott's presentation corresponds with the ideas of Cesare Lombroso, the Italian criminologist and psychiatrist, renowned for his publication *L'uomo Delinquente* (1876), whose popular theory of criminal anthropology was based on the notion of inherited criminality. Mary Gibson and Nicole Hahn Rafter, in their introduction to the work's translation, outline the parameters of his theory:

[T]he born criminal, [is] a dangerous individual marked by what we call anomalies - physical and psychological abnormalities. For Lombroso, these

anomalies resembled the traits of primitive peoples, animals and even plants, proving that the most dangerous criminals were atavistic throwbacks on the evolutionary scale . . . He called his new theory 'criminal anthropology', reflecting his desire to reorient legal thinking from philosophical debate about the nature of crime to an analysis of the characteristics of the criminal (Gibson and Hahn: 1).

His beliefs are echoed in the sentiments of the author of an article for *The Strand* Magazine, published in the January 1908 edition, which posed the question 'Can Criminals Be Cured by Surgical Operation?' written by Bernard Hollander, MD. He opines: 'A man may be an idiot morally as well as intellectually . . . As regards the anatomical marks of the typical criminal . . . the Continental School of Criminal anthropologists have found that his skull is widest from ear to ear . . . the ears sit very low, very much below the level of the eyes . . . anatomically and psychologically, therefore, the born criminal presents the appearance of arrested development and resembles in many respects the lower animals' (Vol.25: 94). Interestingly, despite the discrediting of Lombroso's theory, more than a decade later his views are still articulated in certain scientific circles. Le Roy Lad Panek in *Probable Cause* notes that an expert on the pseudo-science of phrenology in the 1880s when asked his opinion on a range of head shapes noted that they were all abnormal, but it transpired he had been shown 'the heads of prominent individuals, including President Cleveland and George Vanderbilt' (Panek: 47). Holmes consults the will of the deceased mother and discovers that in the event of marriage, Roylott will lose two hundred and fifty pounds from the estate for each of his daughters, confirming his belief that Helen Stoner is in danger. In the final showdown, Holmes travels to Stoke -Moran, where he discovers that Roylott keeps a swamp adder in his safe in the room next to his daughter's bedroom. Setting it loose in the night, which is the reason for the hissing sound, it climbs through the ventilator between the rooms, slides down the bell pull

and onto the bed in the hope that it will eventually sink its venomous teeth into his stepdaughter and lead to her death. As the snake slithers gently down the rope, Holmes attacks it with his cane, which results in its return through the ventilator and back to Roylott's room where it attacks and kills him, its speckled body encircling his head.

Scrutiny of Holmes's role and his contribution to the death of Roylott leads to a diminishing of the distinction between hero and villain. In his concluding remarks to Watson he confesses 'Some of the blows of my cane came home and roused its snakish temper, so that it flew upon the first person it saw. In this way I am no doubt indirectly responsible for Dr Grimesby Roylott's death, but I cannot say that it is likely to weigh very heavily upon my conscience' (287). Holmes's liminality is here verging on criminality as he accepts culpability for Roylott's death, but given the heinous nature of the rogue's behaviour, Holmes's conscience is clear. In his opinion, providential punishment has been meted out, but in this assumption he ignores his own role in manipulating events in the search for justice. In analysing the reasons for his actions, we consider that he had several options before him, including capturing or shooting the snake, but he chooses to strike it knowing that it will 'turn upon its master' and cause his death (Doyle: 287). Whether he reaches an impartial judgment is questionable, for he has been guided by personal antagonism, based on the knowledge of Roylott's infamy. On the other hand, whilst it is difficult to gauge the extent of subjective emotion shown by Holmes, Watson informs us that he prided himself on his dispassionate and unbiased perspectives, so that his level of prejudice is likely to be minimal.

'The Adventure of the Speckled Band' (1892).



Figure 1.2 The February 1892 edition of *The Strand Magazine* features Sidney Paget's illustration of Holmes striking at the snake as it slides down the bell pull (Vol. III: 154).

Familiarity with the judicial system where the position of men is favoured over that of women and where 'biased judges make blanket judgments' and fail to address the individual circumstances of each case could arguably, more reasonably, provide Holmes with the incentive to restore the balance of justice lacking in the legal justice system (Rawls: 3). According to Rawls 'Justice is the first virtue of social institutions' and 'laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust', an attitude arguably espoused by Holmes (Rawls: 3).

Holmes's culpability is diminished in our eyes when we discover the outcome of the official enquiry into Roylott's death. Its conclusion that he 'met his fate while indiscreetly playing with a dangerous pet' illustrates the inefficiency of judicial enquiries and to some extent exculpates Holmes (287). It is my contention that Doyle in creating the character of Holmes was aware of the inequalities of the judicial system, which seriously disadvantaged women. He wished to offer the consolation of assisted providence that manifested itself as a retributive form of justice. This is confirmed in his statement 'Violence does, in truth, recoil upon the violent, and the schemer falls into the pit which he digs for another' (Doyle: 287).

'The Adventure of The Abbey Grange' (1904)

The final case in my gender study offers analysis of the recurrent problem of marital violence inflicted on women in the story entitled 'The Adventure of The Abbey Grange'. First published in the September 1904 edition of *The Strand Magazine*, it is one of thirteen stories collected by George Newnes in a collection entitled *The Return of Sherlock Holmes*, released in 1905, which illuminates the plight of a woman married to a titled, abusive and alcoholic husband. The realities of violence and oppression directed towards women were highlighted by Victorian feminists who challenged Ruskin's elevation of the status of the home to 'the place of peace; the shelter from injury, terror, doubt and division' and denounced the 'sentimentalisation of family life' (Shanley: 4). As Mary Lyndon Shanley points out 'Prior to the Divorce Act of 1857 the only way to end a marriage other than by ecclesiastical annulment was by Private Act of Parliament', an avenue unavailable to most women (Shanley: 9). The terms of the 1857 Divorce Act, although 'making provision for the protection

of the property of deserted wives', (14) were skewed in favour of the husband, for a divorce could only be procured by a woman 'if he was physically cruel, incestuous or bestial in addition to being adulterous' otherwise she would be 'guilty of desertion'; meanwhile, he could cite adultery as the sole cause for divorce (Shanley: 9) Arthur Conan Doyle's championing of divorce law reform, mentioned in the introduction to the chapter, has been well documented and is addressed in Mike Ashley's *Adventures in the Strand* (2016), an exploration of Conan Doyle's lifelong career relationship with the magazine. In a synopsis of his advocacy for divorce reform, Ashley records Conan Doyle's appointment as 'chairman of a Royal Commission' on the subject and his participation in a parliamentary discussion in July 1917: its remit: to draft a Matrimonial Causes Bill proposing that 'a marriage be dissolved following a separation of three years': unfortunately, their recommendations were ignored and it was not until 1923 that terms for divorce were gradually improved (Ashley: 228). In 'The Adventure of The Abbey Grange' focus on domestic violence and the urgent need for reform of outdated divorce laws are central to the narrative, and in contrast to periodical reports of working-class spousal abuse, the prevalence of wifely abuse in upper-class settings is revealed. Holmes's opening remarks 'We are moving in high life, Watson, crackling paper, monogram, coat-of-arms, picturesque address' indicates that despite the grandeur of the setting, violence and bloodshed are familiar domestic scenarios in both upper and lower-class homes (Doyle: 527). Demonstrating that Holmes and Scotland Yard have a sympathetic working relationship, on occasion, and, as an indication of the respect in which Holmes is held by the official police force, Inspector Stanley Hopkins sends for him to ask his opinion on a murder that has taken place at the Abbey Grange, home of Sir Eustace Brakenstall who has been brutally murdered. The official view of circumstances, taken by Inspector Hopkins

gives credence to Lady Brakenstall's account of events and he welcomes Holmes and Watson:

'I'm very glad you have come, Mr Holmes. And you too, Dr Watson! But, indeed, if I had my time over again I should not have troubled you, for since the lady has come to herself she has given so clear an account of the affair that there is not much left for us to do. You remember that Lewisham gang of burglars?' (527).

Blame for the murder has been fastened on a father and two sons, the Randalls, known to have committed a robbery recently in the neighbourhood. Initially, Holmes, too, is impressed with the account given by Lady Brakenstall who presents a picture of injured feminine beauty tinged with spirit when she narrates the events leading to her husband's death. Evidence of physical as well as mental abuse is exposed in the 'plum-coloured swelling' above her eye and 'two vivid red spots' on her arm (528). Any expectation of hysteria and emotional trauma, consistent with the customary gender depiction of women in distress, is confounded by her composure, prompting Watson, ever appreciative of an attractive woman, to applaud her poise and remark 'her quick observant gaze... showed that neither her wits nor her courage had been shaken by her terrible experience (528). She explains that her short marriage has been an unhappy one, dominated by the tyranny of Sir Eustace who is a 'confirmed drunkard' and she continues to fulminate against her perceived captivity in a destructive and harmful marriage, declaring:

'To be with such a man for an hour is unpleasant. Can you imagine what it means to be tied to him for day and night? It is a sacrilege, a crime, villainy to hold that such a marriage is binding. I say that these monstrous laws of yours will bring a curse upon the land. Heaven will not let such wickedness endure' (528).

Her words echo, to some extent, the opinions of Frances Power Cobbe who was 'Instrumental in the passage of the Matrimonial Causes Act' of 1878 'which allowed a

wife beaten by her husband to apply for a separation order from a local magistrates court' (Shanley: 158). In her use of language analogous of 'master and slave' to characterise her relationship with her husband, she evokes the same metaphor used in Cobbe's essay 'Wife Torture in England' published in 1878, and explored in Susan Hamilton's article in *Victorian Studies* (2001), 'Making History with Frances Power Cobbe: Victorian Feminism, Domestic Violence and the Language of Imperialism' (442). Lady Brakenstall fabricates a version of events entailing the arrival of three burglars who assaulted her, tied her to a chair and then attacked and murdered her husband with the poker, before making off with the silver, convincing both Holmes and Watson of her innocence. Holmes's initial unquestioning acceptance of her version of events is evidence of his ideological views on class where a woman in her position would never engage in deceit. Holmes and Watson adopt a lenient and seemingly indulgent attitude towards her as she narrates the events leading up to the tragedy. The difficulties experienced by women in gaining a divorce are candidly portrayed in the fictional representation of a woman's inability to protect herself or escape from violence. In its presentation of the abusive, alcoholic husband, readers would recognise a familiar pattern of disorderly, aggressive behaviour directed towards an innocent woman and would sympathise with her situation. Holmes, who has uncovered several clues discounting Lady Brakenstall's version of events discovers that the silver has been deposited in the pond and advises Inspector Hopkins that the story could be a 'blind' offering him a chance to solve the mystery. It is clear that Lady Brakenstall's mendacity is unexpected. Her departure from the norms of female behaviour is attributed to her upbringing in the 'freer, less conventional atmosphere of South Australia', where a less restrictive code of conduct, devoid of concern for respectability, exists (528). The perfection of religious fervour and

honesty expected of an English woman is replaced by the image of one who is able to lie convincingly and temporarily deceive Holmes about the circumstances of her husband's death. This, despite Holmes's assertion in 'A Study in Scarlet' that 'deceit was an impossibility in the case of one trained to observation and analysis' (Doyle: 17).

Sir Eustace Brackenstall's assailant turns out to be Captain Jack Croker, a former acquaintance of Lady Brackenstall's from before her marriage, who, having heard of the abuse she has suffered at the hands of her brutal husband from her maid, Theresa Wright, is anxious for her safety and aggrieved that '[t]his drunken hound . . . should dare to raise his hand to her whose boots he was not worthy to lick' (535). He visits Lady Brackenstall late one evening before his departure on board ship to Australia and, in his desire to protect her from her husband's drunken assault with a stick, becomes involved in a fight in which the abuser meets his end when Captain Croker 'went through him as if he were a rotten pumpkin' (535). Since Holmes has assured himself of the integrity of the captain by contacting his employers, he is satisfied that he is dealing with a man of excellent character and reputation whose primary motive of self-defence is strengthened by his desire to protect Lady Brackenstall from a violent husband. Captain Croker is at Holmes's mercy as he assumes judicial authority in deciding the outcome of the case. The reader is alerted to Croker's precarious legal predicament, as Holmes is about to inform Scotland Yard of his findings that will instigate a warrant for his arrest. On deliberation, Holmes revises his position and declares to Watson: 'I couldn't do it, Watson... Once that warrant was made out nothing on earth would save him', expressing his belief that the law would find Croker guilty of murder and condemn him to death without any recourse to the mitigating circumstances and the possibility of an unjust verdict, in his

view (Doyle: 533). It was not until 1907 'in response to the miscarriage of justice in case of Adolph Beck and the likely miscarriages in the trials of George Edalji, and the alleged poisoner, Florence Maybrick' that a Court of Criminal Appeal was established, according to John Hostettler (251). Holmes and Watson depart from legality when they assume the role of judge and jury, conceal the true facts of the affair from the police and shelter a suspected murderer from criminal prosecution.

Holmes outlines his rationale for justice:

'Well, it is a great responsibility that I take upon myself . . . See here, Captain Croker, we'll do this in due form of law. You are the prisoner. Watson, you are a British jury, and I never met a man who was more eminently fitted to represent one. I am the judge. Now, gentlemen of the jury, you have heard the evidence. Do you find the prisoner guilty or not guilty?' (535).

In response to the not guilty verdict uttered by Watson, Holmes replies '*Vox Populi: Vox Dei*' and acquits Captain Croker, ordering him to remain overseas for a year (535). Scrutiny of Holmes's motivation and conduct indicates that he detects disparities in the legal system, that prompt him to adopt measures that will achieve a more equitable form of justice. Having identified the clash of principles between justice and the rigidity of the legal system that would see Croker hang, he is directed by conscience and acting upon his own moral judgment, he implements an individualised code, which accommodates the specific circumstances of the case. In this instance, he makes his own laws determined by his belief in his superior intelligence, integrity and ability to reason and adjudicate equitably. As readers, we are led to empathise with Holmes's intervention and resolution and applaud his good intentions, acquiescing in his illegality because his reasons appear rational, and his moral stance acceptable as the right thing to do. Our compliance is solicited when he observes 'Once or twice in my career I feel that I have done more real harm by my discovery of the criminal than ever he had done by his crime . . . I had rather play

tricks with the law of England than with my own conscience' (533).

The character of Holmes is paradoxical in several ways in terms of the inherent contradictions and complex variations in character portrayal, evidenced in the systems of meaning he articulates. Although I draw on a small sample of women for the purposes of this analysis, some generalisations may be drawn from his interactions and responses. Despite a patriarchal attitude towards women in which he assumes the role of protector and saviour, he occasionally engages with women whose character disrupts the expected societal norms of behaviour, mirrored in the personal attributes of Lady Brackenstall. His supposition of innate upper-class female honesty is subverted along with his preconceived notion of intimate knowledge and understanding of the female psyche. Conan Doyle articulates admiration for Lady Brackenstall's less rigid adherence to respectability and desire to be rid of her violent husband through Watson's comments on her courage and tenacity. However, it is worth pointing out that Watson draws our attention to Holmes's 'aversion to women' (390) in 'The Greek Interpreter' (1893) and 'The Dying Detective' (1913), where he remarks on Holmes's courtesy towards women, adding that 'He disliked and distrusted the sex' (590), leading us to question Watson's assertions. There appears to be a contradiction between what is reported by Watson and the way Holmes behaves when it comes to dealing with distressed females.

'The Adventure of The Abbey Grange' (1904).

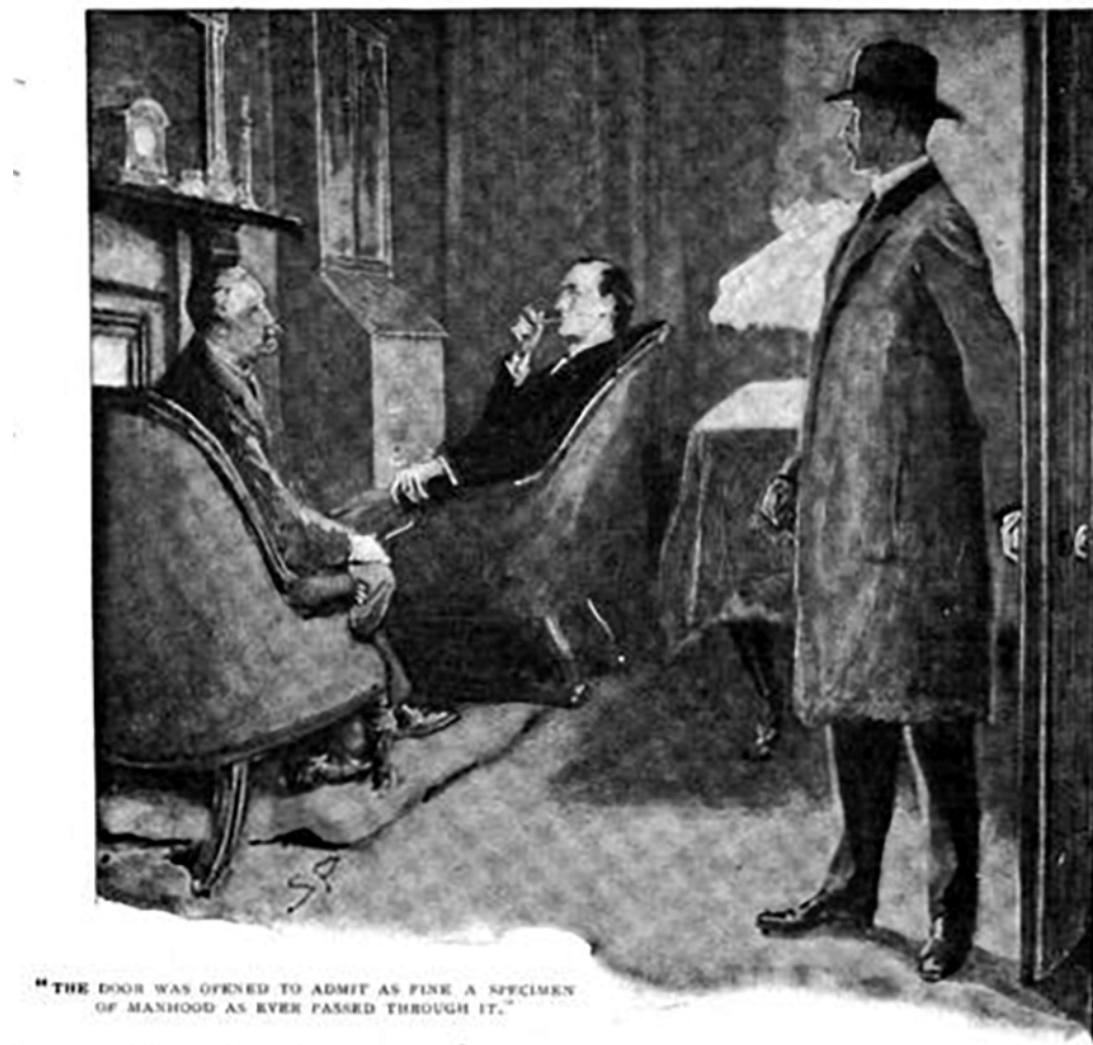


Figure 1.3 Holmes and Watson act as judge and jury in the case of Jack Croker, whom they exonerate from the crime of murder in Sidney Paget's illustration from the September 1904 edition of *The Strand Magazine* (Vol. 28: 255).

From the evidence presented, we may conclude that Holmes is often willing to deviate from gender ideology in his treatment of women, and through his desire to castigate male violence and 'protect the gentler sex' he advances the cause of women's emancipation and empowerment (*Men of Blood*: 35).

Criminality and Class: Holmes and Hierarchy

In Watson's comment in 'A Case of Identity' on the scandalous nature of press coverage of crime when he loftily declares how rude and vulgar they are in sensationalizing crime, it is clear that, nevertheless, both he and Holmes regularly scour the pages of the newspapers for evidence of crime and deviance. Constant referencing of them in the canon as a primary source of information validates their status as culturally significant in shaping public perceptions of the nature of criminality. The manners and morals of those caught up in the legal system are criticised and their transgressions laid bare for public consumption. As Anne Marie Kilday and David Nash explain 'Editorials were effective in constructing 'images and perceptions of the individual criminal and sometimes an entire criminal class' (Kilday and Nash: 4). The constant flow of information and extensive crime reporting from media outlets, combined with the Victorian fascination for crime, its mysteries and solutions fuelled the growth of detective fiction. In Charles Rzepka's view, its narrative acts as a means of 'exercising social control through modes of surveillance' (22). Like Stephen Knight, he perceives the role of detective fiction as one that 'promotes the ideology of the bourgeois professional intelligentsia who constitute its central audience and for whom it offers a consoling resolution of threats to the prevailing social and economic system in which their dominance and superiority are upheld (*Form*). However, such views, as Simon Joyce indicates in his work *Capital Offences* (2003), are unidirectional and fail to take account of the myriad influences on readers, such as 'gender and social class . . . the pre-existing beliefs that the reader brings to the text' and 'other determinants' which are 'often unpredictable' (6). A reappraisal of the role of fictional detective places him in opposition to institutional

values rather than central to their promotion. Representation of class interactions and tensions are clearly mirrored in the collision of upper, middle and working-class characters in 'The Blue Carbuncle' (1892) and 'The Adventure of Charles Augustus Milverton' (1904).

In these stories Conan Doyle provides contrasting pictures of criminality where Holmes and Watson immerse themselves in illegal activities, such as perverting the course of justice and burglary; actions which prove law-breaking is not solely restricted to the lower classes of society. An analysis of Holmes's response to the construction of criminality within the stories seeks to explore the portrayal of class conflict and division and interrogate his stance on hierarchy and social stratification. It examines how and to what extent his class perceptions influence his judgments, challenge his integrity and, consequently, his ability to act as an impartial agent of justice. The scope of the enquiry encompasses upper, middle and working-class crime in its probing of the ideological representation of the dangerous classes. Often depicted in Victorian literature and media as those whose pernicious lifestyles and lack of self-discipline lead to rampant lawlessness, which were evidenced in the works of Arthur Morrison's slum fiction and journalist exposes such as George Sims's book on London slum housing entitled *How the Poor Live* (1883). According to Ingham, ideological signs exist in nineteenth century novelistic discourse, which are 'key terms in the areas of class and gender' (Ingham: 20). They serve to construct a 'coherent identity for the middle-classes, distinguishing them from the socio-economic classes below', an ideology whose representation becomes keenly evident in the Holmes canon (Ingham: 20). The stories under analysis are situated in an era reflecting the culmination of a century of progress where significant changes in the

legal system, coupled with revolutionary scientific and technological advances, led to an altered vision of the nature and threat of criminality. An increase in social mobility shifted the boundaries of power and authority, which were redrawn to validate an entrepreneurial and professional middle-class whose powerful voices declared outrage at the spectre of encroaching lawlessness generated by an expanding urban sprawl and fuelled by perceived criminal elements from the lower classes of society. Class tension and hostility simmered in a cultural environment that saw the portrayal of criminals as a separate class perched on the borders of society. Poverty and criminality were fused to create a criminal identity of 'other' as opposite and different - the impoverished working class at the lowest end of society's hierarchy. Rowbotham notes that 'The burgeoning working-class quarters of urban Britain were seen as the natural environment of the criminal', a perception bound to foment class anxiety and hostility (Rowbotham and Stevenson: 4).

'The Adventure of The Blue Carbuncle' (1892)

'The Adventure of The Blue Carbuncle' is the seventh story in a collection of twelve assembled in the collection entitled *The Adventures of Sherlock Holmes* and was first released in a monthly version of *The Strand Magazine* in January 1892. Its presentation of the theft of a priceless jewel embraces character images moulded from archetypal examples of working-class criminality, juxtaposed with the portrayal of an aspiring middle-class entrepreneur, Breckinridge, a stall proprietor in Covent Garden. Theft was the most common category of crime tried at the Old Bailey during the nineteenth century and was considered a felony. Due to the vast number of thefts associated with servants convicted of robbing their masters, a specific offence was

created in 1823 following an Act of Parliament, which provided for the 'further and more adequate punishments of servants convicted of this offence', as Clive Emsley et al indicate in 'Crimes Tried at the Old Bailey' (*OBP*). An updated version of the Larceny Act of 1827 consolidated the provisions related to larceny in The Larceny Act of 1861, which remained in place until 1901. The opening scene of 'The Blue Carbuncle' posits Holmes in deductive mood as he delineates the character and social standing of the owner of a hat delivered to him by the commissionaire, Peterson, along with a Christmas goose, both of which he came upon at the scene of a 'garrotting' or attempted murder, on his return home the previous evening along Tottenham Court Road. Holmes's instruction to Peterson to enjoy the consumption of the goose results in the discovery within its 'crop' of a valuable gemstone belonging to the Countess of Morcar, who recently reported its theft from the Hotel Cosmopolitan. James Ryder, the upper-attendant who works at the hotel, accuses John Horner, a plumber, of stealing the carbuncle. Evidence against the plumber is purely circumstantial and based solely on the testimony of this one witness. Despite his protestations of innocence and obvious distress at being committed to the Assizes because of a previous conviction, the evidence is believed to be sufficiently strong. The magistrate dealing with the case refuses to hear Horner's version of events because his earlier offence permanently stained his character, and he is duly imprisoned in Pentonville prison, the first modern prison in England opened in 1842, which was 'satirised in the closing pages of Dickens's *David Copperfield*', according to William Baring-Gould (465). The narrative presents a critique of The Habitual Criminal's Act of 1869 and The Prevention of Crimes Act 1871, both of which were conceived to 'tighten control over criminals after their release from prison' (Shpayer-Makov: 37). She informs that it imposed heavy administrative duties on official police

forces due to the generation of paperwork involved in the maintenance of 'more systematic records of convicted persons' (37). In line with the terms of the 1824 Vagrancy Act, the regulations targeted the poor and unjustly discriminated against them. Helen Johnston describes the provisions of the acts as 'far reaching' and 'open to interpretation', as she explains:

[O]ffenders discovered by the police and thought to be obtaining a livelihood by dishonest means, about to commit or aid in committing a crime, waiting for the opportunity to commit or aid in committing a crime, or being unable to account for their presence could find themselves guilty of an offence and subject to a maximum of one year's imprisonment, with or without hard labour (Johnston: 35).

Added to these punitive conditions was the stipulation that once arrested on suspicion of an offence, a suspect had to prove his innocence to the court, an assumption of guilt rather than innocence. In Clive Emsley's view 'Most of those prosecuted in criminal courts came from the poorer sections of society and the discourse of class became more central to the analysis and perception of society. Criminality was seen as essentially a class problem', he opines, confirmed in the arrest of the fictionalised Horner (*Crime and Society*: 57). On hearing the circumstances surrounding the arrest of John Horner for the crime, Holmes snorts derisively 'Hum! So much for the police court! (272). The misuse of basic circumstantial evidence to secure convictions, as evidenced in the narrative of 'The Blue Carbuncle' permeates the work of many Victorian writers and is central to the narratives of detective fiction writers of the era, including that of Arthur Morrison, J. E. Preston Muddock and those whose work forms part of this study.

'The Adventure of The Blue Carbuncle' (1892)



Figure 1.4 Holmes impresses Watson with his deductive abilities in identifying the characteristics of the owner of the hat (Vol. III, 73).

In order to ascertain whether class perceptions and prejudices influence Holmes's judgments in response to crime, it is worth considering his purported family background and history, speculated upon by William Baring-Gould in his annotated study of the Sherlock Holmes canon. In it, he suggests a presumption of titled ancestry in the Holmes family coexisting with maternal affiliations to French artistry: this places him firmly in the ranks of the aristocracy, a position in which his entire life, education and career are mapped out and his future determined (Baring- Gould: 12). However, Holmes's rejection of family aspirations to set himself up as the world's first consulting detective removes him from his aristocratic roots to join the professional middle-classes, where self-reliance and industry are promoted and highly

esteemed; he, nevertheless, retains elements of his privileged upbringing, which arguably account for the more indulgent and decadent aspects of his character including his addiction to morphine. Consideration of his demeanour and attitude towards those in varying socio-economic groups may help determine whether class considerations influenced his response to their criminality. His first investigative encounter with the lower classes is with Henry Baker, the owner of the misplaced hat, who comes under Holmes's initial scrutiny as the possible miscreant responsible for the theft of the jewel. On entry into Holmes's apartment, Henry Baker exudes an air of exaggerated respectability in his mannerly address and courteous behaviour towards Holmes, clearly indicative of his once middle-class connections. His mannerisms reflect an experience of codes of conduct consistent with his previous status in society, that of a middle-class professional. Having fallen on hard times, a condition associated with 'moral retrogression' through alcoholism, his pursuits and attire are now determined by his altered position, including his subscription to a 'goose club', a commonly accepted way for working-class families to save for an otherwise unaffordable Christmas dinner. Evidence of poverty is linked to his address, where candles rather than gas lamps are used to light the household and to his inability to afford a new hat. Watson evinces a tone of mild disgust and mockery when commenting on the appearance of the hat, for 'it was cracked, exceedingly dusty and spotted in several places, although there seemed to have been some attempt to hide the discoloured patches by smearing them with ink' (271). Watson's superiority borders on condescension in his final comment on Baker's demeanour as he leaves Baker Street: 'With a comical pomposity of manner he bowed solemnly to both of us and strode off upon his way' (274). Watson's attitude, indicative of his own snobbishness, rejects the attempted subversion of hierarchical norms: in seeking to

retain symbols of respectability, Baker oversteps the mark, in his view, prompting his cynical remarks. Holmes, on the other hand, once he has ascertained Baker's innocence, refrains from comment on Baker's altered financial circumstances, and, instead, expresses a generosity of spirit by gifting the newly purchased goose in place of the one he has lost, in sharp contrast to Watson's snobbery. However, equally we may consider Holmes's magnanimity and ability to confer goodwill as symbolic of his desire to display power and authority over a less fortunate member of society.

The search for the thief brings Holmes to Covent Garden Market, a hive of working-class enterprise, and to his confrontation with the salesman, Breckinridge, a bristling, successful trader who registers little respect for middle-class etiquette. His tone of speech and bearing immediately convey his unwillingness to adopt respectful deference to middle-class customers. A thriving business and entrepreneurial spirit appear to place him above the need for obsequiousness. Despite his lack of manners and gentility, Breckinridge exists within the borders of lower middle class respectability, while retaining the mannerisms of his roots. He seethes with resentment and hostility in his contretemps with Holmes, whom he suspects of accusing him of criminality in acquiring the geese, an understandable attitude considering the penalties imposed by the courts for theft. The recent influence and prominence of trade union ideology and activism is palpable in his direct confrontational manner towards Holmes and results in his defiant response that he won't disclose the information Holmes seeks: the source of his acquisition of the geese. He retorts 'Well, then, I shan't tell you. So now!'(274). Remonstrating with Holmes, he complains of the fuss being made over the sale of the geese, since Holmes is not the first person to enquire about their provenance. Holmes replies:

'Well, I have no connection with any other people making enquiries . . . if you won't tell us the bet is off, that is all. But I am always ready to back my opinion on a matter or fowls, and I have a fiver on it that the bird I ate is country bred' (274).

The discourse is constructed as a symbolic paradigm of reassurance to middle-class readers in its depiction of Holmes's insight and understanding of the working-class psyche, which enables him to negotiate the nuances of working-class ethics in order to regain control of the situation and achieve his purpose, whilst simultaneously deflating an inflammatory state of affairs. The discourse between Holmes and Breckinridge signals Holmes's preconceived notions of class conduct in his assertion 'When you see a man with whiskers of that cut and the 'pink'un' protruding out of his pocket, you can always draw him by a bet' (275). As a subscriber to *The Sporting Times*, which is printed on pink paper and visible in Breckinridge's pocket, Holmes immediately conflates working-class men with an addiction to gambling. Thus, his omniscience identifies the nature of the hostile threat and provides a means of resolution. A similar approach to working-class partiality to gambling is made in John Buchan's *The Thirty-Nine Steps* when Richard Hannay offers the milkman money for his hat and jacket to fulfill his commitment to a bet.

James Ryder, the real jewel thief, embodies the idea of simmering criminality when he emerges as a nervous 'little rat-faced fellow' who faints when confronted by Holmes (275). His character portrayal as a combination of effete emotional instability and physical peculiarity linked to degeneracy is further illustration of Britain's fascination with the new science of criminal anthropology that had filtered in from Europe. A Darwinian perspective is thus invoked to corroborate the 'prejudices of gender' and class, in Emsley's phrase (*Crime and Society*: 97). Ryder's outward appearance is described in terms of feeble and unhealthy attributes, which 'seemed

literally to embody the very physical and moral deficiencies undermining the standing of the nation', ably described by Kim Rowbotham and Kim Stevenson in their 2005 study *Criminal Conversations: Victorian Crime, Social Panic and Moral Outrage* (16). His portrayal evokes Henry Maudsley's image of criminality associated with 'evil ancestral influence' where no amount of care will prevent those afflicted 'from being vicious or criminal, or becoming insane' (*Crime and Society*: 77). Ryder, however, was able to confound the claim that his end was determined by ancestry, as he managed to 'elude the destiny' shaping his ends due to the intervention of Sherlock Holmes. Holmes shows compassion in response to Ryder's appeal for mercy, as he throws himself down upon the rug and pleads:

'For God's sake, have mercy . . . Think of my father! Of my mother! It would break their hearts. I never went wrong before! I never will again. I swear it. I'll swear it on a bible. Oh, don't bring it into court! For Christ's sake, don't!' (276).

Having heard the sequence of events leading to the theft of the carbuncle, Holmes throws open the door and orders 'No more words. Get out!' (276). A reader's typical reaction to Holmes's humane response is sympathy and approval of his merciful judgment in awarding the criminal a second chance to reform and live a more law-abiding life. It could also be argued that, in the nature of his response, the middle-class reader vicariously enjoys a 'sense of superiority' over the lower class criminal and that the discourse serves to alleviate the fear of crime by providing a 'rhetoric of reassurance against the criminal', as Emsley opines (*Crime and Society*: 175). Other readings could reveal a construction of Holmes's own powerful identity and his willingness to establish himself as a pre-eminent authority, ready to dispense justice more mercifully than the legal system dictates, an executive prerogative reserved for the monarch. Equally, his discretionary justice fails to account for the harm inflicted

on John Horner, who was wrongly accused of theft and detained in prison, for he receives no redress for his incarceration. Whether it springs from an act of altruism or class superiority, his decision to allow Ryder to go free, acknowledged as an act of criminality on his part, is, in his view, mitigated when he declares 'I am not retained by the police to supply their deficiencies', a clear indication of his lack of confidence in their ability to solve the mystery (277). Further questions arise about Holmes's easy willingness to incriminate himself in order to redeem a confessed crook. In agreeing that he is 'commuting a felony' it is apparent that Holmes is willing to show mercy where the law would not in instances where justice would not, in his opinion, be served (277).

'The Adventure of Charles Augustus Milverton' (1904)

Revenge, defined as, 'the defensive blow one delivers to put a stop to the injury' in the words of Keith Pearson, dictates the outcome of 'The Adventure of Charles Augustus Milverton', one of thirteen stories released in 1904 and set in 1899 (Pearson: 139).

The story forms part of the collection entitled *The Return of Sherlock Holmes* and is rumoured, in Nicholas Basbanes's account, to be based upon the factual exploits of Charles Augustus Howell, an art dealer and friend of the Rossettis and John Ruskin, who died nine years earlier in strange circumstances (Basbanes: 15). Elements of revenge appear in several stories within the canon, including *A Study in Scarlet* (1887) and 'The Boscombe Valley Mystery' (1891) in which Holmes adopts a secular approach to its implementation, refusing to condemn those who use it a means for achieving justice. The story skillfully engages us in its presentation of class issues and conflict, focusing chiefly on the depiction of working-class treachery, middle-class

superiority and upper-class female susceptibility to extortion. In this story Holmes embarks upon a dangerous assignment at the request of Lady Eva Brackwell, a debutante who is engaged to marry into a highly respected titled family: his task is to secure compromising letters written by her to a young squire of previous acquaintance and acquired by the blackmailer, Milverton, from a faithless servant. The high level of criminal activity undertaken by Holmes, in this story, raises questions over his moral integrity and judgment and challenges the motivations for his means and delivery of justice. At the outset of the story, Holmes, acting on behalf of Lady Eva Brackwell, anticipates the arrival of Charles Augustus Milverton at Baker Street to discuss the return of the letters, a visit that inspires dread and repugnance from Holmes whose analogous comparison of him to serpents as 'slithery, gliding, venomous creatures' indicates his level of repulsion for the 'king of all blackmailers' (485). His revulsion derives from the type of criminal he encounters in Milverton. Mayhew argued for two different types of criminal, the casual and the professional. By his reckoning, the first category committed crime from accidental causes, such as lust, malice, shame, cupidity, need or political prejudice. Milverton falls into the second category of professional criminal defined as someone who objects to labour and prefers to plunder others (*Crime and Society*: 73). Unlike the casual criminal, who lives in a separate world and is thought to be addicted to dishonesty, Milverton, the model villain, positively relishes his role for the sense of power it endows and he fulfills Holmes's notion of evil incarnate. Predatory and evil in his avid pursuit of upper-class indiscretions, he threatens to expose and ruin men and women for financial gain. Unlike many criminals, he does not emerge from working-class roots and is seen to mix easily with the aristocracy, suggesting decadent affiliations. Described as bearing a resemblance to 'Mr Pickwick's benevolence in his appearance, marred only by the

insincerity of the fixed smile and by the hard glitter of those restless and penetrating eyes', a description akin to that of the villain, 'The Black Stone' in John Buchan's *The Thirty-Nine Steps*, allusions to his 'round, plump hairless face' and 'plump little hand' symbolise his lack of manly virtues, anathema to Holmes's chivalric code (Doyle: 485). When Milverton refuses to part with the letters for anything less than his original demand for seven thousand pounds, Holmes is 'grey with anger and mortification' and attempts to lock the door and physically seize them from him, but Milverton is prepared for assault with a revolver tucked into his inside pocket. He chides Holmes:

'I have been expecting you to do something original. This has been done so often, and what good has ever come from it? I assure you that I am armed to the teeth, and I am perfectly prepared to use my weapons knowing that the law will support me' (487).

Legally, as Lawyer Fenton in Baring-Gould's account explains, Holmes is guilty of 'unlawful detention', at this point and in trying to rob Milverton of the letters, he is guilty of the crime of larceny' (Baring-Gould: 563). Frustrated by his lack of progress with the negotiation and his attempts to retrieve the letters, Holmes's morality becomes muddled in his subsequent actions when he disguises himself as a plumber in order to gain access to Milverton's house, and deceptively engages himself to Milverton's housemaid in order to procure information relating to the whereabouts of the letters. His actions in deceitfully misleading the housemaid into a fraudulent engagement expose him to a breach of promise action, similar to that mentioned in 'A Case of Identity', under The 1869 Evidence Further Amendment Act. Chuckling to himself as he relates the narrative of his engagement to Watson, we are struck by his callous disregard of the impact of his actions on the unsuspecting housemaid and of the irony of the situation. On the one hand, we have an aristocratic woman who became enmeshed in intrigue through her own actions juxtaposed with someone from

the working class who did nothing to deserve the role assigned to her. In a clear indication of the lower level of esteem in which she is held, Holmes justifies his duplicity in the following terms 'You can't help it, my dear Watson. You must play your cards as best you can when such a stake is on the table' (487). Implementation of class discrimination illustrates a coded construction of cultural values where the image presented is one in which rank and privilege outweigh moral considerations. In his desire to epitomise the concept of a gentleman, Holmes sacrifices the welfare of his lower class fiancé and signals total indifference to the effects of his actions on her marriage prospects. This is justified, in his estimation, for the purpose of preserving the future happiness and reputation of his aristocratic client. From this we may infer that, in this instance, his chivalry is reserved for those from the upper echelons of society. Holmes in his disguise assumes the artistry and criminality of Milverton by sliding easily into the role of criminal in his final pursuit of justice.

Acknowledging his level of criminality to Watson, Holmes confides his intention to burgle Milverton's house and retrieve Lady Brackwell's 'imprudent sprightly' letters from the safe where he has stowed them, and in answer to his threat to report him to the police if he does not allow him to accompany him, Holmes agrees and responds:

'Well, well, my dear fellow, be it so. We have shared the same room for some years, and it would be amusing if we ended by sharing the same cell. You know, Watson, I don't mind confessing to you that I have always had an idea that I would have made an entirely efficient criminal. This is the chance of a lifetime in that direction . . .' He took a neat little leather case out of a drawer, and opening it he exhibited a number of shining instruments. This is a first-class up-to-date burgling kit, with nickel-plated jemmy, diamond-tipped glass-cutter, adaptable keys, and every modern improvement which the march of civilisation demands' (488).

Holmes's confession that the thrill of burglary appeals to his sense of adventure may

also be read as a desire to enter into the mind of the criminal and prove his ability to circumvent the law at will, testimony to his superior abilities. The fact that the stakes are high, if caught, adds to the frisson of excitement and, adopting the role of burglar, he dresses for the occasion 'with black silk face coverings', and compares himself and Watson to 'two of the most truculent figures in London' (488). Baring Gould notes that 'once Holmes removes the circle of glass from Milverton's door, he is guilty under section twenty-five of the Larceny Act which states 'Every person who breaks and enters the dwelling house of another with intent to commit a felon therein . . . shall be guilty of burglary', which is a crime 'triable at the assizes and quarter-sessions and is punishable by imprisonment for life' (Baring-Gould: 566). The fact that the offence is carried out at night differentiates it from housebreaking which carries a lesser sentence of 'a maximum of fourteen years' (Baring-Gould: 566). From the severity of the punishment, it is clear that Holmes goes to extreme lengths to achieve his ends. His illegal act of burglary may be construed as retributive in the sense that he may feel that heinous criminals, like Milverton, ought to suffer hardship in some way. The moral decadence and dishonesty shown by the villain when he 'methodically and at his leisure tortures the soul and wrings the nerves in order to add to his already swollen money-bags', causing severe distress and harm, is placed in the balance against Holmes and Watson's criminal act of burglary (485). Milverton may be seen to have surrendered his rights to legal protection from theft because of his own illegal acts. Holmes adopts a retributive form of justice as an effective punishment and as the only suitable course of action available to eradicate Milverton's corrupt, parasitic practices. In 1823 the offence of threatening with intent to extort was made punishable by transportation for life; however, Holmes admits at the outset of the story, that technically there was nothing they could do about

Milverton's blackmail since the secrets he procured related to actual events that had really occurred, a condition outlined in Emsley et al's 'Crimes Tried at the Old Bailey' (*OBP*).

