An Examination of Crime and Criminal Justice in the Literary Utopias of 1880 to 1914.

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Contents

INTRODUCTION

> "My age was an age of dreams - of beginnings, an age of noble hopes".
>
> (Wells 1898:171)

This quotation from H.G.Wells The Sleeper Awakes (1898) provides the starting point for this exploration of crime in the literary utopias written between 1880 and 1914. These words were addressed to the people of London by the central character of the novel, Graham. He had fallen into a "state of cataleptic rigor" in the late nineteenth century and awoken some two hundred years later to discover a world in which the majority of the citizens were reduced to the level of slaves. In an effort to strengthen the people's desire to revolt he tells them about the positive characteristics of his own age with its emphasis upon the importance of "dreams" and "noble hopes". In a very real sense he was trying to free the people from their inability to contemplate a better way of organising society, to restore to them the power of hope and a sense of their own potential. This emphasis upon dreams and new beginnings encapsulates the essential motivating spirit behind the creation of utopias. For these works of fiction could be described as the individual author's dream transformed into a literary reality. These novels are then read by others who are thus able either to share in the dream or begin to create their own.

The purpose of this chapter is simply to provide a definition of the literary utopia and to explain why the focus of this research

is the subject of crime. The following chapter will look at the key themes that were discussed in this genre and provide a broader picture of what was happening within this body of fiction. It is important at this stage, however, to make a number of general observations on the literary utopias of this period in order to provide a basic pen and ink sketch. Between 1880 and 1914, somewhere between four and six hundred works of utopian fiction were published. It is difficult to be more precise for two reasons; the boundaries between the literary utopia and science fiction are often blurred and open to individual interpretation; therefore what to include and what to exclude is a real problem. Secondly many of the shorter stories in particular were printed by small local publishers or in magazines, thus making it difficult to be confident that the numbers currently cited are a true reflection of the real total. One point that is not disputed however, is the popularity of this type of fiction. For example as it developed it became a target for humorous attack by authors like J.K.Jerome, H.E.Gorst and G.K.Chesterton. This process could be said to have reached its height in 1893 when Gilbert and Sullivan published their comic opera, Utopia Limited, in which many of the traditional themes of the utopia were given a very different treatment. Other writers, as diverse as General Booth and Frederick Engels, found the interest in the subject far less amusing. Both men were united, for different reasons, in their distrust of the utopian tradition. Booth was concerned at the lack of practical application in the schemes proposed, and in his most famous work In Darkest England And The Way Out (1890) he wrote

"I...am quite prepared to hail with open arms any Utopia that is offered me. But it must be within range of my finger tips. It is no use to me if it is in the clouds".
(Booth 1890:79)

In contrast Engels was more concerned in distinguishing what he defined as true socialism from the speculative version. His work Socialism Utopian And Scientific (1892) draws a clear distinction between the two, arguing that the utopian tradition is only the product of "the human brain" whereas true scientific socialism is not the result of imagination, but of a discernible historical process. Despite these individual reservations the desire to record a personal account of what the future would or could hold remained a consistent source of interest to authors. The list of those writers who published novels or short stories in this vein includes some of the most important writers of fiction at the turn of the century such as: Anthony Trollope, Walter Besant, W.H.Hudson, Richard Jefferies, Joseph Conrad, Rudyard Kipling, Samuel Butler, H.G.Wells, William Morris, and E.M.Forster. During the period 1880 to 1914 the utopia was a form of fiction that enjoyed a degree of literary credibility previously not known nor subsequently emulated. Before examining the characteristics of these works in detail it is important to look at two other types of fiction produced during this period which also focused on the way society could or should be constituted. These are, journalistic speculation and science fiction. The purpose of examining these two other related forms of fiction is twofold: to further demonstrate the enormous interest that this subject created at the turn of the century and in doing so

providing a backcloth against which the literary utopia can be better measured and understood.

Science Fiction

> "There seems to be abroad in men's minds an instinctive feeling that a definite stage in the evolution of Western civilisation is drawing to a close, and that we are entering a new era".
>
> (Kidd 1894:1)

The possibilities that this "new era" held were a constant source of fascination for Victorian writers in both the scientific and artistic worlds. Throughout the nineteenth century the impact of new technology, particularly in an industrial context, and the advances in scientific knowledge had had a revolutionary effect upon the shape and thoughts of that society. This transformation inevitably had an important impact on both the form and content of fiction that endeavoured to explore these implications. The primary effect came about as a result of the growth of interest in the science of "human society". Theorists in this field, like Herbert Spencer, looked to the physical and natural sciences, and observing the laws and principles that governed these bodies of knowledge, began to search for the laws that shape society. The quest for these mysterious principles had its roots in the scientific advances made during the eighteenth century, when knowledge of our environment and our own physical attributes was greatly enhanced. Initial attempts to introduce a similar

scientific perspective to the study of society produced what E.H.Carr called the "Newtonian tradition", the belief that society was a mechanism in the same way that the world of nature was. This was the school of thought that Bertrand Russell was reared in, a point he returns to in Portraits from Memory (1958) in which he recalls his early hopes for

> ".....a mathematics of human behaviour as precise as the mathematics of machines".
>
> (Russell 1958:20)

With the publication of Darwin's theory of evolution the conceptual view of society began to shift from the mechanistic model and adopt the imagery of society as an organism which would not cease changing. Throughout the late Victorian period and the Edwardian era the science of "human society" was riddled by the contradictions created by the search for set laws whilst struggling to absorb the impact of Darwin's theory of evolution. One consequence of this was that by the close of the nineteenth century theorists like Kidd were still writing about "underlying laws" whilst entitling his work Social Evolution.

The implications of these developments for speculative fiction were, not surprisingly slow, to permeate through. However, with the publication in 1905 of H.G.Wells A Modern Utopia the impact of Darwin's theories were fully recognized. Wells' novel draws a distinction between "static states" and those which were "kinetic". The former were perfect communities in which there was no further growth, each generation of inhabitants being

identical to its predecessor, society remained the same until, as Wells writes "the Gods grew weary". Darwin's theories opened up for Wells the prospect of utopia going from strength to strength. Utopian society must, he wrote, be designed not as

> ".....a permanent state but as a hopeful stage, leading to a long ascent of stages".
>
> (Wells 1905:315)

The other effect of science on the content of speculative literature had to do with its more practical applications. Kidd lists the use of steam and electricity; the extension of the railways; and the telegraph as being amongst "the wonders of the present age" (Kidd 6:1894). The impact of technology upon Victorian and Edwardian society was, however, a mere drop in the ocean in comparison to its effect on science fiction. The combination of a little knowledge and a great deal of imagination produced stories in which the onward march of scientific application at times bore more resemblance to an unseemly sprint.

One particular element of the scientific shape of things to come emerges from this branch of fiction as a symbol of all that was perceived as technologically progressive, and that is electricity. Jerome.K.Jerome in his essay Dreams (1891) satirically laments

> "There is too much electricity, for my taste, in these worlds to come".
>
> (Jerome 1891:286)

His cynicism is not misfounded, for this power source is deployed in a dazzling range of capacities in both science fiction and the literary utopia throughout the period 1880 to 1914. For example, F.M.White in The Dust of Death (1903) uses it to purify plague infected ground and the scientist hero at the close of the short story describes electricity as a "great, silent, powerful servant". In 1900 R.Coles wrote The Struggle for Empire, a tale of interplanetary warfare, in which Earth gains a final decisive victory by disabling the anti-gravity devices of the alien space fleet. The "Electro-Ednogen apparatus", which enabled this to happen, was of course powered by electricity. A final illustration of the preoccupation with this energy source is provided by George Griffiths A Corner in Lightening (1898). In this short story an enterprising businessman discovers a means of capturing and controlling electricity to such an extent that no one else may use it without his permission.

Having outlined some of the key areas in which Victorian scientific thought impacted upon this body of literature it is important now to provide a definition of what is meant by science fiction and how this term came into existence. The phrase has its roots in the publication of Jules Verne's Five Weeks in a Balloon in 1863 which created a huge interest in the scientific adventure story. The French press and publishers created the term "voyages extraordinariness" to describe this and subsequent works by Verne. In England his novels became known as "scientific romances", a term which was gradually extended to include any fiction which featured the impact futuristic

technology had upon society. Other descriptive phrases such as "scientific fantasies" or "fantasy of possibilities" originated in this country at the turn of the nineteenth century. In 1892 in the United States the term "invention stories" was used to describe the adventures and inventions of F.Tousey's creation, Frank Reade. Other American labels included "pseudo-scientific stories" and "scientific fiction", however it was not until 1929 that Hugo Gernsback coined that immortal phrase "science fiction". Although the term did not come into existence until some fifteen years after the close of the period under scrutiny in this research, it remains a valuable means of distinguishing this body of literature from its utopian counterpart.

The essential characteristics of what actually constitutes science fiction are keenly contested by the current writers of this genre. However, for the purposes of this paper the following definition will be used.

1. That it is a work of fiction.
2. That it should be concerned with the "extension of scientific knowledge" and the consequences of that extension.

In essence fiction of this type primarily focuses on the impact of science and technology upon society. However, the extent to which this interplay occurs is dependant completely upon the individual author. This means that a broad spectrum of science fiction exists: ranging from novels and short stories which take

as their primary theme the effects of scientific advancement upon the community through to those that are only concerned with actual technological developments. Those works of fiction which contain a greater level of interplay often prove difficult to distinguish from the literary utopia and much fruitless time can be spent trying to distinguish a boundary between the two. Which category, for example, does E.M.Forster's The Machine Stops (1909) belong to? We learn from the author that he wrote his short story as

> ".....a reaction to one of the earlier heavens of H.G.Wells".
>
> (Forster 1947:6)

The Machine Stops is totally concerned with the negative effect of technology on the world, so on one level it satisfies the criteria for being labelled as science fiction. However, Forster's detailed description of the nature and structure of society in his short story also qualified it for categorization under literary utopia. Forster's work is not alone in its position. Kipling's With The Night Mail (1908); Cutcliffe Hynes' Emperor of the World (1910) and several novels of H.G.Wells' such as The First Men in the Moon (1900) all share the same duality. The purpose of making this point is to demonstrate that trying to impose watertight categories upon some novels is futile. It has to be accepted therefore that at certain points there is an interface between science fiction and the literary utopia.

Journalistic speculation

With the emergence in the 1880's and 90's of periodicals like The Strand Magazine, Pearsons Magazine, The Windsor and The Harmsworth, a revolution took place in the reading material available to the British people. The aim of these magazines was to provide a range of sensational material in order to attract as large a popular audience as possible. Taking The Strand as an example, its first editions introduced its readers to such themes as child workers in London; Opium dens; Actors dressing-rooms and information about the latest ladies fashion. The magazine's illustrated monthly format and its contents proved immediately successful, with the first edition selling 300,000 copies and its circulation went on to regularly reach 500,000. Within a few years competition became increasingly fierce and inevitably the market for such periodicals became overcrowded, a point acknowledged in the first editorial of The Harmsworth in 1898.

> "The beginning of a new Magazine, once an event, is now so much a commonplace that the ancient excuse of the "long felt want" no longer serves. The reader has of late years been harried by an enfilading, and a ricochetting fire of new adventures, some honestly and avowedly frivolous, others portentously literary, a few loftily artistic. Every imaginable plan has been adopted whereby his capture might me effected".
>
> (The Harmsworth 1898:1)

The effects that these magazines had upon both literary utopias

and science fiction can be broken down into two basic areas; the first being the provision of a new and, as already observed, popular publishing platform for these types of story. The successes and financial virility of The Strand, et al, depended on huge circulation figures being maintained as the prices charged for these magazines only ranged between 6d and 1/-. The editors therefore, required a constant diet of sensational fact and fiction with which to nourish their readers. This demand for the new and the different, coupled with an increased interest in the effects of scientific advancement, combined together to present writers of speculative fiction with the opportunity to demonstrate its appeal to editors and readers alike. The sheer number of stories written for magazines during this period demonstrates its success to all concerned.

The periodical presented authors essentially with two stylistic options, the short story or the serialised novel. Both of these formats had consequences for the content of the finished product. The short story had to often sacrifice details, such as the personality of the characters, for the sake of brevity, as the magazines need for popular appeal demanded action on every page to succour its readers. The thirst for "blood and thunder" also presented problems for those writers whose medium was the novel. With each chapter being serialised as a separate unit, each one had to contain the requisite ingredients of action and intrigue which would hold the reader's attention from one edition of the magazine to another. Inevitably the quality of some of the finished articles was not of the highest order. A typical

example of this problem is F.C.Smale's The Abduction of Alexandra Seine, which was written in 1900. The story concerns the kidnapping of a young man's fiancée by a wicked and wealthy American. The villain is chased and caught by the hero who recaptures his beloved and consigns the evildoer to an unpleasant death. If it were not for the fact that the chase took place in "aerocars" and that the villain is dispatched by a "Rippite bomb" then the one dimensional characters, actions and emotions could all have come from any one of hundreds of mainstream Victorian short stories. Clearly the marriage of format and plot is not always a happy one. It would be inaccurate however, to give the impression that all the short stories of a speculative nature were of a uniformly poor quality. Writers like Arthur Conan Doyle, Rudyard Kipling and H.E.Gorst all produced consistently good fiction in this medium. As far as the serialised novel was concerned both H.G.Wells and George Griffith, to name but two, repeatedly proved that they had mastered this particular style.

Not only did these periodicals influence the style and content of speculative fiction, but they also added a further dimension to it. For throughout the 1880's and up to the First World War the magazines produced a large number of short articles which pondered over the types of transport, architecture or military hardware that would exist in the future. Whilst by nature works of fiction, they do not satisfy the criteria for being classified as literary utopias. This is because the articles are only concerned with exploring a particular theme and not its effect upon society. As far as science fiction is concerned there are

also some key differences, the principal one being that the vast majority of these articles do not deal either with technology or scientific developments. Having thus been excluded from the two basic units of speculative fiction, and in order to provide a collective term for these articles, I have chosen to describe them as journalistic speculations.

As an illustration of this type of fiction, the article that appeared in The Strand Magazine in 1893 entitled Future Dictates of Fashion is typical. The author purports to have come across a book which both describes and provides illustrations of fashion up until 1993, and the resulting story is based on the information from this mysterious text. It begins with the revelation that fashion "has always been governed by immutable laws" and that the twentieth century has recognised this fact and elevated it to the "dignity of a science". The remainder of the article is taken up with illustrations and accounts of the various styles of fashion over the next hundred years. The satirical tone of this story, supported by the pen and ink sketches, typifies the style of the vast majority of journalistic speculations. These articles were never intended to be anything more than light weight amusements, capitalizing upon the public interest in the shape of things to come. They were no doubt a small part of the magazine owners' ploys to attract as large an audience for their periodical as possible.

Literary Utopias

> "Romances of the future, however fantastic they may be, have for most of us a perennial if mild interest, since they are born of a very common feeling - a sense of dissatisfaction with the existing order of things, combined with a vague faith in or hope of a better one to come".
>
> (Hudson 1906:v)

Hudson's 1906 preface to his one utopian novel, A Crystal Age (1887), provides a wealth of information on his perceptions of writing speculative fiction. Whilst exploring a definition of literary utopias his observations will provide the illustrative material that highlight the essential components of this type of fiction. In 1977 Glen Negley's bibliography Utopian Literature was published and in this he outlines the following three elements necessary before the classification of literary utopia can be applied to an author's work.

1. It should be a work of fiction.
2. It should describe a particular state or community.
3. Its theme should be the examination of the political and social structures of that state or community.

Imagination is the life blood of the literary utopia, it provides the "fantastic" element and stamps the finished work with the individual brand of the author. Hudson developed this point when he writes of the contradictions that literary utopias can raise for the reader, who can be torn between understanding that the picture in front of them is "false" yet wanting to believe in the

"dream" set before them. Negley's emphasis upon the need for utopias to be fictional is precisely because they should have a dream-like quality about them. This is not for any surreal or aesthetic reasons, but because imagination is the only device open to the author which allows them to "escape any restraints of historical time and place". That is the essential reason for the emphasis on the fictional.

The second criterion, that of describing the community featured in the novel or short story, does not require the state to be of any particular size. It can be as small as the "family" that Hudson's explorer-hero Smith lives with; it can be a small island community like Trollope's colony of Britannula; a country like Butler's Erewhon or a world state of Wellsian proportions. In all these types of utopian state the author's political philosophy should be ingrained into the institutions and structure of society. The picture presented to the reader is of a new, a different world, leavened with the author's hopes, aspirations and fears. An illustration of this point can be drawn from the intense debate over the future of socialism in utopian literature throughout the period 1880 to 1914. On one side were authors like William Morris, Christopher Yelverton and Richard Whiteing, who wrote of communities transformed and uplifted by the impact of their beliefs in socialism. In stark contrast Walter Besant, Charles Fairfield and Alfred Morris all describe in their dystopias, states which have been stricken by socialism and are descending into chaos under its influence. Whilst both groups of authors wrote from completely opposing view points their

fiction shares the same stylistic heritage, each depicting their society as actually in existence.

The final hallmark of the literary utopia, as outlined by Negley, is the requirement for the story to have at its core an examination of the political and social structure of its fictional state. It is not sufficient for the writer to just describe the shape of their brave new world, they must give account of how and why it came into being. This aspect of the literary utopia was, on occasions, treated in a somewhat stilted manner by authors struggling to incorporate a format into their fiction which allowed for the requisite discussion on various aspects of their state. Almost inevitable the mechanism deployed involved question and answer sessions between a member of the utopian state and a newcomer whose knowledge of the workings of that particular community were non existent. This style became so familiar amongst exponents of speculative fiction that as early as 1891 Jerome K.Jerome was satirising its use. In his short story The New Utopia his hero awakes form a prolonged sleep and discovers he is in the twenty-ninth century. The first person he meets greets him with

> "I take it you are going to do the usual thing...You'll want me to walk round the city with you, and explain all the changes to you, while you ask questions and make silly remarks?"
>
> "Yes," I replied, "I suppose thats what I ought to do".
>
> (Jerome 1891:265)

Even with the stylistic limitations that Jerome and others like P.G.Wodehouse so readily exposed, the literary utopias of this period provide a fascinating insight into the society they were written for. The genre's format allows the writer the opportunity to identify the strengths and weaknesses of the social system in which they live, a characteristic of many types of fiction. However, unlike other fictional styles the authors then have the opportunity to create their own personal world in which any difficulty can be resolved or, for that matter, made worse. That unemployment, for example, should have been identified as a problem is not surprising, but what is of interest is the possible solutions put forward. It is this freedom, this lack of conventional restraint that makes the literary utopia so interesting to the historian. For the creation of a utopia taxes both the authors' imaginative capabilities and their political beliefs. This process provides the reader now with another perspective on the thoughts and opinions circulating at the time the novel was written. Without doubt the literary utopias of 1880 to 1914 give a unique insight into the late Victorian and Edwardian eras.

Why Crime?

> "It is our business to ask what Utopia will do with its congenital invalids, its idiots, and mad men, its drunkards, and men of vicious mind, its cruel and furtive souls, its stupid people, too stupid to be of use to the community, its lumpish, unteachable and unimaginative people".
>
> (Wells 1905:378)

Wells' question embraces a wide variety of groups which, in his opinion were responsible, in varying degrees, for threatening the stability of the state. Whilst there is enough data in the utopian novels of this period for a paper to be written on each of these, the focus of this research is on the subject of crime. The reason for this selection lies in a deep personal interest in the subject and a desire to discover how the perfect state would respond to the problems of criminality. The literary utopia is not troubled by the question of resources or financial constraints, the authors' unfettered imaginations should be allowed to address the problem in any way that they see fit. The consequences of this for the historian are twofold; the solutions proposed are clearly worthy of being examined and recorded. Even if they appear now to be hopelessly impractical they nevertheless deserve attention. Secondly in order for the author to propose a solution he or she must have an understanding, no matter how limited, of what the problem is and that thought process is equally important for the historian to comprehend and describe. This research therefore is fundamentally a history of ideas with each of the chapters focusing on a different dimension of the subject. When looking at this thesis as a whole it could be crudely divided into two sections; the first of which looks at the etiology of crime and the way in which the offender is portrayed whilst the second examines the way in which the fictional states tackle the problems of criminality. Before this can begin however it is important that the key themes of the literary utopias of this period are described in order to make

more sense of the subsequent research. This process is the subject of the next chapter.

Chapter One: The Principal Themes

Throughout the period 1880 to 1914 a vast array of political and social themes, encompassing almost every aspect of society from town planning to sexual codes, were explored in literary utopias. This chapter will firstly identify the key issues that dominated the genre; then examine each in turn and finally briefly explore their relationship to the treatment of crime. This process is the necessary prelude to the detailed discussion on offending that forms the remainder of this research, for without this background information the subsequent debate is less meaningful.

Of all the different themes explored the following seven have been identified as the most significant:

1. Socialist/anti-socialist.
2. Christian.
3. Militaristic.
4. Ireland.
5. Feminist/anti-feminist.
6. Environmental Catastrophe.
7. Alien Encounters.

These themes were the ones that were most regularly returned to by utopia writers during this period. The first three were the most consistently explored, the remaining four experiencing peaks and troughs of popularity. An illustration of this later point

is the fluctuations undergone by the utopian literature which addressed the problems of Ireland. The 1880's witnessed a considerable interest in this theme, yet after the early 1890's I have been only able to identify three novels which continue to focus on this issue. Other authors whose primary concerns lay outside of this debate also made less and less reference to the Irish Question until it attracted only the most brief allusions, if at all. There is nothing unusual in this thematic ebb and flow, it simply demonstrates the point that utopias are reflections of the issues that dominate sections of society. Once that issue has been resolved or obscured by another then the previous concern fades into the background, yet it still retains its potential to re-emerge should attention be drawn to it.

Socialist/Anti-Socialist

The impact that Socialism had upon Victorian and Edwardian society is reflected in the large numbers of utopias which focused on this issue. The fiction produced gave rise to a diverse collection of heavens upon earth depicted by authors like William Morris, Richard Whiteing, Robert Blatchford and Charles Ashbee, all committed to the cause of socialism. It also gave birth to a larger number of novels and short stories which warned that hell, not heaven, would be the outcome of such a political system. Authors such as Charles Fairfield, Alfred Morris, Walter Besant and William Le Queux all provided their readers with terrible tales of societies sick with the disease of socialism. Both these perspectives will be examined in turn.

