

REFORMATIVE SYMPATHY IN NINETEENTH-CENTURY CRIME FICTION

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Abstract

Nineteenth-century British crime novels whose heroes were criminals redefined criminality, alerting readers to the moral failures of the criminal justice system and arguing for institutional reform. My research on this topic begins with William Godwin's novel *Caleb Williams* (1794) as a social reform project that exposes hypocrisy and inconsistency of governing institutions. I then assess how contemporary social criticism of crime novels contrasts with the authors' reformative intentions. Critics argued the 'Newgate novels', like those of Edward Bulwer-Lytton and William Harrison Ainsworth, glorified criminality and were therefore a danger to readers. However, Bulwer-Lytton's *Paul Clifford* (1830) and William Harrison Ainsworth's *Jack Sheppard* (1839) serve, like *Caleb Williams*, as social reform efforts to alert readers to the moral failings of the criminal justice and penal institutions. They do so, I argue, through the use of sympathy. By making the criminal the victim of a contradictory society, Godwin, Bulwer-Lytton, and Ainsworth draw upon the sympathies of imagined readers. I apply contemporary and modern notions of sympathy to the texts to demonstrate how the authors use sympathy to humanise the title characters in societies that have subjected them to baseless mechanisation.

The emergence of crime fiction in nineteenth-century Britain provided readers with imaginative access to a criminal's perspective and history as they conflicted with the criminal justice system and its punitive power. Novelists working within the genre re-examined criminality, morality, and justice, often delivering powerful social critiques of extant institutions. As a late eighteenth-century influence on future crime novelists, William Godwin wrote *Caleb Williams* (1794) as a social reform effort, exposing inherent flaws in the criminal and penal systems. Godwin's novel serves as an exposé of how a man with power, Falkland, could escape conviction for murder and use his power to destroy the life of the innocent Caleb. Godwin wrote *Caleb Williams* to reach an audience who would not read his *Political Justice* (1793), thus exposing a wider network to social injustice. His work asks readers to question the infrastructure of the criminal and penal institutions, suggesting their immorality and capability to corrupt an individual rather than reform him. Later, novels whose heroes were criminals, such as Edward Bulwer-Lytton's *Paul Clifford* (1830) and William Harrison Ainsworth's *Jack Sheppard* (1839), gained popularity, but also drew criticism for glorifying criminality. These 'Newgate' narratives, following Godwin's lead, redefined criminality and focused attention on the faults of society rather than those of the individual. Alerting readers to the moral failures of the justice system,

they argued for the necessity of institutional reform.¹ This paper considers how Godwin, Bulwer-Lytton, and Ainsworth present this argument. Expanding on Godwin's social critiquing methods, Bulwer-Lytton and Ainsworth expose the hypocrisies of governing institutions while identifying environmental rather than innate factors that lead to criminal behaviour. Further, because these institutions offer up contradictions rather than coherent moral values, they fail to rehabilitate the criminals they create. Finally, I argue that rehabilitation becomes possible in all three novels by means of sympathetic identification: it is the criminal's capacity to feel for others and the capacity of readers to feel for the criminal that represents triumph over a broken legal and penal system.²

Public Morality and Man's 'Most Evil Passions'

Nineteenth-century morality is established first by the public institutions who desire to maintain a particular order. In *Reconstructing the Criminal* Martin J. Wiener describes a Victorian concern for moralisation: 'most crime thus signalled not only a generalised social disorder, but one particularly linked to defective self-management'.³ This 'defective self-management' indicates a lapse in moral judgement and accuses the individual rather than extenuating factors as responsible for the social disorder he describes. Therefore, it is up to the established institutions to instil a policy for maintaining proper moral behaviour and social control: 'criminal policy – as other fields of social policy – was enlisted in the effort to advance the civilizing process by fostering personal discipline and foresight'.⁴ By accepting the

¹ For Martin J. Wiener, the Newgate novels 'suggest[ed] anxiety about the very values of individual self-shaping and assertion of will against circumstance that were constantly upheld by contemporary moralists'. Martin J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), p. 22. As the novels accuse the environment for its influence on an individual's behaviour, they contrast with the publicly accepted idea that morality and immorality are rooted within the individual.

² While Wiener suggests the most crucial contemporary issue with the Newgate novels was that they 'glamorized' crime (p. 22), I focus my argument on sympathy, its connection with morality, and its influence as a means to deliver a social critique. Though the glorification of crime expanded the readership, sympathetic identification allows for potential social reform. Monika Fludernik's 'Spectacle, Theatre, and Sympathy in *Caleb Williams*', *Eighteenth-Century Fiction*, 14.1 (2001), pp. 1-30, provides a useful context, describing Godwin's use of sympathy, and providing a model of sympathetic identification that, I argue, Bulwer-Lytton and Ainsworth expand on by using the Newgate model.