In the final denouement, an upper-class female assassin arrives like an avenging angel seeking redress for the wrongs inflicted on her and others who have suffered loss at Milverton's hands. Disguised as a maidservant for the Countess D'Albert, with letters to sell, she deceives her way into Milverton's presence, presenting an outward appearance that belies her criminality in its reflection of a seemingly normal woman. Her portrayal contrasts with fictional depictions of the lower order of female criminal often mirrored as physically repugnant, simple-minded, deranged or diseased. The woman's final act of revenge in shooting Milverton is articulated in terms of her desire to procure justice for the death of her husband who suffered as a result of scandal initiated by Milverton. Her vengeance is sought, not only on her own behalf, but on that of all the women whose lives he had ruined. The act of retribution is savagely compounded when she grates her heel into his face in an act of extreme violence, which Holmes refuses to condemn or prevent. Watson verbalises the justification for this reticence on Holmes's part declaring 'that it was no affair of ours; that justice had overtaken a villain; that we had our own duties and our own objects which were not to be lost sight of' (491). Holmes proceeds to empty the contents of the safe into the fire, an action liable to prosecution for 'malicious damage', before escaping with Watson over the garden wall (Baring-Gould: 569). Watson, too, by kicking the restraining hand of the gardener as he struggles to climb the wall, is guilty of an offence under Offences Against the Persons Act of 1861, for the gardener was assisting the law in trying to prevent Watson's escape from the scene of a crime

(Baring-Gould: 570). In the concluding stages of the story, Holmes indulges in a final act of criminality by withholding evidence of the nature of Milverton's murder from the police. His statement to Lestrade evidences his reasons: 'Well, I am afraid I can't help you Lestrade . . . The fact is that I knew this fellow Milverton, that I considered him one of the most dangerous men in London, and that I think there are certain crimes which the law cannot touch, and which therefore, justify private revenge' (Doyle: 491). From this statement we are led to query the interchangeability of Holmes who echoes criminal behaviour in his pursuit of justice.

Conclusion

In the final analysis of Holmes's response to the construction of criminality in terms of his stance on hierarchy and social stratification within the stories, it is clear that class distinction informs his behaviour and influences his judgments to a large extent. This is unsurprising when we consider that he is a product of his creator, Conan Doyle, whose own conservative and traditional background inspires Holmes's decisions and prompts his middle-class manners and codes of conduct. Holmes, propelled by his chivalric spirit to spring to the defence of his illustrious client, fails to question her behaviour and propriety, as one would expect, regarding the circumstances surrounding the theft of the letters and her morality in penning them in the first place. In seeking to protect her reputation, he responds to his own code of honour and gallantry and exposes himself to criminal charges and imprisonment, if caught. He is willing, in the words of Pearson 'to bring harm upon himself' and 'cold-bloodedly anticipates it' in order to safeguard her future liaison with the Earl of Dovercourt (139). In his initial interactions, he appears deferential and is clearly impressed by her aristocratic connections. Significantly, his observational skills are

less than keen in his failure to note her key financial motivation to protect herself by concealing the letters from her fiancé. If the letters were innocent, most reasonable fiancés, it could be argued, would understand the circumstances and forgive a minor discretion. From the outset, a definite picture of class distinction and division become apparent in the characterisation and tone of discourse within the story. If we agree that fiction is 'a tool for the communication of sociological meaning' as articulated by Ruggiero, then what follows offers an interesting narrative construction of class interaction giving predominant authority to a hierarchical structure of middle and upper-class superiority (Ruggiero: 1). Holmes accords intrinsic reverential respect and privilege to the upper classes in sharp contrast to the treatment of the working-class characters. These are rendered unsophisticated, mercenary and prone to impulsive behaviour commensurate with their more primitive nature. In determining the level of criminality invoked by Holmes, it could be argued that he uses his discretion in his desire to right the wrongs of a criminal justice system, which he considers inadequate in responding to abuses and its neglect in allowing criminals like Milverton to indulge in evil practices. Under the circumstances described in the story, Holmes recognises the limitations of the law in respect to women's position in society: in a similar vein to issues articulated in other stories, no respectable woman would wish to expose her reputation to scandal and social condemnation by taking them to court. In this vacuum of legal paralysis, it could be argued his indulgence in the criminal act of burglary was carried out for altruistic reasons and was the only means of resolution available to him. Conan Doyle creates sympathy for Holmes by juxtaposing his attempt to recover the letters with the evil presentation of the rogue: Milverton engages in crimes that arouse feelings of pity for the victims and their sufferings and revulsion towards the criminal whose actions inflict pain and sorrow.

'The Adventure of Charles Augustus Milverton' (1904).



Figure 1.5 Holmes and Watson look on as an assassin wreaks revenge on Charles Augustus Milverton. The illustration by Sidney Paget is from the April 1904 edition of *The Strand* (Vol. 27: 382).

Discretionary powers were introduced at the time of the establishment of The New Police in 1829 and were granted to law officers and nominated citizens under public order legislation, according to Emsley (*Crime and Society*: 2). Holmes anoints himself a discretionary role, in like fashion, because he is compelled to do so due to ineffective laws like the Habitual Criminals Act (1869), the Prevention of Crimes Act (1871) and the outdated Divorce and Matrimonial Causes Act (1857). Evidenced in 'The Adventure of The Blue Carbuncle' involving the theft of the jewel, he allows the thief to go free because there is no need for retribution: the jewel has already been recovered and his duty is to restore it to its rightful owner, although this does not

occur within the narrative of the story. Familiarity with distortions of prejudice and bias, which discriminate against certain groups in society, may be read in his judgments. He states of his reasons for freeing Ryder 'After all, Watson... I am not retained by the police to supply their deficiencies' and 'Send him to gaol now, and you make him a gaolbird for life. Besides, it is the season of forgiveness' (277). This statement echoes traditional Christian values, surprising in someone entrenched in secular scientific thinking. His resorting to criminal tactics in 'The Adventure of Charles Augustus Milverton' could be explained as the only avenue open to him in preventing an even greater injustice: a ruined reputation. However, it is debatable whether he would have gone to such lengths for someone from lower levels of society, and his treatment of the housemaid counters such a claim. The narrative conforms to St. George's affirmation on Victorian society which he suggests 'developed a set of ideas which amounted to a mode of living tradition, presumptive and prescriptive and which transcended political life' (St George: xiv). Manners he believed were self-imposed social control, which amounted to an unwritten constitution, and etiquette was class control exercised (xiv). Holmes's behaviour is a clear illustration of manners. In his role of detective and considering his level of criminality, it is worthwhile considering Moretti's contention that:

The detective sacrifices his individuality to his work: his endless series of disguises, sleepless nights and inability to eat during an investigation are all metaphors for this. The detective abandons the individualistic ethic voluntarily, but still retains the memory of it. For this reason he can understand the criminal [and when necessary enact criminal deeds]: potentially, he too was a criminal (Moretti: 142).

The story perfectly illustrates Holmes's emulation of the criminal and, in his willingness to subvert the law for the good of society; he presents an idealised fictional hero whose enduring charisma reverberates in contemporary society.

CHAPTER TWO
THE PROFESSIONAL APPROACH: MUDDOCK AND MORRISON'S
MEAN STREETS

While lawyers and politicians celebrate the virtues of the rule of law,
reformers lament its shortcomings and cynics question its
professed equivalence with justice (Wacks *Jurisprudence*: xii)

Arthur Morrison (1863 -1945): Martin Hewitt

Stephen Knight's observation that 'However many successful detectives there had been before Sherlock Holmes, their successes were subsumed into and superseded by that archetypal presentation...' confirms Holmes's pre-eminence as the frame of reference for 'the figure of the detective' whose arrival on the scene in the 1890s realised spectacular literary success for his creator, Sir Arthur Conan Doyle (*Crime Fiction*: 67). Undoubtedly, the cult of Holmes caught hold of the public imagination in those years of burgeoning mass market publications and exerted a powerful influence on the rising professional middle-class readers of *The Strand Magazine* when the stories were first published in 1891 and Holmes's popularity remains undiminished to this day. In creating a short story form of detective fiction featuring a charismatic flawed hero whose adventure begins and ends within the narrative space of one issue of each magazine, Conan Doyle prompted a host of aspiring writers to emulate his success and achieve some measure of literary prosperity by evolving their own eccentric and gifted investigators. Commenting on the era's growth in popularity of detective fiction in *The Rivals of Sherlock Holmes* (1972), Hugh Greene notes that 'All the necessary economic circumstances existed for the encouragement of talent: an

eager readership and plenty of outlets': conditions, he claims, were ripe for their arrival on the literary scene (Greene: 13). Central to Sherlock Holmes's identity and forming the core thread of this study is the interrogation of his ability to manipulate and bend the law for his own purposes and to achieve resolutions to his cases in what he regards as a fairer form of justice than that provided in the judicial system. The analysis of lawless behaviour on the part of the fictionalised detectives beginning with Sherlock Holmes charts the extent to which his extralegal activities are echoed in the behaviour of contemporaneous literary detectives of the era.

In the previous chapter of this study I charted the fictional Holmes's departure from legality in terms of his response to women and class in relation to criminality, establishing that he resolves each case on an individual basis rather than following a rigid code of legal constraints and rules, like that provided by the Common Law. The outcomes of his cases are determined by a personal code of conduct that is framed by his own moral and ethical values and underpinned by a deontological sense of honour and duty, imbued with chivalry. In this chapter, I extend the analysis of liminality adopted by Holmes to consider literary representations of professional detectives of the era, notably, Arthur Morrison's detective, Martin Hewitt who succeeded in replacing Holmes in the affections of the *Strand's* middle-class readers. J. E. P. Muddock's detective, Dick Donovan provides the second focus of analysis in this chapter. Arriving on the literary scene in the early issues of *The Strand Magazine* alongside writers such as E. W. Hornung of *Raffles* fame, Grant Allen, renowned for his controversial novel *The Woman Who Did* (1895) and accompanied by the translated works of foreign writers like Pushkin and Voltaire, Muddock contributed six stories for the early editions of the magazine (Ashley: 36, 39). As professional

rather than amateur fictional detectives who operate their businesses for financial gain, they are guided by an occupational code of conduct that influences their attitude to crime and justice, and offers a contrasting perspective on their motivations and the ways in which they violate the law. My aim in this chapter is to determine the extent to which their response to crime resonates with that of Holmes's illegal behaviour and, through detailed close reading of three stories taken from the collections of their works, elucidate the underlying reasons and motivations for their behaviour and the cultural and social themes they evoke. In challenging legal procedures to resolve issues, it could be argued the literary detectives confront the cultural norms of the dominant ideology equipping them with 'an oppositional edge' in which they 'adopt, adapt or even reject the ideologies of a more powerful group' as Nicholas Daly explains (16).

I begin with 'The Case of Mr Geldard's Elopement', a story written by Arthur Morrison, first published in the January 1896 edition of *The Windsor Magazine* before publication with five other stories in the collection entitled *The Adventures of Martin Hewitt* detective. In the story, the detective Martin Hewitt, encounters a woman faced with the prospect of desertion, as the narrative projects a contemporary view of issues that propelled The Summary Jurisdiction (Married Women) Act of 1895, which allowed deserted wives to seek maintenance for themselves and their children in the event of abandonment, as Mary Lyndon Shanley points out (Shanley: 175). The second Martin Hewitt adventure 'The Affair of Mrs Seton's Child' (1896) from the same collection also appeared in the *Windsor Magazine*. It articulates the nature of adult attitudes to missing children in middle-class Victorian society and sheds light on public disapproval of baby farming and the problem of infant murder associated

with it. Published a year before Amelia Dyer was executed for murdering infants who were in her care over a lengthy period, the story foregrounds the professionalism of the detective in his methodical approach to investigation and his less than chivalrous attitude to women of shrewish character who suspect their husbands of infidelity. In the third story under analysis, J. E. P. Muddock's detective, Dick Donovan, appears in an adventure entitled 'The Riddle of Beaver's Hill'. Also published in 1896 in a collection entitled *Riddles Read* by Chatto and Windus, it foregrounds legal and cultural themes of Victorian respectability and morality and reveals patriarchal ideology in the fictional detective's attitude towards woman and her role in society. It highlights the marginalisation of those who operate outside accepted social and moral norms of society, illustrating that not only the law but also society imposes sanctions on those it considers to have misbehaved. Writing under the Donovan alias, Muddock's Glasgow detective stories appeared in the *Dundee Weekly News* before publication in the collection entitled *The Man Hunter* (1888), as Mike Ashley explains (49). Muddock's professional detective, Dick Donovan is Gaboriau - like in his characterisation and outlook on crime and justice. Unlike Holmes, who seldom mentions remuneration for his services, he feels no disgrace in referencing his ability to secure financial recompense for his labours. The historical context of this chapter entails explication of the construction of criminal behaviour in the era, and demonstrates how views on criminality change over time, a proposition highlighted in V. A. C. Gatrell's instructive study of crime and the law in western society. In it, he explains how each historical period in its quest for an orderly society agrees the standards of redress for crime, and in his definition of criminal behaviour, he notes that 'The crime which characterises a society is actually only that degree of unlawful activity which law makers and enforcers perceive through the filters of their own

social prejudices, interests and assumptions . . . It is a restricted range of unlawful action that tends to be seen, and in most periods it has been seen, mainly among the poor' (Gatrell: 243). The stories under review illustrate changing attitudes to the treatment of children and how criminal women were reconstructed medically as insane or unstable. Gatrell's observations inform our understanding of historical societal relationships and suggest reasons for transgressions among those who disagree with established judicial procedure.

As early as the 1850s, as Ascari points out '[t]he sphere of detection was increasingly regarded as the proper domain of professionals who mastered specific disciplines and technical skills' (39). By the 1880s the influence of professionalisation was taking shape in the state regulation of institutions, including codes of practice for the medical profession and the civil service. In his study of professional society, Perkin contends that 'A professional society is one permeated by the professional social ideal' which sees business investment as 'the engine of the economy', and one where entrepreneurs strive to create wealth and influence: traits exemplified in Arthur Morrison's fictional detective, Martin Hewitt, whose rise from young clerk in the services of Messrs. Crellan, Hunt and Crellan, a notable solicitor's firm, to independent private detective in his own thriving business, substantiates his claim to professional prestige (Perkin: 4). The status of a highly skilled, professional detective like Hewitt with 'certified expertise' allows him to transcend class constraints and gain entry to all levels of society without question, unlike the official police, whose presence in middle-class homes is resented. The way in which police and community relationships are represented in detective narratives presents a critique of their behaviour, often negative and stereotyped, despite the efforts of Sir Robert Peel, 'the

architect of London's Metropolitan Police force' (Shpayer-Makov: 30). It was his belief in a paid professional police service that resulted in The Metropolitan Police Act of 1829 and ushered in a new era in policing by enacting a code of practice entitled 'Principles of Law Enforcement' to guide the conduct of its new recruits and distance them from the disreputable thief-takers of the bygone era (Shpayer-Makov: 30). The main provisions of the code's nine principles engage public consent to police authority by centering it on the fundamental premise that the existence of the police is 'dependent upon public approval', with the additional stipulation that '[t]he test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with them' (Hess: 12).

Despite laudable intentions, the negative portrayal of police interactions and response to crime in detective fiction narratives of late Victorian and Edwardian eras, persisted, and explodes any myth of public approval until the later arrival of police procedural novels. An understanding of the professional code of conduct adopted by the official police informs the behaviour of detectives, both fictional and real. In 1842, with the creation of the detective branch of the Metropolitan Police, selection procedures for the new professional detectives were built upon previously established criteria for appointment to the police service. Haia Shpayer-Makov in her study, *The Ascent of the Detectives* (2011) chronicles the conditions for entry into the police force which targeted the failings associated with thief-takers by advocating admission to the ranks based on 'merit rather than on patronage or political connections', and backed up by 'testimonials of a flawless character' (81). She explains how Peel's idea of the consummate professional policeman entailed success in passing 'a series of examinations testing [the] physical fitness and literacy' of possible recruits (81). To

qualify as a detective, the main requirement was long service in the uniformed branch to become familiar with the role, and on recommendation from a superintendent or senior officer for, e.g. bravery, making arrests, conduct in court or, being 'sharp in going after thieves' (84). Allegations of favouritism were often leveled against superior officers who were accused of choosing candidates based on partisan decisions rather than on their suitability for the job, but the practice prevailed nevertheless. However, focus on physical fitness rather than mental capacity led to the public perception of 'the dull policeman' frequently satirised in fiction and media representations. Commenting on the detective fiction of the era, Shpayer-Makov observes that the adverse portrayal of inept official policemen in the stories 'pitted police officers against private detectives with the former depicted as inferior in cerebral ability and . . . as submitting to the authority of the private detectives' much to the annoyance and frustration of real life detectives (Shpayer- Makov: 291). Thus, their failings are given prominence in the narratives and countered by the acuity of the omniscient fictional detective, a fantasy figure with no basis in reality.

A convergence of literary and real-life detectives can be read in the frequent inclusions and depictions of professional Pinkerton agents whose codes of conduct directly influenced the Metropolitan Police Service and inspired a radical shift in its dealings with crime. Both 'The Red Circle' (1911) and Arthur Conan Doyle's novel *The Valley of Fear* (1914), based on the activities of the Molly Maguires, depict Pinkerton agents in professional mode. The novel centres on the actions of a Pinkerton agent, Birdy Edwards, who brings a criminal gang to justice, then flees for his life to England. Revealing his identity before their arrest, he declares:

'At last I can put my cards on the table. I am Birdy Edwards of Pinkerton's. I was chosen to break up your gang. I had a hard and dangerous

game to play. Not a soul, not one soul, not my nearest and dearest, knew that I was playing it' (Doyle: 212).

The Pinkerton agents materialise as hard-boiled detectives, totally dedicated to their work and committed to seeing an assignment through to the bitter end, corresponding with the work ethic of their real-life counterparts. Allan Pinkerton established Pinkerton's National Detective Agency in 1852 in Chicago, its trademark, an open eye with the slogan 'The Eye That Never Sleeps', signalled the onset of surveillance-dominated society evoking a model of omniscient detection where no crime goes undiscovered, according to John Dempsey (Dempsey: 8). The symbolism of Pinkerton's eye that never sleep resonates today with satellite surveillance on a global scale in fulfillment of Holmes's wish to remove the roof tops and discover the goings-on inside the houses, described in 'The Case of Identity'. Pinkerton's insistence on professionalism saw the instigation of a code of conduct to govern the behaviour of its operatives, which embodied strict affirmation of values and protocols. Comprising seven distinct rules, its mandate to accept no bribes or reward money was amplified with the caution to refuse to accept divorce cases or cases that initiate scandals. Pinkerton's reputation for solid professionalism in the field of detection inspired the public imagination and spawned a profusion of literary representations, apart from Arthur Conan Doyle. Charles Rzepka explains that Pinkerton's ghostwritten series of 'purportedly real-life detective novels', including his 1875 publication *The Expressman and the Detective*, was part of the dime novel tradition, in America 'geared to lower class audiences' (Rzepka: 112). According to Dempsey, 'Pinkerton advanced the cause of international police cooperation by sharing information with Scotland Yard and the French Sûreté', part of the reason for his celebrity and vast influence on the police and detective force in the United Kingdom (Dempsey: 8).

Demonstrating the continuing influence and popularity of Pinkerton in Britain, an article by Charles Francis Bourke in the 1905 issue of *The Strand Magazine* entitled 'The Greatest Detective Agency in the World' charts its history and growing success, largely due to the foiling of an assassination attempt on President Lincoln by Pinkerton in Baltimore in February 1861 (Bourke: 694-705). The retrieval of the famous Duchess of Devonshire painting, stolen by Adam Worth from Agnews Gallery in London, established Pinkerton's credentials in London, with Bourke remarking that 'its feelers extend throughout the remotest parts of Europe and Asia' before adding that thanks to the 'expert detectives' the guilty are brought to justice (Vol. 30: 694).

'The Case of Mr Geldard's Elopement' (1896)

'Mr Martin Hewitt . . . determined to work independently for the future, having conceived the idea of making a regular business of doing, on behalf of such clients as might retain him, similar work to that he had just done, with such conspicuous success, for Messrs. Crellan, Hunt and Crellan' (Morrison: 3). These words set the scene in the opening paragraphs of Arthur Morrison's first Martin Hewitt adventure entitled 'The Lenton Croft Robberies', and launch Hewitt into the narrative vacuum created in *The Strand Magazine* by the death of Sherlock Holmes at the hands of Professor Moriarty at the Reichenbach Falls in 'The Final Problem' in the December 1893 issue of the magazine. Hewitt's advancement in his career, unlike that of Holmes, takes place without the benefit of patronage or good connections and requires single-minded diligence and application to his role as clerk to his employers, Crellan, Hunt and Crellan, indicative of his ideological trust in professional integrity.

Instrumental in raising the status of the firm in which he worked on a high-profile case and where he shows the wonderful ability 'of building up apparently out of nothing, a smashing weight of irresistible evidence', his success establishes his credentials and he sets up his own private detective agency (Morrison: 3). His characterisation is symbolic of the era's self-made man, a solid professional detective who is dependent for his livelihood on the acquisition of a reputation as a skilled operator in his field of expertise: detection. As Daly points, the onset of professional society provided opportunities for upward mobility due to the increase in the number of white-collar, clerical occupations' (18). Outwardly, Morrison's Hewitt is affable, conventional even, but his dogged determination and tenacity evoke Inspector Bucket of *Bleak House*, and his ability to rationalise owes credit to Poe's Chevalier Auguste Dupin. Like him, his personality is lightly sketched, with the main focus centred on intricate puzzles in plot-driven stories. Despite the distinct character remodeling in Hewitt's portrayal of the hero detective, he successfully replaced Holmes as a substitute in the affections of the readers of *The Strand Magazine* from March to September 1894. Appearing in seven issues of the magazine and exquisitely illustrated by Sidney Paget, the stories were published in the same year in a collection entitled *Martin Hewitt: Investigator*. This was followed a year later by *Chronicles of Martin Hewitt* in 1895, which made its initial appearance in *The Windsor Magazine*. The popularity of the stories prompted a further collection, *The Adventures of Martin Hewitt*, published in 1896, with the final series *The Red Triangle: Being some Further Chronicles of Martin Hewitt, Investigator* emerging seven years later in 1903. (Bleiler: xi). This final collection was notable for its foray into the embryonic genre of spy fiction and for its depiction of the arch-villain Mayes, whose evil actions arguably transcend those of Moriarty.

Hewitt's cases combine original and ingenious plots with authentic working-class characterisation and dialect, reminiscent of his own working-class background and knowledge of the East End of London, which he was at pains to disguise, according to Stan Newens. It was his slum fiction rather than detective fiction that catapulted him to literary distinction in his best known works: *Tales of Mean Streets* (1894), *A Child of the Jago* (1896), *To London Town* (1899) and *The Hole in the Wall* (1902), which may partially account for his eventual neglect of detective fiction and pursuit of varied literary forms: he created a villainous lawyer detective in 1897 whose adventures were published in a collection entitled *The Dorrington Deed Box*, one of the subjects of Clare Clarke's study *Late Victorian Crime Fiction in the Shadows of Sherlock* (2014). Like Conan Doyle Morrison was influenced by Robert Louis Stevenson and several of his cases echo themes explored in *The Strange Case of Dr Jekyll and Mr Hyde* (1886) almost a decade earlier: that of overt respectability masking innate criminality. Martin Priestman suggests that '[t]hough hardly works of explicit protest, the Hewitt stories repeatedly make the point that there are many most respectable persons living in good style in the suburbs whose chief business lies in financing such ventures as bank robbery and taking the chief share of the proceeds', an attitude reflecting Morrison's appreciation of legal failings in addressing wealthy criminals rather than zealously pursuing lower-class offenders (*Figure on the Carpet*: 112). In choosing to situate the criminal as a visibly respectable and upright citizen in contrast to the easily recognisable lower-class deviant with abnormal physiognomy who featured in much of the era's fiction, Morrison often focuses on white-collar crime and the ominous threat of ruined reputations, which were greatly feared. Investigation of financial crime, including embezzlement and fraud amongst other legal infractions, then, differentiate his cases from those of Holmes. Detecting the

criminal for Hewitt requires a clear-headed approach to detection rather than the reflex reaction symbolised by 'the official police' response whose simplistic reading of clues at the crime scene fails the test of scientific scrutiny. His panoptic gaze is fine-tuned to filter the cloak of respectability or social standing and expose hypocrisy and corruption using scientific and professional methods.

'The Case of Mr Geldard's Elopement' is the second story in Arthur Morrison's collection of six detective stories, entitled *The Adventures of Martin Hewitt* (1896) and forms the first source of enquiry. Its title, referencing 'elopement', alerts us to an issue of contemporary feminine anxiety: the ramifications of spousal desertion, a topic regularly represented in discourses in both the sensational and mainstream media publications of the day. Despite legislation to alleviate the problem of abandoned wives in the year prior to the story's publication, Colin Gibson reveals that '[A] large proportion of the population of the workhouse in Edwardian times consisted of deserted wives' who, despite the Summary Jurisdiction (Married Women) Act of 1895, were unable to take advantage of its provisions as husbands frequently disappeared without trace leaving them unable to serve the court summons (Gibson: 75). The story opens with comments from Brett, Hewitt's journalist amanuensis, on the excessive proliferation of 'matrimonial cases' undertaken by unscrupulous 'private inquiry offices' who 'manufactured a case from beginning to end' (Morrison: 94). The implication here is that private detectives embrace dishonest practices such as the fabrication of evidence for the purposes of remuneration and in his remark 'it means fees for consultation and watching', he infers that not all agencies follow professional codes of behaviour and that their prime motivation lies in making money. Like Pinkerton, Hewitt's belief is that divorce cases are scandalous and only fit for

disreputable agents (Morrison: 94). In Brett's opinion, female clients who engage these services are 'actuated by mere unreasoning or fanciful jealousy', while conceding that 'matrimonial cases there were, and often of an interesting nature': his comments are shaped to appeal to male readers who would be in sympathy with the upbraiding of unreasonable behaviour of distrustful wives (Morrison: 94).

Mrs Geldard, the mirror image of these dubious sentiments, is characterised as sharp-tongued and rancorous in her suspicions of her husband's infidelity with a maidservant when she charges Hewitt with setting a watch on her husband and declares 'I've endured this thing in silence long enough. I won't have it.' (94). The negative presentation of a vocal and cantankerous woman client, who is physically unattractive, differs markedly from the conventional portrayal of women clients in Doyle's fiction, and is designed to disengage the reader's moral sympathy from her towards a more cynical view of her position: outer and inner ugliness in appearance are synonymous in her characterisation. The narrative suggestion hints that by adopting attributes consistent with male perceptions of the emerging New Woman, assertive and opinionated, she signals her departure from the ideal of womanhood and, therefore, she may have brought her misfortunes upon herself. Hewitt's initial response is to reject Mrs Geldard's 'vague catalogue of sufferings' as an act of disloyalty towards her husband and offers his patriarchal opinion 'Come to an understanding with your husband in a straightforward way as soon as you possibly can' (95). The story of the disappearance of Mr Geldard evokes Conan Doyle's 'The Man with the Twisted Lip' (1891); it is the story of a respectable middle-class businessman who leaves his substantial suburban home each day to take up the guise of a beggar in London, a common form of fraud in Victorian England. Like him, we

are forewarned of covert criminality as Mrs Geldard relates how she follows her husband to his office, where he subsequently disappears leaving his empty office locked and the 'entire suit of clothes' he had worn when he left home on the morning of the previous day laid on a cupboard shelf along with scraps of a letter signed 'Emma' (98). Despite his initial refusal to act on her behalf, Hewitt, motivated by her persistence and his own curiosity, rather than compassion for her predicament, agrees to take the case and, despite his initial waiving of a fee for consultation, his expectation is of remuneration at the end of his investigation once he agrees to act on her behalf.

On arrival at Geldard's office, he contrives to rid himself of her to allow himself unhindered access to her husband's accounts book, and achieves this by unscrupulously directing her to the bank to secure information on her husband's bank account cautioning 'you mustn't say you are employing me to bring him back from an elopement. That will shut up the channel of information at once. Hostile enquiries they'll never answer, even by the smallest hint, except after legal injunction' (100). The precarious nature of a woman's economic reliance on her husband's income is introduced as a means of deception as she is commissioned to find out whether her husband has emptied the bank account, leaving her destitute. However, as a counter to any sympathetic identification with the victim, Mrs Geldard informs him 'Thank heaven I've enough to live on of my own without being dependent on a creature like him': Thanks to the Married Women's Property Act of 1884 married women could keep all personal property (Morrison: 99). Hewitt's first act of transgression realigns the narrative debate from the possible desertion of Mrs Geldard and her husband's suspected treachery in emptying the bank account to his, Hewitt's, use of stealth and

fraud, with its criminal undertones, as a method of investigation. Shifting to the realms of dubious practice, we learn:

As soon as she left Hewitt turned to the pedestal table and probed the keyhole of the locked drawer with the small stiletto attached to his penknife. 'This seems to be a common sort of lock' he said. 'I could probably open it with a bent nail . . . Perhaps there is an easier way' (100).

His nonchalance and intimate familiarity with the use of clandestine practices for obtaining confidential information demonstrate scant affinity with the rule of law prohibiting trespass and he could be accused of malicious damage. By gaining unlawful access to the locked bureau drawer in her husband's office, he finds incriminating clues to Mr Geldard's furtive behaviour: receipts for a stable rental and a coded message from the mysterious Emma. In an intricate plot, we follow Hewitt to the stables, where he gains illegal entry to the building:

The doors were unusually well finished and close fitting and the lock was a good one, of the lever variety, and very difficult to pick. Hewitt examined the front of the building very carefully and then, after a visit to the entrance to the yard, to guard against early interruption returned and scrambled by projections and fastenings to the roof (103).

Once there, we learn that, like Holmes who makes use of illegal entry into suspect properties, he removes the putty and then the glass from the windowpane in the skylight, making him guilty of housebreaking, a serious crime and liable to indictment. Once inside the building, his discovery of old linoleum rolls and a cart confirm his belief that illicit activity is involved in Mr Geldard's disappearance, for 'it was evident that it [the linoleum] had remained thus rolled and tied with cord in two places for a long period', suggesting its use was other than for sale (103). Following the trail of evidence to Crouch End, where the maidservant's uncle's lives he arrives at a genteel suburb and a large substantial villa maintained by Mr Geldard under the fictitious name of Cookson, staffed by 'one old woman, deaf as a post, for servant' (105). In the midst of stylish respectability, he uncovers an illegal still situated in the

villa from which Mr Geldard transports whisky concealed in the rolls of linoleum, aided and abetted by Emma, the maidservant, and her uncle, Mr Trennatt. Further enquiry brings him up against Mrs Geldard, who, having been apprised of the situation, and satisfied of her husband's fidelity, now colludes in her husband's criminality by locking Hewitt in a tool shed. In the final denouement, Hewitt offers his opinions on the unraveling of the mystery of Mr Geldard's disappearance and his uncovering of the criminal gang running an illegal whisky distilling operation that was disguised as a legitimate and respectable business:

'Yes, it's a case of illicit distilling - and a big case, I fancy. I've wired to Somerset House, and no doubt men are on their way here now . . . The whole thing is very clever and a most uncommonly big thing. If I know all about it - and I think I do - Geldard and his partners have been turning out untaxed spirit by the hundred gallons for a long time past' (108).

Records of illicit distilling at the time appear in the Proceedings of the Old Bailey on two separate occasions. One, of these, linked to the making of illicit brandy, describes the actions of Louis Durand, prosecuted on the 25 June 1877 for 'feloniously forging and uttering a bill of exchange for the payment of 25*l.*, with intent to defraud' (*OBP*, t18770625-559). In the transcript we read that he used syrups and molasses supplied by a druggist and manufacturer of medicinal capsules for his operation, and that once Excise Officers had seized the still, Durand appeared at Lambeth Police Court where he was fined 300*l.* for his offence (*OBP*, t18770625-559). Hewitt's professional ethics come into play towards the end of the story when he deliberates on whether to report his findings to the police, or allow Mr Geldard to escape because his wife, Mrs Geldard, had commissioned him to work on her behalf. He explains his rationale:

But then I grew perplexed on a point of conduct. I was commissioned by Mrs Geldard. It scarcely seemed the loyal thing to put my client's husband in gaol because of what I had learnt in course of work on her behalf. I decided to give him, and nobody else, a sporting chance. If I could possibly get at him in the time at my disposal, by himself, so that no accomplice should get the benefit

of my warning, I would give him a plain hint to run; then he could take his chance (109).

Despite his professional dilemma, he notifies Somerset House, Office of Revenue and Customs, of the unlawful activity, taking place in a respectable suburb and in full view of a policeman on patrol duty outside the large house. The policeman mistakenly interprets the meaning of the strange behaviour of the residents of the house, observing to Hewitt 'That's a Mr Fuller as lives there - and a rum 'un too': the policeman incorrectly attributes the anomalies of the occupants to the idiosyncrasies of middle class residents; his working class roots prohibit invasion of privacy of a middle class home (105). His failure to probe the surface appearances of unconventional behaviour bears testimony to his steadfast conviction that middle-class morality and reputation are beyond reproach. In this narrative, Hewitt questions the popular conception of the criminal mind as it is expressed in the newspapers and journals of the day by expanding its boundaries to embrace seemingly respectable middle-class men and women. We hear of the capture of Geldard and his criminal gang along with the seizure of the still and 'subsequent raids on a number of obscure public houses in different parts of London' (Morrison: 110). Brett's witty comment that 'Some of the public houses in question must have acquired a notoriety among the neighbours of frequent purchases of linoleum' concludes the narrative on a humorous note, a feature of several Morrison detective stories (110).

'The Case of Mr Geldard's Elopement' (1896).

ADVENTURES OF MARTIN HEWITT.

99



"Signs of some secret understanding."

Figure 2.1 Mrs Geldard's suspicions are raised when she witnesses her husband colluding with Emma Trennatt the maid. Illustration from *The Windsor Magazine*, 1896.

Conclusion

Hewitt's departure from legality in this story entails breaking and entering on three separate occasions, criminal damage to property, deception and the intent to pervert the course of justice in considering aiding and abetting Mr Geldard's criminality by giving him 'and nobody else, a sporting chance' to escape (109). His pattern of housebreaking for the purposes of retrieving evidence of criminality coincides with that of Holmes, the amateur detective. Considering the severity of punishment meted out to serial housebreakers in the era, evidenced in the records of *The Old Bailey Proceedings Online*, and exemplified in the case of John Twyher who was sentenced to seven years penal servitude in 1890 for 'the theft of a clock and other articles' due to previous convictions, Hewitt's risk-taking seems exceptional (t18900303-234). Gatrell calls attention to the vagaries of the law in the 1880s whereby 'felonious wounding and burglary both shared liability to the maximum punishment of penal servitude for life' and in which 'the differentials became marked lower down the scale of offences with housebreaking carrying a maximum of fourteen years penal servitude, for example, as against only five years for malicious wounding': the inference here is that property is 'of greater value than human life' (Gatrell: 296). It could be argued that the punishment Hewitt inflicts on the Geldards: breaking and entering by illegal means, is for crimes he anticipates rather than anything concrete and verifiable by warrant, and his inner conviction of their guilt preempts any idea of the presumption of innocence; thus vindicating his subjective moral irregularity to himself and to his readers. His behaviour validates Gardner's assertion in his introduction to *Punishment and Responsibility: Essays in the Philosophy of Law* (2008) that 'people may be disinclined to do what the law forbids for moral or prudential reasons without caring about the law' (Hart: xliii). Applied to Hewitt in this

case, we can infer that he disregards those aspects of the law, which constrain his intuitive capacity for unearthing deviance, and assigns himself the role of adjudicator invested with a higher moral authority. Like Holmes, he shows a public-spiritedness in tackling crime, but his comment on reporting Mr Geldard to the police: 'My duty was plain. As you know, I am a citizen first and an investigator after', places his professional status as secondary to his obligations as a member of the community and deontological considerations as more important than professional ones (109). The rejection of a fee from Mrs Geldard for undertaking to investigate her husband's disappearance may have a bearing on the outcome of the case. His personal dislike of the Geldards is revealed in his obvious satisfaction on bringing them to justice and reveals a steely determination to refrain from showing clemency in administering justice, based on personal inclinations, unlike Holmes. Despite his professional status, whereby the rights of his client are paramount, he exercises a discretionary justice in breach of his own professional code of conduct, preferring to inform on the Geldards. Thus he places greater significance on his role as citizen than on his duty to the client, and paradoxically, breaks the law to prevent lawbreaking. He seeks reader approbation for his failure to request a warrant to search the premises for evidence of criminality, or to notify the police of his suspicions. It could be argued that Hewitt's criminality is more extensive than that of the Geldards, whose crime was considered a misdemeanour in contrast to his crime of breaking and entering, a felony, not to mention his criminal damage to property. In its emphasis on issues and anxieties that prompted illegal interventions by the detectives to redress injustice, their demonstrations resemble what Kieran Dolin in his work *Fiction and the Law: Legal Discourse in Victorian and Modernist Literature* (1999) calls a form of 'narrative jurisprudence' (Dolin: 32). Whether intentional or not, their actions shape a critique

of the justice system through supplementary storytelling revealing the vagaries and injustices of a legal system whose ideology and practical application to individual experiences appear inconsistent with justice. In the alternate fictional reality of the stories, justice is achieved for those caught up in the legal system in spite of, rather than as a result of the law.

Notably, in several other stories throughout the series Hewitt is content to allow the criminal to escape, e.g. in 'The Case of Mr Foggatt' (1894), a locked room murder mystery, published in the May 1894 edition of *The Strand Magazine*. In response to Brett's question about a murder, he rejects the role of administrator of justice, when asked 'Don't you propose to go into this further, then?' he replies 'I'm not a policeman' and refuses to follow up on the crime (Vol.7: 526). Hewitt often demonstrates a sense of humour in relation to helping the police with their enquiries exemplified in 'The Case of The Dixon Torpedo' (1894). When asked for his advice on how to deal with the criminal, he responds 'Here's his stick - knock him downstairs with it, if you like' (Morrison: 29). Hewitt's actions bring to public notice his dissatisfaction with the era's legal constraints, which staunchly protect middle-class privacy from intrusion and create challenging conditions for the issuing of a warrant. Limitations on the power of entry and search into middle-class geographical spaces are critiqued in the inability of the law to address its failures. Mrs Geldard exemplifies gender reconstruction reflective of the prejudices and biases of the stories' recipient audiences, with the aim of 'acting as cultural modifiers in shaping opinions and influencing ideas' about her lack of womanliness, a topic ably described in Judith Rowbotham and Kim Stevenson's 2005 study of the reportage of Victorian criminal behaviour in *Criminal Conversations: Victorian Crimes, Social Panic and Moral*

Outrage (xxii). Hewitt, in contrast to Holmes's chivalry, in this story remains aloof and unaffected by female emotional trauma, maintaining a disciplined focus on the measures needed to solve the mystery. His code of conduct bears some resemblance to that of the Pinkerton code in his initial reluctance to embark on a possibly scandalous divorce case and in his willingness to partner with law enforcement by informing on the villain. Embracing the notion of enforcing a moral imperative to restore the harmony in society, he exposes those who reject societal norms of behaviour, especially the middle classes, who have so far remained beyond the bounds of legal limits. Pinkerton was known to adhere to the requirement to keep clients apprised on an ongoing basis and for his opposition to 'improper conduct' in gaining information, a charge that could be levelled against Hewitt ('History' Pinkerton Consulting and Investigations, Inc.). It could be argued that Morrison's familiarity with the privations and penury of life for the residents of the East End of London informed his views on criminality: he was aware that working-class criminals were often compelled to sidestep the legal framework of the law through dire economic necessity in the newly industrialised modern society, perhaps triggered by unemployment or illness, as evidenced in his own family. Since moral rationality for unlawful behaviour was deemed to be inferior in poorer communities, to some extent, their behaviour could be explained and justified, but the middle classes who live in comfort and style, suffer no such deprivation and have no evident extenuating circumstances to justify their crimes: their motivation is greed. Morrison's narrative presents an underlying critique of a legal system, heavily prejudiced against the working classes, which fails to acknowledge criminality across the entire spectrum of society, including the middle classes. In his expose of criminality, the Geldards are emblematic of middle-class hypocrisy and the fluidity of class status: their ability to

descend easily into criminality and transgressive behaviour calls for reflection and judgment on shifting cultural values. His professional code of conduct forms a reshaping of values in contrast to Holmes. The context and circumstance of each story accentuate the legal framework within which it is held and identifies the mismatch between legal provision and materiality, emphasising the ramifications of unjust statutory obligations. On the other hand, in his application of discrete justice in relation to crime, Hewitt's behaviour, like that of Holmes and other fictional detectives, raises questions about their ability to be impartial and even-handed in the way they respond to crime. The notion of universal justice, central to equality may be damaged by an individualised response since only those who engage the services of the detective or capture his sympathy are the recipients of his configuration of right-minded justice. This particularity in applying justice creates conflict between the rights of the individual and those of the wider community, for in choosing to address the needs of the individual; the rights of others are ignored. Synchronous to this private infraction of the legal process, the narrative exposes a range of themes that suggest moral ambiguities in the delivery of this fictionalised form of legitimacy by the detectives.

'The Affair of Mrs Seton's Child' (1896)

'Alleged Kidnapping at Croydon', one of the articles featured in *The Morning Post* of Saturday 28 July 1894 was lengthier than many corresponding kidnapping reports in the media that year, and was guaranteed to cause a stir (6). Its reference to the status of the accused kidnapper as a member of the middle classes, whose respectability was now in jeopardy, combined with the aristocratic connections of the suspect, ensured a

sensational popular reception. The story, from Croydon Borough Police Court relates to a child kidnapping that took place in the town a short time previously. Elizabeth Grosvenor, a respectable middle-class, middle-aged woman stood charged with 'stealing and detaining Arthur Bartrum, aged three and a half years, with intent to deprive the parents of the lawful possession of the said child' (6). At the hearing, her distress is palpable, as she hotly denounces the treatment she has received since her arrest, declaring that she has been 'persecuted shamefully by a class of people who . . . said I [was] not fit to get my living or to live as I have a right to' (6). In her defence, she refutes the allegations of wrongdoing, and instead, seeks sympathy from the court for her unhappy childless state. Justification for taking the child, which she maintains was given to her by a stranger, was based on her claim that since she was 'alone in the world, without a friend since the Duchess of Sutherland's death', and was 'passionately fond of children', she thought it would be a comfort to her. The child is represented as a commodity in an era where children are held to be the property of their parents and are treated accordingly. Exclusion of narrative representation from the child of his actual abduction experience in the newspaper report is in keeping with the times, and the report focuses instead on his outward appearance rather than any possible inner turmoil. When questioned on the circumstances surrounding his reappearance after the abduction, a witness comments '[t]he child's appearance was altered to that of a girl. He had been well cared for and kept clean'. In her opinion, despite his gender transformation, he was well nourished, his physical requirements were met and there were no obvious signs of abuse, which were the crucial factors in determining his wellbeing, in her estimation. Her affirmative remarks on the child's condition infer a quasi-acceptance of the negligible nature of the offence, as no apparent harm was inflicted on the child as a result of the encounter. Popular views of

criminality and justice, as Emsley and others, such as Gatrell and Dolin, suggest, are tied firmly to 'historical context', which is made clear in public attitudes towards the crime of kidnapping (*Crime and Society*: 2). In an explicit demonstration of shifting boundaries of criminality, what was once considered a misdemeanour in the Victorian era later translates into a felony in the judicial system. Whatever the truth of Miss Grosvenor's statement, and despite her emotional appeal and links to the aristocracy, the outcome of the Borough Police Court decision indicates her failure to convince the judge of the sincerity of her intentions, for she was committed for trial. Court proceedings from the Old Bailey of the era indicate a plethora of instances of child kidnap by both male and female abductors: male child abductors did so for sexual exploitation and begging, but for female abductors, the object was either the theft of the children's clothing, or to make money through placing them for adoption; occasionally, the kidnapper sought the companionship of a child, if they themselves were childless. Based on the length of sentences issued for the offence of child kidnap, in contrast to those for theft or burglary, and the brevity of most newspaper reports on their occurrence, popular perceptions of kidnapping may be confirmed in Adrian Gray's assertion that 'Victorian society regarded crimes against property more seriously than crimes against the person' (Gray: 61).