Almost inevitably the pro-socialist utopias of this period have been overshadowed by William Morris's News From Nowhere (1890). It is important to remember however, that this novel is only one in a long line of works of fiction which portray the positive influence of socialism upon the state. One of the earliest in this period was Parnell's Cromwell The Third (1886), in which the socialist millennium is ushered in by the central character, Tertius Cromwell. It tells of a strife torn society that is healed and reunited under the doctrine of socialism. The remaining years of the 1880's were not a particularly fertile period for fiction of a similar perspective and it was not until the early 1890's that the socialist literary utopia began to be written in more significant numbers. C.W.Armstrong's The Yorl of the Northmen (1892) and The Great Revolution of 1905 (1893) by F.W.Hayes are two early examples of this increased interest. The next period of particular growth in the pro-socialist utopia came in the years preceding The First World War with novels like C.R.Ashbee's Thelema (1910), W.T.Burkitt's The Coming Day (1913) and A.E.Taber's Work For All (1914).

Regardless of the fluctuations in the number of the novels or short stories written from this perspective, the essential theme remained the same. With a bloody revolution or with peaceful reformation; on a world wide basis or just an island state; with a disposition towards anarchy or phalanstry, the socialist utopias sent repeated messages of uncompromising political change to the worlds of their Victorian and Edwardian readers. The resulting backlash within speculative fiction to these socialist

portrayals was, throughout the period, substantial.

In 1884 Charles Fairfield's short story The Socialist Revolution of 1888 was published. It tells how a socialist government is elected in this country and proceeds to depict their many failings. When the result of the election is made known the reader is informed that

> "Men stood aside with a grim satisfaction to see what lengths the socialists would go before they declare themselves a failure".
>
> (Fairfield 1884:29)

The ensuing descent into chaos is gloated over by the narrator as first the shipping owners, then the manufacturers transfer their wealth abroad and then follow it. The story concludes with a general election in which the socialists are defeated and a new government, "Liberal in complexion" takes office. The socialists all disappear

> "Their memories became ridiculous, and the principal among them were caricatured in the Christmas pantomimes".
>
> (Fairfield 1884:33)

Fairfield's attack, like many other anti-socialist utopias of that time, focused primarily on three areas;

1. The fear of revolution.
2. The consequences of socialist government.

3. Ridiculing socialists individually and collectively.

Fairfield only hints at the possibilities of political violence in his short story. Huge crowds take to the streets which are made up of "many desperate characters including thousands of foreign anarchists". Other authors both in the 1880's and later, dwelt far more on the revolutionary period, highlighting atrocities committed for the socialist cause. Examples of this are provided by Alfred Morris in his novel Looking Ahead (1891), and later by William Le Queux's The Unknown Tomorrow (1910). The former describes how

> ".....the masses paraded the streets, alternately cheering for the Social Republic, and violating all the principles of liberty, equality, and fraternity on which it was supposed to rest".
>
> (Morris 1892:246)

Le Queux provides the reader with one of the most explicit accounts of revolt in which he tells of troops loyal to the government being shot; cavalry units being bombed and police officers hung from lamp posts by the "fierce, uncurbed mob". The prisons are attacked and their inmates released to join in the assaults on people and property alike. The author writes of "unbridled lawlessness" and the "blind madness of hatred" as

> ".....the country plunged into a state of anarchy, bloodshed, and utter chaos".
>
> (Le Queux 1910:53)

Once the revolution is completed, then the anti-socialist utopia begins to focus its attention on the style and content of the new government. William Watlock's short story, The Next 93 (1886), provides an early example of this. The first piece of legislation adopted by the socialists was The Equal Distribution of Property Act. However, instead of creating a fairer society, Watlock informs the reader that the "tyranny of the lower classes" has replaced the previous "tyranny of the upper classes". He goes on to depict a society which is being radically and forcibly changed for the worse. Yet before the country descends into anarchy it is rescued by the "colonial legions" who refuse to let the heart of the Empire meet such a fate. The Next 93 is a typical example of the large number of anti-socialist utopias published throughout the period. Its tale of chaos and social destruction is clearly designed to provide a potent image for those open to the influence of socialism to examine, before committing both themselves and their country to such a cause. At the same time its message acts as a further reinforcement to those who already held socialism to be the scourge of civilisation.

An important theme explored by other writers, which Watlock did not develop, was the effects of socialism upon the physical and mental wellbeing of the people. One of the commonest images used to describe the impact was that men and women were simply transformed into animals, a point that Walter Besant made in his novel The Inner House (1888).

> "The new creature is immortal; it is free from disease or the possibility of disease; it has no emotions, no desires, and no intellectual restlessness. It breathes, eats, sleeps".
>
> (Besant 1888:105)

This early emphasis on the decline of the individual's mental and physical powers is constantly returned to in anti-socialist utopias. Jerome K.Jerome's characters, in his short story The New Utopia (1891), are described in a similar manner as possessing

> ".....the quiet, troubled, wondering expression that I had always noticed upon the faces of the horses and oxen".
>
> (Jerome 1891:278/9)

This image of people regressing under the impact of socialism continued to be regularly employed throughout the Edwardian period. H.W.Newte's The Master Beast (1907) serves as a late example in which he describes the citizens of London in the year 2020 as being "soulless automatons" who have "occasional outbursts of animalism".

The final area of attack that the anti-socialist utopia focused on was that of ridiculing individual exponents of socialism and its followers as a whole. For example both William Morris and Robert Hyndman were popular targets for criticism during the 1880's. This trend of personal attacks appears to have slackened considerably during the 1890's and only surfaces again in the middle of the Edwardian era, with attention this time

concentrating on Robert Blatchford. It was however, the earlier critics, such as William Watlock and Charles Fairfield, who were far more mocking in tone than their Edwardian counterparts, whose treatment of socialists was positively genteel in comparison. An example of these early assaults on William Morris can be found in Fairfield's short story, where Morris is introduced to the reader as "the eminent paper-hanger of Oxford Street". He is given the post of Minister for Industries in the new government and presides over the complete breakdown of Britain's industrial base. Morris's treatment at the hands of Watlock is even worse, he is presented as a whining old man whose only use to the new order is to recite poetry to Members of Parliament. On one such occasion Morris refuses to oblige his audience, complaining

> "I was....as I say a furniture maker and a poet. This afforded me a singular joy. As a poet I upheld Socialism in theory. As a furniture maker I represented capital in practice. This was lofty. Now you have taken away my furniture making and left me nothing but my beggardly members' wages and my poetry. You're a mean lot, and before I recite an ode, or do anything to please you, I'll see you ----".
>
> (Watlock 1886:33)

In conclusion, the anti-socialist utopias were often both aggressive and bitter in their scathing assaults on the beliefs and personalities of their ideological opponents. For this was a propaganda war and any weapon that could be used in the conflict was seen as legitimate. One such weapon was the writer's treatment of the theme of crime. Authors like Le Queux, Besant,

Alfred Morris and E.G.Herbert, to name but a few, regularly used this issue as a provocative illustration of the moribund nature of society under the mismanagement of the socialists.

In contrast the utopias written in support of the socialist perspective use crime as an indictment of the readers' society and go on to portray states in which little or no offending takes place. For example, the offence of murdering children for insurance money is taken by authors like C.Yelverton and F.W.Hayes as a symbol of the evils of capitalism in their society. Yet when both novelists' utopian states are established they are free of such serious crimes, for socialism has destroyed the evils of the former state. The fictional societies depicted by these and other authors of similar persuasion focus on how their beliefs, translated into legislation, would rid the world of much of its crime and its causes. As Robert Blatchford wrote in the preface to The Sorcery Shop

> "Poverty, crime, disease, war, drunkenness and ignorance are all preventable evils".
>
> (Blatchford 1907:xiv)

To adopt the doctrines of socialism was all that was required to prevent these "evils".

Christian

The changing nature of this country's religious beliefs was another aspect of life that received considerable attention in

the literary utopia. Of all the issues aired in this debate, the Second Coming of Christ; the relationship of Christianity to Socialism and the growth of Catholicism were the three that were most regularly explored in detail. These themes when viewed collectively reflect a deep concern over the inroads made into the spiritual health of the nation by scientific and political advances. In 1892 the short story What Are We Coming To was published, its author, using the pseudonym Miles L'Estrange, encapsulated these fears when he wrote

> ".....these are essentially times when a large proportion of the people cannot be got to believe in anything, having partly through banishment of all religious teaching from our National Schools, and partly by the undisguised whittling away of all distinctive Christian doctrine, been sedulously taught that there is nothing left to believe".
> (L'Estrange 1892:101)

In order to understand the relationship between these religious beliefs and crime it is important to examine each of the above topics individually, beginning with the theme of the Second Coming. It first surfaced in the utopian literature of this period in 1891 when The Christ Who Is To Be was anonymously published. However, it was not until the arrival of the new century that the subject was more frequently explored. A typical example of this genre is R.March's novel A Second Coming (1900) in which Christ returns to London to announce his kingdom and proclaim his sovereignty. This growth of interest eventually peaked after another ten years had elapsed, and is best personified by the works of Sidney Watson. In 1910 his novel In

The Twinkling Of An Eye was published followed twelve months later by The Mark Of The Beast. The first dealt with life in this country immediately prior to the coming of Christ whilst the second spells out the world wide social degeneration that follows the departure of the Christians to heaven. Watson's novels depict the moral state of Edwardian society as being characterised by "a fearful declension from vital godliness". As illustrations of this he refers to "the shameful opium traffic" and the white slave trade, as two particularly potent symbols of spiritual bankruptcy. For Watson, crimes such as these were a metaphor for the moral malaise of his generation. The cause for these and all other offences had, in his view, only one source, the self-centredness of the individual. This characteristic is demonstrated by the pursuit of pleasure and a desire to accumulate material possessions. Allowing these tendencies to manifest themselves leaves an openness to the immoral influences of society such as the theatre, the music-hall and "nigger entertainments". The most devastating consequence of this process, according to Watson, is the spiritual blindness it engenders which leaves the individual lost in their own depravity. In his second utopian novel he contrasts the Christian perspective on how to break out of this spiral with the views of the "progressive thinkers", a debate which focuses on "inward regeneration" versus "outward reform". He describes the Christian standpoint as being built upon a belief in spiritual conversion during which the individual acknowledges both their sinfulness and their need of divine assistance. By undergoing this experience the individual's life is renewed and they now have

spiritual strength from God to fight against the lures of the flesh and the devil.

The concept of "outward reform" is one that Watson had little sympathy for. To him, trying to establish a perfect society without addressing the spiritual needs of the people was a futile project. In The Mark Of The Beast one of the central characters, Ralph Bastin, develops this argument against the reformers who have

> ".....failed to recognise the fundamental fact that all the "Ills of Humanity", so called, proceed from man's natural depravity, from man himself and not from his environment. We failed to see that a Reformed race would only mean a perpetuation of all the old natural lusts, and presently bring about a return to the old condition of things, whilst a Regenerated race would hold reform in it, and that that Reform would not only be perpetual, but ever increasing in its perfecting".
>
> (Watson 1911:102/3)

The next aspect of Christian utopias to be examined, the relationship between the Church and Socialism, continues the debate between "Redemption" and "Reform". The prospect of Britain being governed by socialist legislation led many authors like H.C.Watson, R.Buchanan and perhaps most notably R.H.Benson to lament over the demise of a society founded on Christian principles. All three wrote utopias in which the vitalising power of redemption had been lost and their fictional states were significantly poorer as a result. For example, the review of Buchanan's novel, The Reverend Annabel Lee (1898), observed that

> "The author's object in writing this novel is to show that, if all religions were destroyed and perfect material prosperity arrived at, Humanity would reach not perfection, but stagnation".
>
> (anon. 1898:i)

The depth of the conflict between the church and socialism is nowhere more pronounced than in R.H.Benson's two novels, Lord Of The World (1907) and The Dawn Of All (1911). In the former of these the Church of England has almost ceased to exist and Catholicism is the only remaining religious force. The growth of a world state based on Humanitarianism and Socialist principles creates, what Benson describes as, a "new morality" which degrades belief in Christianity to the level of a criminal offence. In fact the new justice system which develops regards such a crime as being more heinous than rape or murder as these acts only effect the individual victim. In contrast, adhering to the teachings of the Church, struck at the political base upon which society is founded, this earning for itself the label of "High Treason". So forceful an impression was made by this novel on its readers that Benson was obliged to write a sequel to it in which Socialism is vanquished by the teachings of the Church. In his introduction to this sequel, The Dawn Of All, Benson wrote

> ".....'every period has within itself the conflict of two irreconcilable forces'. It has been for the sake of tracing out the kind of effects that.....each side would experience in turn, should the other at any rate for a while, become dominant, that I have written these two books".
>
> (Benson 1911:5)

Whilst the majority of authors who explored the relationship between the Church and Socialism felt, like Benson, that they were "irreconcilable forces" there were a few who felt otherwise. Of these James Adderley was the most prolific, writing two novels on the prospect of a productive union between the two beliefs during this period. The first, published in 1893 was entitled Stephen Remarx and focused on the life and ministry of a young Anglican clergyman who discovered that both sets of teachings had common ground. He begins to preach "divine discontent" to his wealthy parishioners in an attempt to get them to see the dreadful circumstances the poor of London lived in. He becomes known as a latter day prophet and his sermons are criticised in the press for containing

> ".....the most advanced doctrines of Socialism and Religious Fanaticism".
>
> (Adderley 1893:97)

Tragically the clergyman meets an untimely demise when he is hit on the head by a snowball and falls under the wheels of a passing cart. However, before his death he established a small community dedicated to pursuing the spiritual teachings of Christ and to advance the cause of Socialism. In conclusion, the title of this novel demonstrates the author's desire to bring the two beliefs together, Stephen was the first Christian martyr and Marx was obviously the greatest exponent of Socialism known at that time. Some fourteen years later in 1907 Adderley's second novel on this theme, Behold The Days Come, was published. It too focused on the positive relationship possible between the Church of England

and the Socialist movement.

This facet of Christian utopias provides few developments in the descriptions of offending behaviour other than those which were outlined in the earlier section of this chapter which dealt with Socialism. What is new is the different justice systems that occur in these novels. For example Benson's The Dawn Of All introduces a dual system in which the church has its own courts for trying offenders, who if found guilty are then handed over to the state for punishment. These developments will be examined in detail in the appropriate chapter of this research.

The last of the key factors in the Christian utopia is the growth of Catholicism. The first novel which examined this theme was Augusta Dranes The New Utopia (1898). The central character of this story inherits the ancestral home and uses the family money to establish the cause of Catholicism in a small corner of England. Throughout the novel there are repeated references to the "universal social revolution" that would ensue should these religious beliefs be more widely accepted. The effect of which would ensure that there would

> "....be no more crimes, and therefore no police; no wars, and therefore no standing armies; nothing to punish, and so no prisons; very little poverty, so probably no workhouses".
>
> (Drane 1898:30/1)

It is ironic that both the style of language and the content of

the above quotation bear distinct similarities to the Socialist's statements on their hopes for the future. For example as we saw earlier, Robert Blatchford's preface to The Sorcery Shop contained an almost identical list of what he describes as "preventable evils". In his utopia he outlines how each one of these is resolved in turn by the implementation of Socialist policies. Likewise the effectiveness of Drane's spiritual revolution was considerable within the relatively small geographical area his characters operated in.

Whilst most utopias written from a clear political or religious perspective during this period seemed to encounter some opposition, in the sense that another author would write from an alternative viewpoint, the Catholic utopia appears to have been largely unmolested. I have been able to identify only one anti-Catholic novel, which was published in 1904 and entitled The Fourth Conquest Of England. Its author, using the pseudonym of A.Upward, describes the forceful imposition of Catholicism upon the people of this country and the return of the inquisition is used as a reminder of the power of the church when it is allowed to grow to a position of dominance.

In concluding this brief description of the Christian utopia it is important to assess its contribution to the treatment of crime. This branch of speculative fiction provides a clear statement on the reasons for offending, laying responsibility firmly at the feet of the individual perpetrator and describing his or her actions in terms of sins. The motivation for

offending is provided by a combination of the individual's spiritual weakness and the tempting allurement of the devil. The apocalyptic fiction of authors like Watson demonstrate this particularly well. In his first novel, In A Twinkle Of An Eye, after the spirit of God has departed from the earth the reader is informed that

> "The Devil has taken up his abode here with all his myriad agents".
>
> (Watson 1910:259)

As a result of this embodiment of evil on earth the structure of society begins to fail as the individual citizens each begin to fall prey to the temptations put before them. This perspective found itself in direct conflict with the beliefs of the Socialist utopia writers who located the reasons for offending in an environmental context rather than the pathological model favoured by the Christian writers. The most successful use of crime however, is found when recognising the Christian authors essential motivation for writing, for their novels were endeavouring to combat the growing poison of spiritual unbelief amongst all levels of society. In their attempts to achieve this task offending was an ideal propaganda weapon with which to assail the readers. In its positive visions of society the Christian utopia points out where the problems are and provides answers for them, so crime disappears. Its negative projections are filled with images of states breaking up and offending is rampant as the gospel of Christianity is ignored at society's peril. Crime therefore was used to provide a potent symbol of

spiritual decay, it was meant to give weight to the authors argument and influence the reader in favour of the views expressed.

Militaristic

> "The object of this book is to illustrate our utter unpreparedness for war, to show how, under certain conditions which may easily occur, England can be successfully invaded by Germany, and to present a picture of the ruin which must inevitably fall upon us on the evening of that not far distant day".
>
> (Le Queux 1906:vi)

W.Le Queux's novel The Invasion of 1910 provides a typical example of the militaristic utopia. In this instance the enemy was Germany, a view shared by many other authors of that time, but in previous years the foe had been France, Russia, China, Japan and the United States. No matter who the adversary, the common concern was the threat of invasion. How the British armed forces, the politicians and the people of this country responded to this fear were the central preoccupations of this type of utopia.

The military were regularly portrayed in a heroic light, the defenders of the realm whose only defect was the lack of resources imposed upon them by politicians who had little understanding of the country's potential plight. Kipling's Army Of A Dream (1904) encapsulates this noble image of the armed forces. In the society he describes, military training had

become a part of almost every adult male's life. There is the "Studious Corps" for doctors and scientists; the "Scientific Corps" for engineers, and even the "Hooligan Corps" for those with criminal convictions. Anyone unwilling to join up is not allowed to vote or receive poor relief until they are thirty-five years old. For Kipling, as with many other authors, the purpose of military training went far beyond the creation of an effective fighting machine. For the young it was about waking up "the spirit of adventure" as they learnt their drill. For the adult it was about fostering values of discipline and respect, whilst at the same time maintaining a physically healthy nation. Kipling's enthusiasm for such a vision is clearly demonstrated when he describes the great parade at the close of the story

> "I rejoiced to the marrow of my bones thus to be born along on billows of surging music among magnificent men, in sunlight, through a crowded town whose people, I could feel, regarded us with comradeship, affection and more".
>
> (Kipling 1904:228)

Military training was the key for authors like Kipling, M.P.Shiel and Louis Tracy with which the true potential of the British people could be unlocked. In The Yellow Danger, M.P.Shiel's novel of 1898, this point is clearly made as the people faced by the threat of invasion from both China and Japan jell together in a manner not previously known.

> "In England there was no longer a nation: there was only a militia. The nation had become an army".
>
> (Shiel 1898:143)

From this experience the British "supremacy of racial value and valour" emerges. For Shiel military adversity therefore is a means not only of refining the individual and uniting society, it is the catalyst which enables the nation to recognise its own unique attributes. Louis Tracy also writes of the special characteristics of the English but extends the racial group to include Americans. In his novel The Last War (1896) he unites both nations under the label of Saxon and pits them against the major European powers. In the ensuing world wide conflict the Anglo-American forces emerge victorious. Tracy concludes the novel with a chapter on what he describes as the "three preponderating races" in the history of the world, the Greeks, the Romans and the Saxons. The first, according to Tracy, laid the foundations for art, the second for law and the third for science. The Saxons, Tracy concludes will

> "....absorb all and embrace all, re-animating old civilisations and giving new vigour to exhausted nations. England and America - their destiny is to order and rule the world, to give it peace and freedom, and to bestow upon it prosperity and happiness".
>
> (Tracy 1896:372)

This emphasis on the positive racial characteristics of one nation often went hand in hand with negative assumptions about others. One way which utopian authors chose to illustrate the supposed deficiencies of ethnic groups like the Chinese and Japanese, was to depict them as inhumane monsters capable of committing the most appalling crimes. M.P.Shiel proved particularly adept at this, as the following extract from The

Yellow Danger demonstrates

> "The bony visage of the yellow man, in moments of unbridled lust and mad excitement, is a brutal spectacle. The countenance is a travesty; the divine image becomes a mask of hellish farce. There all is seen - the nakedness of the passions, the bare, rampant hideousness: the face becomes an indecency".
>
> (Shiel 1898:290)

Shiel does not limit his attack to just physical characteristics, he also describes what he believes is the psychological profile of the Chinese and Japanese. He portrays these ethnic groups as having a "natural talent" for offending and that as criminals they are "ingenious" in both creating new offences and in their execution of them. This assumption that certain groups of people were more likely to offend because of their ethnic roots was a myth that had a twofold purpose; to discredit one nation and to elevate the country that made the observation to a moral level which is out of reach of those under examination. This point is made clearly by Albert Taber in Work For All (1914)

> "The Chinaman's manners are hardly yet up to our standard, and the prize-fighting negro has still some leeway to make good; but neither are any longer a source of danger...."
>
> (Taber 1914:79)

The process which resulted in the discrediting of other nations was also at work within Britain and was often focused on the "lower classes" of this country. The divide between rich and poor was sustained not just by wealth but by the same myths which

were perpetrated against other national groups.

The role of the politicians, particularly those of a socialist disposition, in the militaristic utopia is handled far less sympathetically than that of the armed forces and the general public. They are often portrayed as being unprepared and seemingly blind to the prospect of any danger to the nation or its interests. Le Queux's The Invasion of 1910 describes the socialist government of the time as being concerned only with "reforms" at the expense of "national security". P.G.Wodehouse's amusing satire on the military utopia continues the attack on socialist officialdom. In his short story, The Swoop (1909), Britain is invaded on the same day by the Russians, the Mad Mullah, the Swiss, the Chinese and Monaco to name but a few. All these countries were acting independently of each other and had chosen to invade because the socialists had abolished the army. This action had been taken because the military was seen as being "unsocial". The army could only be maintained if every man in it was allowed to be a general.