³ Wiener, *Reconstructing the Criminal*, p. 49.

⁴ Wiener, *Reconstructing the Criminal*, p. 49. For a Victorian view of the moral obligations of the criminal and penal systems Wiener looks at Leslie Stephen's *The Life of James Fitzjames Stephen* (1895), which argues that 'no social institution [...] "can have a greater moral significance or be more closely connected with broad principles of morality and politics than those by which men

criminal and penal systems, the members of the public were also accepting their notions of appropriate morality and adherence to such a ‘civilizing process’. Those who debased these systems, like Godwin, Bulwer-Lytton, and Ainsworth, were critically chastised as threatening proper moral order.

Contemporary critics further establish a definition of morality by discrediting the fiction they believe threatens it. A reviewer for *The British Critic* writes of *Caleb Williams*: ‘This piece is a striking example of the evil use which may be made of considerable talents connected with such a degree of intrepidity as inspire the author with resolution to attack religion, virtue, government, laws, and above all, the desire (hitherto accounted laudable) of leaving a good name to posterity’.⁵ In a similar vein, an early review of Ainsworth’s *Jack Sheppard* claims that ‘public morality and public decency have rarely been more endangered than by the trumpeted exploits of Jack Sheppard’.⁶ And, the *Christian Examiner and General Review* says of *Paul Clifford*, ‘No one, we think, can read the work before us, without reprobation and disgust; no one we mean, who is properly impressed with the importance of moral duty and religious obligation, or who feels sensible that the regulations of society, in regard to property, industry, and personal security, are entitled to any respect’.⁷ ‘Public morality and decency’, these reviews suggest, depend upon preserving the institutions that novels ‘attack’. The morally diligent reader, who adheres to and has faith in religious, political, and legal institutions, therefore, ought to dismiss such novels, which threaten to spread ‘evil’ across society. Society, then, functions best if it is an environment of proper moral order. The critics further claim the reader who does not regard the novel as filth has no respect for such society and even ‘personal security’, as the novel threatens the reader’s productive role as a member of society.

The reception of these novels reflects the very prejudices that Godwin, Bulwer-Lytton, and Ainsworth write against. The authors are not mitigating morality, but asking readers to re-examine and scrutinise the social mechanisms that have created the publicly accepted notions of both morality and criminality. They do this by exposing contradictions embedded in the institutions themselves. In *Caleb Williams*, for example, Caleb’s experience in prison after a false conviction leads him to think, ‘I could never believe that all this was the fair result of institutions inseparable from the general good’.⁸ He questions not only the morality of the institutions, but also the ‘fairness’ of the system. Likewise, in *Paul Clifford*, Paul is incarcerated for a crime

rightfully, deliberately and in cold blood, kill, enslave or otherwise torment their fellow creatures” (qtd. in Wiener, *Reconstructing the Criminal*, p. 54). The accepted public responsibilities of the criminal and penal institutions at this time were to maintain moral order.

⁵ Anon., *The British Critic: A New Review*, 40 vols (London: F. and C. Rivington, 1794), III, pp. 70-71 (p. 70).

⁶ John Forster, ‘Review of *Jack Sheppard*’, *The Examiner*, 1657 (1839) in *Jack Sheppard* (Ontario: Broadview Editions, 2007), p. 510.

⁷ Anon., ‘ART. III. – *Paul Clifford*’, *Christian Examiner and General Review*, 9.1 (1830), p. 46.

⁸ William Godwin, *Caleb Williams* (London: Penguin, 2005), p. 190.

he did not commit, and, upon escaping prison, becomes a highwayman alongside a gang of robbers. Paul's definition of crime exposes faults in the institution when he says to his love, Lucy, 'crime, – what is crime? Men embody their worst prejudices, their most evil passions, in a heterogeneous and contradictory code; and whatever breaks this code they term a crime'.⁹ Paul's definition of crime accuses the present social and moral codes of being 'heterogeneous and contradictory', which exposes the inconsistencies and hypocrisy of the legal system itself. For Paul, these codes are not only irrational, but also immoral, based on prejudice and 'evil passions'. Godwin initiates a critique of the self-contradictory nature of dominant moral codes that Bulwer-Lytton echoes and even expands upon by using a criminal hero. Thus the corrupt system can not only harm an innocent man, but also instigate social deviance and create the very criminal it reproves. The novel itself thereby is used as a social reform proposal as it asks readers to question the publicly accepted notions of morality and criminality.¹⁰

Problems defining criminality further arise when narratives expose the analogous parallels between criminal characters and upper class individuals, thus exhibiting the class-based prejudice inherent to the 'heterogeneous and contradictory code'. This critique is visible, for example, in *Caleb Williams*, where Falkland's high status and power protect him from the truth of his past crimes. Instead, an innocent, lower class individual is convicted and harassed. Godwin demonstrates that power and class negate culpability in a faulty society. As Caleb observes, 'Six thousand a year shall protect a man from accusation'.¹¹ Likewise, *Paul Clifford* uses unjust treatment of the poor to further expose the problems with class discrimination. Paul says, 'I come into the world friendless and poor; I find a body of laws hostile to the friendless and the poor!' (p. 244). If one is not born into high society, he is betrayed by the contradictory codes and vulnerable to criminal designation while a member of the high class remains unaffected by the codes.