Echoes of the circumstances of the aforementioned case appear in 'The Affair of Mrs Seton's Child', one of six stories from Arthur Morrison's 1896 Martin Hewitt collection, entitled *The Adventures of Martin Hewitt*. One of many unique storylines pursued in his work, it underscores the originality of Morrison's plots and follows the pattern of a locked room mystery, where no obvious solution to the puzzle can be devised. Similarly based on the abduction of a two-year-old boy by a respectable

middle-class woman, the outcome for the criminal, thanks to the intervention of the detective, Hewitt, differs dramatically to the judgments passed down for comparable offences in the Court Proceedings of The Old Bailey of the era. Hewitt's manipulation of the legal system emerges towards the end of the story, where his compassion for a middle-class female kidnapper elicits a merciful response from him, as he shields her from prosecution. The reasons for his actions link her deviance to her sexuality, expressed as a form of temporary insanity rather than criminality. His attitude forms an expression of gendered stereotyping that testifies to Louise Hide's assertion that '[W]omen from across the class spectrum were believed to have a proclivity for mental instability due to the effects of their reproductive system' (Hide: 35). One of Hewitt's characteristic principles in response to criminality features in the story: his belief that criminal actions may not always require legal redress. In a clear demonstration of his preference for restorative rather than retributive justice in the story, he advocates 'the cooperation of the victim' rather than sentencing and punishment for the offender (Sarat and Hussain: 29). However, his ad hoc application of discretionary justice raises moral and ethical questions in this case in particular because one of the perpetrators evades prosecution despite what would appear to be valid reasons for prosecution. In the story, Hewitt expropriates the role of merciful adjudicator of justice, thus supplanting both courtroom judge and the rightful owner of forgiveness, the aggrieved victim.

The story opens with Mrs Seton in a state of distress consulting Martin Hewitt over the disappearance of her only child, Charley, from the morning room of their home, where he was last seen playing with a box of toys. Hewitt, moved by her grief as she begins to rise to greet him, in contrast to his response to Mrs Geldard in the

previous story, sympathetically, lays his hand on her shoulder and comforts her, advising 'Pray don't disturb yourself, Mrs Seton . . . Mr Raikes has told me something of your trouble, and perhaps when I know a little more I shall be able to offer you some advice' (234). In contrast to his response to Mrs Geldard in the previous story, the substance of Mrs Seton's complaint elicits a consolatory reply from Hewitt, as he adds '[I]t is important for you to maintain your strength and spirits as much as possible', affirming his view that the female psyche is fragile and in need of bolstering in times of anxiety (234). Hewitt initially accepts the absence of her husband from the scene without comment, and only later does he enquire into his whereabouts in the ensuing conversation:

'By the way, where was Mr Seton yesterday when you missed the boy?
'In the City, he has some important business in hand just now'
'And today?'
'He has gone to the City again. Of course he is sadly worried; but he saw that everything possible was done, and his business was very important' (246).

Cultural ideology is reflected in the depiction of Mrs Seton and her acknowledgement of her gender role as prime overseer of the family's welfare in the separate sphere of home life; she models conventional hegemonic values, as she shoulders the burden of the child's disappearance alone. Mr Seton, the breadwinner, continues to work to provide for his family in the public sphere, despite the disappearance of his only child. The story then proceeds in the tradition of a locked-room mystery in which the child, having vanished from the premises, no visible trace of his abductors or the means of his kidnap can be established. It transpires that he had been left alone while Mrs Seton sent his nurse on an errand. On discovering his disappearance, Mrs Seton contacts the police who 'issue bills containing a description of the child and offering a reward': a regular procedure for locating missing children (Morrison: 238). The reward of twenty-five pounds is offered to the general public for any information

leading to the return of the child: a seemingly small sum compared to the amounts offered for the return of stolen property, a situation later remarked upon in the narrative by the blackmailer and indicative of the child's lack of agency in society. Comparatively, in J. E. Preston Muddock's Dick Donovan story 'The Mysterious Disappearance of Helen Atkinson' from his 1888 collection, entitled *The Man-Hunter*, a reward of one hundred pounds is offered by the distraught middle-class family for the return of their missing daughter (Muddock: 177).

Investigations lead Hewitt to discover that the child had disappeared six weeks earlier, a fact that Mrs Seton considers unimportant, and in response to Hewitt's question about his disappearance, she replies 'But that was quite different. He strayed out at the front gate, and was brought back from the police station in the evening' by a Mrs Clark, whose throat bore the marks of a scar, suggesting she once had her throat cut and whose name and address turn out to be false (244). The incongruence of Mrs Clark's respectable outward appearance with the disfigurement of the wound on her throat forewarns the reader of unusual circumstances, for it would seem almost unthinkable for a middle-class woman to be in a position where her throat has been cut. However, according to Joan Lock, 'While some aspects of historic crimes may often appear familiar, others link them clearly to their time as she explains that although 'cut-throat murders . . . are unusual now . . . before the invention of the safety razor they were commonplace', signaling the possibility of such an attack on Mrs Clark (Lock: 51). This detail, together with the lax security of the premises in which Mrs Seton lives, illuminates the mystery and Hewitt's professionalism springs into action as he pursues the investigation in a systematic and businesslike way that is in tune with his professional code of conduct. His investigative duties entail detailed

questioning of the servants; extensive fieldwork, where he tirelessly explores a range of clues; time-consuming false trails of evidence and scrutiny of family background along with Mr Seaton's business interests. Despite being self-employed, only answerable to himself, he assumes a professional work ethic: that of unflinching dedication to his clients' interests and to solving the case as speedily as possible. In his role as specialised detective, he is the embodiment of what Harold Perkin terms 'The professional ideal': highly skilled human capital with 'trained expertise' in which he himself constitutes the resource: human capital rather than property is the new basis for wealth creation (Perkin: 4). The results he achieves from his ability to trace criminals and to form the links in a chain of evidence determine his level of success and his status in society. Unlike the police, who have countless personnel to follow up enquiries and pursue suspects, he operates alone; thus, his investigations take time and consume his limited resources. Unlike Poe's Chevalier Dupin, ratiocination alone from an armchair will not provide the solution, and, unlike Holmes, the newspapers do not provide all the clues to the final unraveling of the mystery, nor the violin ignite his imaginative faculties: his message is clear: only a professional approach, based on hard work and long hours will achieve results. In this, he emulates Pinkerton, who in Le Roy Panek's account, likes to keep his clients up to date with investigations whilst informing them that 'such professionalism costs money': the message is that 'solving crime does not happen overnight and it is not cheap' (*Probable Cause*: 28). Unlike Holmes, whose infallibility locates him in the realms of myth, we hear from Brett, his journalist amanuensis, of his fair number of failures: his imperfections ally him to the common man and to society's approbation for tenacity in the face of difficulty and industry as a means to success in business. The significance of reputation for Hewitt is highlighted in 'The Stanway Cameo Mystery' (1894), where Brett, rectifies

misconceptions about a case that was publicly viewed as a failure and signals the damage that accrues to lack of success (Morrison: 30). As a preamble to events, he absolves Hewitt from incompetence and proceeds to set the record straight, submitting his redemptive testimony in the following statement: 'Therefore no harm will be done in making the inner history of the case public; on the contrary, it will afford an opportunity of vindicating the professional reputation of Hewitt, who is supposed to have completely failed to make anything of the mystery surrounding the case' (30).

Despite his professional efforts to discover the whereabouts of the missing child, Hewitt arrives at an impasse in the investigation until serendipitous events in the shape of two anonymous letters, both written on the same paper and clearly from the same source, arrive at Mrs Seton's home to move the plot forward. The first, in Hewitt's opinion, obviously from a woman, assures Mrs Seton of the child's safety. It reads:

The writer observes that you are offering a reward for the recovery of your child. There is no necessity for this; Charley is quite safe, happy and in good hands. Pray do not instruct detectives or take any such steps just yet. The child is well and shall be returned to you. This I solemnly swear. His errand is one of mercy; pray, have patience' (250).

Hewitt ponders the implications of the phraseology, but appears baffled by its message. However, in its evocation of the theme of the redemptive potential of the innocent child, the phrase conjures up romantic ideas of the powerful influence of purity in transforming selfishness into generosity and assuaging the despair of guilt, portrayed in such works as George Eliot's *Silas Marner* (1861) and Frances Hodgson Burnett's *Little Lord Fauntleroy* (1885). The second message, clearly from a man, in Hewitt's opinion, presages evil intent and reads:

Madam, if you want your child you had better make an arrangement with Die. You fancy he has strayed, but as a matter of fact he has been stolen, and you little know by whom. You will never get him back except through me; you may rest assured of that. Are you prepared to pay me one hundred pounds (£100) and no questions asked? Your present reward, £20, is paltry; and you may finally bid good-bye to your child if you will not accept my terms' (251).

Despite the danger posed to the child in the threatening letter and its request for a ransom, Hewitt disregards official police channels and offers to negotiate with the kidnapper by placing an advertisement in the press offering to meet him. After several days of inactivity, fortuitous providence resolves the situation when the child turns up in a similar way to his disappearance, as he materialises in the same place from whence he vanished. Despite Charley's return, Mr Seton insists on unearthing the criminal and commissions Hewitt for the task, saying 'I want to know why it (Charley) was taken away, and I want to punish somebody' (Morrison: 254). Unable to elicit any information from the child about his capture, the only anomaly in his appearance is a new pair of shoes, which Hewitt borrows for his investigation. The quality of the shoes signals their origins from a baby-linen shop, prompting Hewitt to begin a search of all the shops within a proximate radius to the Seton's house, amounting to a dozen or so. In his quest for information, Hewitt, on a false trail, learns of a Mrs Butcher, 'a woman who takes babies to mind' and of whom the proprietress of the baby linen store remarks 'I know nothing of her, nor do I want to' (263). The insalubrious practice of 'baby-farming' that arises in the narrative was common practice in the era, but was frowned upon by respectable members of the community like the proprietress. Emsley defines their role: 'Baby-farmers were individuals, generally women, who for a fee would keep children in their own homes. In some instances, 'keeping appears to have been tacitly recognised as a synonym for allowing to die through lack of food and care, or even murdering (*Crime and Society*: 100). The case of Amelia Dyer, a baby-farmer, who also operated as a midwife,

caused a media sensation at the time, when it emerged that she had murdered countless infants. Her death by hanging at Newgate Gaol in 1896 raised the profile of the recently founded London Society For the Prevention of Cruelty to Children and strengthened its efforts to stem the tide of cases of infanticide prevalent in London, according to Allison Vale, her biographer in *The Woman Who Murdered Babies for Money: The Story of Amelia Dyer* (2011).

The unraveling of the mystery occurs when Hewitt visits the police station and witnesses the confession of a middle-class drunkard who has handed himself in and admits to Charley's abduction. The inspector on duty is amused and treats his disclosure as the intoxicated ramblings of a drunk, then confines him to the police cell. It emerges that, although he wrote the ransom note and is the brother of the woman who abducted the child, he was not personally involved in the abduction. Armed with this knowledge, Hewitt is finally able to confront the perpetrator, Mrs Isitt, alias Mrs Clark, with her crime. On learning of her exposure as the criminal, she crumples at Hewitt's harsh accusatory words, when he declares that she has 'been recognised' (273). Justification for her actions in abducting the child on two separate occasions is grounded in her compassion for her husband's mental state as he is incarcerated in an asylum: the child soothes his troubled soul. 'My husband is a lunatic' she explains and as a result of a brain tumour '[H]e rose from bed a maniac and killed our child, a little girl of six, whom he was devotedly attached to' (274). Having killed his child, he then tries to kill his wife, but she survives and faithfully dedicates herself to alleviating his suffering. In his visits to her husband, the child provides a substitute for his own child and relieves her husband's suffering.

Whilst the narrative of Mrs Isitt's admission of guilt is contrived to elicit the reader's sympathy for her predicament, her actions in stealing someone else's child initially temper the reader's acquiescence in her wrongdoing. In presenting an image of her as self-sacrificing and totally dedicated to alleviating her husband's misery, it engages our compassion by reminding us of 'the scar on the side of her neck peeping above her high collar': the narrative intention focuses on the sufferings she has already endured and should be considered in remittance of possible future punishment for her crime. (273). On the surface it appears that, harnessing the Christian principle of forgiveness in a society in transit from religious to secular beliefs, Hewitt responds mercifully and absolves Mrs Isitt from culpability in accordance with his own moral conscience. In his decision, he is guided by his belief in her diminished responsibility in line with gendered perceptions of insanity. Lucia Zedner proposes that 'the Victorians came to view female criminals as "feeble-minded" or prisoners of their "special bodily functions" (to use Maudsley's terms) and were thus moved out of the criminal justice sphere' (qtd in *Crime and Society*: 99). Of the abduction, Mrs Isitt declares 'There was the temptation – the overwhelming temptation . . . [and] as I stood there I almost fell into the delusion of my poor mad husband' (279). By condoning her actions, Hewitt acknowledges the child's ability to bring redemptive spiritual and physical healing to the tormented father, thus entrenching patriarchal recognition of her wifely duties and allegiance to her husband. To alleviate reader apprehension and moral dubiety over Hewitt's decision to spare Mrs Isitt from legal prosecution, we are told 'The woman's anguish was piteous to see. Hewitt had gained his point, and was willing to spare her', signaling his desire to show mercy by exculpating her offence (273). The narrative escalation of mitigation on behalf of Mrs Isitt emerges with her obvious remorse, which is followed by her concern for the unjust distress she inflicted

on Mrs Seton and the final removal at the end of the story of the source of her transgression, Mr Isitt, whose subsequent death obviates the possibility of reoffending. In his willingness to 'spare' Mrs Isitt, it could be argued that Hewitt adopts a 'magisterial role', formally linked to monarchical privilege by placing himself above the legal system, like Holmes. His demonstration of the power of pardon, described by Austin Sarat and Nasser Hussain in *Forgiveness, Justice and Mercy* is 'Like all sovereign prerogatives, its essence is discretionary, its efficacy bound up to its very disregard of declared law' (6). However, in administering justice in this way, he takes upon himself the role of pardoner, for which he could be accused in Kathleen Dean Moore's words of 'moral usurpation' (Sarat and Hussain: 5). To eliminate the imputation and uphold the moral high ground, it could be argued, Hewitt must consult the aggrieved party, the Seton family, who are rightly entitled to offer pardon or demand retribution in a court of law. On the other hand, in evaluating Hewitt's application of justice, it could be argued that, since he does not represent the official police, his final private resolution of the case preempts the possibility of public exposure at a trial in a criminal court. Since the Seton family agrees, at Hewitt's request, not to prosecute Mrs Isitt, his response indicates that no good can be achieved by subjecting Mrs Isitt to criminal procedures. In this scenario, Hewitt's actions show that rather than adopting the power of a sovereign with the prerogative of pardon, his ability to show mercy could be read as an attempt at a 'calibration and individuation necessary for justice to be done' in accordance with the framework outlined by Sarat and Hussain (7). Since conflicts often arise between justice and mercy in a courtroom setting, the particular circumstances, characters and historical context of the legal system justify his remedial intervention. In vindicating Mrs Isitt, it is worth considering the real-life case of Elizabeth Grosvenor and those like her, charged with

kidnapping, who ended up at the Old Bailey and whose fate would have been shared by Mrs Isitt without Hewitt's act of clemency.

Evidence from trials in the period in the Old Bailey records indicate sentences for female abductors ranging from six weeks imprisonment to twelve months, with or without hard labour, depending on the circumstances of the offence, often accompanied by a recommendation from the jury for mercy, which to some extent, balances the scales of justice when considering Hewitt's behaviour. Male offenders were treated more harshly, for, as Emsley et al explain in 'Historical Background - Gender in the Proceedings', 'By the early nineteenth century, as serious crime came to be masculinised, most crime committed by women was seen essentially as sexual rather than a criminal form of deviance . . . '(OBP). While Mrs Isitt's circumstances could claim mitigating elements, Hewitt's failure to punish or report Mrs Isitt's brother, Oliver Neale, for his threatening ransom demand is more ethically problematic. By ignoring his treachery in writing a threatening ransom demand, and failing to inform Mrs Isitt of her brother's treachery, he could be accused of complicity. Although Oliver Neale apologises for his drunken behaviour, he has no recall of events, which does not entitle him to remission, as he may reoffend at a later date. In his violation of the law, with inebriation his only defence, it could be argued, a more equitable distribution of justice is called for. As Schramm observes '[T]he essential point of punishment is to declare society's condemnation of criminal wrongdoing thereby encouraging the offender's repentance and reformation' (*Atonement*: 30). To this may be added the fact that it serves as a deterrent to future crime. Charley, the real victim of the abduction appears unscathed from his ordeal in the story, but recognition of the vulnerability of children was gradually gaining

ground. The 1889 Act for the Prevention of Cruelty to, and Protection of, Children Act, called 'The Children's Charter', signaled the first attempt at state intervention in the relationship between children and parents for child protection purposes, giving them desperately needed access to justice in their own right and its further extension in 1894 allowed children to give evidence in court and recognised the issue of mental cruelty (The National Archives, www.legislation.gov.uk).

Hewitt's interactions and relationship with the police is highlighted in 'The Case of the Lever Key', a story involving stolen bonds and in which Hewitt advises his client 'I think the police should know, not because they can see further into the thing than I can . . . but . . . the police are armed with powers that are not at my disposal. They can get search warrants, stop people at ports and railway stations, arrest suspects' (Morrison: 49). His acknowledgement of the importance of institutional support from the police in the legal process to give closure to his cases reveals an informal relationship, for, unlike Holmes who is on good terms with several inspectors, most notably Lestrade, there is no one individual official detective to whom he turns for the finishing touches. And, in 'The Affair of the Tortoise' (1894), Hewitt makes a citizen's arrest without waiting for the police, and hands the culprit over to the authorities himself. From his behaviour, we may infer that in circumstances in which he feels the application of the rule of law may cause more harm than good, he expropriates the role of merciful adjudicator of justice supplanting both courtroom judge and the rightful owner of forgiveness, the aggrieved victim. By ignoring an equitable distribution of punishment in a democratic system of justice, he poses a challenge to the 'political and legal system dedicated to the principles of formal equality and respect for rules' (Sarat and Hussain: 3).

Joyce E. Preston Muddock (1843 -1934): Dick Donovan

'The Riddle of Beaver's Hill' (1896)

Many successful literary careers were fashioned in the lavishly illustrated pages of *The Strand Magazine*, founded in 1891 by George Newnes 'on the profits of *Tit-Bits*', a popular magazine geared to working-class readers of all ages (Pound: 10). A marketing phenomenon in its day, *The Strand's* first edition sold three hundred thousand copies, perhaps surprising considering that, according to Reginald Pound, 'Editorially, the magazine bore the marks of a hasty compilation rather than artful planning' (Pound: 32). Of the early contributors to the magazine, like J. E. Preston Muddock, Pound asserts that most of them had no public reputation, advising 'Nor were the writers in any sense superior', a comment indicative of his opinion, that their work, from a literary standpoint, is subordinate to that of more established writers (Pound: 32). Whatever the reasons for his remarks, there can be no doubt that the early writers of the magazine contributed significantly to its initial appeal, confirmed, not only in its success but in the subsequent participation of prominent writers like H. G. Wells, P.G. Wodehouse, Jacques Futelle, Rudyard Kipling and others, who went on to grace its pages until its final edition in March 1950. The legacy of such acclaimed writers lives on in the strength of their familiarity and popularity to this day, but a different history has been written for the author of my next detective fiction case study: James Edward Preston Muddock (1843 -1934). Despite featuring in six editions in the early days of the magazine with tales of his detective, Dick Donovan, he failed to gain a foothold in the annals of literary history and has been relegated to obscurity, along with many other writers of popular fiction. In his February 1891 debut in the second edition of *The Strand Magazine* entitled 'A Night at the Grande

Chartreuse', he recounts his experience of a night spent in the austere seclusion of the monastery in the company of the silent order of Carthusian monks who lived there. His article typifies love of travel and demonstrates his affinity for travel writing, later pursued in popular works such as *J. E. M. Guide to Davos - Platz. Edited by J. E. Muddock* (1882), which has recently been reprinted along with many of his detective and horror stories. David Grylls at a conference in UCL entitled 'Sherlock Holmes: Past and Present' suggested that the neglect of certain writers from the Victorian and Edwardian era is linked to the existence of an 'elitist tradition' which often 'disparaged or discounted works considered to be genre fiction' ('Sherlock Holmes: Past and Present'). Fiction from the era, he claims, accommodates a gradual shading into Modernism rather than the classic distinction suggested for many years between Realist and Modernist works. Popular fiction writers, whose work was grounded in the Realist tradition, were, thus, excluded from the literary canon on the basis of perceived inferiority.

J. E. Preston Muddock was a prolific writer and journalist who established his reputation in the popular press with a range of work encompassing science fiction, horror stories, detective fiction, thrillers, guidebooks and an autobiography entitled *Pages From an Adventurous Life* (1907). Although some of his earlier stories were lambasted for grammatical inaccuracies and 'wearisome adaptations from police reports', referred to in a review in *The Athenaeum* of July 7 1894, recorded by Kathryn L. Forsberg in her Bio- Bibliography (1977), evidence indicates more positive comments from the same journal some years later. In it the writer observes 'Mr Muddock's fiction has been in steady demand for many years, and he has added much to the public stock of harmless pleasure': an affirmation of his importance in

popular literary culture (*Athenaeum*: June 22, 1907: 758). *The Spectator* of June 1907 adds its approval from a reviewer of his autobiography, noting 'Amusing things, indeed, are fairly plentiful in Mr Muddock's pages. We never find him anything but kindly' (Forsberg). Apart from occasional mention in analyses of crime fiction, appraisal of his work is scarce and varies from complementary to derogatory and mostly limited to brief references. Peter Ridgeway Watt and Joseph Green are clearly impressed by Muddock, signaling approval in the statement 'The first major detective in English fiction after the debut of Holmes was Dick Donovan, who appeared in one hundred and fourteen short stories, published in ten collections between 1886 and 1896' (Watt and Green: 264). In their opinion '[S]ome of the Donovan stories are excellently done, employ scientific procedures and could rank with the less successful Holmes stories (265). However, an opposing view is taken by Sandra Kemp in her publication *Edwardian Fiction: An Oxford Companion* (1997), who attributes his success to the ability to emulate more successful writers like Doyle, as she dismisses his literary efforts as 'feeble' and his fiction as 'poor stuff' (Kemp: 103). Notably, the same has been said of Arthur Morrison's detective Martin Hewitt and several other detectives of the era, much of it more recently challenged. Whatever the truth of his literary credentials, Muddock's work was undoubtedly popular: much of it, published under the pseudonym Dick Donovan and it was translated into several languages across different parts of the world, including the United States, Canada and Australia. Kathryn L. Forsberg, author of a Bio-Bibliography of his work, informs that he was particularly appreciated in the Scandinavian countries, a factor of interest in view of the current popularity of Nordic Noir and its corresponding use of a realistic style in the form of police procedural crime fiction. In his chapter on popular fiction in *The Cambridge Companion to Scottish Literature* (2012), David Goldie attributes

Muddock's style to his drawing on 'a tradition of indigenous popular Scottish crime writing including the casebooks of two Edinburgh policemen, the real James McLevy (an Irishman whose memoirs were published in the 1850s and early 1860s) and the fictional James McGowan (The creation of William Crawford Honeyman in the 1870s' (Goldie: 191). Muddock, like Gaboriau, replicates elements from the casebook tradition where stories are realistic, devoid of sentimentality, and are largely based on real-life scenarios.

Riddles Read, published in 1896 is a collection of eight stories, written under Muddock's pseudonym, Dick Donovan, and featuring as his protagonist, Dick Donovan, an official policeman. Fresh from completing a history of Eugene Vidocq's life in 1895, Muddock's work entitled, *Eugene Vidocq: Soldier, Thief, Spy, Detective* forms a retelling of Vidocq's own memoirs, published in Paris in 1828-1829, as Ian Ousby informs (Ousby: 45). At the time of publication in England, Vidocq achieved great success with his Vidocq yarns, for they were fast-moving and racy, tracing his career from criminal to informant, then detective and finally as founder of the French Sûreté Nationale, the equivalent of England's Scotland Yard. Muddock was impressed by the efficiency of the French system of policing in reducing crime and its perseverance in the pursuit of criminals, traits which he instilled in his hero, Donovan. In the first story in the collection 'In the Shadow of Sudden Death', Donovan emerges as a student of Monsieur Eugene Fourbert, the chief superintendent of the Paris police, where he extols the virtues of the French system of policing as 'infinitely better' than its English equivalent, particularly 'The Detective Arm' of the service, which 'seems to have been brought almost to perfection' (Donovan: 2). Donovan's views on criminality differ markedly from Morrison's professional detective, Martin

Hewitt, and the amateur detective, Sherlock Holmes. As a professional detective, his attitude could be encapsulated in the Pinkerton rule to never compromise with criminals, articulated by his detective when he states 'Crime is in effect a guerilla warfare against well conducted society and the forces of law and order' and 'since crime is unlawful, any means of tackling it is justified' (Donovan: 2). The views expressed by Donovan on the efficiency of the French police system conflict with popular views expressed at the time of the founding of the Metropolitan police, yet his work had wide appeal and resonated with lower-class readers illustrating how attitudes change. Public opinion at the time was outraged at the idea of the introduction into England of a French system, which endorsed espionage, the use of disguise and the role of criminals as policemen. The introductory story in *Riddles Read* entitled 'In the Shadow of Sudden Death' sets the tone for the ensuing adventures, evidencing a rigid application of the law at all costs by the detective, Donovan. In contrast to Doyle, and even to Morrison, Muddock's stories generally provide a realistic picture of the type of crime, encountered in everyday life, with detailed descriptions of the gory scenes of death and destruction. However, the stories in *Riddles Read* contain elements of melodrama fused with traces of *The Newgate Calendar* criminality. Resplendent with aphorisms such as 'The evil-doer can never prosper', moralizing threads pervade the text (Donovan: 157). Although less well known than the previous story in the collection, 'The Problem of Dead Wood Hall', Muddock's chronicle of 'The Riddle of Beaver's Hill', in its contrasting approach to the theme of child kidnap presents comparative insight into themes and patterns to that of Arthur Morrison in 'The Affair of Mrs Seton's Child'. It begins:

‘What a wild night that was; the 17th February 1868; a savage night truly and awful with the demoniacal fury of the warring elements. From somewhere in the frozen regions of the Northern Pole a hurricane had swept,

bent on destruction, and in its giant might had so lashed the Atlantic that the ocean . . . broke into a maddened roar' (Donovan: 165).

'The Riddle of Beaver's Hill, the sixth story in the collection of *Riddles Read* is set almost thirty years in the past in 1868 and opens with Muddock's use of pathetic fallacy as a foreshadowing of disaster and the imminent death of the criminal by suicide (Donovan: 165). The story begins with the steamship *Roman Empire* battling its way through a fierce storm on its way to Liverpool, heavily laden with a cargo of sugar from The West Indies. Onboard, Donovan, one of sixty passengers on the ship, witnesses a man's suicide at the height of the storm, as he plunges from the rails and 'hurl[s] himself forth into the night of death', with 'a cry of wild despair that went up to the watching stars' (168). Reverting to 1855, the story switches to Charles Garton Pennefather's return to England from India after a posting with the East India Company, tainted to some extent, with Oriental habits and decadence which are mirrored in his perceived lack of moral regulation and wayward habits. Reminiscent of Arthur Conan Doyle's story *The Sign of the Four* (1890), he purchases a property, Beaver's Hill in Southampton, and 'tries to keep up his Anglo-Indian habits', including building a quasi- bungalow and hiring two Indian servants to attend to his needs (169). Described as 'a fretful fuming sort of man . . . of sour temper' who led a sort of 'isolated life', he appeared not only eccentric but also disagreeable (170). His characterisation evokes the superiority of the British way of life and its moral and legal authority over the primitive colonial and resembles that of Dr Grimesby Roylott of 'The Speckled Band' whose disposition similarly altered on his return from India (170). Douglas Kerr provides contextual background to the story in his assertion that the British thought of their society as 'a culture of law' and their imperial activity as 'bequeathing the rule of law to Asia', a law that was morally as well as legally drawn

and through which the East, in contrast, was defined as 'essentially lawless, or subject to rival corrupt, decayed or barbaric customs and jurisdictions' (Kerr: 3). These corrupt moral practices are echoed in Mr Pennefather's irregular behaviour when he engages a housekeeper named Laura Shapcot, described as a childless widow whom he marries six months later 'to the astonishment of his neighbours (170). Four months later, she bears him a child indicating that they had engaged in pre-marital sex. His disregard for external codes of morality arouses local hostility, and the response to this breach of sexual politics is articulated through 'the horror of Mrs Grundy', the local gossip and his observation that the household was shunned, cynically described by Donovan in the words '[T]he whole neighbourhood, with a hypocritical uplifting of the eyes, exclaimed 'shocking' (170). Despite Donovan's sarcasm, the importance he places on 'the role of women as agents of moral regulation' in society, described by Alan Hunt in his social history of moral regulation in Britain *Governing Morals* (1999), is iterated in his treatment of Mrs Pennefather in the subsequent narrative, mirroring his own prejudice in the disapproval of her immorality in conceiving a child out of wedlock (Hunt: 2).

The disappearance of the child from his bedroom one evening occurs when the Pennefathers are on a trip to London, 'mainly with the object of consulting an eminent specialist with reference to Mr Pennefather's eyes', which were affected with blindness, and, despite the offer of a substantial reward, no trace of the child can be found (171). A tribe of gypsies is thought to be responsible, and although they are exonerated from suspicion, the general consensus remains that 'the gypsies on the common had a hand in it' (173). According to George Behlmer, The Victorians were fascinated by the gypsies and held 'conflicting views of their culture' (Behlmer: 232).

Evoking both 'romantic praise' symbolised in Kate Wood's novel *Jack and the Gypsies* (1887) and Robert Louis Stevenson's *Treasure Island* (1886) and 'systematic harassment by the local authorities' who viewed their wandering lifestyle as vagrancy, their position in society was ambiguous (Behlmer: 232). The main complaint against the initial inquiry into the child's disappearance was the time taken 'between the discovery of the abduction and the police being informed of the crime', which meant the kidnappers had plenty of time to escape leaving no trace (173). Subsequently, a letter arrives for Mr Pennefather, which reads:

'Sir, you will no doubt be glad to learn that your child is well and happy. Since the day he was taken from you for a special object, he has been well taken care of and looked after: but the time has now come when he will be restored to you under certain conditions. The first of these is that you send a bank draft for the sum of five thousand pounds, drawn upon the Credit Lyonnais, Paris' (174).

Echoes of evil intent are disclosed in the ransom letter and evoke the situation in 'The Affair of Mrs Seton's Child', where reassurance of the child's safety is juxtaposed with the threatening undertones that Mr Pennefather would never again see his child. The Seton's offer of twenty pounds reward for the return of their abducted child in the previous story pales in comparison to the large amount demanded in this ransom note. Incensed by the demand, Mr Pennefather refuses to pay and engages the official police who blunder through, missing clues and opportunities leading to their failure to find the child. Six months later, Mr Pennefather is robbed and Donovan in his official capacity enters the investigation. His role as detective places him above the uniformed branch of the police and equips him with superior skills of deduction rather than emphasising the physical requirements of catching and restraining criminals required of the police. Donovan concludes after investigation that whoever committed the burglary also abducted the child; he dismisses the members of the household as

possible suspects after investigation, since they were all of good character. Finally, he surmises that the motive for stealing the child is one of 'vengeful spite', and directs his attention to finding to whom the revenge is directed (179). In his first person narrative, he appraises the process of the law in scathing terms:

There used to be an unwritten law that if a man insulted you, you must knock him down. But this is a risky proceeding in such a law-ridden, prosaic country, as ours is; and if one ventures to resort to such means of expressing his feelings, the chances are he finds himself in the grip of a clumsy and stupid policeman, who hands him before some self-opinionated judge, only a little less clumsy and a degree less stupid than himself (181).

Considering his affiliation to the police service, his critique of the judicial system appears harsh and devoid of any loyalty to the forces of law and order. His sentiments are replicated, in part, in a series of articles for *The Strand Magazine* entitled 'The State of the Law Courts', published in 1891 disparaging aspects of the legal process. The author, Anthony Guest, in the fourth of the series 'The Criminal Courts', published in July 1891 opens his report stating:

So far as its procedure is concerned, our criminal law has hardly changed since the time of the Conquest, and in the opinion of many lawyers, as well as laymen who have studied the matter, it is high time that some improvements were introduced' (Vol. 2, 84 -92).

In his conversations with the Pennefathers Donovan discovers that Mr Pennefather finds adjusting to life in England difficult and 'expressed a strong objection to the strained conventionalism and narrow-mindedness of English society generally', a feeling with which Donovan has sympathy (183). However, Donovan takes an instant dislike to Mrs Pennefather describing her as 'sharp-tongued', 'brusque and discourteous', in some respects, evocative of Martin Hewitt's client, Mrs Geldard, which he attributes to her 'want of breeding', a snobbish reproach based on her lower class background (184). However, the scope of his questions and the manner in which

he interrogates her about the disappearance of her child show his lack of compassion for her distress at losing her child, completely at odds with the treatment received by Mrs Seton or Mrs Isitt in the previous story. Mrs Pennefather's unconventionality in stepping out of her social class to improve her position in society and her breach of the feminine code of moral superiority rankles with him and he dismisses her, observing 'she was incapable of discussing the matter calmly and dispassionately', indicative of his class-inflected inability to empathise with her as the victim of the crime (187). Pursuing the strands of the investigation to The West Indies, Donovan finally locates the criminal in the shape of a wastrel son of Mrs Pennefather from a previous marriage, named Francis Fulton, whom she had kept secret from her new husband. Having arrested the suspect, Donovan charges him with having abducted the child, and of having robbed Mr Pennefather of his deeds and other documents, before transporting him back to England. Due to Fulton's perilous state of health, Donovan puts him in irons in case of escape until illness takes over, and he allows him on deck to take some air. On one of these occasions, the prisoner commits suicide at the height of the storm, prompting Donovan to remark 'and thus added to his many crimes the crime of self-slaughter' (199). Donovan, despite acknowledging the ill- health of Fulton at the start of the voyage, pursues his rigid application of the law without fear or favour. The kidnapped child victim receives scant attention in the story, as we are finally informed that, having been taken to Paris, Donovan subsequently 'learnt that the unfortunate baby had died: its death being due no doubt in a large measure to neglect' (202).

In his professional capacity as state representative of the law, it is clear that Donovan holds strict views on the nature of justice and the importance of adherence

to legality for the maintenance of social order. His values reflect a utilitarian approach to justice, which entails the belief that judgments should be made rationally rather than emotionally and should ensure the distribution of 'just deserts' rather than mercy (Sarat and Hussain: 25). It is worth considering Sarat and Hussain's observation that 'According to nineteenth century conceptions of government, to remit the penalty to be paid for sin simply on the grounds of pity (even after repentance) would constitute judicial inconsistency and a symbolic repudiation of the legitimacy of the law' (54). Given Donovan's entrenched views on the importance of laws and the deterrence of crime for societal cohesion, rigid application of the law provides for him a sound justification for punishment. However, it is worth considering Rawls's suggestion that the 'Deficiency of retribution is its dependence on subjective assessments of what constitutes adequate punishment' and Donovan's attitude reveals bias and partiality, inimical to justice (Rawls: 53). Evidence of his inflexibility is further illustrated in one of Muddock's other cases 'All for Love's Sake' (1889) when a young man is found to have pilfered goods from his employer to impress his sweetheart, and on being arrested by Donovan, he is left in despair of any happiness and commits suicide. The theft of goods when weighed in the balance is worth more than a human life. In contrast to Holmes and Hewitt, Donovan is unyielding in his response to criminality. However, he disparages the official police force in similar fashion, commenting on their blundering inefficiency. Official police detectives were less successful than their amateur counterparts, and it was not until 1905 and the publication of Bertram Fletcher's *The Chronicles of Addington Peace* that an official police detective seriously resonated in the public imagination.

CHAPTER THREE: RICHARD MARSH AND FERGUS HUME

THE FEMALE GAZE

Richard Marsh (1858 - 1915): Judith Lee

In the first year of its publication in 1891, *The Strand Magazine* ran a series of articles entitled 'The State of the Law Courts' which delivered a stinging critique of different aspects of the justice system in England. From the lack of talent at the Criminal Bar to the ineptitude of aged and infirm judges, whose decline in mental faculties presented 'a source of danger to the public', remedies, it claimed, were long overdue (Vol. 1, 402). In the context of this study into illegality on the part of fictionalised detectives of the era, it is worth noting the extent of public concern expressed in popular media outlets of the time over the failings of an outmoded judicial system unfit for the purposes of a modern age. The situation was alleviated, to some extent, in commerce where arbitration that sanctioned unofficial adjudicators was seen as a valid alternative to lengthy legal proceedings for resolving disputes. Swift settlements from perspicacious moderators were preferable to the expensive slow machinations of formal legal procedure. In a similar vein, it could be argued, the narrative of fictional detectives, who represent unauthorized arbiters of justice in criminal matters, endows them with the expertise and competence to resolve cases. Examining the means by which the literary sleuths reach judgments, and interrogating the notion of whether their mediation offers a more speedy and rational form of redress than the official channels of the judiciary, is one of the themes explored in this study.

Useful insight into legal thought is presented by Philip Smith and Kristin Natalier who suggest that 'Whereas the rule of men has the potential to be changeable, arbitrary and discriminatory, the Rule of Law demands that the law can and must be certain, accurate and value-free' (Smith and Natalier: 51). Their argument stresses the need for impartiality and objectivity on the part of judge or legislator to achieve justice and sustain confidence in the legal system. The ideals embodied in this vision of a just society are at odds with its practical administration in the Victorian and Edwardian era, as evidenced in many fictional representations of its workings. From Dickens's scathing critique of the Court of Chancery in *Bleak House* (1853), a novel, in Jan Melissa Schramm's words, 'preoccupied with distributive and procedural justice' that resulted in energized legal reform of the laws of equity, to Mary Elizabeth Braddon's exposure of the impenetrable nature of upper class power and privilege in *Lady Audley's Secret* (1862), fictional representations of the law of the period reveal a range of distortions and corruptions at the core of the legal system (*Atonement*: 27). Adding to the body of literature involving crime and its critique in the Victorian era, the law-breaking amateur and professional fictional detectives who offered personalised forms of alternative justice grew in popularity towards the end of the nineteenth century achieving recognition that continued into the Edwardian years and beyond. The reason popular opinion of the period favours the merits of unqualified legal adjudicators in the form of the detectives over supposed impartial and objective, legal judges and court procedure may lay in their claim to achieving substantive rather than formal justice: a concept explored over the course of this chapter. Pursuing the theme of illegality, explored in previous chapters, which analysed the moral, cultural and legal ramifications of discretionary law-breaking by amateur and professional detectives, the aim of this chapter is to build on the analysis by rendering a gendered

reading of four distinct crime fiction texts from the era featuring two female detectives. Within the context of the onset of modernity and its ramifications for the New Woman, I examine the female detective's ethical stance and approach to justice, and question her quasi-legitimate use of power and authority to resolve cases. In the imaginary depictions of women operating under the thrall of patriarchy, which in real-life excludes them from active and professional participation, I explore the contradictions and anomalies of their fictionalised behaviour. Through close reading of the individual predicaments they encounter in the pursuit of justice, we gain valuable insights into significant aspects of cultural and criminal history. In their intimate and personal interactions with official police, the victims of crime; the community in which they live and the criminals they confront, we develop a deeper understanding of how human relationships were forged, fractured and remolded in the era. Offering a contrast to male fictional detectives, I consider how in 'an unsuitable job for a woman' the female investigator combines her role as detective with that of respectable female and delivers her personal form of justice by extralegal means (Craig and Cadogan: 242). A further line of enquiry seeks to explore the legal anomalies that existed and the laws that impacted everyday life questioning the extent to which working-class issues arise in the text and thereby providing a useful benchmark of class representation within the narratives. I have chosen works by two authors Richard Marsh (1857-1915) and Fergus Hume (1859 -1932) whose fictional detectives Judith Lee and Hagar Stanley emerged at a time of acute apprehension over invasion scares, race degeneracy and gender identity shifts driven by the woman's movement, as Kestner indicates (*Sisters*: 181). The stories under review are Judith Lee's 'Conscience' from *Judith Lee: Some Pages from her Life* (1912) and 'Two Words' from *The Adventures of Judith Lee* (1916). Hume's Hagar Stanley is explored

in 'The Seventh Customer and the Mandarin' and 'The Eighth Customer and the Pair of Boots' from the collection *Hagar of the Pawn Shop* (1898).

Hagar's fictional arrival in 1898 occurs at a time of transition from strict religious enforcement of moral values to a society more attuned to secular morality in which the modern criminal justice system 'rested on utilitarian foundations', as Michael Tonry explains (Tonry: 4). In contrast to judgments based on the idea of justice and morality derived from the law of God and enshrined in the sanctity of Natural Law, Jeremy Bentham, a leading exponent of utilitarianism had declared in 1832 that Natural Rights were 'simple nonsense: natural and imprescriptible rights, rhetorical nonsense, - nonsense upon stilts' (*Anarchical Fallacies*: Article II). Impinging on the relationship between morality and legality, utilitarian thought adopts a more cynical view 'denying the existence of any deontological, mind-independent moral values' and claims instead that morality, in the words of Raymond Wacks in *Understanding Jurisprudence* (2005), is a 'matter of personal preference and subjective taste' (33). The separation of law from morality in a judicial system based on the utilitarian philosophy, a form of consequentialism, of 'achieving the greatest good for the greatest number' went 'hand in hand with indeterminate sentencing' and allowed judges 'broad discretion in handing out penalties', as Philip Smith and Kristin Natalier inform (Smith and Natalier: 4). Opportunities for abuse and miscarriages of justice increased in a judicial system, heavily reliant on deterrence rather than individual justice and provided sustenance for authors and popular media writers. London as a thriving hub of industrial and urban growth attracted not only commerce but also commensurate manifestations of the growth in crime, leading to grave anxiety over the law's ability to cope with it. As Lee Perry Curtis explains, recollections of the

failure of the police to capture the Ripper murderer in 1888 lingered and 'denied both the police and the public the kind of closure that comes with the arrest, conviction, and . . . execution of the murderer', and there remained always the possibility that he would resume his homicidal rampage (Curtis: 10). We read this climate of uncertainty in the portrayal of Hagar the gypsy detective, a working-class woman who runs a pawnshop in Lambeth when she threatens to shoot a sinister criminal in 'The Seventh Customer and the Mandarin'. Countering the threat of assault, her need for personal reassurance by arming herself iterates her lack of confidence in the ability of the official police to protect her from violent criminals or ensure her personal safety. In 'The Pair of Boots', indiscretions in the rules of evidence are condemned as they mirror how malfunctions in the legal system may lead to the death of an innocent man, but for Hagar's mediation. Judith Lee, also firmly based in an era of utilitarian institutional philosophy, operates 'in a culture on the brink of war' in Kestner's words (*Sisters*: 184). In 'Two Words' she combines the role of detective with that of spy revealing the extent to which political expediency is seen to replace morality in the face of threats to national security – her behaviour mirrors invasion scare rhetoric which permeates the media and popular imagination at that time. In the story 'Conscience', racial discrimination and class prejudice come to the fore, as she seeks to contain a serial killer on the loose, who is operating on the Brighton line.