The militaristic theme was one of the most popular to be explored during this period and the many novels and short stories that focused on it provide a wide range of information about offending. In addition to those areas already outlined, the impact of war upon society gave rise to authors exploring what happens to justice and crime when government has been disabled; new military technology produced several examples of the creation of new offences and finally the widely held view that military

training and values were important to personal growth provides another dimension to the debate on how to create a crimeless society.

Ireland

The literary utopias which focused their attention on the Irish Question were essentially divided into two factions, those that supported Home Rule and those that were opposed to its introduction. One of the very few views that these rivals had in common was their distrust of Gladstone. He was to the speculative writer on Irish affairs, what Morris was to the opponents of Socialism. As a result of this he suffered similar attacks against both his politics and his personality, indeed it is probably true to say that these two men were singled out as the most unpopular people in utopian literature of this period.

The characteristics of these novels are best demonstrated by looking briefly at what was written during the peak period of interest from 1880 to 1888. The first of these years saw the publication of Back Again, an anonymous novel which tells of the collapse of the British Empire following the granting of Home Rule to Ireland. The next year The Wearing O'The Green In 1890 was published, its author using the pseudonym Prophet, describes how political independence fails to benefit the Irish. 1883 witnessed the first positive account of independence for Ireland during this period, it was The Battle Of Moy and was published anonymously. Two years later T.Greer's novel A Modern Daedalus

appeared. His hero discovers the secret of flight and forms a flying brigade which distinguishes itself in the battle to free Ireland. The Great Irish Rebellion Of 1886, published anonymously in the same year as in the title, focuses on the Orangemen and their loyalty to the Queen and the Empire as they play a decisive role in crushing the independence movement in Ireland. In the same year Newry Bridge was published, again it was an anonymous work, but this took a different interpretation of the consequences of civil war as the ferocity of the struggle forces the British government to accede to Irish demands. The final novel in this period appeared in 1888 and continued in the established tradition of demonstrating the devastating consequences of liberation for Ireland. The Great Irish "Wake", published anonymously, describes the violent results of independence as conflict spreads from the politically motivated to what the author describes as "the lowest scum". The story centres on Dublin and tells how

> ".....the quays and slums in the neighbourhood of Mecklenbury street belched forth their denizens, and armed bands patrolled the streets, creating havoc and alarm".
>
> (Anon. 1888:15)

It is these episodes of conflict and the attempts to resolve them that provides the majority of information and insight into offending behaviour and the administration of justice. The description of mob violence, its origins and its perpetrators are of particular interest. It is worth mentioning briefly that these accounts of revolt have much in common with the Socialist

upheavals described earlier both in terms of the violence and the denigration of the opposition that they share. It is therefore ironic that one of the last utopian novels to focus some of its attention on Ireland, R.H.Benson's The Dawn Of All (1911), describes it as a country at peace with itself. In fact in Benson's Catholic world it has become the "Contemplative Monastery of Europe" as well as the mental hospital for much of the Western hemisphere. The combination of the "strongest and most intense religion" coupled with the peace and beauty of the land provided an ideal environment in which to aid sufferers. In conclusion Benson's novel is a rare example of Ireland without the bloody conflict that was such a central part of the earlier fiction.

Feminist/anti-feminist

> "We hang women, we imprison them, we dress them as felons and treat them as brutes".
>
> (Blatchford 1907:51)

Whilst most utopian authors addressed the role of women in their fiction, the theme was often regarded as being of secondary importance. Women were portrayed as being better mothers or partners in relationships, but rarely were they given the same rights or status as their male counterparts. Even in William Morris's Socialist paradise News From Nowhere it was the women who waited at the tables whilst the men dined. The first novel to be completely concerned with the question of women's rights in this period was Mrs.G.Corbett's New Amazonia (1889). She wrote

the novel as a response to an article in the Nineteenth Century Magazine which said that a great many "ladies" did not desire "womens suffrage". This Mrs Corbett saw as

> ".....the most despicable piece of treachery ever perpetrated towards women by women".
>
> (Corbett 1889:6)

Her novel is inhabited by a race of beautiful women who have renamed Ireland, New Amazonia, and have turned the country into a perfect state. The community is completely organised and administered by women. There is little crime and any offending is seen as the result of a "diseased brain" and every effort is made to cure the sufferer. If however, the individual does not respond to treatment then euthanasia is practised.

A year after the publication of New Amazonia, Lady Florence Dixie's novel Gloriana appeared. Her novel tells of the struggle that women had in order to obtain equal rights with men. As the introduction says

> "'Gloriana' pleads women's cause, pleads for her freedom, for the just acknowledgement of her rights. It pleads that her equal humanity with man shall be recognised....."
>
> (Dixie 1890:ix)

The novel comes to a close in 1999 and the equality afforded to women is seen to be completely vindicated as England is a happier more beautiful country. London is described as being no longer "dirty" but is now filled with "flowers, trees and shrubs". The

environment is not the only aspect of life to benefit from the intervention of women, the whole political system has been overhauled and local assemblies have been set up in Scotland, Wales and Ireland.

Both Corbett and Dixie identify the issue of sexual relationships as one that is crucial to the liberation of women and the welfare of the nation as a whole. Dixie focuses on the lack of good sex education for both men and women and argues that the current system has produced "an immense amount of immorality". The result is measured in the number of unwanted children born; the numbers of abortions; the growth of venereal disease and the numbers of women turning to prostitution to support themselves. These evils were, according to Dixie, possible to remedy with better sex education, but more fundamentally by according women their proper role in society, that of equals to men. Corbett identified the same problems and went on to build into her society a series of laws that clearly specified what behaviour was permissable. For example, a couple wishing to marry had to produce medical certificates to say that they were "physically sound"; no disabled children were allowed to live; any man or woman who became the parent of more than four children was treated as a criminal and if a child was born illegitimately then the parents were severely sanctioned by the authorities.

The negative utopian response to the women's movement in late Victorian Britain was spearheaded by Walter Besant's novel The Revolt Of Man (1882). In this the roles of men and women have

been exchanged and the oppression experienced by the former is total. In Besant's fictional society injustice is widespread, for example a man in Leicester is jailed for twenty years because his wife said that he swore at her and threatened her with violence. Like most forms of oppression the women's position of dominance is protected by harsh laws and a large police force. However, the novel concludes with a successful and bloodless revolt lead by the male heir to the throne, during which "no revenge" was taken. Whilst Besant's response is unique within the utopian tradition of this period, there were many other novelists who devoted varying amounts of their novels to criticising the women's movement. There were essentially two devices employed in these attacks; the repentant militant who had seen the errors of her way and makes a confession to that effect and the more common picture of liberated women indulging in behaviour that is designed to be repugnant to the reader, such as becoming active members of the armed forces.

A good illustration of the first of these two types can be found in the Christian utopia The Day That Changed The World, which was published anonymously in 1912. In this novel the spirit of God touches the world and breathes fresh life back into every aspect of society. As a result of this members of the Suffragettes movement see they have been wrong to protest against their lot. One of them, Lady Peverel, says

> "You know that I have been an ardent suffragette, not one of those hateful militants, of course, but a sensible and practical suffragette". (Anon. 1912:223)

She goes on to say that she now realises that her life's work has been a rebellion against not man's laws but "against the Lamb of God". The effect of this spiritual intervention is to convert the Suffragette Movement to

> ".....a movement for the spiritual uplifting of women throughout the whole world".
>
> (Anon. 1912:226)

The second style of attack can be demonstrated in a number of increasingly controversial ways. On a minor level are those novels which feature women wearing mens clothing; smoking cigars and pipes in public or playing sports like football and rugby. At the other extreme is the image of women soldiers engaged in active warfare. Sidney Watson's novel The Mark Of The Beast (1911) makes this point when he wrote of the world war that

> ".....with the growth of the "Womens Rights" question and the establishment of the "equality of the sexes", bands of women fought bands of women".
>
> (Watson 1911:105)

The anti-feminist utopia contains few examples of offending by suffragettes, but the literature is littered with unstable and demoralised communities in which the distortion of the traditional role of women has played a major part in the social decline.

Environmental Catastrophe

Smog, plague, fires, volcanic eruptions, comets, cosmic gases and every conceivable form of adverse weather conditions all ravaged the fictional worlds of the utopian authors throughout this period. This strand of speculative fiction appears as early as 1880 when William D.Hay's The Doom Of The Great City was published. The short story focuses on the fate of London and is written by a survivor of the fog that virtually wiped out its population. Rather like the biblical city of Sodom, England's capital had become a centre of corruption in which the only successful trades were those of the prostitute and the publican. It was, in Hay's words, a city "steeped in sin of every imaginable variety". London was to share a similar fate to its Old Testament counterpart and the fog that ends its life was, Hay's survivor concludes, a punishment for its corruption. As the catastrophe fiction develops its content divides into two primary themes, only one of which retains the judgemental aspect outlined above. These two themes are; the scientist versus nature, personified by the short stories in the early 1900's by F.W.White. The second strand sees society destroyed by some type of disaster but a better world is born from the ensuing chaos, M.P.Shiel's The Purple Cloud (1901) and J.D.Beresford's Goslings (1913) provide examples of this.

F.M.White's contribution to the catastrophe theme was considerable, during the period 1903-04 he wrote half-a-dozen short stories for Pearson's Magazine which described a range of

calamities that befell London. Almost all the major causes of disaster used by authors during this period were deployed by White; plague in The Dust Of Death (1903); snow in The Four White Days (1903); smog in The Four Day Night (1903) and a massive explosion in The Invisible Force (1903). Whilst some of these catastrophes are resolved by natural means, the snow melting for example, many are brought to a premature end by the intervention of the scientist/hero. In The Four Days Night the smog is dispersed by explosives being dropped into the clouds from an experimental "aerophane" piloted by the central character Hackness. White's praise of the scientist continues in the first of his two short stories from this period which deal with the effects of the plague. The Dust Of Death tells of the struggle to find the source of the outbreak and how best to eliminate it. Doctor Label, the scientist, provides the answer to both these questions and having located the source to untreated sewage deep below the ground he destroys the virus by passing a massive charge of electricity through it. The second plague story, The River Of Death (1904), concludes with White's most overt praise of his heros

> "Some day perhaps this country will realise what a debt it owes to men of science - and perhaps learn to foster them a little more. For nothing but science could, these past days have prevented a calamity".
>
> (White 1904:63)

The second strand of this theme, that of society's destruction and subsequent rebirth, began to emerge during the early years

of this century. M.P.Shiels The Purple Cloud (1901) being one of the earliest of its type. The novel starts with a voyage of discovery to the North Pole, which is successfully completed by the central character Adam Jeffson. However, his arrival there unleashes the rebuke of nature in the form of the Purple Cloud which spreads around the world killing all human life. Jeffson wanders the world looking at first for companionship and when he has given up all hope of this, he starts on an orgy of destruction burning whole cities to the ground. After twenty years of such wandering he finds a solitary young woman who has also survived and from their relationship a new race is begun, a race which is much wiser than its predecessor. Twelve years after the publication of Shiel's novel, J.D.Beresford's Goslings (1913) appeared. The plague in this work of fiction originates in China and instead of killing everybody, leaves the female population largely untouched with just a few male survivors. Both novels lay stress on what Beresford describes as the "degenerate" nature of society prior to the plague's arrival. Shiels Adam Jeffson describes the former world to his young companion as being populated by millions who were

> ".....common, dull, lubberly, mean, debased, diseased, making the earth a murrain of vices and crimes".
>
> (Shiel 1901:242)

These judgemental assessments are born out by the brutal and destructive actions of the people as they find that they cannot escape the plague. It is this subsequent social fragmentation that provides the source of much of the information relating to

offending behaviour and concepts of justice which will be examined in detail later. Of particular interest is the portrayal of the process of degeneration into criminal behaviour, what Beresford described as" the gaping of the cloak of civilisation". In conclusion the social impact created by the catastrophe, what ever its cause, links both strands of this type of utopian fiction together. For the scientist versus nature novels also address this subject, albeit in much less length or detail. These stories were largely published in the principal magazines of the period, many were only three or four pages long and they were not intended to provide a serious and thought provoking narrative. Their criminal content was often provided to give more fictional colour to the story rather than for any other reason. Nevertheless these short works provide some useful information in their own right.

Alien Encounters

> "Man in Mars is, it appears, a very different being from what he is here. He is amphibious and descends from no monkey, but from a small animal that seems to be something between our seal and our sea-lion".
>
> (Du Maurier 1897:365)

Fictional descriptions of cultures and races which are alien to the reader are an integral part of all utopia writing. For the writer's art is to create another image of society, another world, that is only accessible to the reader through the medium of the narrative. "Alien encounters" could well be used as a

description of all utopias, yet in this context it refers specifically to the interactions between the people of this planet and the inhabitants of other worlds. Throughout the period 1880 to 1914 this particular theme was still largely in its infancy, its coming of age being linked to the massive rise in popularity of science fiction in the 1920's. Despite its fledgling state there are several short stories and novels which can contribute to the extension of this research. In the late 1880's W.S.Lach-Szyrma wrote a series of stories for Cassells Family Magazine which featured visits to most of the planets in the galaxy. Whilst concerned to paint a vivid picture of the flora and fauna, the author also describes the structure of the various societies encountered. Several of the stories focus on Mars and particularly the canals, which the reader is informed are "mainly artificial works" which "utilise" natural lakes and rivers. This interest in Mars was further enhanced in 1897 with the publication of H.G.Wells' The War Of The Worlds when the earth is invaded. The beginning of the new century saw the serialisation of G.Griffith's Stories Of Other Worlds (1900), in which Lord Redgrave and his bride Lilla go on an interplanetary honeymoon. The cultural clashes between the couple and the races they encounter provide some interesting observations, for example when on Venus they are amazed at the perfection of the society. However, they decide that they must not stay because if they did it would be "one of the greatest crimes" ever committed. This is because of their own "original sin" which would pollute the utopia they had landed in. In 1913 J.N.Raphael's Up Above was published and in this the unknown aliens were far from sinless.

The novel tells of several people mysteriously disappearing and their mutilated bodies being later discovered. This is not the work of a psychopathic murderer but the aliens carrying out experiments on these hapless victims.

Many of the description of both the aliens and their cultures are often limited, more attention being paid to their technological advances or their strange appearance. Nevertheless short stories like G.P.Lathrop's In The Depth Of Time (1897) provide useful information about alternative methods of treating offenders. The most common point of value lies in the authors' attempts to give the aliens personalities in their own right. An example of this is G.Du Maurier's The Martian (1897) in which he writes about the highly developed "moral sense" possessed by the Martians. It is these attempts to construct different psychological profiles which raise questions about why do individuals offend, and what are the traits which require removal in order to create an individual to whom crime is meaningless?

Conclusion

All of the seven major themes discussed provide valuable information on the use of crime in the literary utopias of this period. This, however, is the only chapter which will look at offending under such headings, for the remainder of this research will examine the subject in its various stages; from the causes of crime; the police force; the administration of justice through to the different punishments. The value of this chapter lies

therefore in the marriage between the core themes of speculative fiction and offending. Quite simply it provides the backcloth against which the central part of this study will be projected.

Chapter Two: The Causes of Crime

> "Every crime is the result of a combination of causes, near and remote, direct and indirect, whose number and separate value cannot be fully calculated, and whose analysis is a task of almost infinite difficulty".
>
> (Wines 1895:276)

Despite the difficulty of identifying the causes of criminal behaviour there were a large number of utopian authors who were undeterred from trying to unravel this problem. Indeed it could be argued that their chosen genre forced the writers to confront the issue. Negley's definition of a literary utopia, discussed in the introduction, placed particular emphasis on the need for the author to describe the political and social structures of their fictional state and to account for their development. Applying that principle to this topic means, for example, that the creation of a crime-free society by an author must be accompanied by an explanation of such a development. An illustration of this process can be found in one of the periods best known utopias, William Morris's News From Nowhere (1890). What offending there is in the novel is almost entirely centred around sexual jealousy, as Morris wrote "hot blood will err sometime". All other types of criminal behaviour have virtually died out under the benign impact of socialism. The process which led up to this state of near perfection is outlined by Morris and it begins with the identification of the causes. In this instance Morris describes the role played by private property, "the family tyranny" and "class murder" in the creation and

sustaining of crime. Only after specific factors like the above are identified by the author is it then possible for the second and final phase to be implemented, namely the attempt to resolve these problems. In this instance the application of the healing balm of socialism. This chapters concern is with the first stage of this process, that of identifying the causal factors.

In 1890 Havelock Ellis's The Criminal was published and in this work he outlined three primary causes of criminal behaviour, which he described as Cosmic, Social and Biological. The first of these examined the relationship between offending and "influences of the external inorganic world" such as the climate and diet. Whilst recognizing the part played by these factors it was the remaining two causes that were at the heart of the debate on the origins of offending for both Victorian and Edwardian criminologists. In W.D.Morrison's work, Crime and its Causes (1891), the "Social" causes are listed as the "political", "economic", and "moral conditions" in which "man lives as a member of society". In contrast the "Biological" factors were described as "bodily and mental characteristics" which included descent, sex, and age. Both these groups are repeatedly returned to in the literary utopias of the period. Towards the end of the nineteenth century they are seen increasingly as parts of a whole, however, earlier they are often set apart as bitter rivals. Those socialist authors like William Morris, Robert Blatchford and Charles Ashbee adopted the destructive influences of the present structure of society as being the primary cause of crime. On the other hand writers like Walter Besant, Alfred Morris and

William Le Queux took the biological factors as being the most influential. In taking this stance they were able to draw upon man's inherent weaknesses as the principal reason for Socialism's inability to exist outside of the realms of theory. This polarisation will be reflected in the structure of this chapter which will examine each of these two groups in turn, beginning with the "Biological". Before this can be undertaken however it is important to examine some of the language used to describe criminal acts in the literary utopias of this period.

When portraying offending in their fiction the majority of authors returned repeatedly to a limited vocabulary. In fact throughout the entire period there is a consistent reliance upon "vice", "sin" and inevitably "crime" as the primary terms adopted. Whilst exploring their significance may at first sight seem of little value, the choice of language does in fact provide a useful insight into the writers' understanding of this subject. What, for example, was the relationship between "sin" and "vice" believed to be, and what did the word "crime" actually mean to the utopia writer? When looking at the period as a whole the picture that emerges is a confused one. Authors clearly used certain phrases which are ambiguous, on the one level intended to describe why offending took place whilst also conveying elements of condemnation and caricature. An illustration of this point is provided by the utopian writers' treatment of the most feared "criminal" of that period, the Anarchist. H.Nisbet's novel, The Great Secret (1895), is a good example of a number of utopias written at this time which focused on the evil and sinful

nature of the anarchist. He compares them to the fiends of hell and concludes that

> "The Miltonic devil is such a capricious and impulsive character compared with the embodied devils of to-day".
>
> (Nisbet 1895:72)

In the same year T.M.Ellis's novel Zalma was published and he describes the followers of anarchy as possessing the potential for "diabolical wickedness", "inebriated sins" and "insensate crimes". This identification made between evil and anarchy remained strong throughout the period. Several other authors such as G.Griffith, G.Thorne and Edgar Wallace combined this emphasis with an element of insanity. For example, Thorne's novel Made In His Image (1906), contains an Anarchist who

> ".....lived for a devilish ideal...mad, distorted, caught from the womb of hell".
>
> (Thorne 1906:331)

The consistent use of this combined imagery of insanity and evil conveys the message that Anarchists are irrationally violent and unstable individuals, whose only pleasure comes from causing death and destruction. The picture created does not attempt to explain or understand actions, seeking instead to stereotype and condemn them. In other words the language chosen by an author to describe an Anarchist's action may say more about the writer's negative feelings towards that person, rather than attempting to gain insight into their behaviour. Whilst Anarchists are the best illustration of this process it also applies to a lesser

extent to many utopian authors' accounts of offending in general.

Ambiguity exists at a more fundamental level however, for writers were clearly confused by the relationship between "sin", "vice", and "crime". This point can be demonstrated when looking at the treatment of prostitution by three different authors during this period. In 1880 W.D.Hayes wrote about the prevalence of this "exuberant vice", thirteen years later F.W.Hayes describes why this "crime" flourished, and finally S.Watson in 1911 writes of the "sinful" nature of prostitutes. Does the use of these three different terms to describe the same offence simply mean that these words were seen as interchangeable by the respective authors? Or are they chosen deliberately to reflect a writer's particular view on the nature of offending? The answers to these questions can in part be found in a debate that was going on amongst criminologists of this period. In 1895 F.G.Wines' Punishment and Reformation was published and in his introduction he puts forward what he considers to be the definitions of "sin", "vice" and "crime". The first point to be made is that it is significant that Wines' thought it necessary to undertake this task at all. Why take time to discuss these terms unless there was uncertainty about their meaning and usage? It is important to note that Wines was not the originator of this debate, in fact as early as 1885 Annie Besant published a pamphlet entitled Sin and Crime. In this short essay she sought to dismiss the notion of spiritual decay as a cause of offending, seeking instead to place crime in its context as a response to environmental factors. It is this process of redefining causal factors that

creates the confusion over language. For as the information on why individuals offend grew, traditional models of thinking were challenged, alternatives were put forward and the resulting discussion over which was the more valid, produced the need for regular reappraisals. An inevitable consequence of this process was that terms used to describe offending were also part of this re-evaluation.

The confusion brought about by the coexistence of these different models of causation, each with their own language, is reflected in Wines' work. He clearly thought it of great importance to provide definitions of the terms used in these theories, with particular emphasis on "sin", "crime" and "vice". He describes the latter as

> ".....injuries done to oneself, through the violation of natural law, which affect others only indirectly, if at all".
>
> (Wines 1895:11)

The writer cites intemperance, improvidence and sloth as being examples of this trait. It is clear from this that offending can contain an element of vice, an example of this can be found when looking at prostitution. Also offences can be committed in order to satisfy a vice, for instance the theft of alcohol so that an individual could sustain their intemperance.

Within utopian fiction writers rarely used vice to describe an actual offence, instead it was consistently applied to offenders

both singularly and collectively. For example, individuals were referred to as being "internally vicious" and the phrase "vicious classes" was frequently applied to the lower social groups. Used in this context vicious does not describe a particularly violent person, instead it means someone who is addicted to vice. This notion of addiction places its exponents into the category of those who saw offending as primarily having biological origins.