Bulwer-Lytton further establishes parallels between high class and criminality through the figure of Judge William Brandon. *Paul Clifford* contains a criminal-hero and a judge-villain demonstrating 'no absolute divide between criminal characters and virtuous ones'.¹² The judge, we learn, is guilty of moral impurity for selling off

⁹ Edward Bulwer-Lytton, *Paul Clifford*, (London: George Routledge & Sons, Limited, 1902), p. 252. Further references are given after quotations in the text.

¹⁰ For Cécile Bertrand, who expands upon the social reaction to various representations of criminals in "'Horred Murders', 'Int'resting Partic'lars' and 'Confessions!': Constructing Criminal Identities in the Early Victorian Broadside" in this issue, 'the heroic criminal subject invented by the literary discourse of the broadside ballad and the Newgate novels was born out of a defensive reaction against the brutality of the Law to account for the reality of punishment' (25). As a defensive mechanism the fiction becomes a powerful force in contesting harsh and unjust laws.

¹¹ Godwin, *Caleb Williams*, p. 287.

¹² See Jonathan H. Grossman, *The Art of Alibi: English Law Courts and the Novel* (Baltimore: Johns Hopkins University Press, 2002), p. 139.

his wife. He also has a lust for power, ‘knowing no code save that of interest and ambition; viewing men only as machines, and opinions only as ladders’ (p. 334). Brandon’s humanity is lost in the contradictory codes, while Paul, whose innocence is destroyed by this justice system, commits crimes, but finds morality through love. When Brandon mechanises humanity, he is incapable of the moral sentiment that Paul exhibits. Paul elicits sympathy through his character, as Bulwer-Lytton writes: ‘this sympathy was heightened by the hardihood of physical nerve and moral intrepidity displayed by the prisoner, – qualities which among men of a similar mould often form the strongest motive of esteem, and sometimes [...] the only point of attraction!’ (p. 486). Paul has the character of a moral, respectable man, but his public identity is deemed criminal. Bulwer-Lytton exposes the parallels between the classes of men, confirming that both immorality and criminality cross class lines. He further claims this purpose in his preface: ‘to show that there is nothing essentially different between vulgar vice and fashionable vice, and that the slang of the one circle is but an easy paraphrase of the cant of the other’ (p. 8). ‘Vulgar’ and ‘fashionable’ vice both lead to immorality; thereby the social status of a man does not determine his criminal capacity.

Bulwer-Lytton continues to demonstrate that the criminal and the gentleman may be virtually indistinguishable through the notes of fictional criminal Augustus Tomilson that follow the conclusion of the main narrative. Augustus claims, ‘Whenever you read the life of a great man, I mean a man eminently successful, you will perceive all the qualities given to him are the qualities necessary even to a mediocre rogue’ (p. 526). The novel exposes success as rooted in status rather than these ‘qualities’. Augustus claims greatness does not distinguish morality and even suggests that a criminal has qualities to surpass the ‘great man’. Ultimately Bulwer-Lytton suggests the threat that the corrupt, powerful gentleman poses to society and attempts to eradicate the current ignorance to vice embedded in high class. Similarly, Ainsworth’s *Jack Sheppard* illustrates the interchangeability of high and low class characters in terms of their criminality when Jonathan Wild, the administrator of the law says (in a passage that echoes the famously villainous Iago’s ‘Were I the Moor I would not be Iago’), ‘were I not Jonathan Wild, I’d be Jack Sheppard’.¹³ Here, Wild perceives the parallel between his own identity and that of the convicted criminal, Jack Sheppard. However, Ainsworth shows Wild’s character to be in fact more villainous than Sheppard’s. Jack is a product of his circumstances who wants to redeem himself, while Jonathan Wild is the living embodiment of a corrupt system, as he tries to balance being a ‘thief-catcher’ and the chief orchestrator of the criminal underground. Like *Paul Clifford*, *Jack Sheppard* attempts to help the public perceive the criminal/gentlemen parallels, further complicating received definitions of criminality.

¹³ William Harrison Ainsworth, *The Works of W. Harrison Ainsworth, Esq. Vol. XI. Jack Sheppard* (London: Chapman and Hall, 1850), p. 173.