Criticism of female detectives in fiction is wide and varied, situating her within a range of critical thought. Notable amongst early critics, Dorothy L. Sayers, much admired for her Lord Peter Wimsey gentleman detective series (1921-1942), resents their intrusion into detective fiction. In 'The Omnibus of Crime', she rebukes their reliance on intuition rather than logic to solve crimes, which 'destroy[s] that quiet

enjoyment of the logical which we look for in our detective reading' (qtd in Winks: 59). Further, she adds 'Or else, they are active and courageous and insist on walking into physical danger and hampering the men engaged on the job' (59). Similar opinions are offered by Kathleen Gregory Klein, who, in her seminal work *The Woman Detective: Gender and Genre* (1995) on professional female detectives claims the depiction of the woman detective to be either that of 'an incompetent detective or an inadequate woman' and, when successful, her performance is that of 'an honorary male' (5 and 23). Contrary to the claims of both Klein and Sayers, Kestner's more recent evaluation of their role argues for their valorization as examples of 'female professional appropriation of power', where the exercise of surveillance initiates a reversal of gender roles and poses a threat to male patriarchal elites, an opinion with which I agree (*Sisters*: 226). The acquisition of panoptic power by the fictional female detective allows her unfettered access to forbidden knowledge, to private lives and secrets once the privileged realm of masculine authority. It raises her status and narrows the gender gap, whilst revoking existing power relationships. The evolution and wide popularity of the fictional female detective affirms her significance and influence in infusing the public imagination through visionary characterisation. In this chapter, I argue that Judith Lee, and Hagar of the Pawn-shop, along with many other fictional female detectives of the era under study, do not fit the reductive mould of 'incompetent detective' or 'inadequate female' proposed by Klein (5). Rather, she and her sisters in their fictional roles as custodians of justice and harmony played a more substantial and productive part in promoting female ascendancy in a radical and significant way. Richard Marsh's fictional female detective, Judith Lee, clearly exemplifies a spirited depiction of the proto-feminist New Woman. Projected as a dedicated professional woman with a successful career as a teacher of the deaf and

dumb, her particularised skill of expert lip-reading destabilises the private realms of conversations and uniquely situates her within a locus of privileged communication and power. Her adventures appeared in *The Strand Magazine* from August 1911 until August 1912 before publication in novel form in *Judith Lee: Some Pages from Her Life* (1912) and *The Adventures of Judith Lee* (1916). According to Jean-Daniel Breque in his introduction to *The Complete Adventures of Judith Lee*, the second collection was completed by his widow and published posthumously (Marsh: 12). Judith Lee's characterisation builds gradually throughout the course of her adventures as we discover that her lip-reading ability, which she claims to have inherited from her father, equates to 'another sense' and is amplified by the ability to use her talent from great distances (Marsh: 17). As Kestner notes, her 'epistemology is synaesthetic, that is combines two senses, those of sight and sound' (Kestner: 199). Judith Lee's Romany background adds an interesting dimension to the cultural and social nuances of the study. In his article 'The Gypsy Problem in Victorian England' George Behlmer explains that the Victorians, like the Romantics, were deeply fascinated by gypsies, whose 'characteristic restlessness . . . evoked both romantic praise and systematic harassment during the last third of the nineteenth century' (232). Judith Lee's representation as a professional woman who originates from an ethnically marginalised community, with a 'reputation for misconduct' is doubly potent in its symbolic expression of sanction (Behlner: 235).

'Conscience': Railway Murder (1912).

'Conscience', the fourth story in the collection *Judith Lee: Some Pages from Her Life* dramatises the actions of a serial killer who perpetrates violent attacks on women travelling on the railway in first class carriages and reconfigures the Ripper murders

and the failure of the official police force to catch the criminal. Contextualising the narrative further, according to David Brandon and Alan Brooke, the success of the railways which symbolised 'industrial progress' and 'the essence of modern civilization' (12) was offset by the host of new opportunities it provided for Britain's criminal elements', including pickpockets and perpetrators of assault and robbery (28). The sensational unsolved railway murder of Mary Sophia Money on the Victoria to Brighton line in 1905 was echoed, to some extent, in the fictional reenactment of the story. It follows a pattern, established in 1864 with the murder of Thomas Briggs, a sixty-nine year old banker travelling from Fenchurch Street to Chalk Farm, whose brutal assault and death signalled 'the first murder on a moving train in Britain' (Brandon and Brooke: 43). Hans Muller, a German tailor was arrested and hanged for the brutal crime, which served to highlight the dangers of railway travel in enclosed first class carriages where there was no possibility of escape in the event of assault and robbery. The theme of murder and mayhem on the railways was fictionalised by several other writers, including Arthur Conan Doyle in the Sherlock Holmes's short story 'The Bruce-Partington Plans' (1908) and in the adventures of Victor L. Whitechurch's detective, Thorpe Hazell, who appears in a series of escapades in *The Strand Magazine*, later published in novel form in *Thrilling Stories of the Railway* in 1912: railways formed a popular site for transgression in literary accounts (169).

The story 'Conscience' begins in Brighton, where Judith Lee has gone to recover her health, for she 'had nearly broken down in her work', an indication of the demands imposed upon Lee in her professional career, which involved attending overseas conferences, a measure of her success and achievement (Marsh: 47). Whilst seated on the pier, a well-dressed, but odd-looking man with a Mongolian appearance, John

Tung, attracts her attention by surreptitiously murmuring the description of a woman: 'Mauve dress, big black velvet hat, ostrich plume; four-thirty train' to two passing men, who avoid showing any recognition of him (Marsh: 46). The following day, she reads of the death of the very same woman on the Brighton line, found 'lying on the ballast, as if she might have fallen out of a passing train' (Marsh: 47). Engaging in clandestine lip-reading of her fellow passengers, she discovers that the woman had been drinking, and was believed to have mistakenly opened the carriage door and stepped out on to the line. She fails to follow up on this peculiarity putting it down to coincidence. However, following two further recurrences in similar circumstances, where wealthy women are targeted and murdered, she realises that a serial killer of women and his accomplices are actively conducting a campaign of robbery and violence against vulnerable single women travelling on the railways. The coming of the railways promoted opportunities for women to escape from the monotony of imposed domesticity and, as Sally Ledger observes, from the late nineteenth century onwards, '[f]ar from being imprisoned by the private sphere of suburban domesticity, women of all classes . . . were pouring into the public spaces of the modern city in ever increasing numbers' (Ledger: 155). The replication of misogynistic hostility towards the itinerant flaneuse in the shape of the New Woman was rooted in media and fictional portrayals whose 'ideological discourses' were, as Ledger asserts, 'undoubtedly promoted in order to ridicule and to control renegade women' (Ledger: 9). Negative depictions linked them to sexually transgressive behaviour, exemplified in works such as Grant Allen's novel *The Woman Who Did* (1895) about a woman prepared to defy convention by raising a child as a single parent out of wedlock and refusing to marry her lover: it radically challenged conventional thinking about women's position and role in society (Ledger: 14) By shifting the boundaries of

gender identity and imbuing their narratives with female empowerment, such writers exacerbated growing anxieties over the destabilisation of patriarchy, and as Ledger notes, there was a very real fear that the New Woman 'may not be at all interested in men, and could manage quite well without them' (Ledger: 5). The story 'Conscience' underscores the fact that the female victims were unaccompanied at the time of their murder, emphasising the possible dangers of their predicament but for the actions of the female detective who outwits the villain in the final denouement.

Re-emerging after a two-year absence, the criminal John Tung appears in the public gardens at Buxton, where he has earmarked his next victim: 'Grey dress, lace scarf, Panama hat; five-five train' (50). His behaviour is a catalyst for Judith Lee who determines that since she 'had seen sentence of death pronounced on an innocent, helpless fellow creature', she 'did not propose to sit still . . . and allow those three uncanny beings, (his accomplices) undisturbed, to work their evil will' (51). Deliberating on her options, she reasons that without evidence there is little she can do, for the police will not respond to her accusations on the basis of her suspicions alone; her only course is to warn the woman concerned. However, due to a previous encounter with the woman when she had tried to return a brooch that had fallen from her dress and met with a discourteous response, she was hesitant to place herself in the way of a second rebuff in engineering a meeting with her. Despite her apprehension, she approaches the woman, who tries to avoid her, but barring the way Judith Lee exclaims:

'There is something I have to say to you which is important - of the very first importance - which is essential that I should say and you should hear. I have not the least intention of forcing on you my acquaintance, but with your sanction' (52).

To her amazement, she receives racial abuse rather than gratitude for her attempts to alert the woman to the danger she faces. The woman ignores her twice and then refuses to speak to her, finally announcing: 'If you dare to speak to me again I shall claim the protection of the police' (52). Judith Lee's mixed race appearance provokes racial antipathy from the woman and is confirmed later in the story, after Judith Lee's interventions on her behalf, when the woman whispers to her companion 'I couldn't possibly remain in the same compartment with that half-breed gipsy-looking creature' (59). Despite Judith Lee's middle class manners and dress, the wealthy woman, whose innate suspicion of the foreign other precludes any form of association, marginalises her. In response to the woman's racist remark, she replies 'I was the half-breed gipsy-looking creature. The experience she had had of me was when I saved her life at Buxton' (59). Deborah Epstein Nord in her study *Gypsies and the British Imagination: 1807- 1930* informs us that 'In many important respects, fascination with Gypsies in Britain was a form of orientalism' and, 'like the Oriental or the colonised, racially marked subject, the Gypsy was associated with a rhetoric of primitive desires, lawlessness, mystery, cunning, sexual excess, godlessness and savagery' (3). Prejudice and suspicion combine in the woman's dismissal of Judith Lee as an embodiment of unsavoury appetites and exoticism; racial prejudice precedes the woman's subsequent exposure to mortal danger.

In the absence of any visible sign of apprehension or investigation by the official police into the deaths of so many unaccompanied young women, Judith Lee resorts to vigilantism, the legal definition of which is taking the law into one's own hands and effecting justice in one's own way. Assuming the mantle of intrepid defender of endangered women, she sends John Tung an ultimatum warning him that she knows

of his crimes and not to pursue his villainy further. Her missive states '[Y]ou may be sure that the day of reckoning is at hand, when you and your two accomplices will be called to a strict account. In that hour you will be shown no more mercy than you have shown' (53). Marsh imbues the tone of her threat with a retributive form of punishment for his continued villainy, contrary to the utilitarian principles of the time. Under the utilitarian system, if Tung were to be tried, the possibility of indeterminate sentencing would mean that mitigating circumstances left open the possibility of a lighter sentence (Tonry: 13). Because penalties were 'adjusted to take account of the offenders' sensibilities, 'a requirement impossible to quantify accurately', combined with the lack of tangible evidence, the result might be his being excused altogether (Tonry: 13). The prospect of his escaping justice would resonate with readers, reminded of the elusive Ripper and fearful of his reincarnation. Reflecting on the legality of her position, Judith Lee admits 'I was perfectly conscious that from the point of view of a court of law I had not the slightest right to pen a single one of the words which were on the sheet of paper inside that envelope' (54). Aware of the possibility of incriminating herself through her actions if she is mistaken, Lee considers the risks of her predicament, including the possibility of arrest, imprisonment and the end of her career. However, John Tung's reaction to the letter confirms her belief in his guilt, and she follows his victim to the station to ensure the woman's safety.

Mr Tung, having ignored her admonition, was waiting outside a train compartment for his quarry. Once more Judith Lee scribbles a note inscribed: 'You are watched. Your intentions are known' and she advises him that the police will be travelling in attendance on the lady with the grey dress waiting to arrest him on sight,

before adding 'Then heigh-ho for the gallows!' (Marsh: 54). This singular address panics the villain, who disappears from the station. Believing him to have learned his lesson, she is astonished to find him once more at Euston station and 'inspired with a feeling of actual rage', as she considers him 'well dressed, so well fed, so seemingly prosperous, with all the appearance about him of one with whom the world went well' she decides to write a final note (57). In it, the emotional rhetoric is heightened as she threatens 'You are about to be arrested. Justice is going to be done. Your time has come. Prepare for the end' (58). This final missive has its impact when he sees a constable and his assistant engaged on the company's business, advancing towards him, and mistakenly believing that they had come to arrest him, he blows his brains out- 'killed by conscience' (58). Judith Lee's incitement to suicide seems vindicated when amongst his possessions the police find 'feminine belongings of all sorts and kinds', indicative that he had been operating for years 'with perfect impunity' (Marsh: 59). As Rowbotham and Stevenson point out, 'The problem of the career criminal was at the heart of late Victorian and Edwardian concern', expressed in Sir Robert Anderson's belief that 'without statutory morality men had no incentive to virtue and nothing to hold them back from vice': his remarks are an indication that in his view the tenets of utilitarianism incur unforeseen penalties in the separation of law and morality (Rowbotham and Stevenson 11).

Conclusion:

Judging that the law has no positive response to control Tung's murderous behaviour and realising the futility of any attempt to incriminate him, Judith Lee administers a form of justice that most readers would applaud. Marsh's fictionalised articulation that it takes an amateur woman detective to unmask a serial killer and bring him to justice

raises questions about the efficacy of the legal system in relation to threats to female bodily integrity. It challenges the efficacy of the rule of law in dispensing justice and whether women are adequately protected in society. Judith Lee's actions represent a 'repudiation of the legitimacy of the law', which fails in its duty to protect citizens from harm, in the words of Sarat and Hussain (Sarat and Hussain: 54). In situations like the one illustrated in the story, Ronald Dworkin's proposition could be raised in defence of Judith Lee's incitement to suicide and as valorisation of her actions. He points out that 'the law may be silent on some issues because the circumstances may not have arisen' or there was only vague guidance. In such cases the 'judge has no option but to exercise a discretion to make new law by filling gaps where the law is silent and making it more precise where it is vague' (Dworkin: 9). It could be argued that the circumstances may not have arisen because the law has failed or refused to recognise their existence. Although not judicially qualified as a judge, Judith Lee exercises an altruistic discretion based on her desire to prevent further harm to society and achieve a just solution, for without her intervention it is probable Tung would go on to murder other women. Also, it is worth considering Cook's proposition in support of Lee's actions as outlined by Sandra Walkate in her article 'Courting Compassion: Victims, Policy and the Question of Justice' (118). In it, Cook advises 'If a society cannot guarantee the equal worth of all its citizens, mutual and self respect and the meeting of basic needs, it cannot expect that all citizens will feel they have an equal stake in abiding by the law, and it cannot dispense justice fairly and enhance confidence in the law' (118). By this account, public lack of confidence and the marginalisation of minority groups in society put the law's authority in jeopardy. In relation to the story, it could be argued that Judith Lee, by taking the law into her own hands cannot guarantee a judgment that is certain, accurate and value-free and in

foregoing any consultation with anyone, she undermines democracy. For as Rawls has pointed out 'liberty requires the rule of law; otherwise the uncertainty of the boundaries of our liberty will make its exercise risky and less secure' (Kukathas and Pettit: 50). The exercise of discretion by the amateur detective raises ethical issues, especially when judgment is guided by personal rules that may not be consistently applied in all cases, inevitably leading to chaotic and sporadic applications of justice.

'Conscience' (1912).



Figure 3.1 Judith Lee incites the serial criminal, John Tung, to commit suicide. The illustration by J.R. Skelton is from the October 1911 edition of *The Strand Magazine*.

'Two Words' (1916).

A year or so ago, when the first crude aeroplanes were flying yards instead of miles, and when no flight of any kind was possible unless there was practically a dead calm, there were clever men who smiled when aircraft were spoken of as a possible weapon in time of war. Now, in 1911, a man whirls through the air at sixty-three miles an hour, lunching in London and having tea in Paris, and amazing the whole world by bridging the distance between the two capitals in a monoplane in three hours less time than the fastest train and the quickest turbine steamer' ('The Aerial Menace: Why there is Danger in England's Apathy', *The Strand Magazine*. Vol. XLII, Jul-Dec, 1911: 3).

In his July 1911 article in *The Strand Magazine* Claude Grahame White complains bitterly of the short sightedness of England's War Office for failing to strengthen Britain's air defences in line with the growth of militarization occurring in Europe. A common object of discourse in the years leading up to World War I, five years later at the height of the war in 1916, it was a theme still eagerly pursued in popular literature. The fashion for Invasion literature, established in the 1870s with works like George Tomkyns Chesney's *Battle of Dorking* (1871) about the consequences of German attack and invasion of England contributed to the emergence of spy fiction towards the turn of the century. Ernest Mandel explains how public awareness in the period detected 'a new sort of crime', linked to the existence of spies and the harm posed by foreign threats not to individuals or property but to the state (Mandel: 64). As a popular writer, conscious of market trends, Richard Marsh appeased the public appetite for narrative solutions by mirroring and controlling readers' tensions and anxieties. England's complacent response to alien threats is countered through the medium of his female detective Judith Lee. In her encounter with German spies in the fifth story of the second collection *The Adventures of Judith Lee* published in 1916 and entitled 'Two Words', she nullifies the threat they present to England's air defences in a show of gamesmanship and double-cross.

Blindley Heath is a 'remote Surrey common' referencing the story 'Two Words' which, along with echoing White's fears of threat to empire, disparages German manliness embodied in the shape of a German agent by subjecting him to Judith Lee's verbal asperity and superior acuity (Marsh: 317). Like Arthur Conan Doyle's Sherlock Holmes in 'The Bruce Partington Plans' (1908) and 'His Last Bow' (1917), the story witnesses the detective's partial mutation into spy working in the interests of national security whilst securing the release of an innocent man. Since the art of spying alters the moral and legal parameters of behaviour in response to threats to state security, Richard Marsh effects a corresponding shift in Judith Lee's characterisation. No longer simply a detective who engages in the accepted craft of her trade in the course of uncovering the truth: deception, disguise and eavesdropping, her campaign methods now extend to more dubious practices like 'lying', 'cheating' and 'coercive interrogation', reminiscent of Vidocq and the thief – takers of a bygone era and outlined in Darrell Cole's *Just War and the Ethics of Espionage* (Cole: 12). In scrutinizing how Richard Marsh manipulates Judith Lee's arbitrary use of power and dominance in her interactions with foreign spies, Darrell Cole's explanation of the spy's role in society offers some explanation of her apparent disregard for moral and legal societal norms. In his validation of the just war hypothesis, he points out that since 'One of the necessary functions of any government is to protect its people from harm' by employing spies to preserve 'order, justice and peace', then the professional 'may act at the very limits of what morality may allow and will certainly act in ways that may contravene accepted laws and conventions' (Cole: 12). Taking into account his justification for the shifting moral boundaries expected of real-life spies in carrying out their duties, scrutiny of the fictionalised moral parameters guiding the detective-cum-spy Judith Lee's interactions with the German Secret Service in this

story illuminates our understanding of the extent to which the norms of social and legal behaviour were revised in the era when issues of national security arose.

The story opens with a dinner party, arranged to provide an opportunity for Mr Philip Collier, the lawyer for Mr Charles Sinclair who was arrested for the murder of Gerald Tansley at Blindley Heath, to entreat Judith Lee's help in clearing his innocent client of the charges. Rudely rejecting his appeal, she resists a stereotypical gendering in her unsympathetic response, and places professional integrity above benevolence and compassion. Rebuking him with the words 'What do you take me for Mr Collier? A professional detective or what? I am a teacher of the deaf and dumb; I take the profoundest interest in my profession' (Marsh: 314). Her outright rejection of his entreaty, she argues, is due to the excessive demands for her services as a detective, for she receives numerous similar emotional requests on a weekly basis. Complaining that, at times, she has to shut her eyes and ears in 'self-defence' when subjected to so many entreaties, the story emphasises her now much enhanced reputation, both as a spy and as a teacher of the deaf and dumb (314). A further poignant entreaty for assistance to help clear Sinclair comes from his fiancé, who explains how Sinclair and his partner, Tansley, had invented a new aircraft 'which could move in any direction, regardless of wind, or storm, or anything, just as easily as if it were on land', clearly a valuable weapon in time of war (316). Affirming Sinclair's innocence, she discredits the nature of purely circumstantial evidence that will shortly lead to his execution unless something is done. Once again Judith Lee summarily dismisses her request. In these initial conversations with Mr Collier and Charles Sinclair's fiancé, Gertrude Alloway, the author presents a protagonist whose change of tone and attitude remodels her personality. Contrasting her characterisation sharply with that of

previous stories, she is firmly assertive and dispassionate, verging on ruthless. Marsh develops her characterisation as a credible spy by infusing it with plausible attributes in readiness for imminent conversations with the agents of foreign powers. Called to attend a conference in Berlin, Lee's lip-reading skills flicker into life on overhearing two Germans utter the words 'Blindley Heath' (317).

A German speaker herself, she eavesdrops on the conversation between two Germans and witnesses the delivery of documents (stolen aircraft plans) from one Gustav Von Hertzheim of the aviation department to Major Schrattenholtz of the German Secret Service. As she monitors the ensuing conversation, it becomes clear that they are involved in the death of Tansley and are aware that an innocent man, Charles Sinclair, is in the frame for his murder. The Major's opinion with respect to Tansley's death that 'You cannot make omelets without breaking eggs' demonstrates his complicity in the crime offset against the potential benefits to be gained for German home security from his actions. With regard to the impending death threat to Charles Sinclair, he theorises that 'If this other one also dies, as from the latest advice seems likely, then the secret will be ours only', he rationalises that the sole possession of the newly invented aircraft plans justifies the deaths of two foreigners (318). Evaluating the morality of their actions, Darrel Cole's reasoning that all nations are 'potential adversaries' and that governments may need to rely on 'treachery' and 'acts of perfidy' as the only way to protect their citizens from harm, seems apropos: the Major, it could be argued, is acting within the ethical boundaries of his profession (Cole: 13). Since 'spying is a justifiable profession for the common good' and nations 'expect to be spied on, even by their friends' it could be argued that the Germans, in seeking to procure plans that would impinge on the security of their own state were

acting 'for the protection of the common good' and therefore morally justified in their actions (Cole: 13). On the other hand, as the story is set prior to the outbreak of war, evidenced in Judith Lee's invitation to Berlin, their involvement in what appears to be an assassination of a citizen from a friendly state could be construed as reprehensible. Critique of German culture and integrity can be read in several articles in *The Strand Magazine* of the period. One such is Sir Ray Lankester's article 'Culture and German Culture' in the January 1915 edition of the magazine. In it, he excoriates Kaiser Wilhelm II declaring 'It is truly marvelous that this man who suffers from a morbid condition of both body and brain, whom most Englishmen have regarded as a megalomaniac, should have been able to infect the whole German people with his insane audacity and his infamous lack of honour and morality' (Vol. 49, 3). In this article, he implies that the Kaiser is innately evil and that his moral necrosis represents a contagion whose symptoms induce a blatant disregard for justice and human life: vices portrayed in Marsh's fictionalised German spies.

In her pursuit of the truth, Judith Lee forms the antithesis of W.S. Hayward's Mrs Paschal in *Revelations of a Lady Detective* (1861-64), of whom Klein remarks '[H]er style of detection operates by intuition, perseverance and courage rather than collecting evidence and investigating clues or material evidence' (Klein: 27). Soundly rational and now fully convinced of Charles Sinclair's innocence, she connects the chain of events and travels to Blindley Heath in search of proof. By visiting the crime scene and interviewing local witnesses, an omission on the part of the official police force, which further indicts reliance on purely circumstantial evidence, she uncovers a crucial page of the stolen aircraft plans and evidence that Von Hertzheim had flown to Blindley Heath from Germany on the night of the murder. Paradoxically, her own

case supporting Charles Sinclair's innocence is also based on circumstantial evidence, linked to inference, and requires direct evidence to generate proof. Engaging the assistance of the Crown solicitor in the Sinclair case, she invites Von Hertzheim to a rendezvous in which she plans to blackmail him into a confession in return for the missing page.

Noting that his arrival at eleven o'clock at night was 'an uncanonical hour for a single woman to receive a visit from a solitary man' she remarks that despite his fine figure, his appearance was 'coarse-featured', foreshadowing his characterisation as superficially masculine and uncultured (324). During his visit, she accuses him of having flown to Blindley Heath, murdered Gerald Tansley and stolen the plans for the new aircraft he had invented along with Charles Sinclair, warning him that 'In England killing is murder, even when a distinguished officer kills an insignificant civilian' (326). In reply, he reproaches Lee for her deceit charging 'Then what is contained in this letter is false?' (326). Having successfully lured him to England with the promise of repatriation and the missing page from the stolen plans in exchange for his testimony on behalf of Charles Sinclair, Lee's deception could be viewed as morally justified and the right thing to do in the circumstances: procuring the release of an innocent man balances the scales of justice. As Jan Goldman observes in her handbook for those working in the field of intelligence *Ethics of Spying: A Reader for the Intelligence Professional* (2010) 'As in life, the intelligence profession is sometimes filled with moral and ethical dilemmas for which no law, policy or regulation can assist in developing the proper response in doing the right thing' (Goldman: xi). Given Von Hertzheim's subsequent resistance to verbal pressure to admit his guilt, Judith Lee resorts to blackmail to achieve her ends threatening to

inform his superior, the major of his failure to complete his mission successfully. 'You have lied to Major Schrattenholtz . . . you did not dare tell him that you had not brought to Berlin what you knew to be the most essential part of the drawings of that aeroplane'; he had forged the missing page to hide his ineptitude (328). Under the heavy verbal onslaught, Von Hertzheim finally concedes defeat and relates how Gerald Tansley, who had previously agreed to sell the plans to Germany, had fallen in a rage and 'struck his head against the edge of the table' and died, a fact later confirmed by the medical examiner (329). Agreeing to testify, he later discovers Judith Lee's further duplicity for the stolen plans are now obsolete- the threat of foreign ascendancy in aerial combat is crushed and German hubris subdued.

Conclusion

In the final analysis of the judgments made by Judith Lee in her discretionary response to crime, which could arguably be consistent with Sarat's description as 'unmoored from an anchoring system of justice'; mitigating factors in support of her actions are plentiful. Firstly, the context of the stories set in a pre-war England, where the still credible threat of invasion by Germany dominated media and popular magazines would strike a chord of sympathy with readers anxious for fictional redress for past German transgressions. Living through the horrors of World War I, in the midst of which the collection of stories was published, galvanises popular approval for the narrative discrediting of a detested enemy. Secondly, acting primarily as a detective whose primary intention is the release of an innocent man tempers any disapproval of the morally dubious methods she uses to achieve her goal: deception, coercion, blackmail and the promise of immunity from prosecution outweigh the negative consequences of flawed justice that condones the death of an innocent man.

Finally, although once perceived as 'dirty and unacceptable', the image of the spy 'defined and mythologized' by Kipling's 1901 novel *Kim* is validated in recognition of the need for agencies and spies tasked with ensuring the safety of the nation (Wade: 57). The remodeling of the spy followed the success of the 'male adventure genre in popular fiction, which showcased 'the spy as a type' engaged in warfare 'that asked questions about morality as well as politics' (Wade: 49). Its popularity was accelerated by the notoriety of the Dreyfus Affair in France, where a Jewish army officer was controversially found guilty of selling secrets to the Germans in 1899. In this new world of spies, a revised framework of ethical values arises, one where the criteria may be altered in line with national security - interests in opposition to a Kantian disposition. Described by Raymond Wacks as one where 'certain moral virtues exist independently of our minds or of convention', the Kantian view condemns 'even in self defence' a state which engages its own subjects as spies as morally unacceptable and those who perform such activities as "'unfit to be citizens'" (qtd. in Goldman: 132).

In his incarnation of the empowered female detective Judith Lee, Richard Marsh endows her with the necessary capacity to compete on a par with male spies who are adept in the skills of subterfuge. With her interrogative cunning and the moral flexibility to adjust her ethical practice to suit the hostile actions of clandestine foreign agents, her actions generate fictional reassurance of the elimination of threats to life and liberty in what David Dyzenhaus terms a balanced response against 'competing claims of other values' (Dyzenhaus et al: 306). In doing so, Richard Marsh confounds critics of the female detective who accuse her of passivity and relegate her to a reductive role in the annals of detective fiction. Contrary to Michele Slung's

contention that the female detective is often either 'abandon[ed] mid-career' or 'finish[ed] off at the matrimonial altar', she remains firmly unattached throughout the series and thoroughly dedicated to her profession (Slung: 17). Raymond Wacks provides a final thought in the evaluation of judgment and morality when he observes that 'Judgments may simply reflect emotion' for 'there exist no self-evident first principles of morality from which all else may be derived': ethical statements express only an individual's subjective state of mind and conventionalism' (*Understanding Jurisprudence*: 34). In the light of Wack's statement, it could be argued that contemporary readers are bound to accord with Judith Lee's code of morality which reflects considered and balanced appraisal of the ethical arguments in conjunction with practical reasoning.

Fergus Hume (1859 - 1932): *Hagar of the Pawn-Shop* (1898)

And the angel of the Lord found her by a fountain of water in the wilderness, by the fountain in the way to Shur. And he said, 'Hagar, Sarai's maid, whence camest thou? And whither wilt thou go?' And she said, 'I flee from the face of my mistress Sarai'. (Genesis Ch. 16: 7-8)

In the preface to his 1879 book *The Gypsies and the Detectives*, Alan Pinkerton reveals how he left 'the crowded populaces of great cities' and 'travelled outside of the pale of civilisation' where he 'entered into the camp of the gypsy' (Pinkerton: 9). His fascination with the 'wild and romantic life' where 'The Gypsy Queen still practises the art of sorcery, and dives with shrewd prophecy into the regions of the future' links their 'wild nobility to lawlessness', and to generating a sense of fear amongst the population of 'sober law-abiding people' in England (Pinkerton: 9). The undertones of civic discord and rebelliousness associated with Gypsy culture is borne out in Fergus Hume's characterisation of the fictional Gypsy Detective Hagar Stanley, the second

protagonist in this study of female detectives. With her links to disorderly behaviour, Hagar embodies the Bohemian spirit of Conan Doyle's Sherlock Holmes, combined with the pragmatism of Arthur Morrison's Martin Hewitt. By examining the fictionalised values, beliefs and anxieties she articulates in her conduct towards criminals and the victims of crime, I will establish where her empathy lies and elucidate the complex relationship she has with the official police. In a gendered reading, I investigate how her status as a Gypsy and a woman detective differs to that of other fictional detectives of the era, such as Grant Allen's Lois Cayley and Hilda Wade, both of whom appeared in *The Strand Magazine* between 1898 and 1900, to determine the extent of her female empowerment in contrast to theirs (Kestner: 120). Gendered cultural and legal issues surface repeatedly in the stories where Hagar's interventions address the discriminatory effects of an unjust legal system and biased laws. My focus on a second gypsy protagonist offers a counter narrative to that of Judith Lee, for like her, Romany traditions and customs may be read in the accounts, but unlike her, Hagar occupies the lower stratum of society and typifies the precarious predicament of survival as a marginalised single women escaping from domestic violence. Unlike Judith Lee more than a decade later, she has no profession or means of support and must rely on her own initiative for survival in a lawless environment.

The stories under review are part of a collection of twelve episodes contained in *Hagar of the Pawn-Shop*, published in 1898 by the 'already famous' Fergus Hume (Kestner: 107). Despite what Stephen Knight calls his 'runaway success' with the crime fiction novel *The Mystery of a Hansom Cab*, first published in Melbourne in 1886 and declared 'the first true best seller in the genre' with sales of over half a million copies within two years, Fergus Hume was unable to repeat this phenomenal

success with any of his later work (*Secrets*: 76). My study examines two stories from the collection: 'The Seventh Customer and the Mandarin', the eighth adventure which dramatizes her run-ins with career criminals from London's organised crime rackets and emphasises her ambivalent attitude towards criminal activity. The proliferation of deviant characters in this story offers insight into contemporary views on criminality, with its roots firmly lodged in the emerging sciences of criminology, psychology and criminal anthropology. In the second story under review 'The Eighth Customer and the Pair of Boots', Hagar's actions highlight a recurring theme in Victorian crime fiction: the unreliability of circumstantial evidence for achieving justice. Hagar's class and gender-transcending role in this story reaches its peak as the official police transfer power and authority in a murder inquiry to her, allowing her to lead the investigation and interrogate a prime suspect. Her behaviour in this story confounds previous incidents of her dissociation from the legal forces of law and order.

Forming a chronological sequence that begins with her arrival at the pawnshop in Lambeth, the stories follow Hagar Stanley's exchanges with ten customers who deposit items for safekeeping at her pawnshop in exchange for money and an interest payment in case of redemption. In the introductory story of the collection entitled 'The Coming of Hagar', the protagonist Hagar reprises the role of her biblical namesake, who is the concubine of Abraham. In the Bible story, Hagar is fleeing from the harshness of Abraham and his wife Sarah in Genesis, and seeks shelter in the wilderness before being instructed to return to Abraham by God. Hume's Gypsy Hagar's flight is from her Romany tribe in the New Forest to the metaphorical wilderness of Lambeth and is undertaken to avoid a brutal marriage as the wife, or Rani, of Goliath, a formidable and evil member of the tribe. From the outset in the

initial story, her arrival alone and late at night at the pawnshop iterates her rejection of social norms, behaviour in consonance with that of Judith Lee, whose encounter with the German spy occurs late at night. As a Gypsy, free from the repressive codes of Victorian respectability, Hagar repudiates the sexual connotations linked to her situation. Challenging her estranged uncle Dix to allow her entry to his shop and provide 'Food and Shelter', she cautions him 'but you'd better shut the door; it might be bad for your reputation if any passer-by saw you speaking to a woman at this time of night' (Hume: 10). Like her, Dix is cast as a societal misfit, and, once assured that she was not the ghost of his long-dead wife, also named Hagar Stanley, he assures her that it [his reputation] is 'past spoiling' (Hume: 10). In breaching cultural taboos, she risks stigmatisation as a woman of the streets and criminal, for, as Rowbotham and Stevenson observe since 'Victorians saw much that was criminal in the strict legal sense as being also socially criminal', her socially offensive behaviour was in reality a form of law breaking and would be viewed as 'at least as important as the legal dimensions' (Rowbotham and Stevenson: xxi). Her breach of social mores replicates that of Mrs Pennefather in Donovan's 'The Riddle of Beaver's Hill'.

'The Seventh Customer and the Mandarin' (1898)

The story of the 'Seventh Customer and the Mandarin' opens with the arrival of Mr William Smith or Larky Bill at the pawnshop requesting 'two quid' for depositing a mandarin toy 'gaily tinted to imitate the official dress of a great Chinese lord' and weighted within to allow it to roll around and 'chime melodiously' (Hume: 153). In the ensuing conversation, Mr Smith's use of language registers his criminal viewpoint echoing Christiana Gregoriou's contention that criminal 'language choices' reflect

'how they [the criminals] metaphorically configure the world' (Gregoriou: 1). Hagar's immediate impression of Mr William Smith is that she 'did not like the man's looks at all' and that he was 'Not at all the sort of person likely to be in possession of so delicate a work of Chinese art and fancy', signaling her suspicion that he has stolen the mandarin (Hume: 154). Keen to discover whether this is so, Hagar asks him how he came by the mandarin, to which he replies that a sailor friend had given it to him. Voicing her concerns further she states 'I don't believe you came honestly by it, and I'm running a risk in taking it', before asking him why he has chosen a pawnshop so distant from his home (154). Refusing to answer, he agrees to take twenty shillings instead of his previous request for two pounds, likely proof that the mandarin is indeed stolen. Significantly, rather than contacting the police with her misgivings, Hagar enters into an altercation with Mr Smith, who threatens to break her neck if the mandarin is missing when he returns in three months. Feminine propriety disintegrates as she leaps over the counter, seizes him by the ear, and practically ejects him from the shop, before finally agreeing the terms of credit and giving him the twenty shillings. By accepting the mandarin she is complicit in the possible theft of the antique and lays herself open to accusations of aiding and abetting a felon, and placing herself in legal jeopardy. Hagar's gender-breaking behaviour in physically tackling a violent individual could be viewed as foolhardy or courageous but scarcely in keeping with the conduct of her counterpart fictional sisters in crime, whose ladylike demeanour is the antithesis of Hagar's. Even Judith Lee, a decade or more later, despite her entanglements with sundry evil villains, rarely took the initial offensive herself.

Emsley notes that '[p]olicemen were always concerned about pawnbrokers acting as receivers' yet, they 'provided a vital financial service within these [urban working class] communities' (*Crime and Society*: 178). The legal standing of pawnshop owners in the Victorian era was often under scrutiny, evidenced in the number of trials brought to the Old Bailey with accusations levelled against them, implying their liminal status as sites for the redistribution of stolen goods. One example of such an accusation of receiving stolen goods was made at the trial of Samuel George Redfearn, the owner of a pawnshop in Hagar's neighbourhood at 45 Lambeth Walk in November 1881. He was accused of 'feloniously receiving one plated dish and other articles, the property of Blaydon Ruspini, well knowing them to have been stolen' (t18811121-85). Although he was found not guilty of this particular offence, 'other charges for receiving stolen goods were pending' (t18811121-85). Hagar's willingness to accept stolen property, and to overlook what appears on the surface to be petty theft in this and other stories in the collection, links her behaviour with a pejorative portrayal of Gypsies as colluding in, or perpetrating minor infractions of the law. In his account of how Gypsies were perceived in the Victorian era, George Behlmer explains how anti-Gypsy legislation was driven in the 1870s to 1890s by newspaper reports of 'misconduct' and of 'Gypsy malice'. Viewed as 'other', they were often persecuted and vilified by hostile media accounts (Behlmer: 247). Behlmer describes how George Smith, a moral reformer of the time, campaigned tirelessly for a 'Movable Dwellings Bill' to 'civilize them' by forcing the Gypsies to 'register moving vans and tents' (Behlmer: 247). Peddling a racist agenda in his 1880 study *Gypsy Life*, he disparages Gypsies as 'dregs and refuse of ancient Indian society' and 'black spots on our horizon' (Behlmer: 247). In keeping with a paradoxical relationship with the public, at times admired and at others denigrated, it could be

argued that the fictional Hagar's reluctance to approach the police in relation to what she perceives as Mr Smith's petty criminality simulates Gypsy reticence and suspicion of the official police force. Traditionally viewed as intolerant of their nomadic lifestyle and precipitous in applying the notorious terms of *The Vagrancy Act* of 1824, which drew a penalty of one month's imprisonment for those suspected of vagrancy, she would be hesitant to include them in an investigation likely to incriminate herself. Hostility, according to Behlmer, was reciprocal for 'Throughout the Victorian era, most local authorities continued to view Gypsies as outlaws', a consequence of which was 'harassment by rural police' (Behlmer: 235). Although she distances herself from the official police in this instance, notably, Hagar cooperates with them in two other stories within the collection where she solves two murders, thus reflecting a more complicated association with the legal representatives of law and order than is indicated in this story.

Once the mandarin has been pawned, Mr Smith arranges to have himself arrested on petty theft and locked up for four months to escape the clutches of 'a wizen-faced' accomplice villain called Monkey, who is keen to get hold of the mandarin (Hume: 155). Smith's manipulation of the legal system for his own purposes articulates the 'Late Victorian and Edwardian debate about crime' whose central concern was 'the problem of the professional or career criminal', which eventually lead to The Prevention of Crime Act of 1908 (Rowbotham and Stevenson: 11). Its terms provided for the incarceration of 'those with incorrigible cravings for crime, on the principle that if they cannot be deterred they should be debarred the opportunity' (Turner: 620). During Mr Smith's three month sojourn in prison, Hagar's semi-villainous assistant Bolker discovers twenty thousand pounds worth of diamonds

hidden inside the mandarin, discretely removes them and claims the reward on offer, before taking up a new position in an up-market bookshop in Leicester Square.

Hagar's initial disregard of a minor infraction of the law prefaces an escalation in the seriousness of her offence.

When Mr Smith returns to claim the mandarin and discovers that the diamonds are missing, Hagar calmly informs him that had she known diamonds were hidden inside the mandarin, she would have notified the police, placing her behaviour more firmly in the realms of legality in relation to serious crime. Realising the seriousness of the offence, she accuses Mr Smith '[A]bout the time you pawned this toy Lady Deacey's jewels were stolen. You stole them!' (159). Fully aware of the precarious position she finds herself in, facing an angry villain and the possibility of prosecution for aiding and abetting the theft of the diamonds, she lets slip her suspicions that Bolker, her assistant, is responsible for their removal. In a raging tirade, Mr Smith threatens to 'cut his bloomin throat' before turning his verbal and physical abuse on Hagar (159). As he prepares to assault her, she produces a 'neat little revolver . . . lately purchased for defense' [sic]: living in Lambeth, where crime and violence are everyday occurrences, ownership of a weapon for protection seems a sensible precaution, borne out in Hagar's assertion that 'I keep this always by me . . . to protect myself against rogues such as you' (160). In response, he hurriedly leaves the pawnshop in search of Bolker. Hagar's reliance on a weapon to protect herself against physical assault validates the notion that 'despite numerous social problems' in Victorian England, and the increase in crime there was 'no control on guns' and the importance of privately owned firearms for self-defence was considered a basic right: unfortunately, this right applied to villains as well as law-abiding citizens (Malcolm:

vii). Resorting to the use of a weapon highlights Hagar's willingness to use violence to counter violence and bears witness to the prevailing culture in Lambeth, where official forces of law and order are unable or unwilling to protect adequately all of the inhabitants. Her use of a revolver to defend herself prefigures the actions of Judith Lee, yet once again distinguishes her from her counterpart female detectives of the era, none of whom resort to the use of firearms.

Confronted with a situation in which Mr Smith may return to murder her, and where he threatens the life of her one-time assistant Bolker, Hagar fails to contact the police to ensure his or her own safety from the wrath of the enraged Bill who seeks him out, drags him to a ruined wharf and threatens to murder him by placing 'the cold steel' of a knife against his throat (162). Well versed in criminality, Bolker escapes by implicating the other villain, Monkey, in the removal of the diamonds and absconds as soon as Bill loosens his grip. By this time Hagar realises that 'On the whole . . . it would be just as well for society at large, and herself in particular, if Mr Smith were restored to the prison from whence he had lately emerged' (160). Hagar's sidelining of the official police once more arises when she discounts their mediation or assistance in solving the dilemma of how to proceed and, instead, consults a solicitor friend of her uncle Dix, named Vark, about what to do next. Described as a lawyer 'who carried on a shady business, in a shady manner, for shady clients', Vark devises a plan to entrap Mr Smith, reminiscent of the scene in Gay's *The Beggar's Opera* (1728), where Captain Macheath is captured by Peachum. Luring him to a meeting where Mr Smith hopes to procure the diamonds, Vark betrays him to the police for a hefty reward for his capture. The single official police role in the story is the apprehension of the criminal in the final denouement.