In contrast to his definition of vice, with its emphasis on the individual, Wines describes sin as being "offences against God". These offences comprise both actions and thoughts, for God's commandments

> ".....extend beyond outward acts and reach down into the region of unuttered thoughts and unfulfilled desires, of which human legislation can rightfully take no cognizance".
> (Wines 1895:11)

Each individual from birth is tainted with the stain of original sin as a result of Adam's fall in the garden of Eden. Consequently every action and thought can be influenced negatively by this inherent sinfulness. Whilst vice only effects others indirectly sin destroys the individual's relationship with God and corrupts human society as a whole. The New Testament writer James describes the process by which this happens, as beginning when an individual is tempted to do wrong by their own "evil desire". He went on to add

> ".....after desire has conceived, it gives birth to sin,

and sin, when it is full-grown, gives birth to death".

(James. Chap 1: v.15)

Within the literary utopia sin and offending are closely linked. Whereas vice was used predominantly to describe an individual, capable of committing offences, sin and crime seem in many cases to be interchangeable. For example in Walter Besants The Revolt of Man (1882) the women who have forced men into a subordinate role view assaults on wives as a serious offence. As one of the women observes "...wife beating is an awful sin" (1882:170). The offenders whose actions were most frequently described as a mix of sin and crime were the anarchists. The illustration from the beginning of this chapter, taken from T.M.Ellis's Zalma (1895), encapsulates this ambiguity, for the same actions are portrayed one moment as "insensate crimes" and the next as "inebriated sins". In conclusion the inherent nature of sin in each individual means that, like vice, it should be placed in with the biological causes of crime.

The final definition to explore is that of crime which Wines describes as

> ".....wrongful actions, violations of the rights of other men...against which there is a legal prohibition enforced by some appropriate legal penalty".
>
> (Wines 1895:11)

Wines goes on to develop his observation on crime when he starts to explore the relationship between offenders and the state. He argues that without the existence of the legislative framework

that is necessary for society to function, there would be no such concept as crime. He remarks that crime

> ".....is not a simple phenomenon of ethical aberration from a standard type. It is rather a complex relation, which the law creates between itself and the law-breaker".
> (Wines 1895:24)

Taking this argument to its logical conclusion he suggests that the law is responsible for creating both crime and the criminal. This particular point is repeatedly taken up in the literary utopia, for each author who creates a different legal framework is redefining what is criminal and what is not. An example of this is the treatment of the theme of revolt. For authors like William Morris and Francis Dixie the violent overthrow of the existing order was an act of liberation for the working class not a crime. In contrast Alfred Morris and W.Le Queux represent a large body of writers who found such actions to be amongst the most serious of crimes.

This examination of the terms used to describe offending behaviour highlights some of the complexities surrounding the different usage of language by the writers. Factors as diverse as artistic licence to New Testament theology have to be disentangled and individually made sense of. What emerges is that for some authors the words they selected represented a conscious choice resulting from their understanding of why offending took place. Christian writers like Robert Benson, Guy Thorne and Sidney Watson are clear examples of this. For other

authors writing in a more sensationalist vein such as Edgar Wallace, George Griffith and F.M.White their choice is governed less by personal ideology and more by the desire to tell a story. What ever the motivation, the examination of the use of certain words and phrases is an important first step towards understanding what the utopia authors comprehended as the causes of crime.

Biological Causes

> ".....human nature is alternately swayed by higher motives, by lower impulses. When those prevail a nation advances when these it deteriorates".
>
> (Watson 1890:200)

The inner conflict for all humans between higher and lower instincts was a theme that was repeatedly returned to by utopia writers throughout this period. On the one hand there were writers like Watson who describes the "downward course" that society takes when large numbers of people succumb to the siren voices of their "lower impulses". In contrast there were authors such as C.R.Ashbee who write of a perfect world which was possibly because of every individual's conscious choice to exercise "self control". The significance of these portrayals lay not just in their outcome, but in their attempts to describe the psychological processes which motivate individuals to act in a particular manner. An examination of these inner turmoils will form the major part of this section.

The roots of offending for exponents of the biological school of thought had two primary sources, original sin and or heredity. The former has already been briefly defined earlier in this chapter, thus requiring only the latter to be examined now. Throughout the late Victorian and Edwardian period one particular work was consistently referred to by those who believed in the influence of heredity in criminality, and that was The Jukes. Written in 1877 by Robert Dougdale its subtitle was A study in crime, pauperism, disease and heredity. It described a research project undertaken by the author from 1874 to 1875 and involved him interviewing the members of forty-two families, chosen because of their considerable involvement in offending. Dougdale's research focused on the possible role that heredity had in the making of offenders, and he began his work by defining this concept as

> ".....those elements of character which are derived from the parent as a birthright".
>
> (Dougdale 1877:12)

Dougdale hoped that by closely examining the lives of the families he had selected, he would be able to identify if there were any "laws" that determined how the negative aspects of character were transmitted form one generation to the next.

When comparing heredity and original sin, it is clear that they both start from the same premise, that the roots of offending can be located within the individual criminal. Advocates of both sets of views also put forward ways in which the negative effects

of these concepts can be overcome, but at this point they diverge dramatically. For those who adhered to the primary role of sin then the only real solution was a spiritual one, requiring each individual to make their peace with God and to strictly observe his laws. In contrast the solutions promoted by the theories of heredity placed their emphasis on a more humanistic approach. Society's problems were to be tackled not by relying upon some outside spiritual intervention but by humanity itself.

In the literary utopias examined by this research the initial impact of heredity, as defined by Dougdale, had largely dissipated itself by the early years of the 1880's. In contrast the concept of sin remained fairly constantly in use right up to 1914 and beyond. The negative influences of heredity merited a passing reference in Sir Jules Vogel's Anno Domini 2000 (1889) but it was seven years earlier in 1882 that the subject is given its most detailed treatment. In that year the novel A Thousand Years Hence appeared, the author using the pseudonym Nunsave Green, focused on the means of combatting the growing problem of crime and in doing so identifies heredity as a causal factor. In his novel, Green describes a group of offenders as being

> ".....mostly themselves the descendants of criminals before them, and they were mostly rearing descendants of their own who were to succeed them".
>
> (Green 1882:170)

Green's account closely matches with the observations that Dougdale made about the Jukes in his research. The author has,

however, added an additional ingredient to the more traditional view, which is revealed in his repeated use of the phrase "hereditary professional criminal". Sadly he did not elaborate on what he actually meant by this but it seems to contain two separate and conflicting messages. The first conjured up by the use of "hereditary" implies that these offenders are driven to crime by aspects of their personal make up. They were born criminals and are simply fulfilling their destiny when they offend. In contrast "professional" seems to indicate a degree of choice, a chosen vocation. Whatever the intended meaning Green's novel marks the last in depth exploration of heredity that was encountered during this research.

In the same year that Green's novel was published, Walter Besant's All Sorts and Conditions of Men appeared. In the early part of the novel he describes how many men have "grown dead to their higher instincts" (Besant 1882:95). As a result not only were their individual lives impoverished, but society as a whole was the poorer. This reference to instincts is the earliest uncovered in the utopias dating after 1880 and it marks a further development of heredity's influence. The ensuing debate went beyond the transmission of personality from parent to child, instead it represented an attempt to describe the essential elements of humanity present in every generation. The impact of this development upon the perceived causes of crime amongst utopia writers was to produce several crude profiles of society, each describing how offending behaviour begins. In effect these can be divided into three types, which described in descending

order begin with the level at which offending is no longer a problem because individuals have learnt to exercise total "self-control". Following that is the interim stage in which crime represents a significant difficulty, self-control is only partially demonstrated and society as whole is in decline. The final and lowest point is that in which individuals exhibit no self-control and give full vent to what Richard Whiteing describes as "the brute that is in all of us". At this stage social order has broken down and anarchy or revolt sweep that nation. It is important to recognise that whilst these three profiles all start from a stance which is firmly grounded in the hereditary perspective they often stray into exploring environmental factors. The distinctions drawn between these two concepts made by both criminologists and authors alike were often crude and not without fault. For example W.D.Morrison's work Crime and its Causes (1891) contains a section in his chapter on the influences of heredity on why women offend less than men. He concludes that this is not just because of their natural ability to be "unselfish" but because of the "duties of maternity", a clear reference to the role of women in society rather than their personality. Despite this interface which is so apparent now the original division between hereditary and environment remains an important one to explore. Of the three profiles described above the last two will now be examined.

Society in decline

It was not until the 1890's that utopian authors began to write

in large numbers about the relationship between offending and the lack of self-control. This view of the causes of crime started from the biological premise that an offenders "human nature" was tainted from birth by either sin or inherited factors. These defects would then surface in the individual's personality in the form of anger, lust or greed for example. However the degree to which these aspects developed was largely the responsibility of the individual. If a person chose to exercise control over these "base impulses" by keeping them in check then that would have two primary effects; it would moderate the development of these "passions" and consequently effect the actions of the individual for the better. H.C.M.Watson's utopia The Decline and Fall of the British Empire (1890) was one of the first to explore this theme in detail and he encapsulates the views expressed by later authors like F.Hayes, Z.S.Hendow and H.G.Wells. Rather than examining this subject in broad terms Watson's novel will be used as a detailed illustration thus enabling the issues that emerge to be examined at some length.

Watson's novel, set in the year 2989, describes how Britain has become little more than a peasant society. He demonstrates that during the country's decline a lack of self-control in three key areas was responsible for the growth in crime, these were: Lack of spiritual awareness; Inflamed sexual passions and an increasing desire for wealth. In fact these three groups are the ones primarily chosen by exponents of this model throughout this period to demonstrate the effects of selfishness.

Of the first of Watson's three factors, that of lack of belief in God, the author wrote that

> "Religious belief was too often of an otiose character. In many cases the great fact of religion were scornfully rejected".
>
> (Watson 1890:76)

With little or no knowledge of the teachings of Christianity Watson's characters lack the spiritual awareness necessary to restrain their base desires. Belief in God, the reader is informed, "renews" all that is "good" in "human nature" and corrects its errors. However, should a person reject God then that individual becomes increasingly estranged from their "higher motives". The consequence of this is that as the positive influences disappear the negative, or "lower impulses", begin to dominate. This internal process then gradually begins to make itself apparent in the actions of the unbeliever, resulting in a "laxity of morals". A particularly potent image of this next aspect of lack of self-control is the author's description of the rights for women campaign, as the following passage demonstrates.

> "Women even publicly strove to break down the barriers with which the wisdom of ages has protected the sanctity of the marriage relationship, and to sweep away, as far as might be, the distinctions of sex".
>
> (Watson 1890:76)

Watson argues that one of the earliest signs of spiritual corruption is inflamed sexual passions resulting in immorality. He believed that the increasing demoralisation of society is

hastened when marriage is regarded as a contract to be broken at will and women strive to be regarded as equals. This results in the break down of the family unit, increased promiscuity and a steep rise in the birth of illegitimate children. These children then have little or no proper parental guidance and are often left to survive or die. As a result they have few opportunities to learn about self-control and consequently the "base impulses" grow stronger thus initiating a whole new spiral of social decay as they turn to crime in order to exist.

The final area in which Watson's characters demonstrate their lack of self-control is in their desire for the material things of this world rather than the spiritual. This affected all levels of society, the rich enjoyed "immense wealth" but still wished to increase their income by exploiting their poor workforces. In contrast the "awful and squalid poverty" experienced by the lower classes coupled with their impoverished spiritual insight meant that almost any course of action would be undertaken in order to improve their lot. Watson chose to focus on this latter group describing how

> "Grinding poverty urged men on to demand change, for changes sake, in hope that something to the advantage of the poverty-stricken might turn up....Lawlessness was organised into a creed, ignorance triumphed and the wildest economic theories were accepted....."
>
> (Watson 1890:76)

The dual threat to society of sexual liberation and materialistic greed quickly begins to take its toll on Watson's society, as the

Commissioner of Police in the novel observes

> "I am sure that there is more crime than formerly, only many things that were formerly regarded as criminal are now winked at and treated with greater leniency".
>
> (Watson 1890:147)

Watson's message to his readership was clear; the dangers he portrayed in his fiction were already facing this country. To avoid the pitfalls that he describes then the people must turn away from their lower impulses, exercise self-control and look to God to provide them with the strength to continue in this course of action. As Watson remarks

> "More happiness and strength for life's duties come from the reading of the Word of God, and meditations upon its truths, than from any other single cause".
>
> (Watson 1890:237)

Watson's world is full of offending, of theft and dishonesty and of prostitution and violence, his characters are spiritually bankrupt and his society is bereft of hope. God's precepts have been rejected and "selfishness" is the order of the day. The novel concludes with an orgy of violence when the people revolt, London is set on fire and the police and the army cannot restore law and order. This final part of the story is characterised by the sort of aggression associated with the final stage of this model, society in decay. For no longer is there any semblance of self-control, the "brute" in each individual is now dominant. Rightly there is no perceptible point at which one stage ends and

the other begins, it is simply a case of the degeneration reaching its logical conclusion.

Society in decay

The poet James Elroy Flecker wrote one short utopia entitled The Last Generation (1908). In it he describes the gradual extinction of mankind following a world wide decree that no more children should be born. The novel concludes with the last remnants of humanity huddled together in the ruins of some great city. Flecker describes them as being "repulsively deformed" by their lust and debauchery,

> "There seemed to be no power of thought in these creatures. The civilisation of ages had fallen from them like a worthless rag from off their backs. Europeans were as bestial as Hottentots, and the noblest thing they ever did was to fight".
>
> (Flecker 1908:46/7)

Flecker's emphasis on the bestial characteristics of these survivors captures the essential aspect of human nature which distinguishes the individuals in this group from the previous one. From the earliest years of the 1880's authors had written about the brute in humanity and how easily it could be aroused. For example authors like G.J.R.Ousley and G.Corbett wrote in their respective utopias about the perils of meat eating and expressed the view that

> "Flesh eating is a habit which induces coarseness of mind and body".
>
> (Corbett 1889:52)

These writers believed that when an individual ate meat they were quite simply feeding the beast within and giving it further strength. The primary concern however with this aspect of human nature for the utopia writer was its actual manifestation in society and how best to keep it in check. Its most common form tended not to be a description of one individual, rather it was the crowd, the mob, that many authors chose as the most powerful portrayal of humanity's bestial nature. L.Tracy's novel An American Emperor (1897) contains an excellent example of this when he wrote of the storming of some offices by an angry crowd.

> "It was like the growl of a coming storm, a terrible incoherent sound which had nothing human in it; or if there were aught of human, it was of men who had laid aside their humanity and fallen back to the uncontrolled passions of the brute".
>
> (Tracey 1897:154)

Whilst many utopias contain passages in which the "brute" is unleashed at some point it is rare to find a novel which focuses on this issue throughout. One of the most powerful exceptions to this general principle is H.W.C.Newte's anti-socialist novel The Master Beast (1907). In this work the author describes how opposition to "natural law" gradually erodes away the civilised veneer of society and exposes its animal-like nature. Two particular illustrations from Newte's argument will be examined,

these are the role of women and the issue of health. Following that the impact of these changes upon offending behaviour will be reviewed.

The Master Beast is set in twenty-first century London and describes how society is fairing under the tyranny of socialism. In this brave new world the moral requirement for marriage has been done away with and in its place "free" relationships were substituted. The result of this development, according to the author, was far more serious for women than men. He describes how many women "ran morally amok" as they revelled in their new found freedom. Several instances are recorded of fights between two women over a man in which it was commonplace for weapons to be used and not unusual for one of the combatants to be killed. Without the financial security provided by a settled relationship many women were forced either into prostitution or theft to provide an income. Interestingly Morrison observed sixteen years earlier in his research on the causes of offending behaviour that

> ".....the more women are driven to enter upon the economic struggle for life the more criminal they become".
>
> (Morrison 1891:154)

Newte's novel clearly endorses the view.

Another significant area in which the role of women had changed was that they no longer raise their children, this was a responsibility that the state had taken over. The significance of this would not have been lost on Morrison, who had argued

previously that one of the reasons women offended less was because of their maternal role and nature. He wrote that

> ".....the duties of maternity have perpetually kept alive a certain number of unselfish instincts; these instincts have become part and parcel of woman's natural inheritance, and as a result of possessing them to a larger extent than man, she is less disposed to crime".
>
> (Morrison 1891:152)

The disintegration of marriage and the removal of maternal responsibility would, according to Morrison, reduce women to a commensurate level with men in terms of offending. Newte's novel has in many ways put fictional flesh on the criminologists skeleton for in his novel women are portrayed as often being more violent and aggressive than men.

With regards to the issue of health, both physical and mental, Newte's hero notices that the children he sees, both male and female, have faces which are both "dull and vicious" and even their play reflects the depravity of the adults. The children grow up to be what Newte describes as "soulless automatons" who enjoyed occasional outbursts of "animalism". The adult characters in the novel also bear the physical signs of their depravity and are portrayed as having "undersized bodies" and "degenerate common faces". Morrison's views on the relationship between health and offending was that

> "Persons suffering from any kind of ailment or infirmity are far more liable to become criminals than are healthy

members of the community".

(Morrison 1891:72)

The effects of this degeneration upon both offending and the administration of justice were considerable. Essentially both these aspects of Newte's fictional world are coloured by a level of violence not previously experienced in the profile of society in decline. For example the impressionistic evidence suggests that levels of prostitution and sexual crimes remain approximately the same in this novel as in Watson's fiction. What distinguishes them is the violence that accompanies the offending. For example Newte's hero is invited to attend a banquet for the leaders of the state and during that meal there are three fights all involving women, one of whom is killed. All of this takes place in front of the diners, who far from endeavouring to restrain the combatants seem entertained by the violence. The author observes that in this society

> ".....the beast in man far from being chained, was never very far from breaking loose".
>
> (Newte 1907:135)

This level of violence is however completely surpassed when night falls. Newte describes the streets of London as being "infested" by "bands of bloodthirsty hooligans" whose sole pleasure is to "cruelly maltreat" anyone they encounter. The small police force takes no action as the gangs are comprised largely of members of the government party.

One of the commonest offences in this state and one against which action was always taken was the crime of treason. Newte informs the reader that this charge was used by the government to remove individuals who opposed them. The prisoner may have fallen out with his ruling peers or simply accrued the displeasure of some local party dignitary. What ever the reason the term treason was always applied to the behaviour. Anyone facing prosecution is tried in front of the public and Newte's description of this process conjures up images of the Roman crowds attending the games at an amphitheatre. If the individual is found guilty then he was

> ".....generally safe, unless, by some mischance, the crowd saw blood, when its worst passions were aroused, which meant that that hapless victim would be promptly torn to pieces".
>
> (Newte 1907:141)

The image created is one of a pack of wild and hungry animals turning upon a weaker member and devouring that individual. It is this level of savagery that set apart this final stage from its predecessors. The social decay has resulted in men and women losing complete touch with their "higher motives" and giving full vent to their "lower impulses" and as a result their behaviour becomes increasingly barbaric.

The example provided by Newte's novel The Master Beast concludes this section of this chapter with its focus on the "biological" causes of crime. The next stage, that of exploring the impact

of environmental factors on offending has, as mentioned earlier, to some extent already begun. For when looking at the factors which predispose individuals to offend there is inevitably going to be a degree of interface between environment and biology.

Environment Factors

> "Man's existence depends upon physical surroundings; these surroundings have exercised an immense influence in modifying his organism, in shaping his social development, in moulding his character".
>
> (Morrison 1891:24)

The theatre, poor parenting, alcohol, slums, ownership of property, the "family tyranny", novels, poor sex education, Home Rule, pauper immigration, scientific advancement and pornography are just some of the environmental factors identified by utopian writers as causing criminal behaviour. The relationship between these "causes" and their hereditary counterparts came to be seen less as opposites as the nineteenth century drew to a close and rather more as two aspects of the same equation. The preface to the 1910 edition of The Jukes written by Franklin Giddings made just this point when he wrote

> "The factor of "heredity", whatever it may be, and whether great or small, always has the coefficient, 'environment'".
>
> (Giddings 1910:v)

Giddings tone in fact indicates that the role of hereditary was then far less certain than it had been some thirty years

previously. The confidence of Dougdale had been replaced by a more questioning approach and the dawning realisation that its contribution was less certain than had previously been assumed. Gidding acknowledges this at the beginning of his preface when he wrote

> "We can only say that probably heredity is a fateful factor in the moral, and therefore in the social, realm".
>
> (Gidding 1910:iv)

This uncertainty was matched by an increased confidence in environmental causes, as the selection at the beginning of this section demonstrates. Clearly to explore each in turn would provide enough information to be worthy of a paper in its own right, inevitably therefore only a few can now be examined. I have chosen to look firstly at the effects of poor parenting and poor housing upon the family. These two factors have been selected not just because of their popularity but because they provide good illustrations of how the novelists understood that individuals could be moulded into offenders. In contrast to this the second example will look at a factor that influenced offending at a political level, and that is pauper immigration.