Against these definitions, the novels repeatedly illustrate how one becomes a criminal through his circumstances. As Augustus Tomilson says, ‘we are all blocks of matter, formed from the atoms of custom; in other words, we are a mechanism, to which habit is the spring. What could I do in an honest career? I am many years older than you. I have lived as a rogue till I have no other nature than roguery’ (p. 365). Augustus claims he has no choice but to be a criminal because he has no nature independent of the ‘rogue’ society has made him. His use of the word ‘mechanism’ critiques the systemic dehumanisation of criminals. Paul Clifford and Jack Sheppard resist this form of mechanisation as both men make reformatory choices to change and disassociate themselves from their criminal lives. However, they are perpetually stigmatised as criminals, unable to alter public perception.

When the characters see themselves as victims of an oppressive and contradictory social environment, they use language that suggests the pestilent nature of the corruption. Monika Fludernik has noted this rhetoric of contamination in *Caleb Williams*, arguing that ‘the poisonous effects of society operate most forcefully on the morals of those who become the victims of its oppression’.¹⁴ Similarly, Paul Clifford defends himself by repeatedly charging the social malfeasance as responsible for his criminality: ‘my faults [...] are no less the consequence of circumstances and contagion’ (p. 318). Bulwer-Lytton’s use of the word ‘contagion’ makes Paul into an individual infected by circumstance; the resulting disease is his criminality. Similarly, Paul says during his trial, ‘you, who will now pass my doom, – You were the cause of my crimes! My lord, I have done. I am ready to add another to the long and dark list of victims who are first polluted and then sacrificed by the blindness and the injustice of human codes!’ (p. 491). Paul’s exclamations attempt to reveal not only the truth of his history, but the problems with a corrupt institution that creates criminals. The ‘heterogeneous and contradictory’ codes are unjust, for Paul’s humanity has been sacrificed for the preservation of a corrupt social order. He also claims he is not the only one who has been ‘polluted’ and misidentified, thus accusing the corrupt governing institutions of the widespread creation of criminals. Mrs. Sheppard echoes this sentiment in Ainsworth’s novel. She desires Jack’s ‘instant removal from the contaminating society by which he was surrounded’,¹⁵ arguing that his infectious environment has made her son a criminal.

In Paul Clifford’s defence Bulwer-Lytton criticises the legal system and exposes its flawed, contradictory nature. He claims, ‘your laws are but of two classes; the one makes criminals, the other punishes them’ (p. 482). Here Bulwer-Lytton defines the ultimate problem with the legal and penal institutions by revealing the hypocrisy of a system that causes the very crimes it punishes. This becomes a vicious, unending cycle, as observed by Augustus: ‘As every crime creates a law, so in turn every law creates a crime; and hence we go on multiplying sins and evils, and

¹⁴ See Fludernik, ‘Spectacle, Theatre, and Sympathy in *Caleb Williams*’, p. 21.

¹⁵ Ainsworth, *Jack Sheppard*, p. 125.

faults and blunders, till society becomes the organised disorder for picking pockets' (pp. 544-5). Augustus's description resonates with a Foucauldian penal system that focuses on quelling future crime by decreasing criminal 'imitators' from a class of the 'potentially guilty'.¹⁶ The institutions attempt to prevent wrongdoing by creating a system of coercion based on promoting moral modelling and dissuading immoral imitation. Coercive behaviour modelling requires examples of moral and immoral behaviour, which creates a paradoxical situation: in order to reduce crime, there need to be criminals. Bulwer-Lytton illustrates this paradox in *Paul Clifford* as he presents how a corrupt institution corrupts the innocent individual. Society's treating Paul as a criminal is precisely what makes him commit crime.

Affection and the Reformatory Power of Sympathy

Because the institutions that define criminality also depend upon criminality, they are revealed to be ineffective in reforming criminals. Godwin, Bulwer-Lytton, and Ainsworth imagine a way out of this situation through sympathy and establish the capacity for a human soul that is redeemable, not controlled or regulated by institutions or public influence. Paul Clifford, who actually turns to crime only after escaping from prison, is effectively reformed by love and hope. Likewise, Jack Sheppard has been condemned by society, but his moral inclinations may redeem him in the eyes of those who can sympathise with him. This notion of sympathy, which nineteenth-century writers derived from the moral philosophy of Adam Smith and Edmund Burke,¹⁷ represents the other side of the destructive contamination that spreads from the moral failures of the justice system. Modern definitions of sympathy can also be posited alongside contemporary notions to see the overlap between morality and sympathy, in contrast with immoral or infectious behaviour.