Conclusion

Described by Kestner as 'one of the most intriguing of all amateur female detectives' (*Sisters*: 107) in fiction, Hagar Stanley's characterisation accommodates what Slung terms the 'natural shrewdness and perspicacity of her race' (Slung: 361). Practicality supersedes legality in her daily life in the pawnshop, as we witness skilled financial haggling in interactions with the customers. The antithesis of Holmes's demure, self-effacing woman, Hume endows her, instead, with a streak of ruthless determination and the primitive desire for revenge, justified under the right circumstances. Notably, in 'The Silver Teapot' the seventh story in the collection which forms a critique of the institution of marriage and friendship betrayal, Hagar urges the wronged woman, to 'Revenge yourself, Miss Snow! Tell John the truth [that his wife had deceived him about his former fiancé] and punish these vixens' before exhorting Miss Snow to 'Ruin her! She ruined you': Harsh words that reveal Hagar's belief in a form of retributive justice, evocative of the biblical 'an eye for an eye' (144). Ably confronting lower-class criminals rather than the middle-class rogues that Judith Lee frequently encounters in her adventures, she evokes a code of values and principles primarily in consonance with hers: a mixture of guile, common sense and survival instincts. Existing as she does on the margins of society, racial and gender status render her open to physical and verbal abuse from some of her customers, which she adroitly deflects with instinctive defence mechanisms. Like Judith Lee, she suffers racial jibes, which fail to penetrate a seasoned operator.

Hagar's attitudes and behaviour in this story reveal a splintering of gender identity in keeping with Epstein Nord's contention that 'Writers who used Gypsy plots

and figures also often chafed against patterns of gender conformity' (Epstein Nord: 12). Her deviation from conventional forms of female behaviour is juxtaposed with her physical presentation as an exotic beauty. Hume characterises a grim determination to survive in the face of adversity in masculine tones, which presage the arrival of the silent movie heroines of the silver screen more than a decade later. Richard Abel's description of such heroines with 'athletic exuberance and unyielding zeal for risky experiences' is emblematic of the actions of Hagar and Judith Lee, always ready to confront violent physical assault and face danger head-on (Abel: 173). Reviewing her attitude to legality in the story, it is clear at the beginning of the story that she suspects Mr Smith of theft, yet agrees to lend him money on a stolen antique. Once it becomes evident that a more serious crime has taken place, she reverses her previous stance and distances herself from the thief, demonstrating that though petty crime may be ignored, the theft of twenty thousand pounds in diamonds cannot be condoned. However, Hagar's fictional interactions with the characters in the story should be considered in the context of the narrative setting, one with which most readers would be familiar. In choosing Lambeth as the location for Hagar's pawnshop, Hume echoes the strains of Somerset Maugham's *Liza of Lambeth* (1897) and Arthur Morrison's *Tales of Mean Streets* (1894) whose images of slum conditions, brutality and the daily deprivation suffered by inhabitants of London's East End caused a stir on publication, as Joseph Kestner points out (*Sisters*: 107). The infamy of Thomas Neill Cream, the Lambeth Poisoner, hanged in 1892 for the willful murder of four women, still lingered in the Victorian popular imagination adding to Lambeth's already tarnished reputation and alerting readers to the shady nature of Hagar's neighbourhood, as Richard Altick points out in *Victorian Studies in Scarlet* (267). The criminal Mr William Smith conforms to the stereotypical description of the

time, described by criminal anthropologist Cesare Lombroso in his 1876 study *L'Uomo Delinquente* in which he suggests that criminal man is 'identifiable by physical characteristics', as Christopher Pittard explains (107). In harmony with Lombroso, Hume directs the reader to his striking physiology: 'a low forehead, a snub nose, a large ugly mouth, and two cunning grey eyes which never looked anyone straight in the face' (154). Clearly, Mr Smith's intimate knowledge of the penal system is emblematic of the problem of recidivism, central to debate about crime towards the end of the nineteenth century, with its focus on 'the existence of a class of persons for whom crime was a way of life' (Rowbotham and Stevenson: 11). Mr Smith's criminal attributes are mirrored in J. Holt Schooling's article in an 1898 issue of *Harmsworth* magazine: 'Nature's Danger Signals: A Study of the Faces of Murderers' where his advice to readers is to listen to their instincts when faced with someone for whom you feel a 'certain instinctive aversion since it is nature's way of alerting you to danger', a response articulated by Hagar on first meeting him (Pittard: 109). Notably, in Lombroso's construction of the criminal as a member of a 'different race', his physiological signs pronounce him guilty in advance of criminal action (Pittard: 107).

Apart from their detention of Mr Smith once he has deposited the mandarin in Hagar's pawnshop, the official police remain in the background throughout the story. By consulting the shady solicitor Vark to capture the criminal Smith instead of the legal representatives of the law, Hagar endorses his superior ability to resolve criminal matters over that of the official police, perhaps in the belief that it takes a criminal to capture a criminal. Ethically, it could be argued that Hagar's failure to act in a situation which leads to disturbing consequences, as in the case of Bolker who is threatened with death, places her actions in a morally dubious light, for, a negligent

conscience falls short of readers' expectations of a mythical heroine. Despite being an urban Gypsy, whose work is based in financial transactions more akin to a busy city than a rural idyll, Hagar's sexual conduct is construed in line with Gypsy codes of conduct outlined by Rodney Smith. In his experiences of growing up with the Gypsies in Victorian England, he explains that 'while his people may have been pilferers of fruit and potatoes, they observed a strict moral code in other respects . . . he could not recall knowing even one fallen woman in a Gypsy tent' (Behlmer: 235). Fergus Hume created another memorable women detective, the eponymous Madame Midas, who, along with Hagar Stanley, enriches the annals of empowered fictional female detectives operating towards the close of the nineteenth century and elevates them from relative obscurity.

'The Eighth Customer and the Pair of Boots'

In her in-depth study into the growth of police investigators in Victorian and Edwardian England, entitled *The Ascent of the Detectives* (2011), Haia Shpayer- Makov raises the issue of what a reading of literary detectives tells us about 'public attitudes to police detectives and to the system of law enforcement as a whole', from their fragile beginnings with the formation of the Metropolitan Police in 1829 to a position of prominence and power later in the nineteenth century (Shpayer-Makov: 248). I would argue that in this study, a wealth of cultural, legal and social history is evidenced through the fictionalised relationships of literary detectives and their official counterparts through the narrativised situations articulated in their accounts. In my previous exploration of her relationship with the official police and legality in 'The Seventh Customer and the Mandarin', I established that Hagar's relationship with the forces of law and order can be read as one in which she marginalises them in the story, except where their involvement is crucial to the final

denouement, and they are called upon to arrest and detain the criminals. An air of insecurity and doubt about her personal safety and the level of protection she receives from the police can be inferred from Hagar's use of a revolver to protect herself in the violent neighbourhood of Lambeth, where police patrols may be less visible than in other areas of the city. Her willingness to use violence to counter violence reveals a complex relationship with legality and a readiness to disregard legal constraints when threatened. Contrary to Shpayer-Makov's assertion that amateur detectives were 'mostly gentlemen' who were 'financially independent' (248), Hagar Stanley belongs to an underclass of people whose mythical 'shared Jewish-gypsy ancestry' links them to 'orientalism and anti-Semitism' in the Victorian imagination, contributing to her unconventional charm (Epstein Nord: 6).

The ninth story in the collection of *Hagar of the Pawn-shop* 'The Eighth Customer and the Pair of Boots' is significant in its highlighting and remodeling of Hagar's previous relationship with the official police force by aligning her behaviour and interactions with them in keeping with that of other fictional detectives of the era: as superior in every respect despite her 'othered' status (Shpayer -Makov: 248). No longer keeping them at arm's length, as she did in the previous story, her detachment is replaced by a willingness to collaborate, as she converts into the unofficial director of operations in a murder inquiry. Supplanting the official police detective in the legal process, she solves the mystery by noting the vital detail missing in a chain of evidence that would have sent an innocent man to the gallows. Hagar's function as a mediator of justice in this story remedies judicial errors by identifying critical gaps in the knowledge of official detectives and identifying flaws in the legal process. Picking up the thread of legality evidenced in her pattern of behaviour in this story, I will evince comparisons with her fellow Gypsy

protagonist Judith Lee and elicit the reasons for her narrative interventions. Tracking her willingness to bend the law and establishing her code of conduct forms the central strand to the analysis.

Hagar's eighth customer at the pawnshop is a 'ragged barefooted urchin' called Micky Dooley, a red-haired Irish child who has been sent by his mother to pawn a pair of strong hob-nailed, labourer's boots for which he wants seven shillings (Hume: 173). Noting his 'sharp, keen face, intelligent beyond his years with the precocity taught by poverty', Hagar's compassion for the child compels her to advance the money he requests in return for the boots without too much remonstrance. His ability to haggle was quite as sharp as Hagar's as he heaved them onto the counter with a mighty clatter, and demanded seven shillings thereon:

'Ill give you five,' said Hagar, after examination
'Ah, now, would ye?' piped the brat, with shrill impudence. 'Is it takin the bread our 'ave me mouth ye w'uld be afther? Sure, me mother sid sivin bob, an' 'tis sivin I want . . . Sure it's breakin' me hid she'd be afther, wid a quart pot' (Hume: 174)

A traveller herself, Hagar identifies with the child's difficult circumstances and is familiar with the poverty and hardship endured by travellers, such as he, in their nomadic wanderings from place to place. Noticing the letters G.K marked in nails on the soles of the boots, she asks how he came by them, to which Micky replies that they were a present, before adding 'if it wasn't for thim boots we got in Marlow, it's without a copper we'd be', a sign of the depth of his poverty (174). Suspecting they may have been stolen, Hagar, nevertheless places the boots on a shelf in the pawnshop and thinks no more about them until two days later when she reads in the newspaper of a murder in which the boots are mentioned as forming part of 'a chain of evidence likely to hang the assassin (175). The newspaper report claims that Sir

Leslie Crane of Marlow had been shot by his gamekeeper, George Kerris, who was engaged to marry a farmer's daughter, Laura Brenton. Sir Leslie, it claimed, had been paying her more attention than he ought, and when George Kerris complained of the inappropriateness of his behaviour, he had been sacked. A week later as Sir Leslie was going for a stroll, he had been found shot dead by a pond, and muddy footprints close to his body revealed that the boots worn were marked with the letters G and K, obviously belonging to George Kerris, who had acquired them through a Marlow bootmaker. Arrested and charged that in a fit of jealous rage he had killed Sir Leslie and disposed of the incriminating boots and the pistol he used to commit the murder, he oddly refuses to confirm or deny his guilt.

Taking the initiative to delve into the curious developments of the boots that had been presented for pawning by Micky, and which were central to a police investigation, Hagar's perusal of the newspaper article registers discrepancies in the reported timing of events leading to the murder. She reasons from the evidence presented that since the boots had been given to Micky seven days previously, and that since Kerris had been 'under lock and key' in prison at that time, he could not have given Micky the boots on that day (176). From this, she further concludes that he could not have committed the murder and that unless she was prepared to intervene, the convincing narrative of events would lead to the death of an innocent man. The evidence in the case is purely circumstantial, for no witnesses had been present when Sir Leslie was killed. However, since the evidence seemed incontrovertible, his guilt appears certain. Circumstantial evidence, as Carol Christ explains, derives from 'a visible trace' and it shows the Victorian's fascination with the way the visible could reveal events of which we have no firsthand visual knowledge' (Christ: xxv). The

track of the boots presents a version of fingerprints, which is acceptable as evidence in court. Alexander Welsh confirms this preoccupation with circumstantial evidence in the era, noting that it 'flourished nearly everywhere - not only in literature but also in criminal jurisprudence, natural science, natural religion and history itself (Welsh: ix). In legal proceedings involving a criminal trial, the narration of events and the presentation of evidence had previously relied on witness statements, or direct testimony, often considered biased or even totally fabricated. However, the introduction of an adversarial form of trial where lawyers represented the facts rather than statements from eyewitness accounts, heralded the replacement of direct with indirect testimony, or circumstantial evidence, mooted as more reliable through its emphasis on 'facts that speak for themselves', and, unlike witnesses, they could not lie (Welsh: 8). Notably, in the same year as the publication of the story in 1898, The Criminal Evidence Act confirmed that 'from the moment a suspect is arrested by the police until the end of his or her trial he or she has the right to remain silent' when questioned by police: however, the difficulty still remained that refusal to speak 'was often considered as an admission of guilt', as John Hostettler informs in his work *A History of Criminal Justice in England and Wales* (241).

Although George Kerris had refused to give testimony on his own behalf, his reliance on any alternative narrative would be unsupported by the facts and his class status in relation to other suspects in the case also places him at a disadvantage. Hagar surmises that since 'No-one would let themselves be hanged for a murder which they did not commit' there must be an accomplice whom Kerris wishes to protect (176). Entering into the full spirit of the law, Hagar contacts the police who send Julf, 'a lean, tall, dark and solemn creature' who 'had a conscience' and 'would never forgive

himself' for 'hang[ing] the wrong criminal' (177). The figure of the official detective in the narrative is portrayed in sympathetic terms as he describes 'how often circumstantial evidence helped to condemn the innocent' and how likely 'even the most acute detective was to be deceived by outward appearances', showing his awareness of the fallibility of evidence (177). In his discussions with Hagar, we learn how impressed he is with her insight and how she enters fully into his confidence in terms of the details of the case. Her close liaison with the detective posits her firmly on the side of law and order in contrast to the previous story in which the official police figured simply as symbols of narrative closure.

'I wish I had this case in my own hands' states Hagar during a lengthy debate with Julf in which she raises a number of salient points related to the evidence, including the whereabouts of the missing pistol used in the murder and the question of finding Micky to prove Kerris's innocence, for upon his evidence the whole case turns (178). The detective Julf takes no exception to her promoting her own more skillful abilities to extrapolate details over his, and declares his belief that the strength of the evidence is convincing enough to prove Kerris's guilt. Hagar's reflection that she would like prime authority to lead the case presents a critique of the legal approach to circumstantial evidence, whereby police fail to ensure all the links in a chain of evidence are secure before arresting a suspect. Critical to the administration of justice in a system heavily reliant on how facts are interpreted, she credits other narratives than the most obvious. In elevating Hagar to a position of dominance over the official detective, it is worth considering Kathleen Gregory Klein's assertion that, unlike the police who are 'bound by bureaucracy, hierarchies and politics', the fictional female detective 'has no client responsibility and no commitment to investigation as a

profession' (Klein: 6). Her accepted lack of credentials means that readers have no standard against which to compare her (Klein: 6). Following the guidelines of his profession from this perspective, Julf operates in a competent and acceptable way, but he is outmaneuvered by the narrative imposition of an alternative reading of the crime. The weak link in the chain of evidence identified by Hagar is that Kerris was in prison when Micky was given the boots therefore, by finding Micky, they would discover who had given him the boots and by locating the missing pistol, the case would be solved.

The story takes Hagar to Marlow in search of evidence to support her theory that Kerris is innocent, which means a journey into the country away from the stultifying atmosphere of Lambeth and the opportunity for 'a breath of fresh air' (179). By this stage in the investigation, Julf, despite still being convinced of Kerris's guilt, meets Hagar at the train station, and offers her a 'free hand in resolving the mystery' (180). Declaring, 'You see I have agreed to let you assist me in finding out the truth in this case; though to my mind the truth is already plain enough', he allocates responsibility for the inquiry into her capable hands and could be accused of compromising his professional integrity (179). By giving Hagar the duty of resolving the mystery, the detective process enters the realms of an alternate reality, for it is inconceivable that her intervention would be sought in this way in real-life. Confident of her investigative ability, Julf delegates the role of unsupervised interrogation of the new baronet, Sir Lewis Crane, the brother of the murdered man, at his residence in Welby Park. In an allusion to Hagar's racial background, we learn that 'At first, owing to her gipsy-like appearance, she was refused admittance; but that on mentioning that her business had to do with the murder of the late baronet, Sir Lewis

consented to see her' (180). Having astutely summed him up as a 'miser' with a 'mean, yellow face stamped with an expression of avarice', she tells Sir Lewis that she has 'come on the part of Mr Julf to see about this murder', to which he remarks 'I did not know that the Government employed lady detectives!' (180). Unabashed, Hagar clarifies her position as the representative of Julf rather than as an official employee prompting Sir Lewis to agree to answer her questions about the murder, without further demur. By inverting the power relations in this scene, whereby the marginalised female Gypsy has authority to question a member of the aristocracy on intimate family matters, Hume presents a radical view of gender and class status. The extent of Hume's innovative elevation of Hagar Stanley to a position of dominance over a member of the aristocracy is remarkable in the light of Victorian perceptions of the status of Gypsies, viewed by many as 'persecuted and stateless peoples' who, along with the Jews 'haunted each other' throughout the nineteenth century in 'paired discourses of orientalism and anti- Semitism' (Epstein Nord: 6)

After an incisive interrogation of Sir Lewis, Hagar asks to be shown the pond where she believes the missing pistol may be found and discovers from the servants that Sir Lewis frequently argued with his brother Sir Leslie and 'hadn't a sixpence but what he got from Sir Lewis' providing her with his motive for the murder (182). She also discovers that he had quarreled about Laura Brenton with Sir Leslie, for he too was infatuated with her. Laura Brenton, for her part, accuses Sir Lewis of his brother's murder and is described as being in a highly emotional state. Having searched the scene of the crime for the missing pistol, Hagar locates it in a marble urn, with Sir Lewis Crane's name engraved on the silver plates, proving that he committed the murder. Establishing an alternative narrative solution to the circumstances, Hagar is

still dissatisfied because of Kerris's refusal to deny the murder and pursues a further interpretation of events involving Laura Brenton. Hagar tricks Kerris into confirming his innocence, based on the revelation that Sir Lewis is suspected of the murder. Julf arrives in time to disclose that Micky had been found and had identified Laura Brenton as the person who had given him the boots pointing to her as the murderer. Sir Leslie 'had promised to marry her, and because she could not force him to keep that promise she killed him', perhaps confirming that she had a compromised sexual relationship with him, whilst deceiving George Kerris into believing she loved him (189). In presenting a range of potential narrative solutions to the circumstances of the crime, Hagar signals the precarious nature of untested circumstantial evidence as the sole criterion for judging innocence or guilt in a court of law validating Welsh's contention that 'where testimony is built on inferences', proof requires that the chain of evidence should be constructed from 'circumstances causally connected in a believable narrative . . . that connoted strong connections, links of iron, but also a story that fell apart if one of the links was broken (Welsh: 4).

Conclusion:

Pointing up discrepancies in the presentation of evidence forms a central theme in the story, which also posits Hagar's dogged commitment to the truth and her estimable ethical conduct in pursuing the mystery to its coherent conclusion. It could be argued that allowing Hagar to impersonate a police assistant in a murder inquiry and sanctioning her interrogation of suspects constitutes a breach of professional conduct by Julf and amounts to a case of fraudulent deception on the part of Hagar. Tied to restrictive procedures and with accountability to higher authorities, Julf would be unable to use his sole discretion to resolve the case. By consigning it to Hagar, who

continues to pursue the investigation thoroughly, omitting nothing in terms of evidence, Hagar prevents a travesty of justice allowing the reader to commend her moral values and conduct. Kerris's ability to achieve justice as a member of the working class without Hagar's intervention is questionable, for, as Sir Edward Abbott Parry an honourable judge, noted in his work examining judicial bias in the application of the law: *The Law and the Poor* (1914) 'In every age your judge will be tinged with the prejudices of his time and his class, and I cannot see how you can expect to grow middle-class judges in hot beds of middle-class prejudices without the natural formation of a certain amount of middle-class bias in the thickness of their middle-class wood' (Parry: 100). He goes on to explain how 'wealth and position' are deciding factors in achieving favourable treatment in the criminal courts. Hagar, who is not an official public servant, adopts the mantle of saviour of the innocent and, to some extent, rehabilitates the reputation of the detectives, whose credibility had suffered due to widespread corruption and negative press coverage in the 1870s and 1880s (Shpayer- Makov). In actively participating in the inquiry, she is instrumental in promoting what Shpayer- Makov refers to as a 'certain shift' in public attitude after the turn of the century 'towards greater appreciation for the performance of Scotland Yard detectives in literary works' (253). Noting the arrival on the scene in 1904 of B. Fletcher Robinson's Inspector Peace of the CID in *The Chronicles of Addington Peace*, she points out that his literary depiction as 'a highly intelligent, civil and somewhat mysterious bachelor with principles' recalibrates his skills in line with those of the amateur detective (253). Equally committed to promoting the image of Scotland Yard as 'a great machine designed by society to uphold law and order' Vivian Grey's *Stories of Scotland Yard*, published in 1906 dramatises their skills as 'masterful' leading to their elevation in the public consciousness (254). By conferring

with the detectives, as Hagar does, the image of unreasonable tunnel vision in dealing with crime prevalent in Victorian and Edwardian detective fiction is reformed.

CHAPTER FOUR

ARTHUR CONAN DOYLE AND ERSKINE CHILDERS:

STATE SECRETS: FROM DETECTIVE TO SPY

'Good old Watson! You are the one fixed point in a changing age. There's an east wind coming all the same, such a wind as never blew on England yet. It will be cold and bitter, Watson, and a good many of us may wither before its blast' ('His Last Bow': 622).

Sherlock Holmes: Emerging Spy

'I am going out now!' exclaims Sherlock Holmes in 'The Five Orange Pips' when the body of his client, John Openshaw, is recovered from the Thames. 'To the Police?'" queries Watson. 'No, I shall be my own police. When I have spun the web they may take the flies, but not before' answers Holmes (Doyle: 259). Holmes's comments here form an expression of his relationship with the official police and confirm his status as quasi-outlaw in his dealings with crime. Valorising his own pre-eminence on crime and the corresponding inferiority of the police response to it in *A Study in Scarlet* he remarks:

'There are no crimes and no criminals in these days . . . What is the use of having brains in our profession? I know well that I have it in me to make my name famous. No man lives or has ever lived who has brought the same amount of study and natural talent to the detection of crime which I have done. And what is the result? There is no crime to detect, or, at most, some bungling villainy with a motive so transparent that even a Scotland Yard official can see through it' (Doyle: 18).

Confirming his cynical attitude towards the police, he opines 'Gregson is the smartest of the Scotland Yarders . . . he and Lestrade are the pick of a bad lot' before going on to compare them to a pair of jealous 'professional beauties' (19). Holmes's disparagement of the official police typifies that of many of his fictional amateur

counterparts in the Victorian and Edwardian era who treat the official police force as practical administrators for finalising arrest, but, for the rest of judicial procedure, such as court appearance or lawyer representation, we hear very little or, nothing at all. Fictional detectives in the narratives under review are characterised as deeply presumptive of personal invincibility and superior moral authority over that of the police and consistently negligent of legal sanctions, which situate them firmly in the realms of illegality. Treading the margins of criminality themselves, their role is to distribute fair-minded judgments of affairs in unorthodox fashion and in opposition to the rigid application of judiciary laws, interpreted through the myopic vision of the official police force. Despite deviations from legal norms, honour, trustworthiness and fairness are seen to readers to pervade their intentions in contrast to the rigid and biased character of the legal system where, too often, wealth and status determine who enters a court of law and who escapes justice. The theme is ably illustrated in Rohan McWilliams's study *The Tichborne Claimant* (2007) pointing out the inequalities of the law which demonstrates there is one law for the rich and one for the poor. In this chapter, as the detective is recast as embryonic spy, I analyse his infractions of the law and seek to identify the ways in which the boundaries of morality and legality alter his behaviour in the face of threats to national security. Arthur Conan Doyle's Sherlock Holmes provides the initial platform for investigation in three stories from the canon. Beginning with 'The Adventure of the Second Stain', first published in serial form in the December 1904 edition of the *Strand Magazine* and subsequently in the collection *The Return of Sherlock Holmes* in 1905, it provides an insight into the machinations of upper-class deviance and the prevalence of foreign spies in the midst of urban London. The second story for review is 'The Adventure of the Bruce Partington Plans' which appeared alongside stories by writers such as

Richard Marsh and Arthur Morrison, in the December 1908 issue of the *Strand Magazine* and was later published as part of the collection *His Last Bow* in 1917. Appearing at the height of invasion scares, on one level, it assuages public anxiety over the possible theft of stolen naval documents by allowing Holmes to retrieve them, but on the other hand, on a political note, it highlights the perilous state of England's defences and her inability to defend herself in case of attack, a theme iterated in Erskine Childers's *The Riddle of the Sands* (1903). The third Holmes story under review 'His Last Bow: The War Service of Sherlock Holmes' locates Holmes as a fully fledged wartime spy in his final appearance, serialised in *The Strand Magazine* of September 1917 in the same year as Conan Doyle's journalistic reports on 'The British Campaign in France' where he charts the progress of the war. The historical context, in which the British Empire continued to expand from the 1870s to the end of the First World War, is linked to the emergence of the spy genre in popular fiction. As Poplawski observes, Britain was the 'superpower of the day, dominating the seas and holding sway over more than four hundred million people', yet, below the surface a series of ruptures emerged to destabilise Victorian optimism and create a 'crisis of confidence' (Poplawski: 529, 532). Contributing to the national foreboding was concern over the nation's health, evidenced during recruitment campaigns for the Boer War, as an overwhelming number of young men were rejected as unfit for service due to malnutrition and ill health (Poplawski: 531). Ignatius Frederick Clark, in his study of the literature of future wars *Voices Prophesying War* (1992) adroitly observes that from 1880 to 1914 tales of future warfare, like those propounded by writers like Le Queux and Oppenheim, perfectly reflect the rivalry of great powers (94). Noting how with each international crisis, such as the alliance of France with Russia in 1894 or the Fashoda incident in 1898, national attitudes were influenced and shaped by stories

that 'appealed to an idealised picture of a dedicated nation triumphing at last over the despicable enemy of the moment': initially France and then Germany (95).

'The Adventure of the Second Stain' (1904)

Under the laws of the United Kingdom, high treason is the crime of disloyalty to the Crown and until 1870 it was punishable by being hung, drawn and quartered if you were a man and burnt at the stake if you were a woman. The severity of the punishment was such that juries were often unwilling to convict defendants, which in turn led to changes in the law, designed to ensure the conviction of traitors whilst protecting the security of the State. According to *The Encyclopedia Britannica*, the last person to be sentenced to death in this way was Colonel Edward Despard in 1803 when he was found guilty along with six accomplices of organizing a conspiracy against the British government and of planning an assassination attempt on George III (www.britannica.com online). In the event, he managed to escape the quartering element of the punishment, for it was feared it might cause a riot. The Treason Felony Act of 1848, some of which is still in force today, created a new offence known as treason felony with a maximum sentence of life imprisonment. *The Old Bailey Proceedings Online* relates how on 20 April 1885, James George Gilbert and Harry Burton were indicted under this act and charged with 'feloniously conspiring with other persons whose names are unknown to depose the Queen from her Royal name and style of Queen of Great Britain and Ireland' in commissioning an explosion in Victoria Station in London: they were sentenced to penal servitude for life (t18850420-532). This could arguably have been the fate of Lady Hilda Trelawney Hope in 'The Adventure of the Second Stain' and Sherlock Holmes, who colluded with her to conceal her

crime of treason, in one of thirteen stories in the collection entitled *The Return of Sherlock Holmes*. Released for publication in 1904 and set in the late 1880s, this adventure is credited by Watson as 'the most important international case' that Holmes has ever been called upon to handle (Doyle: 536). Making his entry into the newly evolving spy fiction genre pioneered by Rudyard Kipling in his novel *Kim* (1901), and subsequently more firmly established by Erskine Childers in his critically acclaimed novel *The Riddle of the Sands* (1903), Holmes rises to the challenge of espionage and, despite his disregard for the legal processes, proves himself an able and effective government agent whose deductive abilities enable him to prevent both war and scandal (Wade: 49). International tensions existed at the time in terms of military alliances and provide a framework for the events, which mirror Britain holding a tenuous balance of power in Europe. Subsequent to the publication of the story, Britain signed the Entente Cordiale joining France and Russia against Germany and Austro-Hungary (Poplawski: 520). A previous chapter of this study charts Holmes's departure from legality in terms of his responses to women and class in relation to criminality and establishes the idea of an individualised response based upon his moral and ethical values. The aim of this chapter is to extend the analysis through an examination of his conduct in three cases involving government ministers, state employees and foreign spies, all of which are linked to issues of national security and which promote Holmes from infallible detective to invincible spy. Despite his unofficial status, Holmes's undoubted success and renown as a skilled detective, coupled with his brother Mycroft's connections, place him in a unique position of trust within the stories. My analysis examines his level of criminality in the course of resolving cases and the rationale behind his judgments to identify whether he relies on Utilitarian principles of the era or adopts a more retributive approach to justice, like

that of Judith Lee and Hagar Stanley. Alternatively, his motivations may reflect an entrenched conviction of his own unwavering ability to act impartially and strictly in the interests of justice, while abandoning the dictates of due legal process in cases of national significance. Equally, his responses may simply signal a common sense and pragmatic approach to complex matters of state in which morality takes a back seat.

In 'The Adventure of the Second Stain', Lord Bellinger, the British Prime Minister and the Right Honourable Trelawney Hope, Secretary for European Affairs, entreat Holmes to recover a document stolen from Hope's dispatch box, which he kept for safekeeping in his bedroom at home. The only people in residence that evening were his wife and loyal servants whom he trusts implicitly. After an initial show of reticence about sharing the details of state secrets included in the documents, the ministers are forced to accept Holmes's terms of full disclosure. It transpires that the missing document is a letter written by a foreign potentate, possibly Kaiser Wilhelm II in which he uses indiscreet and inflammatory language to express his outrage at Britain's behaviour regarding recent colonial developments (Baring-Gould: 304). If the letter were to be published, it would lead to serious breaches of trust, heightened tension and the likelihood of hostility in the region expressed by the Premier in the words: 'There would be such a ferment, sir, that within a week of the publication of that letter this country would be involved in a great war' (537). The idea of a provocative letter providing the catalyst for war evokes the circumstances surrounding the Franco-Prussian War of 1870-71 when Prussia goaded France into a war by means of an incendiary letter (Wawro: 34). In the same way, 'SIGINT' [signals intelligence] was used by Britain to intercept the Zimmerman Telegram in 1916', as Frederick P. Hitz informs 'and was given to the US government 'as an inducement for

it to join the war on the side of the embattled Europeans' (Hitz: 163). Having established the significance of the letter, Holmes questions to whom a thief would take such a missive and concludes that the likely recipients would be one of three top international spies and secret agents whose names were 'tolerably familiar to me' and about whose whereabouts he seems very well informed (Doyle: 538). The government approach to Holmes begs the question why the special section of CID, forerunner to Special Branch, was not consulted along with Holmes. As an organisation set up in 1883, its specific role was to counteract the terrorist threat of the Irish Republican Brotherhood and later to dedicate itself entirely to intelligence gathering and running operations designed to frustrate the subversive activities of continental anarchists (Andrew: 5). The lack of suitable intelligence personnel may relate to Stephen Wade's observation that in the 1880s it was impossible for Britain to successfully manage 'espionage and the military intelligence' of such a vast empire (Wade: 145). As Christopher Andrew explains: 'The myth of a far-flung intelligence network', encouraged by a range of Edwardian writers, such as Kipling and William Le Queux had 'the incidental advantage of avoiding public revelation of British intelligence weakness' (Andrew: 4). He explains that rather than an efficient intelligence agency, the British operation was small and underfunded, spending much of its time and resources on Irish Republican terrorism (Andrew: 3). For the purposes of the story, we must assume that Holmes's superior knowledge; deductive ability and gentlemanly status precluded the need for the involvement of anyone else. Further, it may reflect the minister's belief that a discrete individual agent like Holmes would be more successful in preventing an international incident, and, importantly, his amateur status allows him to function outside the law if need be.

Lady Hilda Trelawney Hope, wife of the European Secretary is depicted as a beautiful aristocrat who is totally dedicated to her husband and his career. On her visit to Holmes Watson describes her in glowing terms, largely with respect to her physical attributes. She is imbued with 'subtle delicate charm' and 'the beautiful colouring of that exquisite head' coupled with her 'queenly presence' frame an illustration of feminine innocence and virtue afflicted by tragedy, echoing similar portrayals of women in crises, such as Helen Stoner in 'The Speckled Band' and Mary Sutherland in 'A Case of Identity' (Doyle: 539). Declaring her only desire in visiting Holmes to be the search for information to protect her husband's interests, she questions whether her husband's political career would likely suffer as a result of the theft of the documents to which Holmes naturally replies affirmatively. Given the circumstances - the fact that she is the thief - her behaviour articulates either naïve unworlship if she is innocent, or acute deceptiveness if guilty. She is characterised as a woman who is deeply immersed in her role in the private sphere and unaware of the importance of her husband's role in government, as she explains to Holmes:

'There is complete confidence between my husband and me on all matters save one. That one is politics. On this his lips are sealed. He tells me nothing. Now, I am aware that there was a most deplorable occurrence in our house last night. I know that a paper has disappeared. But because the matter is political my husband refuses to take me into his complete confidence. Now it is essential - essential, I say - that I should thoroughly understand it' (539).

Holmes refuses to divulge any of the particulars of her husband's meeting with him, and after her departure, he speculates on her motives for visiting him, concluding, finally, that her actions are propelled by conjugal devotion rather than nefarious reasons. Initially perplexed in his search for the missing letter, we are left in no doubt of its importance to national and international security when Holmes declares 'If it's on the market I'll buy it if it means another penny on the income tax' (538). In an

intriguing plot, he uncovers Lady Hilda's culpability and the way in which she procured the letter for the spy, Eduardo Lucas of Godolphin Street. When confronted by Holmes over her misconduct, she declares that Lucas, who was blackmailing her, had acquired an indiscreet letter written before her marriage – 'a foolish letter, a letter of an impulsive, loving girl' she declares, affirming 'I meant no harm, and yet he (her husband) would have thought it criminal' (544). Her plight evokes the predicament of Lady Eva Brackwell in 'The Adventure of Charles Augustus Milverton' and reveals the vulnerability of women, whose reputations could be ruined by scandal, thus exposing them to blackmail. Only when threatened with exposure does she finally confess to Holmes how she came to steal the document from her husband using a duplicate key and, through a series of events, managed to regain possession of it. The only final difficulty she faces is how to replace the letter without alerting her husband to her treachery. The prevalence of foreign spies in Britain at that time, initially, 'most prominently from Imperial Russia' as Shpayer-Makov notes, was linked to the arrival of 'a large population of foreigners in Britain, including a range of foreign anarchists and revolutionaries who sought refuge and asylum in the country' (Shpayer- Makov: 58). In the early twentieth century, the threat of foreign spies was focused on rooting out 'German spies', deemed threatening to both the internal and external security of the country. Irish republicanism, symptomatic of colonial resentment towards Britain, continued into the twentieth century, and was accompanied by Indian hostility towards colonialism, demonstrated in the assassination of Sir William Hutt Curzon Wyllie, 'a former official of the British government' by an Indian student in London in 1909 (Shpayer-Makov: 58). In response to Lady Hilda's initial denials that she has the letter in her possession, Holmes is patient yet persistent, declaring that only if she gives up the letter will he be

able to avoid a scandal. He insists 'Give up the letter, and all will be set right. If you will work with me, I can arrange everything. If you work against me, I must expose you': in his desire to protect Lady Hilda, Holmes's chivalric spirit springs to the defence of a conscience-stricken aristocratic woman (Doyle: 544).

Conclusion:

Holmes's assertion to Lady Hilda that he will allow her to escape punishment reflects his potential for using power and influence to subvert the legal processes. His ability to manipulate the situation towards a resolution that could be construed as illegal prompts questions on his impartiality in relation to questions of punishment and justice. In collusion with her he manages to replace the letter in the dispatch box before her husband's return a short time later. Undoubtedly, Lady Hilda's treasonable act in stealing the letter and delivering it into the hands of a foreign agent to protect her own comfortable existence may be considered not only criminal but unconscionable; yet, Holmes refrains from further rebuke adopting an arguably indulgent attitude that verges on complicity. In considering the extent of her criminality and the seriousness of the offence, which threatened to lead the country into war, it could be argued that her actions merit punishment commensurate with the crime of treason. Her behaviour stemming from an initial imprudence in penning an indiscreet 'criminal' letter to forging a duplicate key to her husband's highly confidential dispatch box, compounded by an unaccompanied evening assignation with a foreign spy, casts doubt on her judgment and integrity. It could be argued that Lady Hilda's duplicitous nature in lying convincingly to cover up her crimes signals the possibility that this may not be an isolated incident and that, on the contrary, she may re-offend, given the opportunity. Tammy M. Proctor in her study of women in

espionage in the First World War notes that historically women who were spies were 'characterised either as self-sacrificing patriots bent on saving their countries or as whores with an inherent character weakness driving them to treason and betrayal for the sake of money and fame'; however, this is a far cry from Lady Hilda's characterisation (7). Holmes's willingness to shield Lady Hilda from exposure is in keeping with a Utilitarian view of punishment where 'The pain suffered by the offender is only justified if more pain (stemming from more crime) is thereby avoided' (Hudson: 18). Holmes clearly considers it unlikely that she is a spy or that she had criminal intent when she stole the letter, and in his view, it is unlikely that she would ever again engage in criminality because her main motivation in this instance was the avoidance of scandal and its consequences, a significant mitigating factor. Additionally, she was, by her own account, unaware of the severity of the offence and, therefore, punishing her would do more harm than good. This view of the importance of instrumentality of punishment is confirmed in Hart's assertion that 'One had better be able to point to major instrumental benefits of the infliction of suffering or else it is hard to escape the accusation that the brutality is gratuitous' (Hart xxx). Holmes may have believed that in regaining the letter Lady Hilda had redeemed herself and that punishing her would serve no purpose, that is, the consequences would deliver no positive good to anyone and, on the contrary, scandal linked to government ministers would destabilise the country. However, the question is whether his behaviour shows bias and whether he would apply similar considerations in cases of national importance regardless of class or gender. A more ambivalent attitude is evident in Holmes's behaviour in previous cases highlighted in this study where he reflects a more retributive view of punishment for crime. In this case his approach to justice is in keeping with the views expressed by John Gardner in his

introduction to *Punishment and Responsibility* (2008): 'Suffering of the guilty', he opines, is a general justifying aim for the criminal justice system as a whole, but 'pursuing it as an intrinsic good is immoral' because (aside from its consequences) 'suffering is always only an evil' (Hart: xvii). However, it could be argued that Holmes digresses from the utilitarian stance where deterrence is an important aspect, for in this case Holmes ignores Hudson's contention that 'an unpunished crime leaves the path of crime open. Punishment inflicted on the individual becomes a source of security to all', she explains (Hudson: 18). In allowing Lady Hilda to escape punishment, the deterrent aspect has been ignored: there is no reassurance that she will not commit the offence again, particularly as there is no mention of her surrendering the duplicate key. In the words 'I am going far to screen you, Lady Hilda,' Holmes defines his own criminality and awareness of their combined guilt (544).

It is my contention that a combination of factors led to Holmes's willingness to incriminate himself. The morality of state punishment, according to Hart, views it as a 'paradigmatically legal practice, a reaction to an offence against legal rules', which does not necessarily fit the individual circumstances of each case, but rather is designed to offer general punishments within a certain range (Hart: xxv). Given the return of the letter with no apparent external adverse effects and to avoid a national scandal, Holmes acts beyond the boundaries of the law in the belief that his superior logic and intelligence will bring about a just and practical resolution. A sense of honour, duty and chivalry predominantly characterise Holmes whose attitude to life is shaped by willingness to compromise on legal principles on occasions where he feels it to be for the general welfare of chosen individuals. He reflects an idealistic belief in

innate female honesty avoiding the depiction of women as criminal, unlike Baroness Orczy, whose professional detective Lady Molly of Scotland Yard unmasks a range of deviant female criminals including women who kill. Fergus Hume's Hagar also unmasks the killer, Laura Brenton in the story 'The Eighth Customer and the Pair of Boots', and highlights the offences of several women criminals in *Hagar of the Pawn Shop*. In his study of Conan Doyle as a writer, Douglas Kerr's informs that 'Male writers were commonly assessed not only in terms of writing but also in terms of manliness' and maintains that Conan Doyle's writing exhibits the 'manly' model of masculinity in contrast to that of Oscar Wilde, whose work he admired (24). The heroic model of masculinity depicted in Sherlock Holmes offers a more complex mixture than the muscular form of masculinity of his counterparts, for his sometime decadent behaviour aligns him more readily with the aesthetic appeal of Wilde and with the disruptive tendencies of rogue heroes.

'The Adventure of the Bruce Partington Plans' (1908)

Diplomatic tensions characterise the story of 'The Adventure of the Bruce Partington Plans', situated in an era of international pressure and domestic insecurity in Britain, where government was subject to the strain of economic rivalry from the burgeoning markets of its competitors: Germany, France and America, and struggled to resolve the problems of Irish Home Rule (Poplawski: 531, 532). With Prussia's defeat of the French in the Franco-Prussian War of 1870-1871, fears of foreign incursions filtered into popular literature and heralded the arrival of a new type of invasion literature in the form of 'the war prophecy novel', as Le Roy Lad Panek advises in *The Special Branch* (7). George Chesney's *The Battle of Dorking: Reminiscences of a Volunteer*

(1871) paved the way forward for the genre in his account of an invasion of Britain by a German speaking army who succeed in defeating the British forces and strip the Empire of its colonies. Warning of the dire consequences of the failure of the administration to reform strategic and military planning, Chesney's message is clearly articulated by the volunteer soldier narrator who laments that 'we brought it about ourselves by our own short-sighted recklessness . . . There across the narrow Straits, was the writing on the wall, but we would not choose to read it' (Chesney: 94). Public curiosity and fascination with stories of intrigue and espionage was piqued by the sorties of authors into the political arena, but these were tempered by growing concerns about the morality of warfare and the politics involved in decision-making, especially in the wake of the 'The Dreyfus Affair in France' (Wade: 49). Theft of military secrets by a hostile power was a prominent element of the case in the 1890s, which centred on a French artillery officer, Captain Alfred Dreyfus, who was sentenced to life imprisonment for treason (Wade: 49). Accused of communicating French military secrets to the Germans, a combination of bogus circumstantial evidence, anti-Semitic rhetoric and military corruption were used to convict and send him to Devil's Island in a case 'published in all the newspapers in 1894' leading to an international protest (Wade: 158). Convinced that Dreyfus was innocent, Emile Zola published his famous open letter 'J' Accuse' in the January 1898 edition of *L'Aurore* newspaper, laying bare the facts of the case and paving the way for Dreyfus's exoneration, release and reinstatement in the military, as David Stafford explains in his 2013 work, *The Silent Game* (xv) and Panek outlines in *Special Branch* (7).