The Family

In 1889 Christopher Yelverton's utopian novel Oneiros was published. It tells of the transformation of the land of Neikosa from a "place of wrangling, emulation and wickedness" into a world in which peace and harmony reigned. This is brought about

by the intervention of the great leader Oneiros, who is granted the powers of an absolute dictator. Having dealt successfully with the threat of a foreign invasion he turns his attention to the condition of his country and starts to address its problems. He focuses first and foremost on the importance of a proper upbringing for children because he recognised that they were the citizens of the future. Who, he asks, swells the

> ".....ranks of the criminal, the lazy, and the prostitute? Who, but the children they begat, and whom they trained from their infancy in every sin? Make their children pure and holy, and the next generation shall want the chief generators of vice".
>
> (Yelverton 1889:26)

It is this ability of the family to train, to mould a child that makes this particular social institution an obvious candidate for being one of the most influential environmental factors in the shaping of offenders. F.W.Hayes captured the essence of this view when he wrote about the "hapless little wretches" who lived in

> ".....an atmosphere of vice, profanity, drink, filth, stench, obscenity, violence, and crime almost beyond relief. Semi-starvation and semi-nakedness represented their habitual condition".
>
> (Hayes 1893:165)

Such conditions were, in Hayes' opinion, the breeding place for the majority of social problems that bedeviled society. That individuals brought up in such circumstances should turn to

offending was therefore no cause for surprise as they had been brought up to consider such behaviour perfectly normal. The vulnerability of the child to inappropriate role models had clearly been recognised by the utopian authors as had the negative impact of poor quality housing. Yelverton's citizens thought it

> ".....bad for the moral and metal qualities of man, and that no good could come of one who was for ever debarred from the delights of nature".
>
> (Yelverton 1889:27)

One of the most common solutions applied to these problems, and one that both Yelverton and Hayes advocated, was the assumption of parental duty by the state. This was designed to ensure that all children were brought up in such a way as to allow them to develop to their full potential. Yelverton describes this as giving each child its "birthright", the opportunity for it to enjoy " a reasonable prospect of happiness". In writing on this theme he touches on an important characteristic of this and several other environmental factors, namely that society as a whole is "answerable" when one of its members is disadvantaged through no fault of their own. For example, if a child is born into appalling poverty; is housed in dreadful conditions; is ill fed and ill treated and is taught from the earliest age how to steal then society reaps the benefit of its indifference when that child has grown to maturity and continues to persistently offend. Yelverton like many other utopian authors, was arguing that there was a collective responsibility to be held by the

society that allows this to happen. This does not exonerate such an individual from blame when an offence is committed, it does however, place their actions in context. F.H.Wines writing about this subject observed that when someone offends

> "His sin is our sin, of which we are called to repent, and for which we must make reparation and atonement, as truly as he, since we are possibly even more responsible for him than he is for himself".
>
> (Wines 1895:248)

Throughout the period under examination the significance of the family and the environment in which it lived were consistently identified as areas in which major improvements were required. The dangers of allowing high levels of emotional and material depravation to continue uninterrupted were frequently described in the utopian fiction of this time. Not only would it allow for generation after generation of offenders to be nurtured and schooled in their destructive tendencies it threatened to both physically and morally stunt humanity as a whole. Yelverton wrote of these concerns when he observed

> "Our whole future as a nation depends on our resolution in this matter, and if we are not to degenerate into a nation of pygmies and imbeciles, our children must not be born in slums and bred in foul air".
>
> (Yelverton 1889:48)

Pauper Immigration

The problem of pauper immigration began to be referred to

regularly in the middle years of the 1890's. Henry Lazarus, typified the views expressed when he wrote

> "Pauper immigration had been allowed to dump down on Britain's narrow shores for years and years endless thousands of the waste beggary of Europe, inspite of loudest protest".
>
> (Lazarus 1894:151)

He goes on to describe these "foreign beggars" as an "insidious poison" which was polluting this country both physically and morally. In his utopia The English Revolution of the Twentieth Century he estimates that there were some one hundred thousand of these people many of whom spoke little English. Those that had endeavoured to live honestly and found employment are described as "ousting poor English labour". In so doing Lazarus places the immigrants in a position from which they cannot win. If they seek work then they are perceived as taking jobs from the indigenous population, if they do not work then they are portrayed as beggars and criminals. Lazarus was clearly in no mood to compromise in his utopia for his solution to this problem was simply to round all these people up and deport them back to their country of origin. Those that were defined as legitimate refugees fleeing from either religious or political persecution had "settlements" made available to them in South Africa. On concluding this mass deportation Lazarus observes that

> "Great Britain, thus freed of its first great incubus, one of its great poison sewers cleansed and sanitised, was not allowed by cowardly no-legislation to fill up insidiously,

or in any wise again".

(Lazarus 1894:155)

This last reference to governmental inaction is of interest because it highlights the essential characteristic of this environmental factor. In this instance the cause is not something physically tangible like poor housing, alcohol abuse or poor parenting it is actually an administrative decision. By allowing pauper immigration respective governments were, in the opinion of authors like Lazarus, G.Griffith and E.Wallace, introducing a large number of offenders to this country. To make matters worse additional pressures were being placed on this country's own poor as jobs and housing were taken by the immigrants. Lazarus and others argued that the consequence of this pressure might be translated into offending by the more desperate poor.

With the birth of the twentieth century the sweeping statements made about pauper immigration in utopian literature began to focus primarily on one small group, the anarchists. The issue now was not about the "foreign beggar", it was about the dynamitard. Throughout the middle and latter years of the 1890's this concern had grown in utopian fiction, for example T.M.Ellis's novel Zalma contains the following passage

> "I say that we in London, by knowingly giving shelter to these Anarchist refugees, were abusing the very freedom of which we English are so proud".
>
> (Ellis 1895:265)

Popular novelists such as George Griffith and Edgar Wallace exploited this issue with novels by the former like The Outlaws of the Air (1895) and Hellville U.S.A. (1899); and in the latters case The Council of Justice (1908) and The Fourth Plague (1913). Novels like these provided the reader with a fresh illustration of the depths to which criminality could lead an individual, a point clearly made in an anonymous utopia entitled The Day that Changed the World (1912). The author concludes a section upon the poor physical conditions that many children experienced in London by remarking

> ".....if I had been subjected to such an atmosphere, I should have been not merely a brute, but an anarchist".
> (Anon. 1912:139)

The notion that behaving like an animal was the lowest point to which offenders could reach was redefined by authors exploiting popular myths and thus the anarchist was presented as the most abject example of humanity. The dynamitard only began to experience some rivalry in this unpopular position with the growth in anti-German fiction prior to the First World War.

This chapter's exploration of the causes of crime in the literary utopia has encompassed a wide variety of material ranging from contemporary criminologists' theories through to defining the terms used to describe offending. Its most important component however, has been this final section on biological and environmental factors. Inevitably this division between the two can appear artificial when actually reading the novels as most

adopt what perhaps can be best described as an eclectic approach to this subject. Nevertheless it will reappear when looking at the chapter on the treatment of offenders. For in order to treat a criminal there must first be a prognosis and that will be based upon how the provider of treatment interprets the "causes of crime". Indeed the influence of hereditary factors has a major role to play in the next chapter that of the portrayal and classification of criminals.

Chapter Three: The Portrayal of the Criminal

> ".....the criminal must be known, before he can be suitably treated: in his capacities, his instincts, his sentiments, his inclinations, his habits. He must be known physically, mentally and spiritually".
>
> (Wines 1895:312)

This desire to "know" the offender was one of the major impetuses in the study of criminals during the Victorian period. For, as Wines observes, it is only after this has been achieved that the offender can be "treated". Attempts to undertake this task began with the development of a number of classification systems in which the different types of offender were identified. Some researchers focused primarily on what they believed to be the psychological make up of offenders and built their model upon this foundation. Havelock Ellis was one such advocate of this approach. Others like Lombroso, Ferri and Benedikt took the physical condition of the criminal as their reference point. From this type of research they argued it was possible to conclude for example that thieves had small heads and murderers large. "Scientific phrenology" refined this examination of the criminal's physique down to simply focusing on the skull and brain. In 1902 Bernard Hollander wrote of this approach that

> "It is not a question of protuberance or depression of the surface of the brain or skull, but it is a question of a correct estimation and comparison of the relative

development of the brain masses".

(Hollander 1902:62)

Having determined which part of the skull covers which part of the brain Hollander argues that it is possible to determine an individual's character simply by examining their head. For example, if a person's skull has a large "frontal lobe" it is possible to know from this observation that the man or woman has an "advanced intellectual and moral eminence".

Many of the literary utopias are forced to confront the issue of "knowing" the criminal as they appear as characters in their novels. In order for the author to make their fictional offender a believable creation their crimes must not just be described but the motivation behind the actions also should be addressed. For some authors like Edgar Wallace and George Griffith this meant relying upon stereotypical images of offenders, for others like William Morris and Christopher Yelverton it meant conducting a serious examination of the motivational forces that propel individuals into deviant behaviour. This chapter will focus on contrasting these utopian ideas with their non-fictional criminological counterparts. In so doing the portrayal of the criminal in utopia will be fleshed out. It also provides an opportunity to examine how much the theories of the social scientists have made an impact upon this particular body of fiction.

The Criminal

> "Of criminals, actual or nominal, there are many kinds".
> (Ellis 1890:1)

Havelock Ellis's The Criminal, begins with a detailed examination of the "many kinds" of offender found in society. In fact the introduction to this work contains descriptions and actual case illustrations concerning seven different sorts of criminal. This classification system was not solely the product of Ellis's research, it was in fact a distillation of observations put forward by both himself and a number of criminologists, including Lombroso. The seven profiles are; Political Criminal; Criminal by Passion; Habitual Criminal; Occasional Criminal; Professional Criminal; Insane Criminal and Instinctive Criminal. Of these the first three were the ones most regularly explored in the literary utopias and because of this each of these will be examined in turn.

The Habitual Criminal

> "He was a young man - the habitual criminal is generally young because in middle and elder life he is doing long sentences - he had a furtive look such as that with which the jackal sallies forth on nocturnal adventures: he had a short slight figure, a stooping and slouching gait and narrow shoulders. His eyes were bright, but too close together: his mouth was too large and his jowl to heavy: his face was pale, his hair was still short, though growing rapidly: his hands were pendulous: his hat was too big for his little head: he wore a loose over-coat. His face, his

figure, his look proclaimed aloud what he was".

(Besant 1892:268/9)

This description of an habitual criminal by Walter Besant, in his novel The Ivory Gate (1892), is one of the most detailed accounts of this type of offender found in the literary utopias of this period. However, Besant was not the only author to write about the habitual criminal in his utopian fiction, for during the 1880's and 90's in particular this type of offender was referred to by authors like H.Lazarus, F.W.Hayes and K.Folingsby to name but a few. The interest expressed by these authors provides one of the few tangible signs of contemporary criminological terms being subsumed into utopian fiction. No other phrase had successfully made the transition from text book to novel as noticeably as this one had.

Before looking further at this type of offender in utopia it is important to outline some of the essential characteristics of this group as defined by Ellis. Habitual criminals are described as weak individuals who initially turn to offending when their circumstances are not "quite favourable". Their offending may begin in quite a minor way and Ellis describes a hypothetical case to demonstrate his point in which a woman initially steals a flower from a shop. He goes on to write that

> "A little later she will appropriate an article of greater value, and henceforth she will take for the pleasure of taking. The inclination which at the beginning had in it nothing instinctive or fatal, will grow as all habits grow". (Ellis 1890:19)

At this point as the increase in offending continues, so does the possibility of detection, prosecution and imprisonment. Once apprehended and given a custodial sentence, Ellis argues that the combination of poor personal circumstances; weak personality and the detrimental impact of prison serves only to accelerate the decline into habitual criminality. The responsibility for this transition is, according to Ellis, not just the individual's, he also writes of how habitual criminals are "manufactured" by their experience of prison. For there they are introduced to far more sophisticated offenders and are taught further means of extending their criminal activity. A year after Ellis's work was published a prison chaplin, the Rev. W.D.Morrison,described his experience of this type of offender in his book Crime and its Causes (1891). He saw them as

> ".....a set of persons who make crime the object and business of their lives; to commit crime is their trade; they deliberately scoff at honest ways of earning a living....."
>
> (Morrison 1891:141)

This view, less sympathetic than the one expressed by Ellis, is largely echoed in the literary utopias that focus on the habitual criminal. To writers like Lazarus and Hayes these were not so much people who required help but rather they represented a considerable problem that urgently needed resolution. For until this class had been broken up and others discouraged from joining, then utopia would never be achieved. Such views were not just held by these authors alone but what makes these two

different is the attention to detail which they both give to this subject. For example Lazarus went as far as to actually provide an estimate of the numbers of habitual criminals that troubled society when he was writing in 1894. The figure of 30,000 which he gives covers the

> "Acknowledged and tolerated floating population of habitual criminals at large".
>
> (Lazarus 1894:387)

The novelist does not provide any suggestion as to what he based his calculations on, nor does he say which sort of offences are covered within this figure, nevertheless it is significant that he chose to do so at all. It was common for utopian authors to write about the "criminal classes" in somewhat general terms and then dwell in more detail on how they would deal with this problematic group. It is only possible to speculate as to why Lazarus should chose to be different, however, it may be that he used specific figures in order to lend a degree of authenticity to his work rather than anything more significant.

In his novel, The Great Revolution of 1905 (1893), F.W.Hayes does describe the sort of offenders whom he believed fell into the category of habitual criminals. These were very generally termed "tramps, loafers, roughs and desperate criminals". In all he estimates that there were some 60,000 men, women and children who could be described in such terms. His method of reducing that number bears examination, for this reveals a great deal about his perceptions of this group of offenders. The novel describes the

election of a government which had its political doctrine shaped by the concept of collectivism. They pass a piece of legislation entitled The Vagrant Acts Amendment Bill, which has as its primary principle that the inability to prove "means of substance" is now a penal offence. The penalties were designed to be "severely culmative" rising to seven years imprisonment for someone found guilty of this offence on a third occasion. The implementation of this legislation was delayed for three months in order to allow offenders to change their life styles. During this period the number of robberies and crimes of pick pocketing quadrupled as many habitual offenders tried to raise the necessary money to secure a passage to New York. Hayes records how

> "From the beginning of June a steady stream of broken-nosed and light-fingered gentry poured into the Atlantic liners, under the eyes of the detectives appointed to watch this compulsory exodus".
>
> (Hayes 1893:159)

In total the author estimates that only 6,000 offenders took this particular course of action, the rest favoured doubting the new government's commitment to undertaking such extensive action. However, in July every gin-palace and public house frequented by habitual offenders was surrounded by the police and the army and all the occupants were arrested. In addition all the slums were similarly picketed and the residents detained. All those arrested were interviewed, of which approximately a third could provide a "reasoned explanation" for their behaviour and were

released. The remainder were divided into two groups, one comprising of criminals with convictions for offences of violence against women and children, and the other being made up of non-violent offenders. The former were given immediate custodial sentences of twelve months duration at places like the Portland quarries. The other group were given the choice of a similar sentence or the option of joining the armed forces for three years. Hayes writes that some 37,000 took the latter option, whilst 8,000 were sentenced to custody. The consequences of this extensive action were that

> ".....the backbone of the old filthy rowdyism was broken, and the minor vulgarities and clowning of the larrikin class could be promptly and effectually checked".
>
> (Hayes 1893:171)

Before the shock of the Vagrants Act wore off Hayes' fictional government followed it up with a Sale of Liquor Bill and a Reformatory Act. The first greatly increased the powers of the Courts to deal with offenders found guilty of being drunk in a public place. Indeed after a third conviction for such a crime an individual was confined to a "dipsomanic asylum" until the staff there were convinced of a complete cure. The second piece of legislation focused on children and amounted to the state assuming parental responsibility for any child who did not have "reputable parents". Hayes' proposals bear considerable similarity to those put forward by C.Yelverton which were discussed at the end of the last chapter. The combined success of these three pieces of legislation meant that the habitual

criminal gradually disappeared from the streets of Hayes' utopia. They were either changed men and women who had seen the error of their ways or they were serving extremely long sentences in a variety of prisons, labour camps and asylums.

Hayes concludes his novel with the observation that mankind had not been changed during the social revolution that he had described in such detailed terms. He argues that people had the same "instincts" before and after the transformation. What was different was the fact that

> "Men were obliged to be outwardly moral because the machinery for indulging their vices had disappeared".
>
> (Hayes 1893:310/11)

This lengthy description of one novelist's solution of how best to deal with the habitual offender highlights several key points about the literary treatment of this group. Hayes like so many of his contemporaries was far from clear as to who actually were the habitual criminals in society. The different types of offender that he lumps together under this heading includes some specific sorts such as "tramps", pickpockets, "drunks" and violent criminals. However, it also includes groups of people not identified by their offence but by aspects of their personality who are described as "bad characters", "incorrigible roughs" or even more vaguely " the wild beasts of society". It would appear that for writers like Hayes the term habitual criminal was not one to be applied to a specific group of people, it was instead a generic term which described all offenders. For

the author it bore the same value as phrases like the "brutal classes" or the "larriken class" and could be interchanged at will with any of these. Its usage therefore was less a matter of sociological precision and more a case of artistic licence.

Hayes targeting of the inner city slums as the centre of the nations corruption demonstrates the narrowness of his understanding of criminology. The reader is led to the conclusion that simply by living in such depravation the occupants must be criminals. The fact that the draconian methods outlined by the author are actually portrayed as effectively eliminating crime, only serves to reinforce this misconception. The author fails to address the problem of the middle-and upper-class habitual criminal and by doing so he gives further credence to the idea that this label only applies to individuals from the lowest social group. It is this type of distortion of criminological concepts by writers of fiction, that highlights the dangers in using certain phrases out of context or without proper understanding. For when writing about the habitual offender, Havelock Ellis makes it clear that this type of offender transcends the class barriers. He provides an example of two young Frenchmen who were convicted for the brutal murder of an old woman. Ellis describes the men as being

> ".....both of good family, both very intelligent, the former about to enter on a commercial life, the latter on the eve of becoming a doctor of medicine".
>
> (Ellis 1890:19)

Hayes was not alone in focusing solely on the working class habitual offender, it was a trap that numerous other utopian writers failed to avoid. Whilst the criminality of the middle and upper classes were referred to, particularly in the pro-socialist utopias written by authors like William Morris, I have been unable to discover a single example of a member of these groups being described as an habitual offender.// In concluding this examination of the fictional habitual offender the overall image that emerges is one of a criminal who is: male; unemployed; either homeless or living in poor accommodation; he offends in the city not in the country; he drinks heavily; he often commits crimes when part of a large crowd or mob and the type of offences he indulges in are theft, breaching the peace and violence. The latter takes place both in the home, where wives and children are assaulted and also in the street when accompanied by his peers. In such circumstances rioting often ensues. In many ways the habitual criminal was the archetypical offender for utopian authors, it did not matter that the sociological profile put forward by writers like Ellis did not fit with their fictional use of it. What mattered was that the novelists had a phrase which they could use and be confident that the reader would be able to mentally picture the type of person the author wished to portray. This use of stereotyping served, as has been seen, as a form of literary shorthand but more significantly it helped to departmentalise both crime and the criminal. What I mean by this is that by placing the responsibility for the vast majority of offences on the lower classes, authors like Hayes were indirectly making a statement about the lack of criminality in other social

groups. This departmentalisation was however only partly about exoneration, it was far more fundamentally about identification. For any utopian author seeking to transform a stagnant society into a perfect state the first important step is to identify the problems that require remedy. In this instance Hayes had chosen to focus on reducing the impact of crime. Now in the last chapter, the complex and confusing causes of offending were explored, but what Hayes does is to cut across that complexity and instead he identifies a group of individuals which he perceives as responsible for a large proportion of crimes in this country. Individuals were included in this group not just because of their acts of deviance, but for far more dubious reasons such as their lack of good accommodation; their level of alcohol consumption and their lack of employment. These are not the only criteria for inclusion that Hayes used but they serve to illustrate the point that the selection process had more to do with the author's personal perceptions than anything more scientific. It would be wrong to imply that Hayes was the only utopian author to write in such a manner, for throughout the period under examination authors labelled certain activities or personal attributes as criminal simply because the writer believed this to be so. For example, the issue of poor health was a criteria mentioned on numerous occasions. In J.H.Clapperton's utopia, Margaret Dunmore (1888), the author observes that it is a crime for "unhealthy persons" to become parents. A year later in 1889 Elizabeth Corbett described how in her utopia women giving birth to illegitimate children were criminals. Indeed to have more than four children even within

marriage earned the mother the label of criminal. The exploration of this theme continued into the early years of this century and was taken up by writers like H.G.Wells in A Modern Utopia (1905). He viewed people suffering from ill-health and criminals as often being from interchangeable groups. For example, Wells's wrote about this connection when he observed that,

> "There remains idiots and lunatics, there are people of weak character who become drunkards, drug takers, and the like. Then there are persons tainted with certain foul and transmissible diseases. All these people spoil the world for others".
>
> (Wells 1905:381)

People whose lives were scarred by ill-health, be that physical or mental, are seen as somehow being more vulnerable to the influences that Wells's believed made individuals into criminals. It would seem that physical infirmity was interpreted as an external sign of internal moral weakness. George Griffith captured the essence of this particular idea when he wrote of one of his characters that

> "His face is bad, and a bad face covers a bad heart".
>
> (Griffith 1899:89)

As this illustration about health has demonstrated, the factors that authors chose to delineate who were criminals and who were not depended largely on the beliefs of the individual writer. There was however, some common points that can be identified when

looking at the period as a whole and those predictably revolve around issues like employment, ill-health, homelessness, race, gender and lack of Godliness. Whatever the factors that were included the purpose remained the same and that was to say that "we" are not the problem it is "them", the poor, the unemployed, the Chinese. In so doing the author has identified a section of society that requires treatment in order that the state as a whole can advance. For example Hayes' society is transformed but the reader is left with the impression that this has been achieved with only marginal discomfort for the middle and upper classes whilst the "undeserving poor" have been held responsible for the previous condition of the nation. The "habitual criminal" has symbolically paid the price for the progress of society as a whole.

The Criminal by Passion

> "He is usually a man of wholesome birth and of honest life, possessed of keen, even exaggerated sensibilities, who, under the stress of some great, unmerited wrong, has wrought justice for himself".
>
> (Ellis 1890:2)

The criminal by passion is, according to Ellis, likely only to offend once, prompted by extreme pressure often of an emotional nature. He suggests that "some gross insult" to the individual's wife or some "wrong" done to his daughter would be sufficient to motivate this type of offender. Crimes of this sort are not calculated, considered acts, instead they are often committed

when the perpetrator has been "stung to sudden madness" by events around them. When in this frame of mind the criminal is capable of great acts of violence primarily to one victim but this anger can also be unleashed on property. Whilst Ellis maintained that this offender posed no real threat to the fabric of society when compared for example, to the habitual criminal, nonetheless their actions could not be condoned and must be dealt with by the criminal law.

This sort of offender features only rarely in the utopias of this period, however, both William Morris and H.G.Wells wrote in some detail on the subject and their observations will form the basis of this section. In Morris's News From Nowhere (1890) the problems of society have been resolved by the adoption of socialism. As a result crime has come to be regarded as " a mere spasmodic disease" and the criminal classes no longer exist. In fact the only form of offending that now troubles this perfect world is that induced by passion. Morris begins his discourse on this theme by looking at what he considered to be the reasons for this sort of crime prior to the revolution that transformed his fictional state. He observes

> "many violent acts came from the artificial perversion of the sexual passions, which caused over-weaning jealousy and the like miseries".
>
> (Morris 1890:263)

The primary reason for this distorted way of thinking and acting was the widely held view that women were "the property of men".