Sympathetic identification in these novels is opposed to the mechanistic objectivity of the penal system. 'Discipline', as Foucault writes, 'is the specific technique of a power that regards individuals both as objects and as instruments of its exercise'.¹⁸ The objectification of individuals as 'instruments' eliminates individuality as such and posits productivity as the end goal of disciplinary procedures. According to Heather Worthington, 'there is no space for individuality in this system of signification: the identities of the criminals become synonymous with

¹⁶ See Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1975), pp. 93, 108.

¹⁷ See Adam Smith's *The Theory of Moral Sentiments* (Cambridge: Cambridge University Press, 2002), in particular Chapter 1: Of Sympathy, and Chapter 2: Of the Pleasure of Mutual Sympathy, originally published in 1759; Edmund Burke's *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful* (London: George Bell and Sons, 1889), in particular Section 13: Sympathy, originally published in 1757.

¹⁸ Foucault, *Discipline and Punish*, p. 170.

the crime they have committed, and the aberrant criminal individual is absorbed into the robotic citizen model required by sovereign power'.¹⁹ Worthington specifically refers to public trials and execution and the broadcast of crime and punishment in the broadsides.²⁰ However, Godwin, Ainsworth, and Bulwer-Lytton allow for an individual to separate himself from his crimes. These authors create moral subjectivity through perspective and sympathy, allowing their fiction to prevail as a way to redefine a punished individual who can emerge as virtuous. Toward this end, the authors also reassert humanity by titling their novels with the protagonists' names. The signification of the names as the titles subverts the 'robotic citizen model' created by the contradictory codes of society by humanising the criminal and further allowing for sympathetic identification.

These novelists use sympathy to imagine a reader's affection and possible alteration of moral sensibility. For contemporary notions of sympathy we can look to Adam Smith and Edmund Burke who write that sympathy involves 'our fellow-feeling with any passion',²¹ and that 'sympathy must be considered as a sort of substitution, by which we are put into the place of another man, and affected in many respects as he is affected'.²² Godwin's, Bulwer-Lytton's and Ainsworth's novels invite the reader to share the emotions of Caleb, Paul and Jack, to sympathise with their suffering and acknowledge their capacity for redemption. Caleb Williams suffers in prison, yet remains pure and innocent for the duration of the novel. Caleb's suffering causes him to curse the world: 'Here I am, an outcast, destined to perish with hunger and cold. All men desert me. All men hate me [...] Accursed world! that hates without a cause, that overwhelms innocence with calamities which ought to be spared even to guilt! Accursed world! dead to every manly sympathy; with eyes of horn, and hearts of steel!'²³ Caleb feels unjustly detached from the world and uses exclamatory, emotional language to convey his sense of suffering and abandonment. Caleb lacks sympathy from others, but this provides readers with an opportunity to imagine a sympathetic identification with his lost sense of individuality. This imaginative process is described by Smith: one's 'agonies, when they are thus brought home to ourselves, when we have thus adopted and made them our own, begin at last to affect us, and we then tremble and shudder at the thought of what he

¹⁹ See Heather Worthington, *The Rise of the Detective in Early Nineteenth-Century Popular Fiction* (New York: Palgrave Macmillan, 2005), p. 17.

²⁰ For Worthington, the broadsides allowed for the signification of the criminal, which is the root of Victorian disciplinary power. Though the broadsides had entertainment value, and therefore also commodified crime, their ability to reduce real people to signified criminals rejects humanistic individuality. It may be argued the Newgate novels also commodified crime, however since they reimagine the humanity of a criminal, they therefore serve a larger reforming purpose.

²¹ Smith, *The Theory of Moral Sentiments*, p. 13.

²² Burke, *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful*, p. 31.

²³ Godwin, *Caleb Williams*, pp. 260-1.

feels'.²⁴ Sympathising becomes a physical and emotional process and Godwin's novel suggests then that readers can soften their 'hearts of steel' by sympathising with the innocent Caleb.

We can also look at the development of later and modern notions of sympathy, which posit sympathetic identification alongside morality. This kind of sympathetic imagination, as Charles Cooley argues, ties feeling – sharing emotions – with moral judgment: 'Sympathy [...] underlies also the moral rank of a man and goes to fix our estimate of his justice and goodness'.²⁵ We can evaluate Caleb's virtuousness because we can sympathise with him and his suffering. Fludernik takes this further, establishing sympathy as the root of morality: 'Charged with affection, reverence, and love, reciprocal sympathy becomes the very essence of our humanity. It is the source of our most positive affections and the home of our moral sense. Sympathy casts us as one among many fellow humans'.²⁶ Fludernik aligns affective sympathy with establishing morality and humanity, which would release the title characters from their criminal identification. In the narratives, the heroes' humanity can best be seen when they suffer. Paul Clifford's suffering comes from the realisation that he cannot be with the woman he loves due to his past crimes. Bulwer-Lytton invites the reader to imagine Paul's humanity and how he suffers more for it. The scenes with Paul and Lucy reveal Paul's humanity and understanding of his own moral agency:

While the only tears he had shed since his career of crime fell fast and hot upon her countenance, he kissed her forehead, her cheek, her lips in a passionate and wild transport. His voice died within him, – he could not trust himself to speak; only one thought, even in that seeming forgetfulness of her and of himself, stirred and spoke at his breast, – flight. The more he felt he loved, the more tender and the more confiding the object of his love, the more urgent became the necessity to leave her. All other duties had been neglected, but he loved with a real love; and love, which taught him one duty, bore him triumphantly through its bitter ordeal. (p. 319)

Paul is guided by love and a moral obligation – his 'one duty' – to protect Lucy from suffering. Lucy returns these sentiments: 'it seemed as if, carried away by these emotions, she had yielded altogether to the fondness and devotion of her nature, – that she had wished to leave home and friends and fortune, and share with him his punishment and his shame' (p. 502). Lucy's love allows her to sympathise with Paul and therefore accept his status as criminal and the consequences he will have to face. She is willing to sacrifice everything she has in the world for one publicly deemed a

²⁴ Smith, *The Theory of Moral Sentiments*, p. 12.

²⁵ See Charles Cooley, *Human Nature and the Social Order* (New York: C. Scribner's Sons, 1902), p. 108.

²⁶ Fludernik, 'Spectacle, Theatre, and Sympathy in *Caleb Williams*', p. 29.

criminal. Lucy exhibits Cooley's notion of sympathy through showing how Paul's redemption arises from his becoming the object of sympathy, and, reciprocally, a sympathising subject.

As one who has lost his moral purity due to the injustice of the legal system, Paul represents corrupted innocence. However, the possibility of sympathetic identification arises when he gains his moral sensibility back by falling in love. Bulwer-Lytton's illustration of the romance elicits sympathy between the lovers: 'Lucy and Clifford sat together. The streets were utterly deserted; and the loneliness, as they looked below, made them feel the more intensely not only the emotions which swelled within them, but the undefined and electric sympathy which, in uniting them, divided them from the world' (p. 250). Lucy and Paul are 'divided from the world' of contagion and contradictory codes as they sympathise with each other. Paul's capacity to love and sympathise redeems him; it humanises him and preserves his identity from mechanisation. Importantly, this sympathy is 'undefined and electric'; by describing the process of sympathetic identification without defining it, Bulwer-Lytton appeals to the reader's own sympathetic imagination to understand Paul and Lucy's affection and emotional struggles.²⁷

Jack Sheppard is also redeemed through sympathetic identification when his humanity and suffering are exposed. Keith Hollingsworth calls Jack's 'devotion' to his mother 'his supreme virtue'.²⁸ Jack's character evokes sympathy when his emotions emerge through the pain he suffers due to his mother's situation. Instead of fleeing his pursuers, he risks capture to see her: 'Jack was completely overcome. His chest heaved violently, and big tears coursed rapidly down his cheeks' as he says 'I don't deserve it [...] but I would have risked a thousand deaths to enjoy this moment's happiness'.²⁹ Like Paul, Jack experiences the physicality of emotive release. His language also exposes his humanity and sympathetic feeling for his mother. Later, when Mrs. Sheppard dies, Ainsworth describes Jack's voice as 'suffocated by emotion' as he cries, 'Forgive me – oh, forgive me!' and, 'Oh, God! That I might die too'.³⁰ Jack's capacity to love extends his sympathetic identifiability, for he cries out for redemption to something outside of an institution. Jack's moral sentiments

²⁷ Bulwer-Lytton later defends his use of sympathy in 'On Art in Fiction', *The Monthly Chronicle; A National Journal of Politics, Literature, Science and Art*, 1 (1838), pp. 43-51 (p. 49), where he describes the fictional criminal who 'has some touch and remnant of human goodness; and it is according as this sympathy between the outcast and ourselves is indicated or insinuated, that the author profanes or masters the noblest mysteries of his art'. This clear praise for an author who uses sympathy in crime fiction is a subtle defence against the criticism of his own works. He refers to the criminal's morality – his 'human goodness' – as where the readers can feel sympathy, and thereby indicative to quality writing.

²⁸ See Keith Hollingsworth, *The Newgate Novel, 1830-1847: Bulwer, Ainsworth, Dickens & Thackeray* (Detroit: Wayne State University Press, 1963), p. 137.

²⁹ Ainsworth, *Jack Sheppard*, p. 206.

³⁰ Ainsworth, *Jack Sheppard*, p. 264.

emerge through his emotions as he detaches himself from his social identification as a criminal void of sentiment.