Apprehension over the possible theft of naval secrets is exploited in 'The Adventure of the Bruce-Partington Plans', published as one of eight stories in the

collection entitled *His Last Bow*, Holmes's final adventures in the series, which takes us to the outbreak of the First World War. Set in 1895 and published in 1908 in both *The Strand* and *Collier's Weekly* magazines, the story relates to the presumed theft of Government papers from Woolwich Arsenal by a government clerk, Cadogan West, who is later found dead close to the underground railway tracks near Aldgate Station. The missing papers relate to plans for a submarine that can disable any capacity for 'naval warfare' within its radius (Doyle: 581). Interestingly, Fletcher Pratt in his essay on Holmes and the Royal Navy in Baring-Gould, points out that at the time in which the story is set: 1895, England had not yet built any submarines; the first submarines were built in 1903, he notes (Baring –Gould: 436). Contrary to his claim, however, Poplawski believes the launching of Britain's first submarine took place in 1901 (Poplawski: 520). In the story, Mycroft Holmes, Sherlock's politically influential brother, makes one of four appearances in the canon, where we learn of his powerful position within government circles. In response to Watson's comment that Mycroft 'had some small office under the British Government', Holmes responds 'You would also be right in a sense if you said that occasionally he is the British Government' (579). Holmes evinces pride in his brother's status and political achievements. Honour and duty form the key incentives proposed by Mycroft in enlisting Holmes's help to recover the stolen secret documents. Elevating his brother to the status of patriotic saviour, Mycroft exhorts: 'Find an answer to all these questions and you will have done good service for your country' (581). Holmes embarks on the mystery piecing together all the strands and discovers that before his death the young clerk, Cadogan West, had abandoned his fiancé hastily on the night he disappeared. He had misgivings about the possibility of the treasonous intentions of Colonel Valentine Walter, brother of Sir James Walter, Head of the Submarine Division, whom he had

witnessed removing the plans from the office. Intent on keeping both him and the plans in sight, Cadogan West pursues Colonel Valentine in the vain hope that his intentions are honourable rather than treasonable and that he intends passing the plans to his brother James in London. However, West's suspicions of skulduggery are confirmed when the Colonel sells them to an enemy agent removing the most important documents and leaving seven in the jacket of the murdered West to incriminate him. Cleverly deducing that Cadogan West had not been murdered in the carriage and thrown from the train, as had been presumed, Holmes determines instead that he has been placed on the roof of the train whilst it halts under a window overlooking the underground railway track. Holmes quickly traces the spy, Hugo Oberstein, whose address abuts the underground railway tracks and who was known to be in London at the time of the murder.

To corroborate his theory, Holmes suggests a 'domiciliary visit' to the house in question, 13, Caulfield Gardens, Kensington, thus taking him into the realms of illegality and activities characteristic of the spy. Requesting Watson's company that evening he suggests that he bring 'a jemmy, a dark lantern, a chisel and a revolver' to which Watson responds 'Could we not get a warrant and legalise it?' (586). Answering in the negative due to the lack of evidence to secure a warrant, Holmes reassures Watson 'My dear fellow, you shall keep watch in the street. I'll do the criminal part' (587). Enlisting Watson's help makes him party to the crime and exposes him to the possibility of arrest. They are both aware that to be caught with housebreaking tools at night constitutes a serious offence and would lead to prosecution and imprisonment. In a series of lengthy articles for *The Strand Magazine* in 1894 entitled 'Crimes and Criminals', the writer declares 'Of all the more hazardous-though thoroughly

romantic-professions none is more interesting than burgling' (Vol. 7: 284-297).

Framing the role of burglar as a skilled craftsman with expertise in the use of a range of tools, the author depicts him as semi-heroic, and notes that Charles Peace was 'the king of all burglars, housebreakers and scoundrels in general', although, unlike Holmes who has Watson to accompany him, Peace 'always worked single-handed' and limited his tools to ten, including 'a skeleton key, two pick-locks, a centre bit, a large gimlet, a gouge, a chisel, a small vice . . . a jemmy and a knife' (284- 297).

Doyle posits Holmes as an audacious housebreaker on a par with the likes of Peace in the ways of criminality, able to turn criminality to his own advantage. The burglary proves fruitful and Holmes's judgment is shown to be sound, considering the criminal evidence that emerges proving that the murder of Cadogan West took place as he had indicated within the property. The criminal, Colonel Valentine Walter, is eventually captured and pledges reparation for the damage he has caused by luring Oberstein into a trap: they are both imprisoned and Valentine dies shortly afterwards. Balance is restored and justice served.

Conclusion:

Although Holmes in this case makes a subjective judgment based on his own moral code, he violates legality and appears to relish the criminal endeavor it entails.

Confessing his crime of burglary to Lestrade, Holmes is advised by him: 'We can't do these things in the force . . . No wonder you get results that are beyond us' (588).

Lestrade applauds the effectiveness of Holmes's use of illegal methods in pursuing the criminal, but points out the restrictions that deter him in his pursuit and apprehension of criminals. Acknowledging the limitations and constraints of the law, which along with his own commitment to a professional code of conduct preclude his participation

in any such illegality, he admonishes Holmes and, perhaps to some extent the reader, too: 'But some of these days you'll go too far, and you'll find yourself and your friend in trouble' (Doyle: 588). A case could be made that Holmes did not act illegally in breaking and entering Oberstein's house because he believed him to be the recipient of stolen documents that were critical to national security. The overwhelming ramifications of an enemy agent acquiring secret information which poses a national threat provides good reason in the Edwardian imagination for Holmes to act as he did. It could be argued that his purpose in engaging in a criminal act is to prevent the chaos and disruption to society that would ensue as a result of the sale of the documents. The importance of state secrets invokes a dutiful response from Holmes who believes duty provides its own reward. This does not necessarily imply that his actions are morally determined. They may be viewed in the light of comments made by Barbara Herman, who believes that 'Dutiful actions are the product of a fortuitous alignment of motives and circumstances: people who act according to duty from such motives may nonetheless remain morally indifferent', she opines (Herman: 6). In other words, although Holmes acts from a sense of duty, it does not follow that his actions are morally fit. Her contention is that 'the scope of the motive of duty is not restricted to morally worthy actions. It applies as well to actions that are merely correct or permissible' (Herman: 13). When someone acts from an effective and primary moral motive, it could be said that such a person is morally fit. But the nature of his fitness includes more than the presence of a moral motive sufficient to produce a dutiful action. It expresses a kind of independence from circumstances and need such that in acting from the motive of duty, we are, as Kant saw it, free (Herman: 22).

'His Last Bow: The War Service of Sherlock Holmes' (1917).

The image of the spy both in literature and in real life conjured up for Victorians all that was dishonourable, deceitful and disagreeable in the fight against criminals in society. Linked to 'despotic states on the Continent', as Shpayer-Makov explains in her study *The Ascent of the Detectives*, 'negative connotations of the word spy' were used to oppose the introduction of the detective branch of the police force in England by a public wary of the stealthy and underhand methods they employed (Shpayer-Makov: 28). The clandestine nature of their work where they dressed in plain clothes, making them indistinguishable from the ordinary man in the street, raised fears over the possibility that such 'secrecy provided temptations . . . to exceed their legal authority and resort to all kinds of insidious practices (Shpayer-Makov: 28).

Rehabilitated and romanticized by the likes of Dickens in his laudatory articles in *Household Words*, the image of the detective improved in the 1850s until its despoliation in the Turf Fraud Scandal of 1877, which evoked memories of the spies and thief-takers of the early years of the century (Shpayer-Makov: 161). The scandal created by the subsequent trial of the detectives involving four senior police officers accused of fraud, forgery and bribery destroyed public confidence and trust once more in the incorruptibility of the detective police and led to the formation of the Criminal Investigation Department in 1878 (Shpayer-Makov: 38). The image of the detective was later enhanced on the publication of police memoirs and positive media depictions of them, according to Shpayer-Makov. Further, she claims that despite his affinity with spies and 'close intimacy with thieves' remaining into the twentieth century, most police officers were viewed with respect and approval: a view that is contradicted by their continued depiction as less astute than their fictional

counterparts (Shpayer-Makov: 302). Robert Baden-Powell's advice to readers in his 1915 work *My Adventure as a Spy* addresses adverse public opinion of spies in his rejoinder to 'disabuse one's mind of the idea that every spy is necessarily the base and despicable fellow he is generally held to be' (Baden-Powell: 10). It is clear, however, that more than thirty years after the trial of the detectives, considerable suspicion and hostility towards all manner of spies still existed in the public imagination. Secrecy, fraud and deceit, the *sine qua non* of a successful spy, were dubious practices that could never be reconciled with the moral high ground of a fictional hero like Sherlock Holmes, as Hitchner contends (415). Yet, Conan Doyle successfully harmonises the fictional attributes of a legendary detective with those of an accomplished unofficial spy for his readers in his wartime spying escapade entitled 'His Last Bow: The War Service of Sherlock Holmes'. The role of spy replicates that of the detective in many ways such as the hunt for and discarding of clues, identification of the criminals, the use of disguise and specialised knowledge in unraveling the mystery in the pursuit of justice, but it differs in relation to the shifting moral and legal parameters of its functions. Secrecy and unaccountability provide possibilities for transgression, as do zealous patriotism and unfettered power, so by evaluating Holmes's behaviour as a spy in this story, I evaluate his altered perspectives on legality and morality. Like the detective who often works in secret, as Cole points out, he may be inclined to get the job done 'regardless of the means'. By shedding light on the methods, activities and motivations of Holmes in resolving issues of national security, I clarify, to some extent, the reflection of entrenched Edwardian cultural, legal and moral values encoded in the narratives about war explored in Cole's ethical study of espionage in *Just War and the Ethics of Espionage* (21). By the time Conan Doyle had composed the Sherlock Holmes adventure 'His Last Bow: The War Service of Sherlock Holmes',

the Great War itself was in full spate and the effects of its military campaigns echoed throughout the pages of *The Strand Magazine* of 1917. Along with titles such as 'The Tanks' by Colonel E. D. Swinton, 'War Workers' by May Edginton and 'Life on a Battleship' by E. Ashmead Bartlett, readers were entertained with fictional tales of wartime derring-do from the likes of H.C McNeile (Sapper) (Vol. 54: 270, 386, 471, 563). Like the protagonists of the stories, readers were urged to feelings of optimism, appreciation for the bravery and endurance of those involved in the war effort and an understanding of the hardships they faced. In the story, Sherlock Holmes has been requested by the most powerful people in the land, the Foreign Minister and Prime Minister, to come out of retirement where he is tending bees on his farm on the Sussex Downs and apply his considerable skills in the service of his country. Assuming the role of secret agent, he is tasked with tracking down and capturing a German agent described as one 'who was in a class by himself' and 'a bit too good for our people' (Doyle: 620). Tammy Proctor in *Female Intelligence: Women and Espionage in the First World War* (2003) argues that by the beginning of the war the cinema contributed to popular anxieties by providing images of national threats (25). In films such as *The German Spy Peril* (1914); *Guarding Britain's Secrets* (1914); *The Kaiser's Spies* (1914) and *The Crimson Triangle* (1915), questions of national loyalty predominated in the popular imagination and such images constructed ideological paradigms of heroic behaviour (Proctor: 25).

John Buchan's popular novel, *The Thirty-Nine Steps* opens just prior to Britain's declaration of war on Germany on 4 August 1914 as two famous German spies discuss the upcoming invasion of England and put together the final touches to their evacuation plans. Von Bork, 'a man who could hardly be matched among all the

devoted agents of the Kaiser', had assumed the identity of an English squire some four years earlier and, through his skill and love of upper-class sporting activities, such as hunting, shooting, yachting and polo, had succeeded in installing himself in society's influential circles where he was privy to confidential discussions on matters of state during the course of general conversations (Doyle: 616). Baron Von Herling, his counterpart, is Chief Secretary of the German Legation and has come to discuss Von Bork's acquisition of British secret military intelligence relating to 'Harbour defences, Aeroplanes, Ireland, the Channel' amongst other things, and to retrieve the final 'gem of the collection': British Naval Signals, encoded 'Sparking Plugs'. These are to be delivered that evening by the traitor, Altamont, who is selling them to the Germans for five hundred pounds (617). The ensuing dialogue between the Germans focuses on the gullibility and myopia of England, who, despite Germany's introduction of a war tax, which Von Herling points out 'one would think made our purpose as clear as if we had advertised it on the front page of *The Times*', somehow fails to galvanise the British government into action and make ready for war. (617). Pressed for time, the Baron remarks that the old lady housekeeper, Martha, who is the only other occupant of the house 'with her complete self-absorption and general air of somnolence' as she bends over her knitting and strokes the cat, personifies 'Britannia': blissfully unaware of the perils ahead (618). On the Baron's departure, Altamont arrives with the information on Naval Signals tucked inside a package under his arm. Characterised as a 'real-bitter Irish American', he speaks in a heavy Irish brogue interlaced with American colloquialisms, and is barely intelligible. Noting the safe in Von Bork's study, Altamont deceives Von Bork into revealing its codes before commenting on the recent imprisonment of five German secret agents and accusing Von Bork of treachery by selling them out to the British. Von Bork, incensed, replies 'How dare

you speak in such a way!' to which Altamont replies, 'If I didn't dare things, mister, I wouldn't be in your service . . . I've heard that with you German politicians when an agent has done his work you are not sorry to see him put away' (619). Having resolved their dispute, Altamont insists on having his reward of five hundred pounds before delivering the codes and adding that, while procuring them from his navy contact, '[T]he gunner turned nasty at the last and I had to square with him an extra one hundred dollars, or it would have been nitsky for you and me' (619). Gunners held an important role as guardians of naval secrets and their integrity needed to be beyond reproach. A famous case tried at the Old Bailey on 7 January 1913 echoes the circumstances of the story involving the sale of naval secrets to Germany. George Charles Parrott, a warrant officer in the Royal Navy was accused of treason for selling information that might be useful to an enemy. A gunner on the *Agamemnon*, 'a pre - Dreadnought type', Parrott was charged and found guilty under the Official Secrets Act of 1911 of conspiring with German agents and selling confidential information relating to naval intelligence, including naval signals. He was given four years penal servitude (t19130107-79).

Altamont is Holmes in disguise and, having received his fee of five hundred pounds, he passes the parcel to Von Bork who, on opening it, discovers that instead of naval signals it contains a copy of a *Practical Handbook of Bee Culture*, a humorous touch from Holmes. He then grips Von Bork on the back of the neck in 'a grasp of iron' and uses chloroform to knock him unconscious (619). This first physical act of violence from Holmes is a departure from his usual code of conduct where he would refrain from force unless attacked. His strike first approach signals the beginnings of his departure from gentlemanly conventions to a more aggressive means of achieving

his ends. We learn from Watson, who arrives in the guise of the chauffeur, that Holmes's assumption of a new identity as the traitorous Irish American took him two years to fully embrace. His deception involved a complete immersion in a semi-criminal artificial persona, starting in Chicago, then on to Buffalo where he enrolled in an Irish secret society before building his camouflage by giving trouble to the constabulary at Skibbereen in Ireland. Having created a history of subversion, he was finally approached by a German subordinate of Von Bork who recruited him as a spy. The transformation of Holmes into a convincing spy by immersing himself in a criminal identity raises questions of the 'potential moral damage' inflicted on spies, which Jan Goldman highlights as 'an issue for the intelligence officer as a human being and moral agent' when carrying out clandestine operations (Goldman: 22). Despite his fictional status, it could be argued that Holmes's character must adapt to the changing circumstances in which he operates. Since character is bound up with experience, by spending a lengthy period of time as a rogue, the harmful effects of constant exposure to criminality on Holmes will influence his judgments and decision-making, perhaps explaining his ready recourse to violence as the best method for resolving problems. This view of harm is examined in Cole's work in which he claims that 'the tactics used by spies may be more potentially damaging to character than the tactics used by soldiers' (Cole: 21). Although soldiers may be brutalized by hand to hand combat, because 'spies are often called upon to lie, deceive, play false roles for long periods of time and act treacherously' their character may be corrupted (Cole: 21). The use of humour throughout the narrative, for example, with Holmes's use of the manual on bees instead of naval signals and his reference to 'sparkling plugs' as the code name for naval signals, introduces a lighter note to a very serious topic: Holmes's jocund and flippant manner gives the

impression that he relishes the opportunity to outclass his rivals in a show of bravado, a metaphor for Britain's superior wit and ability.

Having bound Von Bork hand and foot, Holmes next raids his safe, removing all the documents, burning some and retaining anything useful. In response to Von Bork's threat that he will get even with him 'if it takes me all my life', Holmes cheekily repudiates the threat, declaring 'The old sweet song . . . It was a favourite ditty of the late lamented Professor Moriarty. Colonel Sebastian Moran has also been known to warble it. And yet I live and keep bees upon the South Downs' (621). In a more friendly tone, Holmes informs Von Bork that he, the expert detective, was responsible for solving several cases in Germany, including that of the King of Bohemia and Irene Adler and that Von Bork should feel less aggrieved since 'it is better than to fall before some ignoble foe', a condescending comment that further ruffles Von Bork's feathers (Doyle: 621). Countering his initial pugnacious approach to Von Bork with a more conciliatory attitude, Holmes then treats him as a man of honour vouching: 'But you have one quality which is very rare in a German, Mr Von Bork: you are a sportsman and you will bear me no ill-will when you realise that you, who have outwitted so many people, have at last been outwitted yourself' (621). 'After all you have done your best for your country, and I have done my best or mine' (621). According to Hitchner, since the actions of a spy, even a British one, are viewed with certain contempt, the author provides him with 'positive qualities to offset his profession's reputation for deception and treachery' (416). Explaining the lack of antagonism towards German spies, as sympathy and understanding replace 'hostility and resentment', Hitchner concludes that spying 'connects rather than divides Britain and its rival' (418). This same cultural sympathy and appreciation of values can be

read in Erskine Childers's *The Riddle of the Sands*. Antipathy towards spies was not confined to Britain, as Proctor reminds us, for 'stories of spy mania [were] emerging in most combatant countries' too (26). Holmes and Watson finally manhandle the struggling Von Bork into their car and ignore him as he remonstrates against the illicit restraint and kidnap imposed upon him in a time of peace by unofficial undercover agents, as he protests bitterly 'I suppose you realise Mr Sherlock Holmes that if your government bears you out in this treatment, it becomes an act of war', a last attempt at protest, for he knows war is already imminent (Doyle: 622). Von Bork raises a legal challenge to Holmes's authority and charges that as a private individual, without professional state recognition or an arrest warrant, Holmes has no lawful right to detain him as he declares the 'whole proceeding is absolutely illegal and outrageous' (622). Holmes, however, disregards his invective before moving to the terrace which overlooks Harwich and utters his famous words to Watson 'There's an east wind coming' in reference to the approaching war (Doyle: 622).

Conclusion

An appraisal of Holmes's behaviour in response to the national threat posed by Von Bork and his spying activities reveals his willingness to apply his own particularised code of conduct, often engaging in illicit and morally dubious actions to procure a satisfactory outcome to the situation. Given that the story is set before the outbreak of war, Holmes's justification for using violence and abduction in nullifying the threat may be considered unlawful and disproportionate. His removal of personal property from the safe and his acceptance of five hundred pounds are also questionable. It could be argued that he violates the individual human rights of the German, Von Bork, by seizing his property and subjecting him to violent rendition into the custody

of the Metropolitan Police and thence to his German superiors, no doubt facing trial and possible execution. It is also worth considering Holmes's lack of official authority and oversight, which places him outside the law, and allows him to act with impunity. Darrell Cole points out the importance of training for undercover agents which provides guidance for its members 'acting autonomously in the field . . . They are restricted by professional ideals and law, both national and international'; only people of good character will fulfill this criteria, especially when facing 'extreme circumstances' and who 'act in secret' (21). The character and integrity of the fictional Holmes have been fully endorsed by the political leaders who have invested in him unlimited freedom to act as he sees fit, but his lack of professional training places him at a disadvantage. In mitigation of Holmes's behaviour, however, it is worth considering Allen Hepburn's observations on the duties of citizenship in relation to the law. In his work *Intrigue, Espionage and Culture*, (2014), he argues that '[c]ertain unjust acts, if undertaken rationally to combat other unjust acts, are not judged by universal laws but according to the context in which they transpire' (5). In this light, the preemptive use of force by Holmes on Von Bork could be condoned as a means of preventing his [Von Bork's] unjust appropriation of state and military secrets for an enemy state to the detriment of national security. Holmes's good intention is to safeguard Britain's welfare using whatever means are necessary under the circumstances. Edwardian fears over the infiltration of German spies into British society created 'xenophobic paranoia', according to Hepburn, much of which was found to be misplaced as Christopher Andrew has explained (Hepburn: 11). Far from inundating Britain with spies, 'German military intelligence concentrated exclusively on Russia and France . . . which helped to alert the Prussian General Staff to Russian mobilisation at the end of July 1914', Andrews points out (52). Holmes's pragmatism

in balancing his illegality with that of the German spies accommodates a form of dual morality in keeping with his altered role as spy. His conduct reflects his altered status, for unlike his role as detective, where he addresses the grievances and complaints of individual members of society, his duty as an undercover agent is bound up with the wellbeing and safety of society as a whole. Despite Holmes's dubious methods of engagement, his behaviour reflects cultural attitudes towards the treatment of aliens. Evidence of public disquiet over the failed prosecution of supposed spies due to the inadequacy of the 1889 Official Secrets Act is exposed in the rapid pursuit of a new Official Secrets Act, which came into force in 1911. Under its provisions, it was illegal 'to obtain or communicate any information useful to an enemy as well as to approach or enter a prohibited place for any purpose prejudicial to safety or interests of the state' (Andrew: 39). Alongside the setting up of a secret Register of Aliens, its terms strengthened Britain's ability to prosecute enemy agents. In the shady world of espionage where the boundaries of ethics and morality are fluid, the fictional Holmes soothed the angst of his Edwardian readers.

'His Last Bow: The War Service of Sherlock Holmes' (1917)

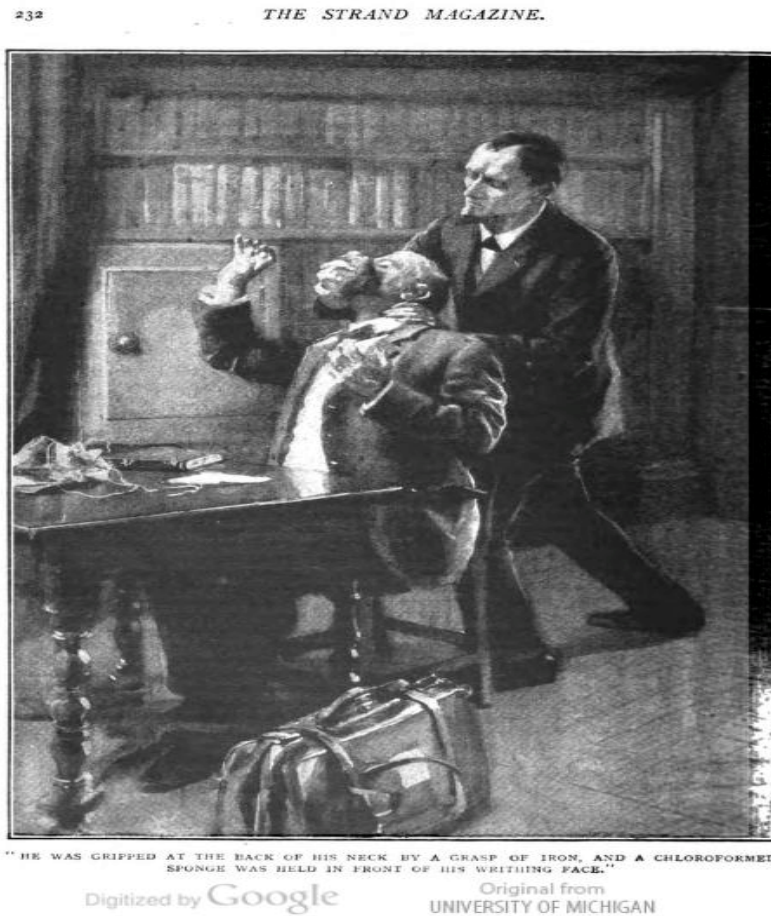


Figure 4.1 Sherlock Holmes, discards his disguise as Altamont, the bitter- Irish American to restrain the German spy. The illustration by A. Gilbert appeared in the September 1917 edition of *The Strand Magazine*.

Erskine Childers (1870-1922)

***The Riddle of the Sands: A Record of Secret Service* (1903).**

The life of Erskine Childers, like that of the protagonists in his early modern spy story *The Riddle of the Sands: A Record of Secret Service*, reads like an imaginary tale of intrigue and adventure. Leonard Piper in his biographical account of Childers's life relates how after an honourable career and wartime record for which he was awarded the Distinguished Service Order, his life ended in execution by firing squad, shot as a spy by the Irish Free State in 1922 (230). His novel *The Riddle of the Sands* (1903) appeared in an atmosphere of invasion scares in England and its message of a major planned attack by the German Kaiser on the undefended coast of East Anglia echoed public anxieties of the time. The novel's verisimilitude also chimed with British press reports of the construction of German warships and a naval dockyard at Emden.

Ignatius F. Clarke advises of a typical article in *Black and White* magazine in 1901, 'The German Navy' which warns of the Kaiser's naval ambition and Britain's inertia:

Then suddenly one day the world awoke to the fact that Germany was a great maritime power, and from that day to this, through the tireless exertions of the energetic and far-sighted Kaiser, she had gone steadily forward towards the fulfillment of her dream as the premier naval Power of the world (Clarke: 118).

The rapid expansion of the German fleet was viewed as a challenge to Britain's naval supremacy and led British authorities to agree with the press that the Kaiser intended to 'live up to his new title: Admiral of the Atlantic' (Clarke: 119). By Frederick Hitz's account in *The Great Game: The Myths and Realities of Espionage* (2005), in response to public concerns the British government established a North Sea squadron and naval base on the east coast of Britain to protect its coastline from possible attack

(77). Adding to the climate of paranoia, tales prophesying warfare by writers such as William Le Queux and E. Phillips Oppenheim enjoyed great success. Le Queux's alarmist account of a joint French and Russian attack on Britain in *The Great War in England in 1897* (1894) was published in several European languages, including German, and his work *England's Peril* (1899) presages the theme of German invasion preparing the way for *The Riddle of the Sands* (Clarke: 63)

Generally considered a pioneering modern spy story, *The Riddle of the Sands* blends elements of detection, mystery and adventure successfully into a full-length detective novel in contrast to the earlier short story form of detective fiction and earned Childers critical acclaim and financial success for his efforts. As Panek explains his work created a successful platform for future spy writers like Buchan and fused the emergent spy with the detective genre, a significant contribution to popular literature (*Special Branch*: 38). Building on the success of Rudyard Kipling's *Kim* (1901), a form of early spy fiction celebrating what was termed the Great Game: a war of intelligence between Russia and Britain in India through the machinations of an Anglo-Irish child, Childers's work is in perfect harmony with contemporary fears over Britain's unpreparedness for war in the face of threats to her empire and to her status as a world power. Childers's protagonists in the novel, Davies and Carruthers, operate in the dual role of detective and spy providing the opportunity for analytical contrast to the previous chapters on contemporary fictional amateur, professional and female detectives. An exploration of their motivations and the methods they use for resolving issues and achieving justice illuminates the central theme of this study on detectives as lawbreakers, and builds on our understanding of the legal and moral challenges they face when the welfare of the entire nation is at stake. Interweaving

features of the budding espionage genre with those of detective fiction, the narrative of the story embraces altered legal and moral parameters commensurate with the fluidity of ethics in relation to patriotism and reflects contemporary historical and political issues. Cultural corroboration of the values of imperialism pervades the text alongside the theme of exposure of foreign threats to Britain's naval supremacy. Working in an unofficial capacity as detectives and spies, Davies and Carruthers constantly evoke moral apprehension over their departure from accepted codes of conduct and behaviour. Testing the elasticity of moral and legal boundaries that constantly give way under the pressure of patriotic hyperbole, the image of hero is recast to overwhelm any lingering scruples and construct a popular modern identity for him. My analysis of the story *The Riddle of the Sands* explores the nature and extent of the use of illicit means in the uncovering of the German invasion plot. It charts evidence of cultural readerly expectations and how these are satisfied by the abandonment of legal and moral principles on the part of the protagonists in response to alien threats to national security and illuminates the relationship of law with morality and justice in issues of national security and defence.

The story begins by establishing its credentials as a 'true' account of events experienced by two young men, Arthur Davies and Charles Carruthers on a yachting and duck-shooting adventure to the Baltic and the Frisian Islands off the North coast of Germany. Based on the diary and personal accounts of Carruthers, it charts their voyages with the help of detailed maps in and around German waters and the incidental discovery of a German plot to invade England's east coast. Carruthers is characterised as 'a young man who 'knows the right people, belongs to the right clubs [and] has a safe, possibly, a brilliant future in the Foreign Office', although he later

admits to being a mere office administrator whose work is neither interesting nor important (Childers: 1). His position echoes that of William Le Queux's protagonist, Geoffrey Engleheart in *The Great War in England in 1897* whose status as 'the younger son of a very distinguished officer' guarantees him work as a clerk for two hours a days at the Foreign Office (Le Queux: 21). At the outset, Carruthers is characterised as a fashionable young man who is snobbishly effete and consumed with superficial concerns over sartorial etiquette and stylish manners. Since he has nothing better to do, he agrees to join an Oxford friend, Davies, on his yacht the *Dulcibella* for a yachting trip and some duck shooting in the Baltic. His initial encounter with Davies immediately registers their polarised attitudes on appearance, for Davies fails to live up to Carruthers's class-inflected ideas of how a yachtsman should appear 'no cool white ducks or neat blue serge . . . [or] snowy crowned yachting cap . . . that so easily converts a landsman into a dashing mariner' is how Carruthers appraises Davies (Childers: 14). Davies's lack of concern for outward appearances is manifest in his dress, which comprises 'an old Norfolk jacket, muddy brown shoes, grey flannel trousers . . . and an ordinary tweed jacket' (Childers: 14). Sight of the *Dulcibella*, Davis's yacht: a flat-bottomed, starkly furnished former lifeboat, housing basic accommodation and sparse comforts, further dismays Carruthers and erodes any expectation of luxury he has envisaged. Gradually, however, Davies's geniality, robust personality and nautical wizardry infect Carruthers in the course of the story and he casts off the shallow accoutrements of his former life and embraces Davies's ethos of manly valour and daring in the unraveling of the ensuing mystery. According to Hitchner, the Edwardian novel, unlike future works of espionage such as Saki's 1914 work *When William Came*, advocates the benefits of a rugged lifestyle evocative of the public school ethos of good

sportsmanship and healthy outdoor living (Hitchner: 422). Offsetting the moral ambiguity of spying as a necessary evil, the sanitised lifestyle pursued by Davies and Carruthers acts as a palliative to the more questionable aspects of the behaviour that follows. It implies that the inculcation of strong physical attributes build strength of character and manliness that counter the negative psychological and moral damage linked to the dubious practice of espionage.

Davies explains to Carruthers that before his [Carruthers] arrival and during his sailing trips around the Frisian Islands he witnessed unusual shipping activity, including the existence of large sailing barges in the narrow channels that run in between the islands. His suspicions raised, he meets an Englishman, Dollmann, who claims to be German and whom he suspects of spying for the Germans. Explaining the reasons for his misgivings, he relates how Dollmann and his daughter, Clara (for whom Davies subsequently forms an attachment) entertain him on board their yacht, the *Medusa*, during which Dollmann interrogates him about his motives for being in the vicinity of the islands and rejects the possibility of duck-shooting at that time of year. Then, in an attempt to get rid of Davies, Dollmann offers to lead him safely through a short cut to the Elbe in his yacht but, instead, leads him into treacherous waters before abandoning him to inevitable shipwreck. However, with Davies's superior nautical skill and with the aid of Bartels, the German skipper of a nearby Galliot, or barge, he escapes disaster. The detective and mystery element of the story is grounded in discovering Dollmann's true identity, his motives in wishing to dispose of Davies and in exposing the truth behind the flurry of naval activity in the waters around the Frisian Islands. In setting out his moral justification for spying on German shipping activities, Davies reasons:

About this coast . . . In the event of war, it seems to me that every inch of it would be important, *sand and all*. Take the big estuaries first, which, of course, might be attacked or blockaded by an enemy. At first sight you would say that their main channels were the only thing that mattered . . . But now look at the sands they run through, intersected as I showed you, by threads of channels. . It strikes me that in a war a lot might depend on these both in defence and attack . . . the strip of Frisian coast adjoins the estuaries and would also form a splendid base for raiding midgets (Childers: 84).

Davies's argument for the legitimacy of his behaviour in spying on German shipping is grounded in the exceptional circumstances of their position as they become aware of a possible threat to England from a surprise German naval attack. If an act of aggression is planned, their actions are justified as a means of defence and preventing the worse evils of war: its 'object is to retain some semblance of a moral hold upon an activity that constantly threatens moral dissolution', as Anthony Coates explains in his study of *The Ethics of War* (Coates: 3). His view is in keeping with Anthony Taylor's view of the tradition of Just War theory where actions are initiated 'not for revenge or personal gain but for the common good', making them morally sound (Taylor: 6). Davies proposes to Carruthers that they adopt undercover identities as young men on an innocent shooting holiday and engage in surreptitious logging of German shipping movements in the Kiel Canal, charting the depths of the sands around the Frisian Islands and spying on Dollmann's yachting activities. Carruthers initially expresses concern over the propriety of tracking Dollmann, observing:

'It's a delicate matter . . . if your theory's correct. Spying on a spy', to which Davies indignantly objects and insists
'It's not like that . . . Anyone who likes can sail about there and explore those waters. I say, you don't really think it's like that, do you?' (Childers: 89).

The tone of his reply conveys feelings of guilt and apprehension over the probity of the proposed actions, based as they are on conjecture rather than solid evidence of a

possible German attack, for, after all, the Germans are entitled to establish defences of their own coastline, without question or intrusion from foreign visitors. Given that Germany and England are at peace with one another, the host country would regard the behaviour of Davies and Carruthers as criminal, for as Jeffery Richelson notes, the German view of espionage mirrored that of Britain in many respects. Military and naval attaches were instructed to avoid espionage, confirmed in 'Imperial directives of 1878, 1890 and 1900 [which] cautioned against illegal acts of intelligence gathering in host countries' (Richelson: 14). The protagonists' plan to explore the waters around the coast for information on German naval strategy contravenes both the concept of innocent passage, and the sovereignty of territorial waters, the subject of laws agreed by Britain. Innocent passage of shipping on the high seas 'emerged during the first half of the nineteenth century', according to O'Connell, and was premised on a vessel's neutrality in transit (O'Connell: 22). Clandestine gathering of information and surveillance of the shipping activities of a friendly state violates the sovereignty of that state, and arguably equates to the use of force, he argues (O'Connell: 22). Since much of the action of the novel takes place within the territorial and inland waters of Germany, and since Britain agreed to abide by an international law in operation at the time which granted a three nautical mile range to coastal states over which they have judicial sovereignty, Davies and Carruthers's actions are clearly in violation of the law (O'Connell: 22). By engaging in clandestine operations, the role of spy is defined as John Cawelti and Bruce Rosenberg inform in terms of 'a purpose requiring actions that must be kept secret because they transgress conventional moral or legal boundaries' (*Spy Story*: 13). Under the cloak of disguise, the spy frees himself from responsibility, which 'gives him license to do things he could not ordinarily do without serious consequences' (*Spy Story*: 13).

The heroes' suppositions of German intrigue are confirmed late one night by the arrival of an intruder on board their yacht, the *Dulicbella*, convincing them that the Germans suspect them of spying and raising the possibility that they may be arrested. Since they have no official standing or diplomatic immunity, the risk of arrest looms large when Commander Von Brunning, a high-ranking officer in the German Imperial Navy, questions them on their intentions. Subtly alluding to his position as custodian of shipping, he recounts his suspicions about 'a Dutchman trawling inside our limits' and warns 'That's my work you know- police duty' (Childers: 163). Carruthers had impressed on Davies, the need to 'lie like a trooper' (152), when the need arose, and he skillfully negotiates Davies's obvious embarrassment as Von Bruning 'cross-examined' them with 'the most charming urbanity and skill' (Childers: 158). Von Brunning then offers a convincing counter-narrative for the animated naval activity around the Frisian Islands and Dollmann's involvement in it. Justifying Dollmann's presence in such a remote location, Von Bruning claims he is part of a small local company involved in the reclamation of a French treasure ship, the frigate *Corinne*, that had been wrecked off the coast of Juist, the most westerly of the German Frisian islands, carrying a million and a half in gold bars. Von Brunning lies as skillfully as Carruthers to preserve Dollmann's identity as a spy, but he fails to convince them, nevertheless: trust and truthfulness are casualties in the language of spying. Vitriol is reserved for the traitor, situated as the antithesis of the heroic image of the protagonists who determine to 'scotch Dollmann', described by Davies as the 'vilest creature on God's earth' (Childers: 169). Thiranagama and Kelly in *Traitors, Suspicion, Intimacy and the Ethics of State Building* (2010) point out that 'accusations of treachery often attract the most vehement, sometimes violent, condemnation' and that traitors are usually subjected to the 'most brutal forms of punishment': their

positing as 'enemies within' represent a threat to social and political stability (2). No real account is given for Dollman's treason in the novel, yet the extent of his villainy is exposed when Davies and Carruthers discover his true identity from a small guidebook for yachtsman on the bookshelf of Davies's yacht, the *Dulcibella*, written whilst he was a high-ranking officer in Her Majesty's Navy. A moral and legal dilemma is presented and Carruthers, seeing that Davies is torn between patriotism and love for Dollmann's daughter Clara, suggests that, despite having evidence of Dollmann's treachery, they should:

[S]ail straight away and forget the whole affair. He's only some poor devil with a past, whose secret you stumbled on, and half mad with fear, he tried to silence you. But you don't want revenge, so it's no business of ours. We can ruin him if we like; but is it worth it? (Childers: 198).

Rejecting the suggestion of allowing a traitor to escape justice, Davies insists he will secure an outcome that accommodates saving Clara, yet reconciles his actions as honourable and dutiful and as a citizen and patriot. In the denouement of the story, Carruthers in his totally remodeled identity as a German seaman, dressed in oilskin jacket, trousers and muddy boots, stows away on board a tug, which is towing a barge in a trial run for the invasion of England. During the voyage, full realisation of the significance of so many barges and the shipping activity in the sandy channels in between the Frisian Islands and off the North coast of Germany dawns on Carruthers: the Germans were using the cover of the Frisian Island to build barges to be used to ferry German troops to invade the coast of England. Managing to sabotage the tug, with the Kaiser onboard, by causing it to run aground on the shallow sands, he takes the opportunity to return to the *Dulcibella*. He and Davies then persuade Dollmann to sail with them, along with Clara to Holland and in a *volte-face* in relation to their previous attitude to treachery, offer 'We promise you immunity - on certain

conditions, which can wait' (Childers: 309). Their offer of immunity from prosecution to a traitor configures their actions in line with the omnipotence of fictional detectives like Holmes who bend the law to suit their actions in applying a just resolution.

Conclusion:

Apart from the infringement of Germany's territorial sovereignty for the collection of information, a measure that is harmful to its political ambition, yet essential to Britain's coastal security, a review of the behaviour of Davies and Carruthers relates more palpably to questions of morality than legality. Their actions: eavesdropping, lying and deceiving their way to the truth, appear to be unreasonably unjust treatment of a friendly state in peacetime, yet mutate in the context in which they occur, so that by regarding them as 'the duties of citizenship', as Allen Hepburn explains, they are not judged by universal laws and thus escape moral and legal boundaries, iterating a narrative pattern evidenced in the previous story of Holmes in 'His Last Bow' (Hepburn: 5). Britain's position as 'an island nation and global trading empire', reliant on the sea for its 'insular and imperial security', as Andrew Lambert informs, impels the protagonists to adopt an attitude of pragmatic realism in response to the German threat to national security (Lambert:). The foreboding of conflict can be read in Davies's assertion 'We're a maritime nation-we've grown up by the sea and live by it; if we lose command of it we starve' (101), a point of view inclined to apply what Raphael Bitton terms 'the rules of necessity' (Bitton: 1025). In his insightful study of the legality of spying among nations, Bitton points out the dangers of a realist approach, such as the one adopted by Davies, which prioritises 'national interests over moral duties', for it is based on the belief that 'the state operates in an anarchical sphere' (Bitton: 1014) In this view, he argues, everyone seeks to protect their own

interests and in the event of an emergency, such as the threat of war, a state will do whatever is necessary regardless of ethical considerations. Such an approach, has serious implications since 'difficult dilemmas of security and justice do not justify a suspension of ethics' and, considering the extent of 'moral harm' allayed to spying, the lack of 'solid and legal underpinnings' is worrying (Bitton: 1016). The decision by Davies and Carruthers to offer immunity from prosecution to Dollmann may be interpreted either as an act of compassion in recognition of the damage inflicted on his daughter Clara by their unofficial actions, or unauthorized sanction of the criminal act of treason. However, in the end, divine providence intervenes as Dollmann falls or, throws himself overboard en route to Holland. Assuming judicial powers in resolving problems, Davies and Carruthers emulate the fantastic exploits of the detective, and in their role of spy hero operate, in Cawelti and Rosenberg's words, to repair 'the orderly fabric of society' (*The Spy Story*: 3). An interesting perspective on the role of spy is offered by Rosanna Cavallaro in espionage fiction when she argues how it illustrates the 'demise of the law' and suggests that the illicit behaviour of official spies in fiction contributes to law's failure. Her reasons are based on the important function of the law as embodying 'the moral norms of the culture for which it speaks', and by divorcing his actions from morality and ignoring legal constraints, the spy undermines the law's legitimacy, for his actions are no longer in accord with the society in which he operates (Cavallaro: 660). Despite the rhetoric of invasion, Poplawski notes that 'the British Empire continued to expand from the 1870s through to the end of the First World War and for most of this period Britain remained, in effect, the superpower of the day' (Poplawski: 529). An anonymous article in *The North American Review* entitled 'The German Navy and England' by a German Naval Expert in August 1909 concluded by pointing out that England, by building

Dreadnoughts had itself compelled other nations 'to build larger battleships' and that the aim of the German Naval Act in 1900 was 'to prevent wars rather than win them' ('The German Navy and England': 253). It could be argued that pre-emptive action, such as that undertaken by Carruthers and Davies, intensifies the likelihood of war as nations strive to match their competitors in the build up of arms. On the other hand, a surprise attack such as the fictionalised account of a German invasion, arguably, warrants defensive measure outside the normal parameters of legitimacy and resonates well with the public imagination.

The Riddle of the Sands (1903).

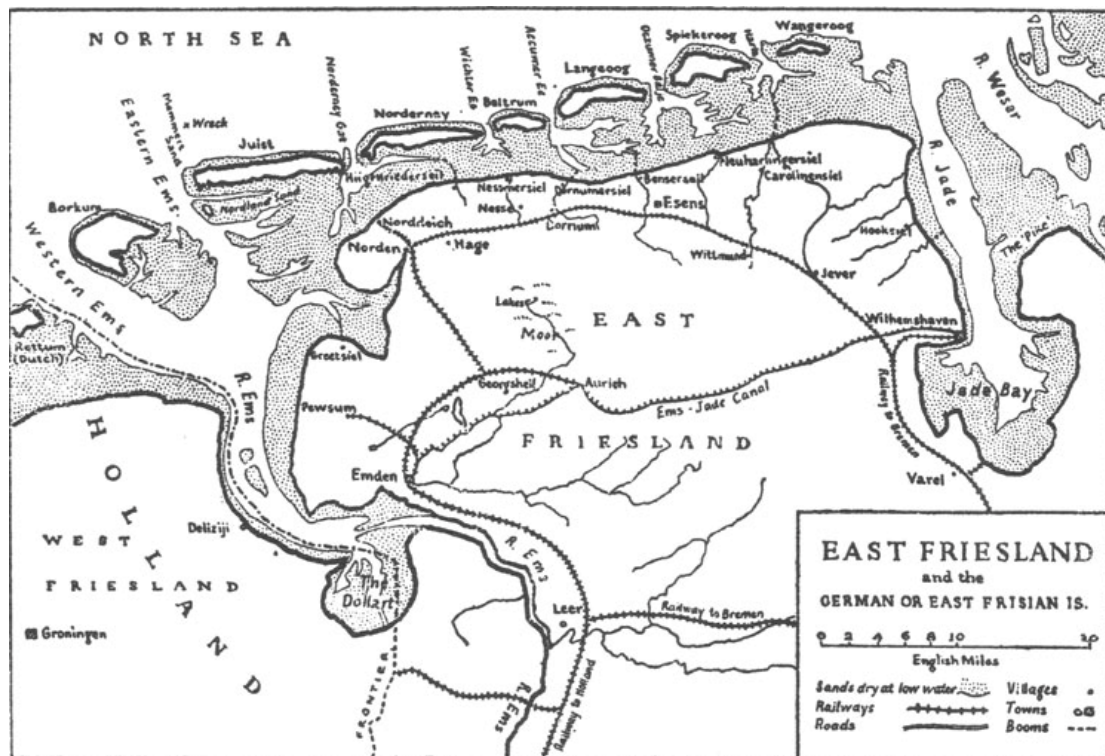


Figure 4.2 The Map shows the seven islands off the coast of Friesland and the accessibility to the North Sea through the lagoons lying between them. The map is reproduced in the introductory pages of *The Riddle of the Sands*.