This belief had been replaced by the doctrines of Socialism which taught that both men and women were now equal. A particular consequence of this ideological transformation was the fact that women were now free to "follow their natural desires" without fear of being seen as "ruined". Morris clearly suggests that freer sexual relationships remove the possibility of frustrated desires and anger, and by achieving this the chances of a crime of passion occurring are greatly reduced. However, even the tranquillity of Morris's pastoral vision is sometimes disturbed by such an offence and towards the close of the novel a brief example of such a tragedy is acted out. A rejected lover becomes "fairly bitten with love-madness" and in an argument with his successful rival he tries to kill him with an axe. During the struggle the would-be assailant is killed by "an unlucky blow" by his intended victim, who became so distraught at what had happened that he contemplates suicide. The significance of this illustration is firstly that the reader is informed that this tragedy is an increasingly rare event as a result of the new morality that exists. Also the reaction of the local community to the death is worthy of note, for there is no emotive response to what has happened, only a sense of sadness at the loss of a life. There is no judicial enquiry and the evidence of the intended victim is believed and not challenged. He is not remanded in custody or indeed punished in any way. Even the dead man is not vilified for instigating the tragedy. The picture that Morris paints is one of a society in which individuals both singularly and collectively understand their feelings much better than their Victorian counterparts. By doing so the possibility

of crimes of passion taking place are significantly reduced and on the rare occasions that they do happen they are treated with great sensitivity rather than with condemnation and punishment.

H.G.Wells' novel, In The Days of the Comet (1906), contains a much more detailed illustration of what Morris had written about sixteen years earlier. The story tells of the growing frustration and anger of a young man called Leadford who decides to murder his former girlfriend and her new, rich, lover. The relationship between these three young people is used by Wells to illustrate the nature of society both before and after "the change" brought about by the comet's gases. In the old world Leadford finds it impossible to think clearly about his relationship problems, this was because society as a whole was

> ".....worried and over-worked and perplexed by problems that would not get stated simply, that changed and evaded solution, it was in an atmosphere that had corrupted and thickened past breathing; there was no thorough cool thinking in the world at all. There was nothing... but half-truths, hasty assumptions, hallucinations, and emotion".
>
> (Wells 1906:39/40)

This emphasis is apparent throughout the novel in both the lives of individuals like Leadford but also society as a whole. Wells argues that because it is a shared experience the consequences of the resulting confusion and violence must also be shared. In other words Leadford's attempted crime is not his alone, he is a

product of his environment and therefore the society that moulded him bears some responsibility for the actions of one of its members. This concept of collective culpability had first been raised by Wells in A Modern Utopia, which was published in the year before this novel. His approach to this theme then was primarily philosophical as he dealt with what he saw to be its consequences for society. In many ways the events revolving around Leadford in In the Days of the Comet can be seen as Wells putting the fictional flesh on the theoretical bones of A Modern Utopia.

Leadford's crime of passion is thwarted by the timely intervention of a passing comet's gas, which has the effect of putting to sleep the entire population of the world. Upon regaining consciousness Leadford found, like everyone else that

> "The air was changed, and the Spirit of Man that had drowsed and slumbered and dreamt dull and evil things awakened and stood with wonder-clean eyes, refreshed, looking again on life".
>
> (Wells 1906:161)

The impact of Wells' "green vapours" upon society were as beneficial as Socialism was to Morris's state in the previous decade. Leadford recounts how whilst having not lost anything from his personality, his powers of "thought and restraint" had been "wonderfully increased". The desire to kill the woman he loved and her new partner had vanished and Leadford learns to accept their relationship. The personal transformation that each

individual experienced inevitably makes its mark upon society and the old order of things is symbolically brought to a close with the building of great bonfires across the country. The subsequent programme of reconstruction that took place involved not just the physical rebuilding of good housing stock, but also the recreation of social morals. Of particular consequence was the refashioning of attitudes towards marriage. No longer were couples expected to enter into monogamous relationships for life, the age of "free love" had arrived. As a result Leadford was able to have a relationship with his former lover, whilst both he and she were living with other people. By looking at the changes instigated by the comet's gas it is possible to confirm what Wells saw as the two key factors in causing crimes of passion. Firstly there is the psychological make up of the individual offender, demonstrated by the lack of emotional restraint of the character Leadford. Of equal importance is the role played by society as a whole, for example the codes of practice adopted about sexual relationships in Leadford's pre-utopian world combined poorly with his emotional state.

Whilst this type of offending was not widely examined by utopian writers of this period, the detailed studies by Morris and Wells provide an interesting contrast to Ellis's ideas about the criminal by passion. Whilst both novelists differ from the criminologist, by according considerable significance to social constraints as a causal factor for this type of offending, all three are agreed on the emotional make up of criminals whose crimes are motivated by passion.

The Political Criminal

> "It is possible that Anarchy may possess the world. Its strength is increasing day by day. History will not stop at the end of the nineteenth century, though the blind bats of to-day deem that what is now will be forever".
>
> (Mullet Ellis 1895:365)

For many writers of utopias there were only two types of political criminal, the socialist and the anarchist. Of these the latter were the most reviled offenders and their actions were consistently portrayed as being inspired not by human passions but by the devil himself. For a period extending from the late 1880's, to the first decade of the new century, the anarchist was the most feared criminal in the literary utopias of that period. T.Mullet Ellis's quotation at the beginning of this section encaptures the sense of panic that the anarchist aroused at that time, and it was frequently echoed by writers like George Griffith and Edgar Wallace. It took the growing tension between Germany and Britain in the years leading to the First World War to supplant the anarchist with a new figure of hatred, and that was the German spy.

As for the socialists, whilst novelists like W. Le Queux and Alfred Morris had an intense dislike for them, they often portrayed them as misguided rather than malevolent characters. For example, in Le Queux's Unknown To-morrow (1910) the architect of the socialist revolution, Sir Percy Leathart Barry, comes to the reluctant conclusion that humanity was "not ripe" for the

doctrines he so passionately believed in. The author chooses not to ridicule him, instead he is simply depicted as recognising the folly of his former beliefs. The reader is left with the impression that Sir Percy is an individual to pity rather than to hate or despise. In stark contrast the anarchist is consistently portrayed as having no redeeming features, as best they are shown to be mad or warped by some tragedy, at worst they are depicted as the embodiment of evil. H.Nesbit' novel, The Great Secret (1895), focuses on the exploits of a group of anarchists, one of whom is a character called Pedro Vitroff who is portrayed as

> ".....a man with a nature like a venomous snake, active and energetic in the cause, yet attached to no man. He had the face and the spirit of a devil".
>
> (Nesbit 1895:65)

Given that the utopian authors who chose to write about anarchists did so without exception in an extremely negative manner, it is somewhat surprising therefore that Ellis wrote about political offenders in general in quite a positive style. He describes them as follows

> ".....The aims of the "political criminal" may be anti-social, and in that case he is simply an ordinary criminal, but he is not necessarily guilty of any anti-social offence; he simply tries to overturn a certain political order which may itself be anti-social".
>
> (Ellis 1890:1)

He goes on to add that the political criminal of one time may be

seen as a "hero" or "martyr" to people of another age or culture. Ellis quotes Benedikt's observations on this type of offender, who described them as being the "homo noblis" of which Christ was the best example. It is at this point that the difference between what could be described as legitimate political criminals and illegitimate becomes apparent. The issue that separates the two being the use of violence by the latter group in order to further their cause.

Unlike all the other types of criminal, Ellis does not provide any information on either the motivation to offend or the personality of the political offender. There is however no shortage of such details in the literary utopias that focus on this subject. The novelists regularly portrayed the anarchists as being wealthy individuals, intelligent and articulate, originating from central Europe, and their leaders are often portrayed as disaffected members of royalty. For example T.Mullet Ellis's anarchist leader is a character called Count Von der Pahler. H.Nesbit's novel on this theme has a leader called Dr. Fernandez and he and his colleagues are described in almost gentlemanly terms

> ".....they did not drink rum, nor did they smoke strong tobacco. Many of them drank only sugar and water to their mild cigarettes, others imbibed gently of absinthe and claret. They were cold-hearted, clean-handed ruffians who liked the decks cleaned and white cloths on the tables, yet they were none the better for that".
>
> (Nesbit 1895:68)

The outwardly sophisticated behaviour of the anarchists rarely extends beyond their table manners, yet few utopian novelists gave any real insight into what makes these individuals behave as they do. George Griffith's novel, The Outlaws of the Air (1895), features a group of anarchists called Autonomie Group Number Seven, which are lead by a character called Max Renault. In the early part of the novel the reader learns that Max took up the cause in order to exact his revenge upon

> ".....the accursed society that guillotined my French father for strangling a thief of a lawyer who had ruined him....."
>
> (Griffith 1895:91)

This level of insight is clearly superficial but is often all that authors provide. One notable exception to this is the novel Zalma (1895) written by T.Mullet Ellis in which the ideological reasons for the violence of the anarchist are explored in detail. The reader is told that Count Von der Pahler has "declared war" against "all Law and Government" because the current structure of society is "rotten, root and branch". The corruption is so deep that piecemeal attempts to deal with the problem such as political reform are doomed to failure. There is only one solution to the problem as the Count tells his daughter

> ".....nothing but the destruction of Order, and of Law itself, nothing but blood and fire and riot and revolution, nothing but dynamite and wholesale destruction, can save the world".
>
> (Mullet Ellis 1895:104)

The Count's vision for the future, after all this violence is over, is of a world in which the concept of nationhood has been abolished and all people live together as one. Society, its structure and its laws, would be based upon one sole principle, "the love of Humanity". However, until that times comes the anarchists are involved in waging a war that is every part as real in their eyes as one country's military campaign against another. The Count makes this point when he contrasts the anarchists struggle with the empire building of the British.

> "I say that an Anarchist bomb thrown into a Parliament is an act of war, no more disgraceful than the discharge of a Maxim gun amongst the crowded ranks of naked kaffirs".
> (Mullet Ellis 1895:174)

In addition to this account of the methods and goals of the anarchist, T.Mullet Ellis provides a brief description of how they feel about their bloody task. The Count says that his actions are neither governed by hatred or love, he is driven to behave as he does by a "greater power than my own will". That motivating spirit being nothing less than the "hand of Destiny". Lest the reader mistakenly assume that T.Mullet Ellis has a degree of sympathy for the views and actions of the anarchists, he goes on to describe how the Count's daughter becomes a convert to their cause in extremely negative terms. In doing so the author falls back upon a series of superficial spiritual cliches which centre on this young woman being lured to her destruction by the devil. He wrote

> "I apprehend that wicked, vengeful, and diabolical enterprises assailed her soul: that she listened to the Tempter with willing ear, that she made Satan welcome in her heart, and that he, finding comfortable quarters there made himself quite at home".
>
> (Mullet Ellis 1895:225)

Once this process is complete then the Count's daughter, her name Zalma being the title of the novel, becomes a very effective member of the anarchist cause. She even takes over the leadership of her father's organisation after he dies in a Russian prison camp. The novel ends however, with the destruction of both herself and her group as they are thwarted in their plan to unleash an anthrax virus on the major cities of Europe from balloons. The death of Zalma, her father and their followers is not an unusual end for the anarchist to receive at the hands of their respective author. Most are killed by their opponents, a few fighting amongst themselves kill each other, and a still smaller number take their own lives when there is no escape. What makes the fictional treatment of this type of criminal different to any other is the fact that they are not reformed like other offenders they are simply disposed of. There is only one instance in the utopias that were read for this research in which an anarchist rejects their beliefs and is not killed at the close of the novel. This happens in Edgar Wallace's The Council of Justice (1908), when one of the anarchist women fall in love with a member of the Council and renounces her previous cause as she sees the error of her ways.

It is important to examine why the anarchist was such a "popular" criminal figure in the literary utopias from the 1890's onwards. It is particularly interesting given that the violence associated with the stereotypical anarchist was confined to the mainland of Europe and never surfaced in this country. The only casualty of anarchist violence in England was a Frenchman, Marcel Baudin, who accidentally blew himself up in Greenwich Park in 1894. His home-made bomb was not even meant to be used here, its intended destination being Europe. This sorry incident was later used by Joseph Conrad as part of the plot for his novel The Secret Agent. The birth of the anarchist movement in this country can be traced back to the 1880's, when foreign advocates of its teachings began to settle principally in London, but also as far afield as Glasgow. The clubs for foreign workers which had begun to appear in the 1840's in Soho proved to be the ideal meeting place for the fledgling anarchist movement. Three of the better known of these were The Rose Street Club, the Autonomie Club in Windmill Street, Soho and The International Club in Berners Street, also in Soho. These meeting places became an important part of the myths that surrounded the movement, as they were routinely portrayed by novelists as the places where violent plots were hatched. For instance Edgar Wallace's novel, The Council of Justice (1908), tells how an anarchist group, known as the Red Hundred, begin a campaign of indiscriminate bombing to this country. The police responding by raiding

> ".....the little dens in Soho and Clerkenwell where known and suspected anarchists were in residence".
>
> (Wallace 1908:121)

Other novelists like George Griffith, J.S.Fletcher and T.Mullet Ellis all make reference to anarchists meeting in their clubs in central London. Griffith even called his fictional anarchist cell Autonomie Group Seven, perhaps taking the first part of the name from The Autonomie Club previously referred to. However, as the international political tensions began to mount between this country and Germany, these same seedy clubs were no longer full of anarchists but German spies. E.P.Oppenheim's novel, The Secret (1907), provides a good illustration of this point. Here the club in Soho, the Cafe Suisse, is the focal point for planning the German invasion of this country. Oppenheim describes its plotting occupants in the following manner,

> "There was nothing in the appearance of these men or the surroundings in the least impressive. They had the air of being unintelligent middle-class tradesmen of peaceable disposition, who had just dined to their fullest capacity, and were enjoying a comfortable smoke together".
>
> (Oppenheim 1907:197)

This image of outward normality was a regularly used literary tool by utopia writers who focused on the meeting places of both the anarchist and the spy. It is also probably the nearest that authors like Oppenheim, Wallace and Griffith got to capturing the reality of being an anarchist or spy in this country. For having built upon these foundations, the writer's imagination then takes flight and links with reality rapidly recede. For authors like George Griffith, London may have been "the asylum of anarchy", but as has already been demonstrated the anarchists did not employ their tactics of terror here. George Woodcock in his book

Anarchism (1963) suggests that this was because the "discreetly blind eye" of Scotland Yard allowed the majority of the anarchists to carry on their political activity, providing they

> ".....refrained from dabbling in English affairs or embarrassing the British government internationally".
> (Woodcock 1963:415)

Whilst Britain remained free from violence the same could not be said for the Continent, particularly throughout the 1890's. During this time several individual anarchists carried out a number of acts of terrorism which received considerable publicity. For example in France, Racachol was responsible for eleven dynamite explosions in Paris, in which nine people were killed during the period 1892-1894. Also active in France at the same time was Koenigstein who bombed several notable people's houses and murdered and robbed the Hermit of Chambles, a crime for which he was later executed. These type of actions, although only committed by a small number of anarchists, were used to label the entire movement as cold blooded murderers. This period witnessed the birth of the stereotypical image of the anarchist as a cloaked assassin whose favourite weapons were the dagger and the bomb. This image was one that the literary utopia played some part in creating and sustaining, with novelists like Edgar Wallace and George Griffith leading the field. No doubt in response to this violence on the Continent during the middle years of the 1890's there were, for example, four utopias published in 1895 alone which featured anarchists as the bringers of destruction to the present social order, both abroad but more

significantly, in this country. The reason for this fictional extension of the anarchists' theatre of operations to include Great Britain had little to do with the development of the movement here and every thing to do with certain novelists' desire to produce a story which sold well. Locating acts of anarchist violence in this country, like the bombing of London and Newcastle portrayed by Griffith in The Outlaws of the Air (1895), was far more likely to ensure interest in the story than if it were set in Paris or Rome. By making this change during the 1890's the stereotypical anarchists began to enjoy their most popular period as the most despised criminal of that period.

This chapter began with a quotation from the criminologist F.H.Wines about the importance of "knowing" the criminal. It is worth returning to that issue again, for having examined in detail three different types of offender, it is important to assess if the utopia writers had succeeded in portraying criminals as believable characters or meaningless stereotypes. Did the novelist give the impression that they "knew" the criminal they were describing or not? In very broad terms it seems that the authors followed the offender character profiles put forward by criminologists like Havelock Ellis. The one exception being the political offenders, and in particular the anarchists. In this instance it would appear that the myths perpetuated by writers like Wallace and Griffith bore little resemblance to either actual events or current theories on offending behaviour.

The idea that criminals could be divided into groups or "classes" was widely accepted throughout the period and equally extensively used. Walter Besant's The Revolt of Man (1882) contains the earliest reference to this belief when he describes one of the prisons in the novel as being for the "worst class of criminals", who were "wife-beaters". Other authors as diverse as W.H.Hudson, C.Yelverton, and H.G.Wells all made use of this view in their utopias. By way of illustration H.G.Wells' novel, A Modern Utopia (1905), contains a proposal for dealing with offenders by placing all those who have committed similar types of crime together on an island. His suggestion included an "island for Incurable Cheats" or an "island of hopeless drinkers". There are problems however, with this sort of classification, for whilst on one level it is possible to describe all criminals who burgle as belonging to one group, yet within that "class" there would be offenders who only entered shops or offices, whilst others selected peoples homes as their primary targets. In other words this process does not take into account either the severity of the offence nor for that matter the number of times committed. It also relies on the erroneous assumption that burglars only burgle and never commit and other type of crime. The division of offenders into groups or "classes" was clearly a flawed concept as it gives the superficial impression that there was a consensus about who should be in what group. Also it suggests that there was a generally recognised scale, from which it was possible to determine the seriousness of one type of criminal against another. The reality was that individual authors wrote about offenders that concerned them, so for example W.D.Hay paid

particular attention to prostitution in The Doom of the Great City (1880); T.Mullet Ellis focused on anarchist bombings; Cutcliff Hyne dwelt on the general increase in theft and riot in his short story London's Danger (1898), and Sidney Watson looked at the "white slave trade" in his novel In the Twinkling of an Eye (1910).

Below this very crude and highly individualistic model of classification there was another even less sophisticated approach. It relied upon commonly used pejorative words or phrases to describe certain criminals, an example of this being the use of the word "hooligan". This particular label seemed to be used with increasing frequency in the early years of this century. One interesting aspect of its usage is the fact that the reader is rarely told what this offender's crimes are, the term is simply applied and a presumption is made that this individuals characteristics will be known. The anonymously published The Day That Changed the World (1912), provides a good illustration of this when the novelist describes two of its characters as hooligans, one of whom is portrayed as

> ".....grey faced, with cavernous cheeks, a long, thin cunning mouth, a lean pinched aquiline nose, and eyes that were large and energetic in their cruelty. It struck me as a frightful fact that civilisation produces creatures of their evil kind by hundreds and thousands".
>
> (Anon. 1912:140)

What crime or crimes this person has committed are not revealed. Other examples of this use of pejorative labels can be found when

looking at angry crowds or "mobs" in utopian fiction. Lady Florence Dixie's Glorianna (1890) provides a good illustration of this point, when she describes a fight between a crowd and some soldiers who are trying to arrest the heroine of the novel. Whilst the people are successful in allowing the woman to escape, their well intentioned actions are noticed by "the rougher element" of the city who take advantage of the struggle and

> ".....introduce themselves to its midst,...causing confusion and terror to the more respectable and orderly portion of the crowd, whose presence is to be accounted for by totally different circumstances to those which have attracted the irredeemable portion of society".
>
> (Dixie 1890:188)

There is no attempt by the writer to specifically classify a type of criminal, she is concerned simply to distinguish between those who have a legitimate grievance and those that do not. This division could well have its origins in the widely held view that the poor could be split into two groups, the deserving and the undeserving. Other authors used far stronger language in describing large congregations of the "rougher element", the anonymous short story The Doom of the County Council in London (1892) being one such example. Here the protesters are described as "a violent, yelling mob, ragged and filthy" (pg.7). Later on they are again referred to as "the roughs of Whitechapel" and "the savages of Limehouse". When assembled they wreck the houses and shops in central London and assaulted the members of the House of Lords. The author provides no individual descriptions of people in the crowd, nor are their motives explored beyond the

level that the mob inflicts violence because it enjoys it. What is different however about the perjoratives used, is that they not only focus on key words like "savage" and "rough" in order to convey an image to the reader, but they also make a point of identifying where the people came from. By using Whitechapel and Limehouse the writer is reinforcing the phrases used to describe the actions of the mob by playing upon the reader's idea of what people are like who live in those areas.

These attempts to classify offenders are undoubtedly influenced to a large extent by the stereotypical images that existed at that time. In doing so they reveal a limited knowledge of the criminal and why they offend. Those writers like Griffith, Wallace and Shiel who used utopian fiction more to tell a story, rather than to make a political statement are particularly susceptible to this charge. Other novelists like W.Le Queux and Alfred Morris, who were deeply concerned with the political message of their utopian fiction, also shared the same flaw. These writers proved that they knew the stereotype of a criminal well but were either unable or unwilling to take their characters beyond this stage.

This chapter began with a quotation from F.H.Wines concerning the need for the criminologist to "know" the offender and it is important to now return to this theme. In 1900 Havelock Ellis's The Nineteenth Century was published, and in this novel he makes an important observation on the quest to "know", to understand the origins of human behaviour. He remarks that such study was

> ".....an emotional as much as a scientific impulse, and led to an interest not in savage life only, but in all other phenomena which seemed to bring men nearer to the primitive in life - in children, in criminals and idiots, in insanity and hysteria, in dreams".
>
> (Ellis 1900:56)

Ellis's awareness of the existence of "emotional impulses" in providing motivation for research serves as a timely reminder that utopias, no matter how scientifically constructed, are essentially emotional creations. They are works of fiction and their subject material, the structure of society, stems primarily from the emotive desire to see social wrong righted. To expect therefore a truly scientific portrayal of the criminal is unreasonable and to look for it in a work of fiction is to look in the wrong place. The novels and short stories examined for this research feature a considerable number of offenders whose characteristics are dwelt upon to varying degrees. The reliance upon conventional portrayals of criminals and the gap between the offender profiles of the criminologists and the fiction writers are not surprising discoveries. In addition the crude classification system applied to criminals and the reliance upon identifying the offender from their physical appearance, highlight the weak nature of some of the tools used to "know" the criminal. For all these criticisms of the way in which the offenders are portrayed, these character are often drawn with more colour and possess more life than the perfect utopian citizen. This is particularly true of many of the descriptions of the anarchists which, whilst far from being based in reality,

at least engage the readers attention.