The title characters also appeal to the sympathy of the members of the public. Paul says during his defence, 'I trust my words will sink solemnly into the hearts of all present' (p. 482). He relies on his speech to evoke sympathetic identification to redeem him from his criminal behaviour. Likewise, observers of Jack Sheppard's trial notice that 'when sentence was passed there wasn't a dry eye in the court'.³¹ This suggests that Jack has successfully appealed to public sympathy. Sympathy redeems him from his crimes in the eyes of the public and the reader, though not in the eyes of the law. Jack's death sentence suggests that the system, unlike the audience, remains cold and unfeeling.

Intention and Reception

The use of sympathy in fiction allowed the Newgate novelists to present their social reforming message to what they perceived as a misguided society. But the novelists also used other means to declare their purpose. Prior to the backlash of the Newgate genre, Godwin set forth using criminality for reform purposes as he knew his novel's potential to effect a powerful social impact. In his prologue, Godwin writes that his novel accounts the 'modes of domestic and unrecorded despotism by which man becomes the destroyer of man'.³² Here he declares the problems with society that his novel strives to expose, including the tragedy of lost humanity. The fiction threatens accepted notions of criminality since innocence is represented through a convicted man, and the true criminal, Falkland, the agent of Caleb's misrepresentation, maintains status through power.

There was a need for Bulwer-Lytton to also clarify his social purpose in writing *Paul Clifford* due to the harsh criticism received after its initial publication. In this way he clearly distinguished the novel form from entertainment, as a medium capable of raising social and moral awareness. Initially, in 'On Art in Fiction', he insinuates that a successful crime novelist will reveal the 'vicious influences of any peculiar error in the social system'.³³ However, knowing this article, like *Political Justice*, had a limited audience, Bulwer-Lytton also clearly articulates the purpose of his narrative in his prefaces. In the preface to the 1840 edition he writes, 'the Novel written, with a twofold object: First, to draw attention to two errors in our penal institutions; namely, a vicious Prison-discipline, and a sanguinary Criminal Code, – the habit of corrupting the boy by the very punishment that ought to redeem him, and then hanging the man at the first occasion, as the easiest way of getting rid of our

³¹ Ainsworth, *Jack Sheppard*, p. 196.

³² Godwin, *Caleb Williams*, p. 3.

³³ Bulwer-Lytton, 'On Art in Fiction', p. 49.

own blunders' (p. 7). The declaration of the novel's purpose brings full attention to his social reforming message so the reader may discern the fictional manifestation of these two objectives. In the preface to the 1848 edition, Bulwer-Lytton expands further, 'it is precisely those offences which society cannot interfere with that society requires fiction to expose [...] fiction follows truth into all the strongholds of convention; strikes through the disguise, lifts the mask, bares the heart, and leaves a moral wherever it brands a falsehood' (p. 11). Bulwer-Lytton justifies the need for fiction and how it may be the only means to alert the public to problems and contradictions that corrupt individuals. By specifically saying fiction 'bares the heart,' Bulwer-Lytton further draws upon sympathetic identification that the novels use in their attempts to connect with an imagined audience. It is through accessing an emotive response from a reader that the texts can spread their social reform messages.

However, as social reform projects, these novels appeared a threat to a stable society and therefore received harsh criticism. Lauren Gillingham states, 'the anxiety that the new crime novels inspired derived from a fear of social contamination and instability, fuelled in large measure by questions of readership'.³⁴ The fear was that the glorification of the criminals would inspire new criminals, thus defeating the authors' purposes of eliciting fear of a faulty institution. The argument that the novels had the power to 'contaminate' society is ironically parallel to the argument that society contaminates individuals. Both novelists and critics use this rhetoric to describe the process by which ideas and feelings spread through society. However, the two notions cannot coexist in reader reception. If the reader accepts the authors' messages, then the institutions of governance are guilty of corrupting the very society they seek to regulate. If the reader agrees with the critics of the novels, he or she accepts the argument that these works are the source of moral contamination.

Crime fiction that glorifies the criminal was feared because it allowed readers to consider the point of view of a criminal capable of eliciting sympathy. An article in an 1847 issue of *The Examiner*, entitled 'The Moral Epidemic', details the threat of sympathy: 'There are moral pestilences which traverse the world precisely like the physical. The prevalent one in Europe and America at this time is a disease of the sympathies [...] the predisposing causes are several, – bad nourishment of the mind in romance reading, and the conceit of remodelling society upon principles of super-refined humanity, being the most common'.³⁵ This writer also draws upon the language of infliction, suggesting the dangers of sympathising with literature or literary characters and warning individuals against reading that could infect them.