CHAPTER FIVE

JOHN BUCHAN AND HERMAN CYRIL MCNEILE [SAPPER]:

THE WAR YEAR AND AFTER

The subject of espionage is itself endlessly fascinating because it deals with the rawest, most elemental side of human behaviour. People have been intrigued by the essence of spying since Judas betrayed Jesus with a kiss for thirty pieces of silver in the Garden of Gethsemane (Hitz:7).

John Buchan (1875 -1940): Richard Hannay

'Spy-hunting in Britain' is how John Buchan describes the actions of his South African fictional adventure hero, Richard Hannay in *The Thirty-Nine Steps* (1915), written whilst Buchan was 'pinned to [his] bed during the first months of war', according to his autobiography *Memory Hold-The-Door* (Buchan: 195). Buchan's views on creating memorable fiction and enduring heroes are clearly shown in an essay he wrote in 1931, entitled 'The Novel and the Fairy Tale'. In it, he rejects prevailing modernist criticism of Victorian novels as sentimentalizing and extols the virtues of Dickens, Hardy and Eliot as storytellers in the tradition of folk tales. Folk tales, he argues 'do not exalt passive virtue' but 'daring, boldness, originality and brains . . . [because] the people who made them realised that the hope of humanity lay not in passivity but in action (Buchan: 7). In his novel *The Thirty-Nine Steps*, Buchan's words resonate fully in the characterisation of his energetic spy cum-detective hero, Richard Hannay, the protagonist he created for what he called his shilling shocker. Presented as criminal and pursued by both police and enemy agents as he unravels the mystery of the thirty-nine steps, Hannay's rejection of the formal procedures of law and order for resolving his outlaw status offers an instructive insight into the construction of a popular transgressive hero of the time. Relying on

his own initiative and active involvement in securing exoneration from false incrimination, he indulges in clandestinity and deceit to save himself and civilisation from disaster. Analysis of the motivations and rationale underpinning the hero's behaviour in responding to crime provides a contrasting picture to that of Holmes, Carruthers and Davies in the previous chapter. It charts the burgeoning use of force by the detectives for achieving successful outcomes and exposes their willingness to forego morality and legality in the interests of the state. By means of interdisciplinary analysis, this chapter explores how early spy fiction, exemplified in John Buchan's *The Thirty-Nine Steps* and Herman Cyril McNeile's *Bulldog - Drummond* builds on Victorian and Edwardian detective fiction's prototypical use of illegality for securing justice through unauthorized channels and in unlawful ways from the late nineteenth hundreds to the end of the First World War. Focusing on the close affinity that exists between spy and detective fiction, it highlights the influence of genres such as adventure, romance and sensation narratives within the stories, factors that helped shape the visual image of heroic detective and spy in the upcoming silent movies. An early espionage thriller, the widespread appeal and success of *The Thirty-Nine Steps* is testimony to the ongoing ascent of spy fiction at the time and secures John Buchan's central contribution to the genre. John Cawelti and Bruce Rosenberg believe Buchan created 'the formula for the modern secret agent story' and commend the quality of his work in which his 'moral earnestness, his sense of humour and his concern for literary values make his Hannay stories the very model of the early twentieth century spy story': a fitting tribute to Buchan's achievement in laying the foundations for a popular genre that still resonates today and that recognises his erudition (*Spy Story*: 80). LeRoy Panek, in his assessment of key figures in the evolution of spy fiction suggests in his work *The Special Branch: The British Spy Novel, 1890 - 1980* that

'[t]he modern novel of espionage simply would not have developed along the same lines without him . . . One simply cannot understand the development of the spy novel, or the detective novel for that matter, without a grounding in Buchan' he insists (39).

Rivaling Hannay's popularity five years later in 1920, Herman Cyril McNeile produced the brawny protagonist Bulldog Drummond, who emerged after the war, a hero of the trenches cast in a distinctly less genteel mode from Hannay and his predecessors. Bulldog Drummond's inclusion in this chapter mirrors the changes wrought on fictional detective and spy heroes from pre to post First World War, building a progressive timeline of fictional anti-authoritarian means for achieving justice. In rendering a contrasting view of legitimacy, pursued by the mythical heroes of popular literature over this troubled period, a foreshadowing of the hard-boiled school of detective fiction, characteristic of Dashiell Hammett and Raymond Chandler, emerges, along with traces of the more unscrupulous and aggressive form of spy hero depicted in Joseph Conrad's 1907 novel *The Secret Agent: A Simple Tale*. Ian Fleming's James Bond epitomises the total transformation from morally conflicted protagonists like Hannay, whose conscience generally precludes unprovoked violence or vengeful retaliation, to those like Bond who is ruthless and has a license to kill on state authorization. Steinbrunner and Penzler relate how Sapper, the pseudonym of Herman Cyril McNeile, which he adopted on submission of an article to Lord Northcliffe's *The Daily Mail*, introduced the popular hero in *Bull- Dog Drummond* in 1920, and took advantage of his success in ten collections of Drummond adventures until 1937, when his friend Gerald Fairlie, a 'fellow novelist' and partial model for the hero, replaced him (Steinbrunner and Penzler: 269).

Confirming the shift from chivalric models of heroism in detective fiction to the subsequent toughened operators, Ousby contends that Drummond and Hannay are more akin to 'brutalized Dr Watsons rather than Sherlock Holmes', a description particularly apropos of Drummond whose cynical use of violence to resolve issues reveals his lack of trust in the law's ability to achieve justice by passive means (Ousby: 174). Drummond's skepticism reflects an altered vision of society in the wake of atrocities perpetrated during the war, perhaps symbolic of public distrust in state institutions, whose use of propaganda distorted its realities. In his outlook on life and his ways of dealing with crime, Drummond's fictionalised actions 'made immediate and strong rapport with the ideas of the reading, and, subsequently, the cinema-going public', as Colin Watson in *Snobbery with Violence: English Crime Stories and Their Audience* (2009) explains (64). In reviewing the extent and reasons for the success of Sapper's protagonist, David Stafford believes that, like other successful spy novelists, including Graham Greene and Somerset Maugham, his ability to translate personal experience 'in professions closely involved with intelligence' creates verisimilitude for the reader (Stafford: ix). Herman Cyril Mc Neile's fictional representation of Bulldog Drummond mirrors his experience as a lieutenant in the Royal Engineers during the war creating an air of authenticity in referencing it, despite the melodramatic nature of its plot. From Hannay to Drummond, comparison of the fictional spy's attitude to legality highlights the dramatic reformation of moral and legal values after the war revealing a steady conversion from Holmesian gentlemanly codes of honour in resolutions to harsher expedients, realised in the name of King and country. As spies-cum-detectives acting in defence of the national interest rather than the pursuit of justice for one individual, patriotic duty presents a new and urgent form of necessity for Hannay and

Drummond. In this remodeled arena of conflict, where events are dictated by military and political affairs, the normal rule of law is subject to ever more flexible boundaries creating tensions for Hannay between privately held views on morality and the need for pragmatic judgments, sentiments seemingly absent from Drummond's characterisation.

Following in the tradition established by E. Phillips Oppenheim and William Tufnell Le Queux, who were instrumental in advancing the popularity of spy fiction in the wake of the war prophecy novels of the 1870s and 1880s, Buchan's *The Thirty Nine Steps* is a novel of empire warning of threats to imperial power and styled to foster confidence in Britain's ability to neutralise them through the actions of an upstanding hero, as Panek explains (*Special Branch*: 7). Its narrative, replete with historical, social and political currency, was first published in serial form in *Blackwood's Magazine* under the pseudonym H de V from July to September 1915 before publication in novel form in November of the same year. Combining adventure and detection with political intrigue and drama, it emerged more than a decade after Erskine Childers's heroes, Davies and Carruthers in *The Riddle of the Sands* (1903). Its colonial hero, Richard Hannay, vividly encapsulates the attributes Buchan admires most in folk tale heroes: a champion striving for justice against heavy odds in the manner embraced by Sir Walter Scott, whose biography he completed in 1932. Like Davies and Carruthers, Hannay is an amateur gentleman spy who accidentally becomes enmeshed in an international conspiracy. Grappling with an evasive ring of foreign agents named the 'Black Stone' whose purpose is 'to steal secret naval plans from the Admiralty and to use them in a surprise attack that would cripple the British navy' (*Spy Story*: 88), Hannay personifies the archetypal clubland

hero of early spy fiction, aptly described by Richard Usborne in *Clubland Heroes*:

In the 1920s the man of sufficient private income and absolute leisure did not excite comment. Naturally he had a West End club. The beefy type of hero was a man's man. So his club meant a lot to him. It offered him a fortress, with many of the amenities of home, but without the distractions of, or the obligations to, his womenfolk (Usborne: 3).

Usborne's description of the clubland hero of the 1920s equally applies to the many bachelor heroes who graced the pages of late Victorian and Edwardian detective fiction, including Sherlock Holmes's brother Mycroft, who notably transacted much of his business from an armchair in the Diogenes Club in London. Buchan's novel, *The Thirty-Nine Steps* is the first of five Richard Hannay adventures whose narrative is framed, in Kestner's words, to 'imprint[ing] codes of masculinity' (*Masculinities*: 1). It was written on the outbreak of war, when patriotic fervour and national interest took precedence over domestic problems resulting in the relegation of the violent suffragette's campaign, industrial unrest in the shape of strikes and demonstrations and the 'issue of Home Rule for Ireland', to future times, as Poplawski explains (Poplawski: 536). The accidental spy, Hannay, in this novel is depicted as a lonely hero who must survive in the wild conditions of a rugged Scottish landscape, an ideal location to apply his previous colonial experience, acquired in the African veldt, to help him stay alive and complete his mission of unraveling a political conspiracy and subverting the law in the course of his endeavours.

The Thirty-Nine Steps (1915).

Boredom with London 'where he had been three months in the Old Country and was fed up with it' initiates Richard Hannay's entry into spydom. Evocative of Buchan's own opinions of London in 1903 on his return from South Africa where he was

working as assistant private secretary to Lord Alfred Milner, the High Commissioner for South Africa, he writes in his autobiography:

Those years were not the pleasantest in my life. South Africa had completely unsettled me . . . I was distressed by British politics, for it seemed to me that both the great parties were blind to the true meaning of empire. London had ceased to have its old glamour (*Memory*: 127)

The hero Hannay too, has recently arrived in London from a colonial career as a mining engineer in Bulawayo and, having accumulated a small 'pile', complains that 'the amusements of London seemed as flat as soda-water that has been standing in the sun' (Buchan: 5) A solitary figure in this novel 'with no pal to go about with', his daily routine is framed by visits to the club, restaurants and music halls before retiring every evening to his flat in Portland Place (5). One evening, having 'made a vow' to '[g]ive the Old Country another day' before taking the 'next boat for the Cape' (6), the sudden appearance outside his flat of a 'slim man, with a short brown beard and gimlety blue eyes' interrupts his ennui and draws him unwittingly into spying and what Kipling in *Kim* (1901) termed the 'Great Game that never ceases day and night', transforming his life in the process (Kipling: 176). Scudder is the man's name, an American journalist from Kentucky, with an interest in politics and characterised as a 'sharp, restless fellow' who 'always wanted to get down to the root of things' (8). Scudder confides that through his sleuthing activities, he has accidentally discovered an international conspiracy of what he claims to be Jewish agitators and anarchists, backed by financiers and designed 'to get Russia and Germany at loggerheads' by assassinating Constantine Karolides, a Balkan politician who threatens to derail their plans (8). Claiming that he is aware the assassination attempt is due to take place during a diplomatic visit to England on 15 June, Scudder's dangerous knowledge places him in jeopardy from enemy agents who have tracked him down. To elude his pursuers and secure his own safety, he fakes his own death by acquiring the corpse of

an alcoholic whose jaw he blows away with a revolver. Scudder's phlegmatic retelling of events in relation to the violence he perpetrates on an unknown corpse raises no moral apprehension in Hannay, who replies 'Hand me your key . . . and I'll take a look at the corpse. Excuse my caution, but I'm bound to verify a bit if I can': his concern lies with Scudder's veracity rather than the moral probity or legality of his actions (12). Hannay's response to Scudder reveals his indifference to the identity and subsequent fate of the alcoholic's body in keeping with his colonial heritage as a soldier in the Matabele War, where brutal encounters were a daily occurrence and death unavoidable in a wartime context. However, when Scudder is later discovered 'sprawled on his back [with] a long knife through his heart which skewered him to the floor', Hannay's moral sensitivity is plain when he remarks:

I sat down in an armchair and felt very sick. That lasted for maybe five minutes, and was succeeded by a fit of the horrors . . . I had seen men die violently before; indeed I had killed a few myself in the Matabele War; but this cold-blooded indoor business was different (16).

Clearly, for Hannay there is a marked difference between bloodshed in times of war, aggressive assault on an unknown corpse and the brutal slaying of a neighbourhood journalist for whom he has provided sanctuary in his apartment for four days as part of a gentlemanly code of conduct. It could be argued that Hannay's acquiescence in Scudder's illicit acquisition of a dead body is one early indication of Rosanna Cavallaro's contention that 'espionage fiction expresses a cultural acknowledgment of the demise of the law . . . as a system that enjoys very little public trust or respect and that fails to perform any of its essential functions in a satisfactory way': her assertion is also relevant in detective fiction and, most notably, in the later forms of hard-boiled detection where disrespect for the official police and judicial procedures forms the core of its appeal (Cavallaro: 647). Consistent with the tradition of fictional amateur

detectives, who sidestep official channels of redress, Scudder fails to seek police protection or assistance in his predicament and relies solely on his own intuition and the use of whatever means are necessary to ensure survival. After Scudder's death, Hannay, too, discounts the law's ability to untangle the intricacies of an elaborate deceit framing him for Scudder's murder, or to prevent national catastrophe - on the contrary, in fictional posturing of the futility of procedural justice, official police obstruct his attempts at uncovering the conspiracy by pursuing him as a criminal and undermining the nation's security in the process (15).

'Flight and pursuit' are essential elements in the spy story, according to Cawelti and Rosenberg, subsequently dramatised in Hannay's escape from the forces of law and order and the clutches of foreign agents (*Spy Story*: 83). Surmising, as he surveys Scudder's body, that 'his number was up . . . [t]he odds were a thousand to one that I would be charged with murder', and that circumstantial evidence was 'strong enough to hang me', Hannay follows Scudder's lead and bypasses official legal channels in his attempt to find a fairer form of justice (17). His desire to retain control over his own fate empowers him rather than the official police force and calls for pragmatic judgments. Being recast as criminal forms a radical departure from the privileged middle-class status he once enjoyed and provides occasion for him, as Wark explains, to 'endure flux' and 'physical regeneration' like other characters in popular fiction, before achieving his ultimate goal (Wark: 32). As the victim of foul play heading for the gallows, his plight engages the reader's compassionate response and signals the need for resistance to standard means of legality which follow set norms and rules at odds with justice and ill-suited to his complex circumstances. Like the judge who 'must find the answer that best fits the situation . . . [he] may need to

look beyond the strict letter of the law' in an interpretive framework, as Ronald Dworkin's approach to legality outlines in *Philosophy of Law* (43). Feeling like 'a trapped rat in the city' Hannay's ingenuity comes to the fore when he devises a plan to vanish for three weeks to 'some wild district, where my veldcraft would be of some use to me' and give him time to evade the enemy until the June deadline when he could 'get in touch with the Government people', explain Scudder's findings and clear his name in the process (17).

Like Carruthers in *The Riddle of the Sands* in 1903, Hannay is unwittingly coopted into espionage; however, despite a similar start to his spying career more than a decade earlier as he ventured into a life of disguise and deception, the conflicted ambivalence shown by Carruthers is absent from Hannay's personality. Indicative of time-hardened attitudes, Hannay expresses no qualms about lying and, entering into the spirit of 'The Game', begins his adventure by bribing the milkman using a false cover story and adopting his identity. His tactics in securing the compliance of the milkman for his planned escape echo those of Sherlock Holmes in 'The Adventure of The Blue Carbuncle' when he invokes the appeal of gambling for the working man. Influenced by his imminent arrest and the lack of other options, Hannay manipulates the milkman into aiding and abetting his escape by proposing 'I reckon you're a bit of a sportsman . . . and I want you to do me a service . . . Lend me your cap and overall for ten minutes, and here's a sovereign for you' (20). He then explains how he has made a bet in which he must be a milkman for ten minutes and offers the milkman 'a quid for yourself' before making off with his 'flat blue hat, white overall and milk cans' (20). Hannay's inventive solution for escape, despite its deceit, resonates with the reader's vicarious enjoyment, for after all, little harm has been done and the

unusual circumstances of his situation allow him to use minor deceptions for a graver purpose. However, it later transpires that the milkman has been held for Scudder's murder and has lost the tools of his trade; he could also be charged with aiding and abetting a felon. From an ethical point of view Hannay applies a Machiavellian, utilitarian view that 'the end justifies the means' to achieve a greater good: his escape and the subsequent rescue of Britain's future. However, it runs contrary to Henry Sidgwick's contention in his 1974 work *The Methods of Ethics* that 'Common sense holds that we must not do a bad action from a good motive: to say that the end justifies the means is thought a pernicious paradox', and by this account, Hannay's sacrificing of the individual, who suffers the unintended consequences of his actions, throws doubt not only on Hannay's legality but also on his morality (Sidgwick: 179). His attitude reflects an individualist and class-inflected mindset where he believes his middle-class status and rights trump those of the milkman who is less important in the scheme of things.

Heading for the remote hills of Galloway, Hannay begins his journey by boarding a train at St Pancras bound for Newton-Stewart in the borders of Scotland, exhilarating at the prospect of outdoor adventure and escape from arrest. However, on arrival at his destination his excitement changes to a sense of isolation and dread as he reflects on his position as a fugitive from justice. Buchan's use of pathetic fallacy in the landscape to denote Hannay's trepidation creates a powerful mood of suspense and foreboding and exposes the vulnerability of an individual hunted down by a far-reaching enemy:

There was not a sign or sound of a human being, only the splashing water and the interminable crying of curlews . . . For the first time I felt the terror of the hunted on me. It was not the police that I thought of, but the other folk, who knew that I knew Scudder's secret and dared not let me live. I was

certain that they would pursue me with a keenness and vigilance unknown to the British law, and that once their grip closed on me I should find no mercy. . Crouching low in the runnels of the bog, I ran till the sweat blinded my eyes (27).

Enemy agents are construed as 'other': barbaric, uncivilized and without compassion, escalating the level of hazard to which he is exposed and creating justification for Hannay's operating outside the borders of legality as the only recourse for staying alive. Adding to Hannay's feelings of victimisation, the appearance of a monoplane circling relentlessly on the horizon in surveillance, adds to his fear of capture in a panoramic landscape devoid of any human shelter, reminiscent of Bentham's panopticon and entrenching a fear of the omniscient observer. Recovering from his panic, Hannay makes his way through remote moorland and encounters a young innkeeper, with literary aspirations. Seeing mutual benefit in taking advantage of the young man's thirst for adventure by concocting a fictitious account of himself as a 'mining magnate from Kimberley, who had a lot of trouble with a diamond association', Hannay exchanges creative tales of derring-do for the young man's complicity in helping him evade arrest (29). By this time, Hannay, immersed in his disguise and practised in fabrication, enjoys the assumption of new identities and the clandestine nature of his role. As 'part of our popular fantasies', fictional images of clandestinity and duplicity appeal to readers, as Cawelti and Rosenberg explain, allowing them to uncouple the real from the imaginary world and ignore the realistic moral ramifications of subversive actions (*Spy Story*: 3). In reality, as George Simmel asserts in an article evaluating the effects of deception and concealment of information entitled 'The Sociology of Secrecy and Secret Societies', written for *The American Journal of Sociology* in 1906, the impact of secrecy on relationships and society in general has serious implications:

[T]he person deceived is held in misconception about the true intention of the person who tells the lie. Veracity and mendacity are thus of the most far reaching significance for the relations of persons with each other. The lie that succeeds - that is which is not seen through - is without doubt a means to bring mental superiority to expression and subordinate less crafty minds (Simmel: 447).

It could be argued that Hannay by using his perceived mental acuity and true knowledge of the facts gains furtive satisfaction in exercising power over the innkeeper whom he is able to manipulate for his own ends by lying. David Vincent in his study of secrecy *The Culture of Secrecy: Britain, 1832 - 1998* (1998), suggests in a wider context that due to the value placed on knowledge in a democratic system 'withholding information became at once a claim to probity and a demand for deference' (15). He goes on to explain how 'it [secrecy] implied a sense of responsibility which arose from and defined a position of moral authority' (15). Adopting his argument to individual relationships, it could be argued that Hannay considers himself to be responsible for a secret that cannot be entrusted to the innkeeper and that renders him more powerful as its possessor. However, in mitigation of Hannay's use of deceit, Simmel points out that the lie is less harmful where relationships are relaxed and informal as characterised in Hannay's relationship with the innkeeper. The comedy value of Hannay's trickery adds to its fictional appeal, for the more outrageous his tale appears, the more enthused is the innkeeper who willingly believes all he hears. By Hannay's account, a gang of diamond mining policeman had 'pursued' him across the ocean, 'had killed his best friend' and were now on his 'tracks'; a tale, partially true, that incites the young man's interest and secures his assistance (29). Hannay escapes by stealing the car belonging to enemy agents, who have tracked him down, then assaults a policeman who is trying to stop him, and, who only desists 'when he got my left in his eye' (35). Hannay's actions like

those of Watson in 'The Adventure of Charles Augustus Milverton' when he assaults the man trying to impede his escape over Milverton's wall incriminate him in resisting arrest by the official police. By now Hannay has decoded Scudder's notebook and discovered the significance of the date in June as the time when the Black Stone intends to steal documents relating to the disposition of the British Home Fleet, a key issue to be discussed between France and Britain at a secret meeting.

Having crashed the stolen car, Hannay then meets the radical Liberal candidate, Sir Harry, who requests his help by presenting a talk on Free Trade at the Masonic Hall and replacing the billed Colonial ex-Premier who has gone down with influenza. The novel's political message reflecting Buchan's conservative views is articulated through Hannay's rejection of the pacifist Liberal approach of Sir Harry's speech as 'appalling rot' as he claims that 'The German menace' was all a Tory invention (40). In contrast, Hannay's speech is full of rousing rhetoric about 'the kind of glorious business [he] thought could be made of the Empire if we really put our backs into it': resolute action rather than the spineless inertia of the Liberal approach of appeasement towards Germany will allow us to triumph in the end forms the substance of his discourse (40). Having confided the true state of affairs to Harry, he is assured of assistance from powerful friends. With the entitlement that comes from a government position and influential connections, Harry's godfather, Sir Walter Bullivant, the Permanent Secretary at the Foreign Office, has access to a higher level of authority that operates a modified version of state-sponsored legality. Harry instructs Hannay to head for Artinswell where Sir Walter lives, suggesting 'You can put in a week among the shepherds, and be as safe as if you were in New Guinea' (42). In the same way that the rigours of the sea sanitised and regenerated Carruthers

in *The Riddle of the Sands*, the privations of the harsh outdoor trek over wild countryside reanimates Hannay. During his pilgrimage he encounters a range of individuals, including a spectacled roadman, whose identity he briefly usurps, before finally coming face to face with the villainous foreign agent, the Black Stone in the guise of a bald archaeologist. Commenting on Buchan's characterisation, Cawelti suggests that each of the characters Hannay meets has a 'Bunyanesque flavour in the allegorical style of *The Pilgrim's Progress* and represents some moral or social characteristic'; an observation confirmed by Buchan in *Memory Hold the -Door* (*Spy Story*: 87). He writes:

Even today I think that, if the text were lost, I could restore most of it from memory . . . its spell was largely due to its plain narrative, its picture of life as a pilgrimage over hill and dale, where surprising adventures lurked by the wayside, a hard road with now and then long views to cheer the traveller' (*Memories*: 18).

In imitation of Buchan's hero Christian in *Pilgrim's Progress* when he tumbles into the 'Slough of Despond', Hannay reflects despairingly on his moral and legal decline from gentlemanly standards:

As I sat on the hillside, watching the tail-light dwindle, I reflected on the various kinds of crime I had now sampled. Contrary to the general belief, I was not a murderer, but I had become an unholy liar, a shameless imposter, and a highwayman with a marked taste for expensive motor-cars (51).

A night spent sleeping 'on the shelf of the hillside' acts as palliative to Hannay's troubled conscience and appeases his sense of guilt over the extent of his lawbreaking (52). In absolving himself he considers that since he is not guilty of the crime of murder, for which he is charged, the subsequent crimes of deception, car theft and assault on a policeman dwindle in significance and warrant exculpation on the grounds of exigency: the personal risk to his reputation is worth venturing for the benefit of humanity. Finally, still on the run, Hannay encounters the face of evil in the

'bald archaeologist', otherwise known as The Black Stone, leader of the foreign conspiracy, by inadvertently stumbling into his lair. Construed as outwardly benign in the image of Mr Pickwick yet inwardly malevolent, Hannay fails initially to identify the threat the 'old gentleman' poses as he commiserates with Hannay: 'A fugitive from justice, eh? Well, we'll go into the matter at our leisure. Meantime I object to my privacy being broken in upon by the clumsy rural policeman' (56). The fictional representation of policemen as dull-witted is grounded in class and public perceptions, expressed in the media, and explained more fully in the chapter on professional detectives. Its cultural roots lie in the nature of recruitment procedures for detectives outlined in Haia Shpayer-Makov's *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (2011). In it, she clarifies the role of policemen and detectives, pointing out that since they were not expected to handle 'complicated investigations', 'pursue long searches for clues' or engage in 'lengthy readings of crime, it was assumed that 'little ingenuity', extraordinary genius' or formal knowledge' was needed to satisfy the requirements of the job (74). Contrary to her assertion of their rehabilitation in twentieth century fiction, the novel provides confirmation of their continued undermining. Shpayer-Makov offers mitigation for the reductive view opining that since there was a heavy focus on the physical demands placed on detectives, such as being prepared for those resisting arrest, and withstanding long hours trailing suspects, an emphasis on physique rather than intelligence fostered their representation as large and clumsy. Due to their recruitment mainly from the working and lower middle classes, the powerful position they occupied in society did not correspond with the constraints of their class origins and generated 'anxiety' amongst the middle-classes, she suggests (258). In his exchange with the bald archaeologist, deception rebounds on Hannay, for he is initially

outwitted by the expert artifice of a foreign spy in the guise of an English gentleman, equally skilled in fraudulent camouflage and duplicity. The synthesis of detective with spy is defined in the hero's superior instinct and perception, which allow him to identify the significant clue that incriminates the foreign agent. Realisation dawns on Hannay:

As he spoke his eyelids seemed to tremble and to fall a little over his keen grey eyes. In a flash the phrase of Scudder's came back to me when he described the man he most dreaded in the world. He had said that he could 'hood his eyes like a hawk'(56).

In locating the visible trace of singularity in the villain's make-up, Hannay is able to isolate the criminal in our midst and expose the disguise of Englishman as fraudulent. The road to freedom materialises for Hannay when, escaping from the Black Stone, providence intervenes and he meets Sir Walter Bullivant, disguised as a dry-fly fisherman. Relieving him of his anxieties over his status as an outlaw, Sir Walter reassures him: 'You may dismiss the police from your mind . . . You're in no danger from the law of this land' (73). It transpires that having received Scudder's letter, Sir Walter had gone to Scotland Yard, made inquiries about Hannay, and, finding him 'respectable', a fact confirmed by Sir Harry's communiqué, he determined that Hannay should be absolved of all culpability for his actions (74). The ease with which Sir Walter expunges all traces of criminality from Hannay's record corroborates the existence of a higher authority than conventional legal channels, which raises questions over who is and who isn't subject to the dictates of the criminal law. Whilst we applaud Sir Walter's intervention on behalf of an innocent man, his mediation highlights Edward Parry's contention that 'Once in the dock all men are said to be equal, or very nearly so, but one may harbor a suspicion whether all men have equal opportunities of getting there', prospects are enhanced through influential alliances

(Parry: 201). Hannay's final act of disruptive lawlessness acts as the catalyst for the unraveling of the mystery of the thirty-nine steps when he engages in a violent fracas with a policeman and a group of young men of his acquaintance. Confronted by Marmeduke Jopley, whose car he had previously hijacked, he declares:

I wasn't looking for any trouble, but my ill-temper made me play the fool. A policeman came up, and I should have told him the truth, and, if he didn't believe it, demanded to be taken to Scotland Yard, or for that matter to the nearest police station. But a delay at that moment seemed unendurable, and the sight of Marmie's imbecile face was more than I could bear. I let out with my left, and had the satisfaction of seeing him measure his length in the gutter (80).

In his frank admission that bad temper rather than the threat of personal danger prompted him to use force, his attitude demonstrates willful disregard of The Offences Against the Person's Act of 1861, for as Edward Jenks points out 'common assaults are summarily punishable by proceedings before magistrates, and are usually visited with a fine or short imprisonment, or both, according to the circumstances of the case' (Jenks: 208). Pursued by the policeman, whom he had 'wrenched' off his feet and the group of men with whom he had the altercation, Buchan heads for Sir Walter's house at Queen Anne's Gate where he recognises too late the imposter, the Black Stone, masquerading as the First Sea Lord at a meeting of military leaders. The meeting concerns the details of naval dispositions that The Black Stone has absorbed using his photographic memory before exiting the house unchallenged. Unscrambling a series of clues leads Hannay to the final showdown at Trafalgar Lodge, a house with thirty-nine steps leading down to the sea and decked out in a style 'as orthodox as an Anglican church' (97).

Conclusion

Set between May and June 1914, Buchan's novel presents a range of instructive historical insights into a period of intense international rivalries and events leading to the outbreak of World War I. Its political and cultural message, mirrored in the actions and interactions of the fictional detective cum spy Hannay, reveals a shifting narrative on traditional middle-class Christian values and attitudes that seeks to entertain more secular and pragmatic views in relation to truthfulness, courtesy and restraint in the use of force, fundamental features of the chivalric model of detective, characterised by Sherlock Holmes. By representing the profession of spying and its concomitant ethics, which were once viewed with suspicion and disdain as worthy traits for the hero, a new construction of heroic detective and spy emerges in the public imagination, construed as one who is prepared to bend both legality and morality for the public good. The hero's willingness to indulge in physical skirmishes with the police as well as former acquaintances, if the need arises, conveys the image of a man of pluck and resolve who will stand up for what is right against all odds. Hannay's relationship with the official police and the type of justice he might expect if captured stands in sharp contrast to what he encounters with the higher legal authority invested in Sir Walter who is party to an alternative approach to legality. Linked to hierarchical notions of justice and accountability and germane to the corridors of power, its approach replicates the tradition of casuistry, in which as Shapiro explains 'particular circumstances might alter judgment' and where 'judgments of conscience' apply more readily (Shapiro: 234). Casuistry was discredited for its fraudulent use in exempting those with power and influence from prosecution for their crimes. Sir Walter is seen to operate a system where what is normally viewed as illegal may be condoned under certain circumstances. Twice in the narrative, Hannay assaults policemen by resisting arrest, yet his behaviour is excused. Records of trials from The

Old Bailey Online indicate the levels of punishment handed down for assaulting a police officer. One such relates to William Carey, who 'was indicted for unlawfully assaulting Henry Davis, a Metropolitan Police Officer in the execution of his duty' in February 1905 and was given 'nine months hard labour' (t19050206-200). Another more serious incident relates to a plain clothes officer, Detective George Surman of New Scotland Yard who was 'on duty on 21 July 1912 when he was assaulted by Ernest Bonner and George Smith 'causing him actual bodily harm' (t19120722-40). Believing the suspects to be engaged in planning criminal activity, Detective Surman followed them and was subsequently attacked. They were given five years penal servitude (t19120722-40). Unlike Buchan's fictional representation there are no instances of complete reprieve for offenders found guilty of this crime by the Old Bailey. It could be argued that the implementation of a parallel system of legality undermines democracy by invalidating the legal system as it stands. The likelihood of physical assaults on officers by criminals underscores the emphasis placed on stamina and stature when recruiting officers. Unlike the amateur sleuth detectives, their main function in carrying out their duties, as Shpayer-Makov explains was 'to become acquainted with the world of crime and its chief actors, with the devices used by veteran policemen to detect and curb violations of the law, and with criminal law' (74). More than a decade after Childers's novel *The Riddle of the Sands* and seven years after Conrad's anti-hero, Verloc, appeared in the 1907 spy novel *The Secret Agent*, the story chronicles a middle-class hero's struggle with conflicting loyalties, identities and codes of ethics. In the story, the boundaries of lawful enterprise employed by the protagonist shift dramatically, yet engage the reader's sympathetic acknowledgment of his rational discretion in negating the law's legitimacy. Underpinning the narrative, stark legal and moral challenges place the protagonist in a

paradoxical framework where he is forced to use illicit means to procure legitimate ends. The motives and cultural messages implicit in the behaviour of the protagonist may be difficult to define with contemporary hindsight, yet it is clear that there are tensions in juggling the need for loyalty to king and country with a gentlemanly code of ethics. The tone of censure of official forces of law and order in keeping with that of detective fiction accentuates the exceptional skills and heroism of the protagonist. At the same time it locates inadequacies in a judicial process that has neither the time nor the skills to investigate crime thoroughly, preferring to rely solely on circumstantial evidence to incriminate. Faced with the dual challenge of dealing with inept and obstructive official police and subverting the threat to civilisation from foreign conspirators, Buchan's portrayal of Hannay illustrates a vivid chronological progression of the increased use of illegality to achieve narrative closure in detective and spy fiction.

Herman Cyril McNeile (1888 - 1937): Bulldog Drummond

He who fights with monsters should be careful lest he thereby become a Monster. And if thou gaze long into an abyss, the abyss will also gaze into thee (Nietzsche: *Good and Evil*: 47).

In an article by Thomas Staveley Oldham in the July 1896 issue of the *Strand Magazine* entitled 'Some Curious Public School Customs', the author describes arcane rituals observed by several eminent Public Schools that stress the importance of physical fitness and endurance as the foundation of character formation during a boy's school career. One character building trial takes place on Shrove Tuesday at Charterhouse School known as the 'lemon fight' when 'each side pelts the other with a vigour and persistency which leave little to be desired' (Vol.12: 192). Marlborough's

tradition of 'carrying of cushions . . . as weapons of offence or defence' is lauded along with the settling of differences 'by a regular stand-up battle' and the subjugation of younger members to 'fagging', as 'on the whole a good working arrangement' (196). Confirming the era's cultural constructions of masculinity, Kelly Boyd in her work *Manliness and the Boys' Story Paper* (2003), argues that by 'late century the cult of the athlete had become entrenched and anti-intellectualism triumphed', an attitude subsequently reinforced at the behest of Sir Robert Baden Powel in his *Scouting for Boys*, published in 1908 and which remained in place until after the First World War when 'limited reforms began to occur' (Boyd: 15). The celebration of brawn over brains, validated in the article, is exemplified in the characterisation and actions of Herman Cyril McNeile's (Sapper's) heroic figure, Bulldog Drummond, more than two decades later, testimony to the durability and continuing influence of public school mores and their acceptability as defining traits for mythical heroes in popular fiction. Contemporary criticism of Sapper's once much -loved hero of the trenches ranges from Julian Symons's remarks on the 'xenophobic' nature of the stories and their sub-literary quality to Le Roy Panek's observation that despite his contribution to popular fiction by providing 'real energy and organisation to its evolution', 'he [Drummond] is not a terribly original character', but rather a clone of 'Sherlock Holmes' or 'Sexton Blake' (*Special Branch*: 78). In my opinion there are some vague character similarities with Sherlock Holmes but, on the whole, they are negligible. Bulldog Drummond's attitude and behaviour in the stories have been heavily criticised as foreshadowing the rise of fascism, yet the overtly racist slant of his conduct and language is typical of much of the popular fiction of the time. Michael Diamond, addressing issues of racist attitudes in his work *Lesser Breeds: Racial Attitudes in Popular British Culture, 1890 - 1940*, explains: 'Most British people implicitly or

explicitly believed in a racial hierarchy, graded by colour, with the whites at the head'; Sapper in his archetypal depiction of an English officer and a gentleman fully illustrates the extent of racist attitudes (1). In a more positive vein, countering the argument of popular literature as a lesser literary form, John G. Cawelti asserts that its value should be considered in a context that acknowledges its significance in terms of 'the relationship between the work and its culture and not with its artistic quality' (*Mystery*: 8). My analysis of Sapper's first Bulldog Drummond work *Bulldog Drummond: The Adventures of a Demobilised Officer who Found Peace Dull* (1920) provides a worthwhile sequel to John Buchan's Richard Hannay in the previous study for he is central to the evolution of the spy novel and provides a transitional link with previous detective and spy narratives of the Victorian and Edwardian eras in terms of his approach to legality. Tracking the changes wrought in his characterisation and response to crime in contrast to that of earlier detectives and spies, I construct a better understanding of the evolving patterns and themes that influenced the creation of a new model for the modern detective turned spy. In terms of how he relates to questions of law and order and morality, his behaviour articulates a harsher code of conduct than that of Richard Hannay in *The Thirty-Nine Steps*, and that of previous detectives whose sympathy and gentility precluded the use of brutality. Unlike Hannay who rarely uses unsolicited violence, Drummond's code of conduct eschews mercy and compassion for vengeance and retribution. Running parallel to the thread of steely fictional detectives and spies like Drummond, fighting for what he believed to be right was an alternate vision of spying which emerged in 1907 with Joseph Conrad's amoral anti-hero Verloc, out for his own ends in *The Secret Agent* (1907), and later pursued in the complex and conflicted characterisations of Somerset Maugham and John Le Carre. My interest in including Sapper's Bulldog Drummond

in this study, apart from the extent of his lawlessness, centres on Sapper's significance as a successful and prolific detective and spy writer of post World War One Britain who created 'a hero to whom millions responded sympathetically from 1920 onwards', as Colin Watson observes (65). In his fictional characterisation of the detective protagonist as physically powerful and ready to break the law rather than using mental acuity to work out solutions to puzzles, like Sherlock Holmes, Drummond presents a radically altered image of the hero. By subverting 'societal rules and norms' and adopting an avenging stance for achieving justice, Drummond's popularity increased and endured into the 1940s and beyond, confirming the value of the narrative as a repository of cultural, political and historical issues and concerns in the aftermath of the war

In January - June 1916, *The Strand Magazine* according to its editor, Reginald Pound, provided Sapper with 'encouragement' as well as income and granted him entry into a popular route to fame and fortune as a short story writer for its avid readers (Pound 133). In the wake of his success with *The Reminiscences of Sergeant Michael Cassidy* in the *Daily Mail* of January 1915, Sapper followed the example of Richard Marsh, whose six Sam Briggs stories about the life of a regular soldier in the Great War for the magazine had proved very successful, by embarking on a series of short stories of life in the trenches. Day-to-day struggles on the battlefield presented a fruitful source for inspirational heroes, and the protagonists he created for his *Strand* adventures had close affinity with his own personal experience, and later contributed to the model for his fictive Bulldog Drummond. Hodder & Stoughton paved the way to even greater financial success by publishing five collections of Sergeant Michael Cassidy adventures from 1915 onwards.

Bulldog Drummond: The Adventures of a Demobilised Officer who Found Peace
Dull (1920)

Sapper's first Bulldog Drummond novel, *Bulldog Drummond: The Adventures of a Demobilised Officer who Found Peace* Dull was a great success, spawning a stage version with Sir Gerald Du Maurier in the title role at the Wyndham Theatre, London in 1921, followed by its first cinema adaptation in 1922 (ODNB). A clubland hero, in the stamp of his predecessors, Captain Hugh Drummond DSO MC begins his adventures as a recently retired officer from His Majesty's Royal Loamshires for whom peacetime presents a feeling of uneasy torpor. As a man of action, wallowing in lassitude akin to Hannay's on his return from South Africa, he hankers for excitement which arrives in answer to an advertisement he places in the local press offering his services as a 'Demobilised officer' who 'would welcome diversion. Legitimate, if possible; but crime if of a comparatively humorous description' (Sapper: 15). At breakfast, we learn in conversation with his ex-batman, James Denny, who continues his duties for Drummond in the domestic setting with his wife acting as housekeeper, that Drummond, a former pugilist whose 'nose had never recovered from the final one year in the Public Schools Heavy Weights 'had been a bit wild' in his youth (15). 'Tall and athletic 'with a cheerful type of ugliness which inspires immediate confidence in its owner, he has eyes that 'showed the man for what he was - a sportsman and a gentleman' (15). Unlike Richard Hannay, who shuns the inclusion of women in his solitary exploits in *The Thirty-Nine Steps*, Sapper's romantic proclivity is immediately revealed in jocular banter with Denny. Having received a deluge of letters in answer to his advertisement, Drummond appeals to

him: 'Find me a damsel in distress; a beautiful girl, helpless in the clutches of knaves. Let me feel that I can fly to her succour, clad in my new grey suiting' (17).

Providentially, his aspirations are fully met when he encounters his first client, the cigarette-smoking Phyllis Benton, for tea at the Carlton, and learns that her father is caught up with a villainous international gang, led by the foreign master criminal, Carl Peterson, and his sidekick, Henry Lakington. Peterson bears animosity towards England after Germany's defeat in the war and intends to take his revenge in a plot prompted by his hatred; its purpose is to 'humble that cursed country to the dirt' (Sapper, 9). Germany's resentment over the 'punitive reparations' imposed upon it at the end of the war by the allies lies at the heart of his fictional rancour, and the occupation of Cologne by the British Army adds insult to injury for Peterson (Poplawski: 539). Set in the context of the aftermath of the war in Britain when, as Poplawski points out, there was an 'underlying sense of war trauma' and the threat of serious industrial unrest following fierce urban riots loomed large, the narrative fosters antipathy towards a resurgent German enemy and the dangers of incipient Bolshevism, nurtured by alien conspirators (Poplawski: 543). Such fears pave the way for the creation of a fictional mythical hero strong enough to subvert threats of violence and anarchy like that that posed by Peterson. The hero must be a leader of men; an individual of exceptional qualities and skills who can appease the reader's sense of outraged patriotism and guarantee that civil society will prevail over barbarity. For, as Jon Lawrence in his essay 'Forging a Peaceable Kingdom: War, Violence and the Fear of Brutalisation in Post First World War Britain' points out, the climate of the times post-war was that of a 'nation haunted by the fear that violence had slipped its chains', and to counteract such chaos requires a superior being, both physically and mentally more powerful than the enemy (557). Carl Peterson the

master criminal is characterised by Phyllis as evil personified, demonic and ruthless in his tactics, he is oblivious to legality and the normal rules of morality. She describes how Peterson's physical and mental attributes terrify her:

His forehead is broad and his eyes are a sort of cold grey-blue. But it's his hands that terrify me. They're large and white and utterly ruthless. He would stop at nothing to gain his ends, and even Lakington himself knows that Mr Peterson is master (27).