Chapter Four: The Crimes of Utopia

> "In these days when the glorification of criminals forms the subject-matter of every other book, when the heroic thefts of Jones, the Gentleman Burglar, and the noble frauds of Brown the chivalrous stock broker, and the amusing memoirs of every mean sneak thief and seducer runs into fat books of four hundred pages, one hesitates to flood the over-crowded mart of villains biographies..."
>
> (Wallace 1908:5)

Wallace's complaint that too many novels and biographies glorified the actions of the criminal cannot be said to be true of the literary utopia. As the previous chapter demonstrates the offender is frequently portrayed in extremely negative terms, ranging from the disdainful disapproval of novelists like Walter Besant, through to the dramatic denouncements of writers like Le Queux. Whilst the novels examined for this research do describe a wide range of offences, the reasons for this lie not in the desire to glorify the criminal or the crime, but in the writer's endeavour to give credence to their vision. The role played by offending in the literary utopia has two primary aspects to it; to support a writer's contention that a particular belief or political ideology is incorrect, A.Morris and Le Queux are novelists who used this approach. Their depictions of violent socialist revolutions and humanity's inherent selfishness manifesting itself in criminality clearly demonstrate this view point. Alternatively the absence of crime was used as a means of demonstrating the effectiveness of a particular political perspective. What little offending that remains is attributed

not to the weakness of the structure of the utopia but to the last few human frailties that need to be overcome. W.Morris's novel is an example of this, as the only offence that exists is the crime of passion, described in the last chapter.

Instead of exploring these two uses of crime and becoming embroiled in a debate fraught with generalisations this chapter will concentrate on specific offences and examine in detail their usage by the novelists. This task will be undertaken in three stages; firstly the use of crime as a symbol of corruption in the writer's society will be examined. The novels of F.W.Hayes and Richard Jefferies will provide the illustrative material for this section. Secondly the use of "museums of crime" by authors such as C.Yelverton and K.Folingsby will be explored, for here offences are used as a bench mark from which a utopian society can both measure its progress and remember the "evils" of the past. The final section will look at the creation of new crimes by E.M.Forster and R.H.Benson who utilised new technology and legislation respectively in this process. By exploring criminal acts in these three ways some insight can be gleaned into the use of offending in the literary utopias of this period.

In his work Punishment and Reformation (1895) F.H.Wines wrote about why societies constantly seem to reappraise what is a crime and what is not. He wrote

> "All changes in social organization, in customs, in political control, and in religious beliefs import changes

in the criminal law as their consequence".

(Wines 1895:18)

It is for this reason that each utopia has to face the problem of crime, for by creating a fictional state the novelist needs to explain to the reader both the "changes" that have been made and their impact. Any one, or all, of the differences made may have an effect upon offending and the consequences of altering the nature of the relationship between crime and the state requires explanation.

Crime as a symbol

The literary utopias of this period contain numerous examples of criminal acts taking on an importance which is of greater significance than the actual offence described. Writers like S.Watson and R.Benson used crime as a means of showing the spiritual decline of society; for F.Dixie and W.G.Moffat it was a means of suppressing the rights of women and for those anonymous novelists who focused on the Irish question, crime was used both to support or undermine the calls for self-determination. This particular section of this chapter will focus on another usage explored by novelists like F.W.Hayes and Richard Jefferies who both wrote about crime as a symbol of social corruption. The former focused on one particular offence, that of parents murdering their children in order to claim the insurance on this child's life. In contrast Jefferies described a society in which crime had permeated every aspect of life and

all social groups. Both of these different approaches will be examined in detail beginning with Hayes.

In the introduction to his utopia The Great Revolution of 1905 (1893) Hayes wrote his assessment of the condition of late Victorian society. He observed that

> "It is certain that no social state in the history of the world ever presented greater abominations, and it is doubtful if such a magnitude of evil was ever previously approached".
>
> (Hayes 1893:vi)

Hayes goes on to sarcastically observe that this was a society which prided itself on its "christian" values and its "civilised" nature. In such conditions he argues that it was inevitable that crime should flourish, aided by the twin evils of "profit" and "currency" and combined with a legal system designed to nurture "scoundrelism". Hayes wrote about the way in which society moulded individuals, teaching them to equate the pursuit of happiness with the accumulation of wealth . Those too poor to have a real opportunity to achieve this goal legitimately often turned to crime in an attempt to try and reach it. This thirst for riches at the expense of all else is an image that constantly reappears in Hayes' novel and the most potent symbol of this corruption was the murder of children, by their parents, for the insurance money. He wrote

> ".....nothing stands forth so intensely and uniquely characteristic of the late regime as the colossal

> proportions attained by the systematic murder and attempted murder of young children, for the sake of the money insured upon their lives".
>
> (Hayes 1893:xvi/xvii)

Hayes demonstrates the prevalence of this offence by including several sets of figures which indicate what he believed to be the extent of the problem. For example he records that in 1892 alone there were 5,399 people charged with murdering children in order to claim the insurance. However, he estimates that the real number of crimes of this nature was in the region of 20,000 per year. Hayes was not alone in highlighting this offence. H.Lazarus and Christopher Yelverton also made reference to it and many others wrote about appalling crimes committed on large numbers of children. As previously mentioned Hayes attributes the motivation for these types of child murder and many other crimes to the desire for wealth, yet one of the other major reasons in his view that the offence was so wide spread was because of the legal system. The administration of criminal justice is the central theme of the next chapter when Hayes' opinions will be looked at in greater detail, suffice to say for now that he regarded both the law and lawyers with contempt. He scathingly observed

> "It would thus be the lawyers concern to see that scoundrelism flourished, not that it decayed; that rogues waxed fat rather than lean; that they operated with safety rather than with risk; that in effect they should be protected at all hazards".
>
> (Hayes 1893:xiv/xv)

Society was so corrupt in Hayes' eyes that it firstly taught people to value wealth above all else and then when individuals committed crimes in order to achieve this they were rarely found guilty and never punished properly.

Hayes' use of child murder contains a number of important issues that require mentioning briefly; the offences he describes are not portrayed as occurring in some fictional state, they are actually taking place in the society in which both the writer and contemporary reader lived; secondly the author went to the unusual length of supporting his view of this offence by including several figures obtained, he claims, from the NSPCC. Hayes uses a rare combination of fiction and statistical information to give additional credence to the opinion expressed; Thirdly he chose to discuss this theme in his long introduction to the utopia before the fictional state was even begun to be mapped out. In fact this particular crime is not referred to at all in the rest of the novel. This approach is in stark contrast to the vast majority of authors who wrote utopias, because it is far more common to incorporate the critique of society into the main body of the novel. Hayes' views on the offence of child murder provide an excellent illustration of the ability of an author to use one crime to act as both a symbol of social corruption and a critique of society. In contrast to this approach is the more common one of depicting a state as being infected at every level by offending. Richard Jefferies <u>After London</u> (1894) will provide the illustrative material for the examination of this perspective.

Jefferies' novel describes a country in which central government no longer exists and the nation has lapsed into feudalism. The British Isles now comprises of a large number of small states, each independent of the other and each ready to fight with its neighbour on the smallest pretext. The reason for this decline is neither known nor understood by Jefferies' characters, whilst a large number of theories abound as to why the change came the only certain thing is that as a consequence "everything fell quickly into barbarism". The only evidence of the existence of a previous society is the crumbled and poisonous remains of the city of London. There are only a few cities in this new world and the majority of the people live in small rural communities, the most extensive of which has only some fifty houses. Any thought that the novel is about to describe some sort of pastoral ideal is swiftly dispelled by the author when he begins to describe the different social groups that have emerged. The two extremes of these classes will be examined in turn beginning with the lowest section of society, the Bushmen, and concluding with the town dwellers who are the most sophisticated group.

The Bushmen lead a nomadic existence, having no settled home they roam the country in small bands stealing in order to survive. Jefferies observes that their ancestors were the beggars from the Victorian age who

> ".....obtained their food by begging, wandering along the highways, crouching around fires which they lit in the open, clad in rags, and exhibiting countenances from which

every trace of self-respect had disappeared".

(Jefferies 1894:18)

These characteristics still apply to the Bushmen who "took naturally" to the social upheavals that occurred. They have, however become increasingly brutal people, whilst lacking in courage they have perfected the art of attacking lone individuals from behind and killing them for the smallest gain. They are described as the "human vermin of the woods". It is interesting to observe that Jefferies chose to define this social group largely in terms of their criminality rather than from any other aspect. They are not described physically and their values and customs are given only cursory treatment, they are simply defined by their deviant actions. Also of importance is the way which Jefferies has depicted the evolution of their criminality from a class of offenders that his readers would be all to familiar with, the beggar, through to the more violent Bushman. This sort of literary treatment of crime is rare as most utopian authors present the reader with different sorts of offences without explaining how that offending has evolved. The criminal carries out his or her crimes in a particular manner and the reader is left with the implicit assumption that this is how they have always acted and will continue to do so generation after generation. Jefferies simply makes the point that offending is not necessarily static, it can evolve.

Those people who live in the cities, whilst safe from the Bushmen, have numerous other problems to contend with. Jefferies

observes that it is in these communities that

> ".....all the life and civilisation of our day are found; but there also begin those wars and social convulsions which cause so much suffering".
>
> (Jefferies 1894:23)

The reader is told how "men for ever trample upon men" in these cities and in doing so crime has become an accepted part of life. Many of the poorer inhabitants of the cities resort to theft in order to survive and begging is also illegal accept for the old and the ill. The reason that these two groups can escape prosecution is to do with the punishment for most petty crimes which is slavery. The elderly and the infirm are left undisturbed because it "profits no one to make them his slave". Jefferies describes how most towns and cities have a substantial slave population, in fact the free are outnumbered ten to one in most communities. It is however, the crimes of the wealthy, the slave owners, that are recounted in greatest detail. These are the people that hold all the positions of responsibility in these primitive societies and they use their power to do effectively as they please. They monopolise the administration of justice and as a result fair trials are extremely rare occurrences, knowing this many defendants flee the city and go to live in the woods rather than appear in Court. This then has the knock on effect of increasing the numbers of Bushmen and gypsies which threaten the stability of the smaller rural villages. Not only do the ruling class operate the criminal justice system as their own personal slave market they have structured the laws of the

state to further protect their position. It is for example, an offence for anyone to learn to read or write unless given permission to do so by them. In effect this means that only the princes, the nobles and the merchants are legitimately allowed to exercise this skill. They also have made the possession of gold and silver a crime and anyone coming into ownership of these precious metals must hand them over to the rulers immediately.

The over-riding image of life in the city created by the novel is of an intensely oppressive society in which there appears to be few if any redeeming features. Jefferies highlights this point when he wrote

> "Though the population of these cities together is not equal to the population that once dwelt in a single second-rate city of the ancients, yet how much greater are the bitterness and the struggle".
>
> (Jefferies 1894:24)

This sense of bitterness is felt by the novel's central character Felix, a member of the ruling class, who decides to escape from the confines of his current life. It is his journeys around Britain and his experiences that occupy the majority of the narrative. There are two particular observations made by Felix that throw greater light on to the relationship between crime and his society; the first of these concerns the ruler of his tribe and city. The actions of the ruling class already described give rise to the impression that they are little more than stereotypical despots, however, the manner in which Felix's own

ruler is portrayed gives rise to a different perception. We learn that

> "He was not a cruel man, nor a benevolent, neither clever nor foolish...simply an ordinary, a very ordinary being, who chanced to sit upon a throne because his ancestors did and not from and personal superiority".
>
> (Jefferies 1894:126)

Here the author is beginning to develop an important part of his characters' motivational powers by balancing the perception that the rulers are "evil" against the reality of what he describes as their "ignorance". Emphasising the ordinariness of the ruler poses an interesting question about the levels of crime in that society and the responsibility of the ruling class for the majority of it. If there are no special characteristics either of a positive or negative nature in the personal make up of the rulers, then is their offending merely the result of the combination of their ordinariness and the positions of power that they hold? Jefferies does not answer this directly but as the novel unfolds the scenes that he portrays leave the reader with the impression that the ruling class are only doing what other sections of society would do given their opportunities.

The second of Felix's observations reveals the extent to which the whole social system is corrupt. Whilst wandering through the country he takes a menial position in one of the many armies fighting in parts of Britain. In this new role he is able to look at the society that he thought he knew from the perspective

of one of the lowest classes, the servant. The events that he witnesses rapidly reveal his ignorance of its brutality and crime, for example he sees a slave crucified for no other offence than that his master had taken a dislike to him. He observes a knight, acting like a common thief when he steals the purse of a citizen in broad daylight. His fellow servants talk knowledgeably about the weaknesses of the king, his gluttony and "continued intoxication" as well as the "vices and secret crimes" of the courtiers and barons. Felix learns that whilst the basic skills of literacy were denied his companions they had compensated themselves by learning to "read" man

> "They read the face; the very gait and gesture gave them a clue.....They understood man just as they understood the horses and hounds under their charge. Every mood and vicious indication in those animals was known to them, and so too, with their masters".
>
> (Jefferies 1894:141)

Felix learns these skills and concludes that everything had "a blackguard side" to it. He realises that viewed from below society appeared "rotten and corrupt", every act being motivated by the "lowest" of motives.

Jefferies sub-title for this novel was Wild England. This does not refer to the ferociousness that characterises society, but to the reassertion of natural forces on the country as a whole. It is really only at this level that the author sees any cause for hope, for his novel reverses the trend of the town overwhelming the field and the forest. This is a theme that

Jefferies had examined before, for example in the novel In Wood Magic (1881) he imagined a time

> "When all the hills are changed and the roads are covered with woods and the houses gone".
>
> (Jefferies 1881:157)

In After London the author turns this dream into a reality as men and women are forced to engage with the forces of nature. The novel produces little evidence of the transforming powers of nature on the psyche of humanity, a rare exception to this being the sense of self-awareness that Felix begins to undergo when travelling through the isolation of the forest. In fact Jefferies concisely evaluates his novel when he wrote that everything was "all changed and just the same".

The Museums of Crime

In those utopian novels in which society had progressed to new levels of stability, peace and justice it was not uncommon for the authors to reflect on the benefits of these changes by contrasting them with aspects of life prior to the improvements. One of the methods used to do this was for the author to introduce a character into their new state who is unaware of the changes and so needs to have them explained to him or her. This visitor also plays the important role of being a direct link with the contemporary reader, for in many cases they were both from the same society and have to a certain extent been shaped by the same influences. This bond is often reinforced by asides from

the character that refer to the society in which the novel is being read. For example W.H.Hudson's A Crystal Age (1887) contains such a character and at one point in the novel he is involved in a discussion on the health and beauty of the inhabitants of the land that he has literally fallen into. He compliments one of the women on her looks and she responds by saying "are not all people beautiful?" The visitor, called Smith, thinks back to his own life in Britain and recalls

> ".....certain London types, especially among the "criminal classes" and of the old women with withered, simian faces and wearing shawls, slinking out of public houses...and I felt that I could not agree with her".
>
> (Hudson 1887:95)

This process of referring the reader back to their own experiences, literally in Hudson's illustration to what they had seen, was a common device in literary utopias and used by authors like H.G.Wells, R.Whiteing, William Morris and Samuel Butler. Two variations on this method were used by other novelists when they were concentrating on the theme of offending, both of which will be examined.

The first involved the novelist portraying their fictional state as being completely crime free and then encouraging the reader to compare this with their direct experiences of their own society. An example of this approach can be found in R.Blatchford's The Sorcery Shop (1907). To assist this process Blatchford makes a number of observations about offending and the

criminal justice system in order to focus the readers attention on the subject. For example he contrasts the status of women in his novel with their role in contemporary society. In his perfect socialist world we learn that

> ".....the heart of this civilisation...is the family; the heart of the family is the woman - the mother".
>
> (Blatchford 1907:45)

This picture is then contrasted with a reflection back to the treatment of women in Edwardian society and this time Blatchford observes

> "We hang women, we imprison them, we dress them as felons and treat them as brutes...the women must sacrifice their honour to live".
>
> (Blatchford 1907:51)

Getting the reader to engage in this reflective process was one of the primary objectives of writing literary utopias for novelists like Blatchford. For those authors writing from a particular political perspective the purpose of the novel was not just to tell a story but to start to get the reader to question aspects of their life which they had previously taken for granted. Using this process writers like Blatchford hoped to make the reader think, in this instance, about the way in which the criminal justice system treated women, in a way that they may never have done before.

The second and much rarer form of looking at offending in this

context involved utopias which were not totally free of crime. In these fictional states the offences of the past were recorded not on paper but in what can be best described as museums of crime. Their function was to act as bench marks for the community to remember what their past had been like. As literary devices they did not, however, directly invite the reader to make comparisons with the condition of their own society in the way that Blatchford did. Nonetheless the crimes that they recorded are all ones which the reader would have been able to readily identify. Two particular examples of these archives will be examined, Christopher Yelverton's The Hall of the Evil Past and Kenneth Folingsby's The Prison of Treasure.

The museum that Yelverton described in his novel Oneiros (1889) is not a building that the people could have ready access to, in fact the civic leaders determine who should look at its contents. The reason for this is that the only people who are told to go to the museum are those who need to be reminded of the progress their society has made. One character called Theores who was ordered to go their in his youth recalls why he was sent, it was, he said, because

> "Mad theories filled my head, and an inveterate hate of all existing law and order was my ruling passion".
>
> (Yelverton 1889:107)

It seems that Yelverton intended the museum to serve as an aid to both the memory and the conscience of the community. The majority of the people did not need to visit it, they simply

needed to know it was there and what it represented. Those like Theores who were ordered to visit were told to do so only when they began to think and act in a manner which might imperil the existing order. Its one purpose was to shock the visitor sufficiently that they would realise the folly of their thoughts and accept the benefits of the society that their leader Oneiros had built. The scenes portrayed in The Hall of the Evil Past included a master crippling an apprentice; a mother beating a half naked girl to death and an assailant throwing acid in his victim's face and then stealing his money. Theores admits that the effect upon him was devastating and his visit had clearly left a lasting impression. His ideas about violently overthrowing the status quo were completely removed as he realised the actual progress that had been achieved. Yelverton used his museum as a means of focusing the minds of his fictional utopians upon the advantages of his state by revealing some of the horrors of the previous society. Those crimes that Theores recalls would have been readily identifiable to the contemporary reader as originating from their own world. Yet they do not have the same challenging impact that the more direct style had which was discussed earlier in this chapter. Indeed when read now one is struck not by the actual crimes described but the use that the author intended for them, a primitive psychological attempt to both shape and control the thoughts of the dissident citizen. The strong element of control that comes across when examining this facet of the utopia is an issue that will again surface when looking at the treatment given to offenders later in this research.

Folingsby's Prison of Treasure can be found in his utopian novel Meda (1892). Set in the year 5575 the visitor to this perfect state in the remote future is given a guided tour of that community's museum and its contents are described in considerable detail. The Prison of Treasure is an ornately decorated building, set apart from the community that is described in the novel. The visitor is given a conducted tour of the museum by his guide and the description of what he sees takes up several pages of the novel. As they approach the building the reader is informed that its walls were thick and massive slabs of granite, the only sign of decorative work was on the door which had a number of silver panels. These provide the first clues as to the contents of the museum as they depict both men and women in "various stages of misery and sin". Specifically it shows scenes of murder; criminals being sentenced and then executed for their offences. The author observes that

> "The door was one ghastly record of past misery and sin".
> (Folingsby 1892:210)

On entering the building the first room contains "a swarm of horrible models", some were of individuals who are described as "misers", "avaricious men" and "surface saints". Other models portrayed scenes of robbery and murder all of which were committed for the acquisition of wealth. The next room they go into was called Beauty in Treasure in which a large number of precious stones were on display. There was no accompanying models or images of crime, the purpose of the room simply being to demonstrate the "wonderful beauty" they possessed. The next

and final room they enter also had a specific name and that was Beauty Defiled by Man. Its purpose was to record some of the crimes that had been committed in order for both men and women to satisfy their "abominable craze" for these gems. The display was a simple one, the precious stones were

> ".....placed on small obelisks with a Latin inscription underneath giving the gems history stating that 1600 men had been murdered for its sake, 12,463 had been maimed, thousands had been imprisoned, flogged and starved. It had engendered envy, hatred and malice in the bosoms of untold millions; the lies told about it and for its possession were innumerable, and some had even denied and blasphemed God for its sake".
>
> (Folingsby 1892:214)

The museums purpose was not so broad as the one used by Yelverton, its central theme was the "folly of pursuing wealth" contrasting that with the beauty of nature. It was not visited by many people, but those who did go went of their own choice and were not ordered to attend. The community were aware of the significance of the building, but as the pursuit of financial reward was no longer regarded as important, the museum's primary purpose was as a record of the past and a reminder of what had been achieved since the new order had been established. It was not used as a form of dissident control like Yelverton's Hall of the Evil Past. The visitor emerges from the building appalled by what he has seen, but he was not so deeply affected as Yelverton's character Theores was. Also the guide who showed him around appeared to be able to view the displays with detachment.

The museums of crime portrayed by Yelverton and Folingsby demonstrate one of the more inventive uses of offending within utopia. However, both of these authors were making use of crimes like theft, murder and robbery, all of which were well known to the reader. The next and final section of this chapter will focus on examples of offences that were created by writers and which exist only in the realm of fiction.

Fictional Crimes

The literary utopias of this period provide an extensive range of new crimes that had been created by the writers to add either credence or colour to their works of fiction. Some like Jerome K Jerome devised offences that were clearly designed to be humorous in nature. In his short story, The New Utopia (1891), he attacks the socialist ideal of equality for all by constructing a society in which this aim was taken to ridiculous limits. Every citizen has to be dressed alike; all must have black hair and physically large individuals must have a limb amputated in order to reduce them to a similar size to their smaller neighbours. Jerome's visitor to this state asks at one point if he could be allowed to wash but he is told by his guide that he cannot because they had found that

> ".....they could not maintain their equality when people were allowed to wash themselves. Some people washed three or four times a day, while others never touched soap and water from one years end to the other, and in consequence there got to be two distinct classes, the clean and the

dirty. All the old class prejudices began to be revived".
(Jerome 1891:269)

The visitor is forced to wash at 4.30pm along with the rest of the community or face the consequences for committing such an heinous crime.