This fear of contamination extends to conceptions of morality as well. Lyn Pykett notes, 'critics of Newgate fiction deplored its mixing of high- and low-life

³⁴ See Lauren Gillingham, 'The Newgate Novel and the Police Casebook', in *A Companion to Crime Fiction*, ed. by Charles J. Rzepka and Lee Horsley (West Sussex: Wiley-Blackwell, 2010), pp. 93-104 (p. 94).

³⁵ Anon., 'The Moral Epidemic', *The Examiner*, 2074 (1847), p. 690.

characters, and the combining of high- and low-class characteristics in a single character. They objected to mixed motives and mixed morality, preferring the security of a moral universe in which the good and bad, the criminal and the law-abiding are readily identifiable as such'.³⁶ Comfort in a 'moral universe' requires established definitions of good and evil, and virtue and criminality. Therefore, the novels that stray from the norm and redefine these terms threaten the stability of the normative moral universe. The hybridity of high and low and good and evil that Pykett observes creates a character whose existence society denies. For Godwin, Bulwer-Lytton, and Ainsworth, however, this character reveals the problems with the system and the existence of outliers to the common, accepted belief.

Besides misreading criminality in the organisation of class, the critics attacked the language that glorified criminality, which Bulwer-Lytton addresses as a problem of interpretation. Foucault observes that in the nineteenth century 'there is a whole aesthetic rewriting of crime, which is also the appropriation of criminality in acceptable forms. In appearance, it is the discovery of the beauty and greatness of crime; in fact, it is the affirmation that greatness too has a right to crime and that it even becomes the exclusive privilege of those who are really great'.³⁷ To associate criminality with greatness threatens any sort of socially unified morality. Foucault elevates crime from the lower class and aligns it with a higher, 'greater' class of men. Additionally, by referring to aestheticism, Foucault notes both crime and crime fiction as an art. The art of crime emerges through the art of literature. Language therefore becomes a powerful tool in appealing to greatness. In *Paul Clifford*, Augustus Tomilson analyses language and reveals the capacity of misinterpretations in a flawed society. He says:

All crime and all excellence depend upon a good choice of words [...] If you take money from the public, and say you have robbed, you have indubitably committed a great crime; but if you do the same, and say you have been relieving the necessities of the poor, you have done an excellent action [...] We are never rogues so long as we call ourselves honest fellows, and we never commit a crime so long as we can term it a virtue. (pp. 120-1)

Interpretive meaning and word association demonstrates to the public how words can falsify intention, misguide perception, and misidentify subjects. The aestheticism of crime depends upon proper word association. These words can align crime with greatness or mislead the public, as Augustus claims they so often do. Bulwer-Lytton

³⁶ See Lyn Pykett, 'The Newgate Novel and Sensation Fiction, 1830-1868', in *The Cambridge Companion to Crime Fiction*, ed. by Martin Priestman (Cambridge: Cambridge University Press, 2003), pp. 19-40 (p. 30).

³⁷ Foucault, *Discipline and Punish*, pp. 68-69.

thus shows the power of language to distort social perceptions and affect collective morality.

In addition, Bulwer-Lytton was aware of the other means of criminal representation and the effect they had on the public. As Pykett notes, 'Bulwer was particularly anxious about the competition from newspapers, asserting the superior moral and psychological complexity of fiction, and deriding the hypocrisy that deplored in the novel what was freely represented in the pages of the daily and weekly press'.³⁸ For Bulwer-Lytton, fiction has greater moral authority than other print media and is therefore necessary to fill the void left by newspapers that just publish descriptions of crimes. Bulwer-Lytton, like Godwin and Ainsworth, provides psychological motivations and reflects upon the moralistic access to the humanity of mechanised criminals. These authors also present the redemptive power of sympathy and moral identification with characters, distinguishing their novels from print media. The public therefore needs these crime novels to attain its moral education on criminality and realise the disjuncture between morality and legality.

Public definitions of criminality as a threat to morality contrast with the author's definitions of a criminal justice system that is itself immoral, creating tension between the author's piece and the public reception of the text. The novelists who tried to reform society by exposing its faults strived to define morality as a matter of sympathy rather than a system of contradictory codes and false reasoning. The laws are not morally rooted, but Bulwer-Lytton declares a hope to rectify this through Paul: 'Circumstances make guilt [...] let us endeavour to correct the circumstances, before we rail against the guilt!' (p. 509). This is Bulwer-Lytton's message and plea to his readers: cure society in order to cure criminality. However, with the backlash of scathing reviews, the fiction had to battle resistance to get its message to the public. Harsh criticism of the literature conflicted with the literature's harsh messages about society, leaving the nineteenth-century to judge the fiction as revealing, contaminating, or merely entertaining.

³⁸ Pykett, 'The Newgate Novel and Sensation Fiction, 1830-1868', p. 32.

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