The focus on hands, capable of any cruelty foreshadows the graphic physical violence to follow. Drummond, who faced the danger and atrocities of fighting in the trenches during the war in France, can vanquish the evildoers by replicating their actions although his behaviour is motivated for a higher purpose. To succeed he must use violence in equal measure, with the usual tools of legality withdrawn to create a level playing field between the villain, who ignores the law and the hero who is, supposedly, guided by a superior moral code. Over the course of the adventure, Drummond's descent into criminality mirrors that of his opponent, as he frequently takes pleasure in killing using his hands as weapons.

Crime is initially introduced whimsically when Hugh, challenged by Phyllis for not taking the matter seriously and flirting with her, nevertheless, continues in the same tone 'If I am to embark on a life of crime, I would sooner collaborate with you than -shall we say? - that earnest eater over there with the tomato in her hat' (20). Sapper's use of witty repartee defuses tension over Drummond's willingness to break the law for sentimental reasons or as a way to impress Phyllis, whom he notes with approval is not only attractive and 'well shod' but also reveals 'the absence of any ring' (20). During his interview with Phyllis Drummond meets Henry Lakington, an Oxford intellectual who has turned his scientific brain to crime and is Peterson's right hand man. Depicted as psychopathic, he expresses his opinion on murder claiming

regret at being unable to participate in the war like Drummond and observes 'Sometimes I cannot help thinking how wonderful it must have been to be able to kill without fear of consequences. There is art in killing, Captain Drummond - profound art' (21). His remarks evoke Thomas De Quincey's essay in 'On Murder Considered as One of the Fine Arts' (1827). De Quincey's satirical view is manifest in Lakington's characterisation of corrupt morality and the privileging of the aesthetic over the ethic, evidenced in [De Quincey's] statement: 'Murder, for instance, may be laid hold of by its moral handle (as it generally is in the pulpit, and at the Old Bailey) and *That I* confess, is its weak side; or it may be treated *aesthetically*, as the Germans call it, that is, in relation to good taste' (De Quincey: 11). Warped intellectualism, characterised in Lakington's account of the thrill to be had in killing simply for the pleasure of it and using inventive methods, critiques the hazards of excessive learning that unhinge the mind and lower or obliterate moral conscience. In his encounter with Lakington, who belittles the value of human life as secondary to aesthetic pleasure, it becomes clear that Drummond faces an egregious opponent for whom a violent end is preordained and validated due to the danger he presents to society. However, imitative of the villain, Drummond too has developed a range of aesthetic killing techniques, honed in the trenches. Phyllis introduces the theme of murder after Lakington's departure when she announces to Drummond 'That is one of the men you will probably have to kill' (22). It transpires that Peterson's grand scheme entails the services of two German tycoons and one American to bankroll his plan for 'the defeat of England . . . a defeat more utter and complete than if she had lost the war', but their agreement rests on his acquiring a fourth participant, Hiram C. Potts, an American multi-millionaire who will be in England the following week (9). When Drummond questions Phyllis over her failure to inform the police of her suspicions about Peterson and his gang, or

involve them in any way, she makes it plain that fear for her life and that of her father, coupled with lack of evidence prevent her rather than lack of confidence in their abilities. The rejection of legal means of procuring justice introduces vigilantism, a pervasive theme throughout the narrative.

Drummond begins his quest by setting out on a journey (like other heroes of popular fiction) to Phyllis's country home, The Larches, in Godalming in his thirty horsepower two-seater, precursor to James Bond's Aston Martin. She informs him that Peterson and his gang live in the house called the Elms on the other side of the garden. During the course of dinner that evening, the party is startled by a sudden wail of anguish coming from the house opposite: 'A cry - half -shout, half scream, and stifled at once, had come echoing through the open windows', recalling for Drummond his time in France. The drama of the battlefield is reenacted at The Elms, a country house set in the quiet suburbs of an English town proving that even the most innocent of dwellings may accommodate evil and that alien invaders have the potential to breach the security and serenity of the countryside. Wartime memories materialise for Drummond, and his instincts are primed:

With the training bred of many hours in No Man's Land, Drummond was listening, even while he was speaking, for the faintest suspicious sound - but he heard nothing . . . He remembered hearing a similar cry near the brickstacks at Guinchy, and two nights later he had found the giver of it, at the ledge of a mine crater, with glazed eyes that still held in them the horror of the final second (43).

References to Drummond's wartime experiences resonate throughout the text and give credence to Lise Jaillant's claim in 'Sapper, Hodder & Stoughton, and the Popular Literature of the Great War' (2011) for his literary repositioning as 'a witness of war' whose narrative is every bit as valuable as the disillusioned narratives of Siegfried Sassoon and Robert Graves (139). Pointing out that although critics often describe

such views as propagandist, she believes that 'non-disillusioned narratives', co-existed in both fiction and media accounts after the war and reflected the opinions of many (139). Transposing the belligerent events and actions of the war to the domestic sphere of a country house establishes the 'commodification of violence', to use Robert Morrison's expression in the introduction to *Thomas De Quincey*, which influences the detective's code of conduct and his response to lawless behaviour; his retaliatory use of violence in exceptional circumstances becomes the norm (vii). After dinner, Drummond sets out to explore the source of the anguished cry and discovers that Hiram C Potts, the American millionaire has been kidnapped and held by Peterson at the house to procure his signature on a document agreeing to fund the arch criminal's heinous scheme. Drugged and tortured with thumbscrews that leave his thumb 'crushed into a red, shapeless pulp', Drummond rescues him using his revolver to shatter the light bulb before punching Lakington with a blow that fractures his jaw in two places (47). Pursued by bullets as he escapes from the house, the level of violence and brutality of the enemy echoes that used on the fields of war and from this perspective, although he struck the first blow, Drummond's assault on Lakington may be viewed as justified in legal terms as self-defence and as a means of extricating Potts from danger. Having rescued Potts, Drummond receives a visit from Peterson at his home in Half Moon Street to reclaim him, where he is reminded by Drummond of his flagrant lawlessness: 'Such methods are illegal, you know. It is a dangerous thing to take the law into your own hands', to which Peterson replies 'A fly in the gearbox of a motor car would be a sounder proposition for a life insurance than you will be - if you continue on your present course' [concealing Potts] (58). Death threats relayed in witty dialogue between the hero and the villain operate to emphasise on the one hand, Drummond's courage and nonchalant disregard for personal danger, and on the other,

Peterson's supreme confidence in his ability to circumvent the law at will. Ever ready for action, Drummond is armed with a revolver on his adventures, and like Dr Watson, Judith Lee and Hagar Stanley, he carries it for protection and as a deterrent rather than for practical use; he is more likely to use his fists rather than a weapon when threatened, unlike the criminals who have no notion of fair-play. Fictionalised incidents of gun use in detective and spy fiction may reflect the influence of American popular fiction of the time, in particular, Western stories, whose emphasis on violence, as Cawelti suggests, appeals to 'an instinctual or cultural proclivity for vicarious indulgence in aggression' (*Mystery*: 142). Up until 1920 the right to carry arms in Britain was considered a citizen's basic right, but concern over increased violence linked to the use of firearms prompted the government to address the growing arsenal of weaponry available to citizens and criminals alike by introducing The Firearms Act of 1920. According to Gerard Noonan, the Act 'made it an offence to possess a gun without a certificate from the police, restricted the sale and repair of arms and ammunition to authorized dealers and laid down that the conveyance and export of firearms required police authorisation' (Noonan: 89). Much of the anxiety related to the troubles in Ireland and the problem of gunrunning there. Legislation 'had been introduced in the Great War ' to curtail the problem, according to Noonan, and due to the 'IRA insurgency ' and troubles associated with The Irish War of Independence of 1919 -1921, it 'continued into peacetime (90). Many ex- servicemen retained their weapons on their return from war adding to the problem. Drummond has no problem with access to weaponry, although his revolver remains firmly holstered for most of the novel.

After Peterson's visit to his home threatening violence if Potts is not returned, Drummond decides that he [Potts] should be secretly transferred to his cottage in Goring, and consults his friend, Peter Darrel, about a course of action that would frustrate any further attempt to kidnap him. Darrell's response is that by acting alone, Drummond has no hope of success against such an enemy and advises '[W]ouldn't it be better, Hugh . . . to whip up two or three of the boys and have a real scrap' (61). However, Drummond, on this occasion declines his offer. In Peter Darrell's reference to fighting as a 'scrap' by way of settling scores can be read the influence of some of the rituals described in the opening paragraph of the study where manliness is built on the ability to fight and assert authority over others. Frequently alluded to throughout the narrative, playing the 'game' is used as a metaphor for fighting alongside fellow officers following the rules of fairness and sporting prowess. Although Drummond once more secures Potts's safety by spiriting him away to his cottage, he and Mullings, a demobilised soldier, are captured and taken to The Elms, where Drummond experiences some of Lakington's aesthetic assassination techniques, including a hooded cobra and a decapitating mechanism set into the stairwell. Activating the detective element of the story, he explores the house in darkness in pursuit of clues to the conspiracy under the ominous threat of impending danger. Combat in war taught him how to move silently 'over ground without a single blade of grass rustling', and his unique skill of rendering death by strangulation furnishes him with the means to survive:

Hugh had practised in France till he could kill a man with his bare hands in a second. Olaki - a Japanese- had first taught him two or three of the secrets of his trade, and in the intervals of resting behind the enemy lines he had perfected them until it was even money whether the Jap or he would win a practice bout. And there were nights in No Man's Land when his men would hear strange sounds, and knowing Drummond was abroad on his wanderings, would peer eagerly over the parapet into the desolate torn-up waste in front (74).

The arena of war permits actions normally viewed with apprehension in peacetime, yet Drummond's consciousness is fully ingrained in the memory of war. Encountering Peterson chuckling at his discomfort over the horrors of the house, Drummond pounces on him throttling him to within an inch of his life, before murmuring 'Somehow I don't think he'll laugh quite so much in future- damn him' (77)

On discovering that an imposter has installed himself at the Carlton Hotel as Potts and that his secretary has been murdered in Belfast, Drummond deliberates on whether to communicate with the police:

Should he or should he not communicate with the police on the matter? He felt that as a respectable citizen of the country it was undoubtedly his duty to tell somebody something. The point was who to tell and what to tell him. On the subject of Scotland Yard his ideas were nebulous; he had a vague impression that one filled in a form and waited - tedious operations, both (89).

Drummond believes the justice system to be slow and laborious and questions whether there is anyone qualified to deal with such grave issues as the threat to national security posed by a powerful international gang and their clandestine criminality. However, despite his misgivings and his own unlawful vigilante activities, he believes himself to be a 'respectable citizen', which brings with it responsibilities to operate within society's rules. Realising that by taking matters into his own hands he places himself outside the law, which will likely land him in prison if discovered, he abandons the idea of informing the police and visits the Potts imposter instead. His meeting with the sham Potts at the Carlton Hotel results in an uneasy interview where the criminal confronts Drummond with 'an ugly-looking knife' (96). Reacting intuitively, Drummond's behaviour exposes a cruel streak in his character, inconsistent with the codes of conduct adopted by previous detectives and

spies, and sets a revised model of morality and legality for the fictional detective. In the course of the struggle that ensues, he uses his Japanese throttling technique once more, but rather than dispassionately injuring the man, Drummond tightens his grip on the man's throat 'till the eyes were starting from his head . . . And all the while the soldier smiled gently and stared into the other's eyes' (96). Drummond's display of brute physical force and the gratification he receives in inflicting pain situates his conduct in close proximity to that of the evildoers he seeks to triumph over and distances him from earlier detectives and spies like Hannay. Transferring his actions to the battlefield once more, his show of power links to the idea of patriotic duty as a soldier and highlights a reshaped morality that guaranteed survival in the trenches: kill or be killed. It could also be argued that his motive is revenge for the barbarities of war that were advanced in a very public propaganda campaign orchestrated by the Ministry of Information using Hodder & Stoughton, his publisher, for its government message. As Celia Kingsbury explains propaganda served to manipulate public opinion by creating a view of the enemy as barbaric, and since they were less than human, the moral norms of behaviour did not apply to their treatment (Kingsbury: 6). Since the 'marauding Hun', were characterised as 'child-butchering' rapists without morals or scruples, in this context, Drummond's behaviour is retribution for the bloodshed and carnage they inflicted during the war (Kingsbury: 6).

The enemy agents discover Potts at the cottage hideout once more, capture him and take him to The Elms, which allows Drummond to summon his troops again to rescue him. In answer to Toby Sinclair's question 'And how do you propose that we should set about it? [the rescue]' he replies:

By stealth, dear old beans- by stealth. You - and I thought we might rake in Ted Jerningham, and perhaps Jerry Seymour to join the happy throng -

will make a demonstration in force, with the idea of drawing off the enemy, thereby leaving the coast clear for me to explore the house for the unfortunate Potts (108).

The notion of vigilante justice, pursued by Edgar Wallace in his detective series *The Four Just Men*, published in 1905, is revisited in Drummond's summoning of a small group of former officers from his battalion to undertake undercover operations. Like Wallace's heroes, four powerful men who visit justice on the guilty, Drummond's military style campaign spotlights the individual wartime talent of each of the group. John Cawelti argues that vigilante justice was an 'actual social phenomenon in nineteenth and early twentieth century American communities in the South and West of the country', where they were made up of 'quasi- legal committees' (*Mystery*: 164). Closer to home and another possible source for the rise of popular ideas of vigilantism may relate to the 'reshaping of the political landscape of Europe' after the war, which generated violence and upheaval in Ireland. Julia Eichenberg argues in her work 'The Dark Side of Independence: Paramilitary Violence in Ireland and Poland after the First World War' that an 'increase in civil unrest and disorder prompted public concern over the inability of institutions to effectively restore law and order and lead to the formation of paramilitary groups, who 'seized power' and 'defined themselves as legitimate forces': Drummond's assumption of quasi- legal authority for his actions mirrors that of paramilitary organisations and liberates him from legal accountability to anyone but himself (Eichenberg: 232). Based on the protection of the weak and vulnerable in society: Hiram C. Potts, Phyllis Benton and her father and on the future safety of England, Drummond's ethic of vigilantism hinges on what he sees as his duty to defend, protect and provide justice where official channels are impotent. Exacting revenge for past and future evil deeds by foreigners satisfies vicarious desires for retribution on the part of readers. Whilst the vigilantes create a diversion

he rescues Potts once more, tackles a gorilla, set loose on the premises and squirts ammonia into the face of Potts's jailer before embarking on his detective mission to uncover Peterson's plot. He discovers that the full extent of Peterson's plan is to create a revolution using Bolsheviks and a gathering of 'ragged-trousered visionaries' who have been seduced by false promises of power and money (127). Reference to 'ragged-trousered' zealots draws on Robert Tressell's 1914 work, *The Ragged-Trousered Philanthropists* described by Jessie Pope in the preface of the book as '[T]he work of a Socialistic house painter, who wrote his book and died' (Tressell: vii). Applauding it as 'a remarkable human document', she relates how 'With grim humor and pitiless realism the workingman has revealed the lives and hearts of his mates, their opinions of their betters, their political views, their attitude towards Socialism' (Tressell vii). The author's critique of socialism and the working -man as passively submissive to the masters who exploit them contrasts with Drummond's satirical presentation of them as malcontented agitators with more than a hint of atavism:

The intimidated rabbit with the light of battle in his watery eye, was declaiming on the glories of Workmen's Councils; a bullet-headed man who looked like a down-at-heel racing tout was shouting an inspiring battle cry about no starvation wages and work for all (127).

Drummond, 'who knew something about mob psychology' confronts their socialist ideology, reminding them of the price of bread in Russia and accusing them of madness (128).

The final denouement occurs when Drummond organises the last offensive with his troops before following Peterson to Paris where he is meeting with his co-conspirators. Drummond's vigilante group is extended into a private army when he orders Mullings to 'get in touch with at least fifty demobilised soldiers who are on for

a scrap' (153). The notion of a fortified vigilante army in normal circumstances creates alarm and apprehension, and, in the context of the era's media coverage of crimes perpetrated by ex-soldiers, it is paradoxical that its literary depiction proved so popular. Jon Lawrence contextualises the notion of a discretionary group of law enforcers whose lawlessness rocked British society and called for accountability and restraint at the time. In his essay 'Forging a Peaceable Kingdom', He maintains that 'The violent excesses of the Black and Tans' seemed to justify fears that ex-servicemen had been so brutalized by the war that they could never be reintegrated into civilian life': their behaviour highlights the dangers of unfettered power in the hands of dehumanised individuals (Lawrence: 557). Yet, in the public imagination Drummond's fantasy army provides reassurance against foreign infractions into British territory, perhaps because they represent the officer class rather than ordinary soldiers. Drummond is lured to the Elms by a forged plea for help from Phyllis, where he is captured by Lakington and guarded by a tough German soldier. Convincing the guard to undo one of the ropes and allow him to access money in his cigarette case in exchange for his freedom, Drummond succeeds in seizing and breaking the man's arm before finishing him off with a poison dart. His friends Longworth and Sinclair 'who had seen many things in their lives, the remembrance of which will be with them till their dying day . . . looked at Hugh's eyes as he stared at the moaning Boche, and saw that they were hard and merciless' (189). In killing the German guard with such relish and in such a painful way, Drummond's behaviour illustrates the absence of compassion or mercy and an outright rejection of religious or moral scruples, which distinguishes his characterisation from that of previous detectives and spies in the study. In his deliberations on 'moral reasoning' during wartime entitled *The Ethics of War*, Anthony Coates highlights the importance of

Thomas Aquinas's contribution to the idea of a just war tradition (Coates: 3). Vindication for Drummond's actions may lie in Thomas Aquinas's argument for a just war tradition. Believing himself to be still at war, by Aquinas's argument, Drummond's motive for his behaviour signals he has 'right intention' in that his actions are 'meant for preventing or curbing evil' (Coates: 3). Since so much depends on Drummond's survival, sparing the German soldier is not a realistic option. However, Coates also observes that 'War can be fought without violating the law of charity; to fight without hatred and with compassion, is a moral imperative' and from this view, Drummond's behaviour in inflicting serious pain before killing the German reflects questionable morality' (Coates: 29). The idea of fighting without hatred in battle is inconsistent with the preparation of soldiers going into combat and 'the psychology of war militates against its moral conduct', he opines (Coates: 31). The story projects a strong conservative message in which Trade Unions and important Members of Parliament are implicated in a revolutionary plot to overthrow the government, finally disrupted by Drummond and his warriors. Lakington is finally drowned in his own acid bath and Peterson and Irma, his so-called daughter, escape to enable future encounters with Drummond in three more adventures.

Conclusion

In Sapper's fictional portrayal of a wartime hero caught up once more in the threat of foreign aggression on home soil, Drummond encapsulates a hero of the times, one whose response to crime relates to wider cultural, historical and political influences. By contemporary standards, his racist language and xenophobic attitudes appear inflated and outlandish. However, in the context of post-war Britain, their articulation and public endorsement, evidenced in the success he enjoyed as a writer, represents

the deep resentment felt by many for the mass destruction caused by Germany's combative imperial drive for world supremacy. Confirming the appeal of popular fictional heroes, John Cawelti argues in his work *Adventure, Mystery and Romance* that 'One cannot write a successful adventure story about a social character type that the culture cannot conceive in heroic terms': Drummond exemplifies the stoicism, determination and reckless bravery synonymous with national identity which is often symbolised in images of John Bull and the British bulldog (8). Although the story is situated in an era of comparative peace just after the war, the possibility of threat from without creates a vacuum for the construction of a hero like Drummond, whose ability to challenge and defeat the enemy locates his actions on a warring footing in which law and morality are confounded. Post-war, threats of German invasion were supplanted by the fear of Bolshevik subversion and its anarchic influence on the workingman, themes fully exploited in the political narrative. The standards Drummond adopts in relation to legality in the story emulate, to some extent, those of the villain, for by excluding the forces of law and order and by using physical force to repress their attempts to disrupt society he not only usurps their function, but remodels justice in a heavily retributive form of an eye for an eye. His form of justice occurs on the spur of the moment, usually without discussion and in response to unforeseen circumstances. Arguably, by ignoring legality and disrespecting authority, he undermines democracy and the rule of law, but since there is no viable alternative for destroying the enemy within, which appears, outwardly, to be deeply ensconced in English tranquility, he is vindicated. We are reminded on several occasions how his face was 'grim and merciless', when confronted by evil in illustration of Anthony Coates's assertion that 'Realism resists the application of morality to war': by implication, showing compassion reveals a form of weakness rather than strength

which may spark a string of undesirable consequences (Coates: 17). Drummond's harsh application of the law of just desserts serves as a cathartic release for war-embittered readers, graphically described in Lakington's death in the acid bath he created for Drummond and in decapitation by his own mechanised stairwell axe. The model of the hero who is prepared to sacrifice some of his own values, such as respect for the rights of others for the sake of patriotic duty, chimes with the utilitarian doctrine of seeking to maximize the welfare of many at the expense of humanitarian concerns. It also demonstrates the value he places on nationalism. Michael Cavanagh in *War and Morality: Citizen's Rights and Duties* (2012) suggests that in terms of the 'othering' of the enemy, nationalism entails the view that 'the nation is the centre of the moral universe and the rights of individuals are secondary or have little or no importance in the overall process of governing' (6). Constructing the foe as atavistic, a strategy used in propaganda campaigns during the war, demonstrates the influence of eugenicist views of humanity that endorses a diminishing of the moral code. The mass-mechanised nature of war illustrated that an individual is powerless against many, but in using a vigilante force to defeat the enemy, the odds are greatly enhanced. Endorsement for his extra-legal activities arrives at the end of the action in the novel, when detectives descend at the behest of the American detective Mr Green to deliver the villains over to the official forces of law and order. With the arrival of film adaptations, the visual appeal and comedic interpolations of Captain Hugh Drummond, DSO, MC, late of His Majesty's Royal Loamshires added to the appeal of a handsome, witty and swashbuckling hero and ensured his success for decades to come.

Conclusion: In Search of Justice

In this study of popular detectives whose stories appeared in newspapers and periodicals like *The Strand*, *Pearson's* and *Windsor Magazines* before publication in boards, I have shown how the view of their role as law-affirming heroes runs contrary to their fictional use of illegal methods to solve crime. Building on the sensationalist roots of the genre, the literary detectives set the style for anti-authoritarian behaviour that continued to resonate throughout the century leading to the hard-boiled heroes and spies of Ian Rankin and Ian Fleming who operate with state-sponsored illegality. Ascari maintains that 'Although mainstream detective fiction had a traditionally conservative bias, . . . the genre may well boast long-standing radical components', which in my view, is evidenced in the lawbreaking practices they pursue (9). The relationship between fictional and real detectives in the era of the study was a contentious one. Amateurs like Sherlock Holmes were posited as 'specialist' as opposed to the more mundane plodding policeman, creating problems for Scotland Yard detectives who were 'easy to blame for failing to prevent or solve crime', as Andrew Glazzard points out (29). The depiction of official detectives as ineffectual thwarts their likelihood as fictional heroes and raises the appeal of subversive champions of justice like the lawbreaking detectives. From Sherlock Holmes to Bulldog Drummond, the detectives and spies in this study share features in common regarding their willingness to incriminate themselves, but demonstrate variations in individual codes of conduct and morality. Holmes, the amateur detective and spy adopts a gentlemanly chivalric code of conduct in which he seeks to protect the weak and marginalised in society, particularly women. Willing to act as judge and jury in delivering his individualised form of justice, he exonerates murderers and frequently

engages in burglary, all with the reader's approval and admiration. Arthur Morrison's professional detective, Martin Hewitt, who takes Holmes's place in *The Strand Magazine*, is equally ready to engage in unlawful acts in pursuit of the truth. The epitome of the common man, with faults and failings, his dedication to professionalism and diligence in the pursuit of clues does not preclude informing on his clients' illegal activities in the spirit of good citizenship. Crime for the professional is no longer a matter of guilt or innocence, as Ascari notes 'but as the infringement of a social contract' with the detective acting as arbiter of justice in deciding who is exonerated and who chastised (37). The clash between authority and right-minded justice is illustrated in Hewitt's willingness to grant a reprieve to the child abductor, while the sharp-tongued New Woman of independent means receives no reprieve for her criminality. E. Preston Muddock's official police detective operates along the lines of the Bow Street Runners, working in an unofficial capacity for reward from time to time. In his Gaboriau-inflected Casebook tradition, he dispassionately relates the facts and abides strictly by the law in apprehending criminals. His code of conduct has no place for individualised forms of justice or compassion for the criminal.

A woman with strength of purpose and a professional career, who narrates her own stories, Richard Marsh's lip-reading detective, Judith Lee is a member of the marginalised Gypsy community. Despite her middle-class upbringing and independence, she suffers racist taunts at times, yet advances the cause of justice targeting a serial killer on the railway network with her sixth sense, inciting him finally to suicide. Her code of conduct includes following her conscience to achieve justice by taking the law into her own hands for the protection of the vulnerable in society. Fergus Hume's Hagar Stanley, the urban gypsy from Lambeth has no

amanuensis. Siting her in a pawn shop in the backstreets of Lambeth evokes Conrad's shop in *The Secret Agent* (1907), and her encounters with an assortment of customers places her in danger of assault from the criminal elements of society who pawn a range of intriguing articles. Hagar's justice in dealing with crime is talionic, reflecting a retributive approach akin to an eye for an eye. In the case of a condemned man who is innocent of the crime of murder, she outdoes the official detective in creating a chain of evidence to exonerate him. In keeping with the Romantic vision of gypsies as exotic and mysterious, she finds true love and returns to the nomadic open-air lifestyle at the end of the series, unlike Judith Lee.

Sherlock Holmes, the gentleman detective has altered by the time the war approaches. As a proto-typical spy, adapting his analytical and investigative capabilities to matters of state, he readjusts the moral parameters of his chivalric code to accommodate a higher purpose by kidnapping and rendering a spy to Scotland Yard. Erskine Childers's accidental spies, Carruthers and Davies create the bridge between detective and spy in the wake of Invasion literature when its rhetoric of fear filtered into the popular imagination. Threats to empire justify deceit and chicanery in the popular imagination and spying on a potential adversary constitutes counter-espionage, which arguably represents self-defence. Charting the links between detective and spy fiction, more firmly rooted in John Buchan's Richard Hannay, I demonstrate how readily he comes to terms with his role as undercover agent and appears to relish the duplicity it involves. Hannay's catalogue of illegality is impressive, ranging from assault and battery to car theft, but his ultimate purpose of saving the nation endorses whatever measures he feels necessary to accomplish his objective. Morality gradually subsides by the time we reach the post war fictional

warrior Bulldog Drummond, who escalates his violations of the law to vigilantism and provides a blueprint for Ian Fleming's James Bond and later spy heroes. In each of the cases under scrutiny I have shown how the detective or spy chose, or was compelled to step beyond the law into illegality and criminality challenging the ideology and functioning of the legal system in the process. The responses to crime in the stories highlight a range of complex socio-cultural, historical, judicial and moral issues, including the unjust and biased nature of the law. In the earlier stories of detection, the efforts of the detectives to balance the scales of justice underscore the flaws of a legal system that struggles to keep pace with modernity and societal change and which fails to offer universal fairness and justice. From ancient and ineffective judges, whose removal from the bench can only be achieved through an Act of Parliament, to a system where women lack any agency or representation, the separation of law from morality compounds the inequality at the heart of judicial procedure. Ranged over historical periods that experienced social and political flux, the stories form an archive of cultural attitudes and issues.

Arthur Conan Doyle's Sherlock Holmes reveals an echoing of the author's own opinion on the inadequacy of legal provision for women in the divorce laws in England, as he highlights the perils faced by women confronted by violent husbands in the stories. By allowing Captain Croker to escape the hangman's noose for murdering Lady Brakenstall's violent husband in 'The Adventure of The Abbey Grange', he condemns male spousal brutality and his behaviour draws attention to the shortcomings of The Summary Jurisdiction. (Married Women) Act of 1895, designed to facilitate a separation order for battered wives. Although it improved a woman's autonomy, it failed to address the issue of her ability to remarry, and by taking

advantage of its provisions, it frequently resulted in 'severe economic hardship' for women, as Shanley explains (175). Holmes asserts his right to deliver justice that is more compassionate than that offered in the rigid implementation of the rules of the Common Law in this and other stories in the canon. Arthur Conan Doyle was renowned for his keen interest in justice and used his celebrity 'as a platform to highlight injustice', as Douglas Kerr informs us (Kerr: 25). However, his campaign to replace the outdated 1857 divorce law through letter writing to the press and as President of the Divorce Law Reform Union, ultimately, failed to achieve its objective. In his letter to *The Times* in May 1920, he voices his concern over women who have been deserted by their husbands and who may only acquire a divorce with great difficulty (Kerr: 25). Further confirmation of his commitment to changing the divorce law is evidenced in an article he wrote for the September 1911 issue of *The Strand Magazine* entitled 'What Reform is Most Needed: A Symposium of Eminent Men and Women' (Vol. 42: 269-274). In it, the magazine approached a number of well-known individuals, including Mrs Pankhurst, G.K Chesterton and Sir Arthur Conan Doyle, and requested their opinion on the most pressing and urgent reform needed at the time. Mrs Pankhurst, naturally, expressed her view that 'female suffrage' was vital to constitutional equity whilst Mr Chesterton railed against the abuse of the law of libel declaring 'The very sustainers and creators of the abuse can always purchase the best power of the Bar, and can generally appeal to the social prejudice on the Bench', before going on to bemoan the criminal influence of wealth and power to subvert the law (274). Conan Doyle took the opportunity to vent his frustrations over the current state of divorce law and complained bitterly:

The divorce laws are so arranged at present that divorce is practically impossible for a poor man, that people are tied without hope of release to drunkards and criminals and great numbers (more than two hundred thousand individuals) are separated by law, and yet are not free to marry again - a fact

that cannot be conducive to public morality (270).

Since sexual morality and respectability form the nucleus of ideological female identity in the era, targeting of criminals who undermine a woman's vulnerable position in society calls for swift redress from Holmes who uses whatever means are necessary to protect her, including perverting the course of justice. In 'The Case of Identity' the inadequacy of legal provision for women and their exposure to abuse from subversive relatives draws attention to the flaws inherent in the Evidence Amendment Act of 1869, designed to prevent breach of promise, it fails to protect those who need it most since most women would baulk at the idea of airing their grievances in court due to the scandal it would create. In punishing the deviant male: threatening to flog Mr Windibank in 'The Case of Identity' and causing the snake to sink its teeth into Dr Grimesby Roylott causing his death in 'The Speckled Band', Holmes deals retributively for the wrongs inflicted on women in need of protection, demonstrating the key principles of his chivalric code of conduct, which is calibrated to counter legal loopholes that advantage the criminal. Breaking and entering is a staple infraction of the law for Holmes in several of the stories, but his level of criminality reaches new heights in 'The Adventure of Charles Augustus Milverton' when he refuses to intervene to save the blackmailer Milverton from a vengeful assassin. Merciful judgment by Holmes in 'The Adventure of The Blue Carbuncle' when he allows the thief James Ryder to go free illustrates his view of justice as tempered by compassion, which also offers a critique of The Prevention of Crimes Act of 1871 and its discriminatory nature. In his pursuit of justice, Holmes's actions, echo those of his creator Arthur Conan Doyle in Pierre Nordon's biographical account of his life, which features chapters on Doyle as a 'Lover of Justice'. Doyle's involvement in prominent struggles for justice, include that of George Edalji in 1907,

Oscar Slater in 1912 and Roger Casement in 1916 (Nordon: 115). The fictional Holmes's search for justice in spite of the law involves him in a long list of criminal offences redolent of the heroes of rogue fiction and despite lawless behaviour his popular appeal demonstrates that infractions of the law on behalf of the weak and marginalised draws approbation from readers, resonating with the climate of the times. Breaking the law with impunity adds to his charisma by imbuing him with the executive power associated with monarchical privilege. In Baring-Gould's annotated volume of Sherlock Holmes adventures, Mr Robert Keith Leavitt notes that of the thirty-seven definite felonies where the criminal was known to Sherlock Holmes, in fourteen of these 'he took the law into his own hands' to free the guilty person; in twenty-three cases the offender was taken to the police and in seven, suicide, Acts of God or death at sea account for the criminal's end. Only in four cases did the criminals escape justice entirely (467). What I demonstrate in this work is the precise reasoning behind Holmes's decision-making in the search for an alternate and fairer form of justice.

Arthur Morrison's detective Martin Hewitt's illicit actions are premised on his role as a professional investigating a series of crimes linked to middle-class criminality, such as embezzlement and fraud. His identification with the common man, fallible and industrious and bound by a professional code of conduct, influenced by Pinkerton's principles and coupled with the need to earn money from his endeavours, presents comparable levels of criminality in his response to crime. However, he is more likely to act in conjunction with police procedure while criticising their lack of insight at the same time. Highlighting a contemporary concern for women: that of spousal desertion, the first story 'The Case of Mr Geldard's

Elopement', written the year before The Summary Jurisdiction (Married Woman) Act of 1895, reveals concerns with the problem of abandonment for women. Despite its provision in ordering husbands to pay maintenance to their wives and families, the warrants were useless if the husband had disappeared leaving no contact details. Like Holmes, Hewitt foregoes any attempt at acquiring a warrant when investigating crime, preferring to enter premises stealthily to unearth criminal intent, which he does in 'The Case of Mr Geldard's Elopement'. By locating the pursuit of criminal activity in a respectable neighbourhood under the eyes of the official police, Hewitt redefines the criminal as middle-class and respectable rather than recidivist pauper. The practice of policing fails to keep abreast of the times in recognizing who is criminal.

Significantly, in this case, Hewitt is guilty of a greater crime than his clients, for housebreaking is a felony in contrast to Mr Geldard's misdemeanour of illegal distilling. In the second story 'The Affair of Mrs Seton's Child', Hewitt articulates a restorative approach to justice by convincing Mrs Seton to forgive Mrs Isitt for abducting her child. His actions are in tune with the creeping medicalisation of women as psychologically impaired through biological malfunctioning, which causes them to act criminally. Martin Wiener draws our attention to the inconsistency of the law in that as 'deviant women were coming to be seen as mentally ill, and diverted to asylums and reformatory institutions' the use of psychiatry to excuse deviancy in males was unhurried (*Men of Blood*: 36). However, Isitt's drunken middle-class brother receives no penalty for penning a threatening ransom letter, illustrating class-inflected judgment at odds with Hewitt's previous unearthing of bourgeois deviance. Hewitt's response to Oliver Neale may be influenced by the inequitable system he is likely to meet in the police courts for his drunken behaviour. In an article entitled 'The State of the Law Courts: Criminal Courts', in the July 1891 issue of *The Strand*

Magazine, Antony Guest comments on the absurd rapidity with which cases are dealt in the Police Courts, noting 'For instance, in some courts when a prisoner is charged with being drunk and disorderly, the magistrate does not even give him time for defence, the trial occupying about two minutes . . . There is no appeal, and no note is taken by means of which a possible injustice might be investigated '(Vol. 2: 85). Hewitt's response is likely directed towards helping Mrs Isitt who is already suffering from the loss of her children and husband. On the other hand, by not reporting Neale's behaviour to the police, his judgment could be considered misguided in Barbara Hudson's account of deterrence of crime as she explains 'an unpunished crime leaves the path of crime open, not only to the same delinquent but also to those who may have the same motives and opportunities (18). Again, it could be viewed in the same way as Lady Hilda's offence in 'The Adventure of the Second Stain' where it is unlikely the offence will ever happen again, in which case 'punishment would be useless' and would add 'one evil to another' (18). Hewitt's code of conduct, in my view, articulates a complex mixture of what Burnside and Baker term 'an antiseptic construal of justice' involving a more rigid application of the legal rules in line with his professional stance and symbolic of the attitude to crime taken by Pinkerton, coupled with occasional acts of clemency in a more compassionate vein. However, his criminality is equal to that of Holmes in the way he achieves resolutions (43). Donovan, the official policeman, is created in the mould of Gaboriau, with rigid adherence to the letter of the law in a model of impartial and fair application of the rule of law, devoid of emotional attachment or clemency: just desserts for the criminal does not include mercy in his view. Influenced by Vidocq whose memoirs Muddock penned, swift and efficient justice in line with the dictates of law and legal procedure predominate in his approach to criminality.

Presenting a radical vision of discretionary justice, I have shown how the female gypsy protagonists, Judith Lee and Hagar of the Pawn Shop in Chapter Three embody the empowerment of women at a time when their position in society denied them any agency in the legal or Parliamentary systems. Absent from courtrooms, either as jury members, barristers or judges, fictional redress is achieved in the usurpation of authority for dispensing judgments and gender transcendence in the way they deliver it. Since it was not until 1918 with the Representation of the People Act that women over thirty first achieved a measure of suffrage in recognition of their work in the Great War, the female protagonists in this study outdo their male counterparts in subverting both gender and legal ideology. The year 1918 was also significant for the enactment of a bill to allow women to stand for Parliament and heralded the arrival of Lady Astor as the first woman to be elected to Parliament the following year. In her account of 'British Women's Emancipation Since the Reformation', Helena Wojtczak advises that 1919 ushered in the Sex Disqualification (Removal) Act, which paved the way for women to enter the professions (www.historyofwomen.org). Our fictional heroine, Judith Lee waits for no invitation to the profession of teaching the deaf, as she asserts authoritative control over her own career, and uses her talents for the good of society. Her sleuthing activities draw attention to the law's inability to protect women from predatory males in public spaces, once the preserve of masculine elites, and highlight once more the unreliable nature of circumstantial evidence in convicting an innocent man to death. Hagar's talionic approach to justice in seeking an eye for an eye iterates a form of justice practised in both biblical and early Roman law. Roger L. Lévesque explains the nature of such an approach to justice, centred on retaliation for harm inflicted to be returned in equal measure 'Proportionality is inherently a retributive concept, and perfect proportionality is the talionic law', he advises (532).

Both Judith Lee and Hagar take a retributive approach to justice, though Hagar's experience at the sharp end of society, which provides daily exposure to crime in Lambeth, is more pronounced than that of the middle class Judith Lee, who issues warnings before delivering justice. Despite the profusion of fictional female detectives, and in particular, Baroness Orczy's official female detective, Lady Molly of Scotland Yard who was head of the Female Department of the Yard in 1910, it was not until 1919 that the Metropolitan Police appointed its first woman police officer, Sofia Stanley, and waited until 1921 before appointing the first female Inspector of the Criminal Investigations Department (www.metwpa.org.uk). Haia Shpayer-Makov notes that prior to this women who were admitted to the force were involved in 'conducting searches of female suspects'; 'guarding female prisoners and taking statements: unlike their fictional counterparts, they were never part of the ordinary police force (83).

Improvements in the legal system in the early years of the twentieth century are reflected in Edward Parry's assessment of its impact on the poor when he applauds the 'three recent acts of Criminal reform that have done much to safeguard the interests of innocent men, especially if they are poor: the Criminal Evidence Act, 1898; The Poor Prisoners Defence Act, 1903 and the establishment of the Court of Criminal Appeal (Parry: 195). However, writing in 1915, he goes on to complain about how long it has taken to bring about change, and admonishes 'If we had such an outburst of criminal reform every ten years we should be doing well' (195). From Martin Wiener's account, improvements in legislation and the effects of a 'civilizing offensive', on male violence resulting in stigmatization of those who perpetrated acts of violence against women and children led to a decline in violent crime towards the end of the

century where a 'discourse of pacification' established grounds for 'Britain's role overseas' as the bringer of law and order (*Men of Blood*: 14). In the wake of the Dreyfus Affair in France, terrorist and anarchist plots and the possibility of invasion mooted in invasion literature, a shift from domestic to diplomatic affairs infused popular fiction and created the conditions for spy fiction. Blending detection with spying, the behaviour of the protagonists is defined by cold pragmatism and skullduggery as tolerance is placed on the periphery in dealings with the enemy. Although by contemporary standards, most of the spying protagonists in the study appear almost saintly in their moral deviance, I have uncovered the gradual creep of muddled morality emerging in the spy narratives of Sherlock Holmes, Carruthers and Davies and Richard Hannay. Each expresses initial reticence over the use of deception, illegality and nefarious means to safeguard the national interest, yet in the fusion of investigative and spying narratives that follow, normalization of lawbreaking filters through to become commonplace. Breaking the law to sustain empire in the national interest entails clandestinity and the subjection of individual rights as secondary to those of the country as a whole. In a casuistic tradition, immoral judgments are made to seem rational and the right thing to do under the circumstances. In what Cawelti terms the 'flight and pursuit' model of spy adventure, epitomised in Buchan's hero Richard Hannay (*Spy Story*: 83), duty involves breaking the law and conformity to legal constraints jeopardizes the spy's ability to fulfill his role as defender of the realm: his actions are sanctioned by higher authority than that endowed in the common law. Following Baden-Powell's dictum for national fervour in *Scouting for Boys* when he instructs his charges 'Therefore, in all that you do, remember to think of your country first . . . Then you will have in you the true spirit of patriotism, which every British boy ought to have if he is worth his salt': the

encoded language suggests that the spy must suppress personal inclination and, by inference, his conscience, for king and country (30). Not everyone approves of the commingling of genres in detective and spy narratives. Offering a critique of the immorality and dark view of humanity espoused in the later spy fiction of John Le Carre, Jacques Barzun laments the adulteration of detective fiction with spying narratives and remarks that 'nothing in this world can be accomplished without trust', for deception creates conditions of insecurity for all since credibility disintegrates and leads to chaos (Barzun: 167-178). Further he complains that 'under a surface likeness the purposes of spying and criminal detection are opposite: the spy aims at destroying a polity by sowing confusion and civil strife: the detective aims at saving a polity by suppressing crime' ('Findings': 167-178). Despite his protestations, the appeal of spy literature and spies, both then and now, attests to its allure and to the magnetic charms of its champions: it provides a fantasy indulgence of supreme surreptitious power, adventure and subversion, an escape from the humdrum or a thrilling encounter; a measure of the enduring appeal of Buchan's spy fiction was the recent nomination of his novel *The Thirty-Nine Steps* as the third most popular read in Scotland in a poll by the BBC, over one hundred years after it was written.

The ravages of war created Bulldog Drummond in the image of a new warrior for the modern age. Suavely cynical and brutishly violent towards the dehumanised enemy, his view of institutional authority shapes the nature and extent of his illegality as he takes the law into his own hands rather than trust to official channels for deliverance. Physical prowess and muscular masculinity define his actions, and, imbued with a measure of chivalry like that of Holmes in his dealings with women and the vulnerable, he articulates the rancour of a generation traumatised by war.

With the dust barely settled on the Treaty of Versailles (1919), witness to the imposition of crippling reparations on Germany, the foundation of the League of Nations (1920) and promises to prevent repetitions of the barbarity and attrition of another such war, the actions of our hero belie any spirit of goodwill towards the enemy and project an image more in keeping with Beowulf than the first subject for investigation in this study: Sherlock Holmes (Poplawski: 523).

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