Other novelists created offences which seem to originate from their personal eccentricity rather than anything more substantial. Miles L'Estrange's What Are We Coming To (1892) is an example of this, for in this short story he created a series of new crimes, such as young people under the age of eighteen not being allowed to smoke. A conviction for this offence lead either to a financial penalty or "a limited number of strokes from a strap or rod". The author provides no explanation for this development, it is not significant in terms of enhancing the plot and it is never referred to again. For those authors like H.Lazarus, who used the literary utopia as a means to seriously examine political ideals, the creation of new crimes was of considerable importance in sustaining his fledgling utopian state and dealing with the old order. In his novel, The English Revolution of the Twentieth Century (1894), he makes money lending an offence, along with owning a slum and keeping a public house in an area of poor housing. The reason for these additions to the criminal calender were primarily to deter individuals from endeavouring to financially profit from others disadvantaged circumstances. It also served to indicate that a new social order was being established for these new offences were one way

to assist in the development of its separate identity.

Whilst these illustrations provide examples of new crimes created by individual authors, there were a small number of fictional offences that were consistently returned to in different ways by a large number of novelists. Perhaps the most notable example of these was the treatment of eugenics in the literary utopia. It was a theme that was addressed frequently by authors as diverse as H.G.Wells, E.Corbett, E.M.Forster and M.P.Shiel. By way of illustration these novelists and others made the following actions into crimes: marrying a disabled person; exceeding the state determined quota of children in a family and having sexual relations with a member of a different ethnic group. These crimes will be returned to later in this research when looking at the punishments that such criminals were subjected to. This section will instead focus on exploring the effect of two other factors, the impact of new technology and then radical legislation.

New Technology

In 1909 E.M.Forster's short story The Machine Stops was published. It was written, the author explained, as a "reaction" to one of the "earlier heavens" of H.G.Wells. In this dystopia, society has retreated underground and proceeded to completely fragment, as each individual became increasingly isolated by the technology that surrounded them. Communication, like every other aspect of life, was now achieved by the use of machines and face to face

contact had almost entirely disappeared. Forster portrays the impact of these changes when he describes the room of one of the stories two principal characters, he wrote that

> "There were buttons and switches everywhere - buttons to call for food, for music, for clothing. There was the hot-bath button,...There was the cold-bath button. There was the button that produced literature. And there was of course the buttons by which she communicated with her friends. The room, though it contained nothing, was in touch with all that she cared for in the world".
>
> (Forster 1909:114)

One of the consequences of this reliance upon technology was that society had become increasingly dependant upon it and this dependence had gradually evolved into a quasi-religious adoration of the machine. Against this background Forster introduces the reader to the character, Kuno. He had not welcomed the increased reliance upon technology that had gradually occurred and in a non-violent sense had rebelled against it. In doing so his actions were deemed by the machine, and the Central Committee which serviced it, to be criminal. The reader learns that he is different to the rest of the community when it becomes apparent that he, unlike them, enjoys such activities as travelling and speaking to people face to face. His mother warns him that his behaviour is seen as strange and that it will not please the machine but he ignores her plea. Whilst the actions of this character did not infringe any of the laws of the society, they impinged upon the spirit of the legislation and this was sufficient for him to begin to be penalised. For example, Kuno

applied to be a father but his request is rejected on the grounds that

> "His was not a type that the Machine desired to hand on".
> (Forster 1909:126)

The intense dependence upon technology in Forster's society was such that any individual's behaviour which threatened this relationship could be severely sanctioned without having committed a specific offence. There was no right of appeal, the decision reached was final and in this instance, beyond being told that he was not the right "type" to be a father, Kuno was given no further information concerning his unsuitability. Forster's Central Committee had successfully extended its definition of what was considered criminal without having to resort to legislative changes. This meant that certain forms of behaviour which were not illegal are seen to be worthy of restraint or punishment. In doing so the state had created what could be described as a two-tier criminal code, the first stage being characterised by a lack of explicit legislation, deliberately vague and intangible. The second level was enshrined in legislation and certain actions were known to be offences. This later stage comes into operation in the short story when Kuno commits what he knows to be a crime by exploring the surface of the earth. He undertakes this journey because of his increased dissatisfaction with the nature of the underground society and its reliance upon the machine. He tells his mother

> "We created the Machine, to do our will, but we cannot make

> it do our will now. It has robbed us of the sense of space and of the sense of touch, it has blurred every human relation...it has paralysed our bodies and our wills, and now it compels us to worship it".
>
> (Forster 1909:131)

The Central Committee warn Kuno that they are aware of both his views and his actions and that they are prepared to pass the most severe sentence upon him should he continue. That punishment was the threat of homelessness, the very mention of which reduces his mother to a state of complete dismay, for this meant that the machine would not only not house the criminal, but would also not feed, cloth or care for the individual in any way. As humanity had become totally dependant upon the Machine for everything this was in effect a sentence of death. Kuno had no intention of restraining his behaviour but before the Machine could punish him it starts to malfunction and eventually ceases to work at all, hence the title The Machine Stops. The consequence of this is that the underground world is completely destroyed and there are no survivors.

Forster's examination of a society overwhelmed by technology is a rarity in the utopian traditions of this period. For no other author explored in such detail the suffocating effect of the machine upon humanity. Ironically given Forster's views on the "heavens" of H.G.Wells it was this writer who perhaps came nearest to describing a similar fictional state in his short story The Days To Come (1898) and in his novel The Sleeper Awakes (1899). Other novelists like G.McIver, W.L.Clowes and R.W.Coles

who addressed the impact of technology upon society tended to single out one particular aspect and that was the effects of increased mechanisation upon warfare. H.G.Wells The War in the Air (1908) is one of the best examples of this type. In this apocalyptic vision Wells describes how the advent of flying machines had revolutionised the destructive powers that each nation was able to bring to bear upon its enemy. The effect of these inventions once unleashed in conflict was devastating and they brought about the total collapse of society across the globe.

> "It was the dissolution of an age; it was the collapse of civilisation that had trusted to machines, and the instruments of its destruction was machines".
>
> (Wells 1908:166)

In this post war world, Wells small groups of survivors struggle to adapt to the chaos as every country had been returned to a "Dureresque medievalism". Only once does he write about the impact of technology upon offending prior to the war and that was a passing reference to a German air sailor being tried and executed for being found in possession of matches on an airship. In contrast, Forster's short story focused upon the implications of living in a technology-orientated state and the offending that occurs takes place in that context and not in a world that has dramatically changed in the course of the novel, as was the case with Wells' novel.

Having examined the relationship between technology and crime as portrayed by Forster it is important to look at some of the more common responses to this subject before concluding this section. For a large number of utopia writers, particularly those who wrote short stories for the many Victorian and Edwardian periodicals, new technology meant the opportunity to dress up old crimes in new guises. An obvious illustration of this is the title of one of G.Griffith's novels The Outlaws of The Air (1895). No longer did the outlaws strike from their lairs in some remote forest or city slum, they were able to attack their victims from the air. Their crimes remained the same, murder and theft, but the new technology available allowed them to commit their crimes on a grander scale than before. Griffith's numerous utopian novels in a sense capture the essence of this use of machines. Time after time his criminal characters invent or steal ships or aircraft capable of travelling at incredible speeds and which possess a destructive capability which cannot be easily rivalled. Other writers like J.S.Fletcher, F.Smale and W.L.Alden chose less imaginative crimes in their novels concentrating upon creating more lethal explosives and chemicals to bring destruction upon their unsuspecting victims. An example of this type of offence is found in J.S.Fletcher's The Three Days Terror (1901). This short story tells how a group of criminals called "The Dictators," demand £100 million from the British government or they will detonate some new explosives in the centre of London. The threats are ignored and a bomb goes off in Charring Cross, killing 12,000 people. Fletcher observes that

> "Science has made such wonderful advances, that it is possible for a few men, greatly skilled, to work much harm to life and property".
>
> (Fletcher 1901:17)

The resulting conflict between the government and the criminals is described as "a war of science". W.L.Alden was one of several authors who found the bomb an inefficient device which caused unnecessary damage to property, so his short story entitled The Purple Death (1895) featured the use of biological weapons. A German professor living in the Italian Riviera had developed a series of chemicals which he believed should be used to resolve the problem of "over-population". He argued that the Anarchists by trying to kill the capitalist, both great and small were in fact attacking the wrong people. He believed it was the working class and the poor who should be reduced in number because if they were killed in sufficiently large numbers

> ".....we shall hear no more of the unemployed workman in London. There will be more work than workmen can be found to do, and the very street-sweepers will receive wages that will permit them to live almost in luxury".
>
> (Alden 1895:11)

The scientist dies during one of his experiments so his plans are never translated into actions. In contrast to these weapons of mass destruction G.P.Lathrop's short story, In The Deep of Time (1897), features a number of machines which were not designed for harming people but were used in this way by an offender. One particularly interesting device was the hypnotising machine which

were designed for medical use to help in the investigation of "nervous disorders and weak organisms". It is used upon the hero Bemis by his jealous rival Hammerfleet whose hope had been to permanently hypnotise his victim and thus face no further competition for the hand of the heroine.

In concluding this section upon conventional crimes committed with new technology it is important to remember that all the short stories referred to were written for periodicals like The English Illustrated News and Cassells Magazine. The level of political analysis is therefore greatly reduced and the material is given a more sensational dimension than most utopian novels. These authors had not been employed to create fiction that would require its readers to think too deeply about either the nature or structure of society. As the author Grant Allan remarked

> ".....it is almost impossible to get a novel printed in an English journal unless it is warranted to contain nothing at all to which anybody, however narrow, could possibly object, on any grounds whatever, religious, political, social, moral....."
>
> (Allen 1895:ix)

This point is made abundantly clear when reviewing how both the criminals and their crimes were portrayed in these stories. The characters have little or no depth to them and their motivation for offending it attributed either to their insanity or their inherent evilness. Their offences are equally one dimensional and when linked with technology they almost, without exception involve crimes of violence. The primary preoccupation being with

weapons of mass destruction. However, the crimes are often thwarted before coming into fruition as in Alden's The Purple Death. The reader is then faced with a piece of fiction which contains the possibility of violence rather than the reality, and as a result the danger of causing the sort of offence that Allen alluded to is avoided.

It would be wrong to give the impression that technology was universally regarded with scepticism or irreversibly linked with offending during this period. Havelock Ellis observed in his utopia The Nineteenth Century (1900) that science was "the only sure basis" for any society to be built upon. However, it is with the optimism of H.G.Wells that this section will be concluded, for in A Modern Utopia (1905) he gave his perception of the impact of technology upon Edwardian society when he wrote

> "The almost cataclysmal development of new machinery, and the discovery of new materials, and the appearance of new social possibilities through the organised pursuit of material science has given enormous and unprecedented facilities to the spirit of innovation".
>
> (Wells 1905:331)

New Legislation

One of the characteristics of the perfect fictional state is the small numbers of laws that are required to ensure that a peaceful, crime free society is maintained. What few laws there are possess none of the mystery and legal complexity that many novelists perceived as bedeviling their own states judicial

system. The reason for the paucity of utopian legislation was because of the essential goodness of the whole population, for the peoples' behaviour was almost without fault. H.G.Wells expressed his criticism of these idealised individuals in A Modern Utopia (1905), and he singled out William Morris's News From Nowhere (1890) as being a classic example of this sort of world which Wells sarcastically describes as existing in "splendid anarchy". Wells went on to write that these type of states were places in which everyone did what they pleased "and none pleased to do evil". He considered this to be fundamentally impossible for human nature to achieve and therefore his utopia had a clearly defined system of laws which prohibited actions which endangered the lives of others. Wells argued that

> "It does not follow...that a man is more free where there is least law and more restricted where there is most law".
> (Wells 1905:328)

It is those fictional states which have developed new laws that are of particular interest in this part of the chapter for these new pieces of legislation reveal a great deal about the writers' perspective on society and its problems. The primary sources for exploring this issue will be the two utopias written by R.H.Benson, Lord of the World (1907) and The Dawn of All (1911). These novels have been chosen because they represent one authors attempts to look at the shape of things to come from two completely opposite perspectives. The former is concerned with the struggle between Catholicism and humanitarianism, a conflict which Benson writes will take the form of "stern legislation and

bloodshed" before Catholicism is overthrown. His second novel takes the opposite perspective and describes a world which is strengthened and enriched by the power of the Catholic church. Ironically Benson admits in the preface of this novel that his first utopia had been

> ".....exceedingly depressing and discouraging to optimistic Christians".
>
> (Benson 1911:5)

It is as if he had to write this second novel in order to restore the faith of disheartened Catholics disillusioned by his first vision of the future. Each of these two novels will be examined in turn to demonstrate the different impact that new legislation had upon offending.

Lord of the World (1907) describes the progressive degeneration of society under the combined influences of socialism and humanitarianism. The church is gradually marginalised by several pieces of legislation beginning with its disestablishment in '29. Several years later the Religious Worship Bill is passed making it an offence to take part in any worship other than that allowed by the secular state. In effect the state had created its own religion celebrating four principal festivals each year, Maternity, Life, Sustenance and Paternity. Those who wished to practice their own faith were swiftly sanctioned by the new legislation which sent anyone convicted of such behaviour to prison for a week for their first offence. A second finding of guilt lead to a months imprisonment; a third meant a year and a

fourth lead to "perpetual imprisonment until the criminal yielded". The legalised oppression of Catholics continues until it reaches levels of ferocity similar to that the early Christians experienced at the hands of the Roman Empire. The novel concludes with the church being forced underground as the persecution intensifies. Benson describes how being a Catholic was

> ".....the one crime which still deserved the name. Murder, theft, rape, even anarchy itself, were as trifling faults compared to this....."
>
> (Benson 1907:320)

This strength of feeling against the Christian church in general and the Catholics in particular is also reflected in the sentences given to individuals convicted of this crime. All other types of offender received custodial disposals for their crimes whereas the death penalty was only reserved for the person convicted of being a Catholic. The reason for this harshness was because the government perceived all other forms of offending to strike only at what Benson describes as the "body" of the state where as the Catholic attacked the "heart". This perspective had been fostered by the new world order that had been established, it decreed that all the different people groups were now a "singly entity". There were no longer any private rights as the well being of the whole was now of paramount importance. This was expressed in the new religion that no longer worshipped a supernatural god but instead focused on the spiritual component of a united humanity. The Catholics presented such a grave

threat to the state precisely because they refused to be part of this whole as they continued to espouse the values of their traditional faith. Benson describes their actions and beliefs as causing them to behave like

> ".....mortified limbs yielding themselves to the domination of an outside force other than that which was their own life, and by that very act imperilled the entire body".
> (Benson 1907:320)

According to the new philosophy only individual victims suffered when offenders like rapists or burglars carried out their crimes. Those criminals found guilty of these actions deserved restraint during which time they could be re-educated. In contrast those that followed the Christian faith could not easily be punished in this manner as there was always the danger that the "poison" of their beliefs might contaminate those around them. As a result the death penalty was passed upon anyone convicted of being a Christian.

The Lord of All (1907) is an excellent study of both the impact of new legislation upon offending and the social factors which brought these changes about. For it is important to remember that the alteration in legislation is in fact the end of a complex process and not just a beginning. The novel graphically describes how social fermentation produces both the desire and the need to amend the criminal law. This process begins in Britain with the erosion of what Benson believed to be the traditional values promoted and upheld by the church. Their

place was taken firstly by the doctrines of socialism and later by the dictates of humanitarianism. There were external factors as well, such as the forging of closer ties with Europe, symbolised by the creation of a European Parliament and the fear generated by the expansion of the "yellow races" into Australia, India and Russia. The combination of these disparate elements produced the right environment for a strong leader to emerge and guide not just a country or a continent but the world. Benson's character Julian Felsenburgh is offered just such a role after successfully defusing the tensions between the East and the West. This new head of the world state begins to cement the new social order by accelerating the development of the humanitarian religion and ensuring a greater level of social cohesion than previously known. He finally turns his attention to the criminal law only after he has assessed which groups or individuals were trying to remain apart from the "new morality". It is only then that the Christians and particularly the Catholics came to his attention as their desire to continue to practice the old beliefs began to threaten his concept of a united society. Benson's novel ends with a spiritual vindication of the stance taken by the persecuted and dismantled church for they are proved to be right when the Second Coming of Christ takes place.

Four years later in 1911 Benson wrote his second utopia. This time he reversed the process of humanitarianism defeating the church and his novel The Dawn of All tells how the whole world became united under Catholicism. The effect of this transformation upon the criminal justice system was considerable,

for example the Catholic church had its own courts in which it tried individuals suspected of heresy. If the defendant is found guilty then he or she is handed over to the secular courts for sentence. This dual legal framework will be examined in greater detail when looking at the administration of justice in a following chapter. The impact of the new legislation upon offending in general was also equally marked, for example the sanctity of marriage was protected by making adultery a felony. The author observes that

> "Church and nation, now perhaps for the first time, stood together as soul and body united in one personality".
> (Benson 1911:145)

The spiritual commandments which guided both the church and the individual Christian had ceased to have just religious implications for they were now also the laws by which the state was governed. Benson describes how London appeared to have warmly accepted the guidance of the church and that the city had been "drilled and disciplined" by its faith, as a result there was "no noise, no glare, and no apparent evil". At night a curfew had been introduced in London and across the country and the fact that this was accepted without any social upheaval was, according to Benson, a testament to the willing obedience of the people to the rule of the church.

The Dawn of All (1911) is a utopia in the classical sense of the word, for the fictional state described is a place in which most social and political ills have been resolved. As a consequence

there are few opportunities for crime to flourish, however, two of the more interesting incidents have been identified for brief examination. The first concerns a description of a priest's trial for heresy and the second a short period of rioting by the supporters of socialism who wished to oppose the parliamentary recognition of Britain as a Catholic nation. In this later outbreak of violence there are no new crimes committed as such, old offences are simply committed in new surroundings. Instead of politicians being the victims of the aggression the reader is told of a Cardinal's carriage being mobbed and several priests are "molested in the public streets". There is some damage to property including the destruction of a wireless station but the disturbance is only small.

Of considerably more importance is the detailed debate about the offence of heresy that the Catholic church had introduced three years prior to the visitors arrival in utopia. What makes it so interesting is that the reasons put forward as to why it was a crime are identical to the ones used to explain the violent suppression of Catholicism in Lord of the World (1907). The fundamental point that Benson makes in both novels is that both societies, the humanitarian and the Catholic, believe themselves to be right and whilst responding with a degree of sensitivity to most crimes they execute anyone convicted of dissent. In the first of these two novels Benson wrote that criminals

> ".....injured the body, they did not strike at its heart".
> (Benson 1907:320)

The only offenders to "strike" at the core of society were the Catholics. In the second novel it is the heretic threatening the social order, as the author observes

> ".....the man who strikes at Catholicism strikes at society".
>
> (Benson 1911:167)

It is interesting to note that even the same violent imagery of "striking" is used to describe the actions of both Catholic and heretic alike. Both sets of governments responded to this sort of challenge in identical ways, they executed those who were convicted of threatening their ideological base. Benson describes heretics as warranting the death penalty because their offence is a "murderous" attack upon the "life principle" of society, the Catholic church. A similar line is adopted this time against Catholicism in the earlier novel, when he describes Christianity as a "poison" which is deadly to the "body" of society organised along humanitarian principles. It is clear that Benson's argument in both novels is identical only the protagonists have been reversed.

Benson's two novels are good examples of the way in which utopian fiction treats offences created by new legislation. Although he does duplicate his argument when looking at crimes of dissent, Benson nonetheless does make a serious effort to explain the reason behind the changes. Many other authors are not so forth coming as new offences appear in their novel or short story without any explanation accompanying it. G.J.R. Ousley's novel

Palingenesia (1884) is a typical example of this approach for he describes a large number of new crimes such as polluting streams and rivers and selling meat, alcohol and tobacco. Yet there is no account given as to why he thought it necessary to make such actions offences. Instead he prefixes his discussion with the observation that the criminal laws are

> ".....few, and easy to understand, by the which reason their administration is simplified and strife is avoided".
> (Ousley 1884:185)

All to often the glib response of the author seeking to avoid an explanation as to why he or she has designated a particular action criminal is to do what Ousley did and hide behind a gross generalisation. If the novel depicts a positive society, like Ousley's, then the answer given is that such laws are necessary because they promote " a rule of justice and love". If the society described is one which the writer has little sympathy for then the crimes are attributed to the party they wish to discredit. G.Corbett's New Amazonia (1889) demonstrates this response when she wrote

> "All the laws of my country have been made by men, and they are all made in the interest of men".
> (Corbett 1890:18)

The notion of examining a theme such as the crimes of utopia may superficially seem a contradiction in terms, for how can idealised communities and offending be connected at all? This chapter has sought to demonstrate some of the primary links

between these two components and in doing so has shown that the issue of crime was one in which writers of all political and religious persuasions were concerned about. In particular the creation of new offences was a task which tested both the ideological and artistic capabilities of the novelist as they sought to depict either convincing or amusing examples of such crimes. Such was the number and complexity of the offences in utopia that the means of detecting these crimes were substantially reviewed in the novels of this period and these developments form the basis of the next chapter.

Chapter Five: The Detection of Crime

> "A borough constable may, while on duty, apprehend any idle or disorderly person whom he finds disturbing the public peace, or whom he has just cause to suspect of intention to commit a felony".
>
> (Kennett 1895:244)

> "The growth of the police, in late times, both in numbers and power, is a serious matter requiring grave attention from a people that wishes to remain free and independent".
>
> (Carpenter 1905:81)

The policemen in Gilbert and Sullivan's The Pirates of Penzance when pondering the nature of their work sadly conclude that their "lot is not a happy one". Similar sentiments were expressed by many utopian authors when writing about the role of the police force but for very different reasons. There was growing concern, not about the welfare of the officer but about his role in the community and the power that the police could wield. The problems identified fall into the following three crude groups; to socialist writers like William Morris the police were part of the "brute force" behind the government; to H.G.Wells and Cutcliffe Hyne they were ineffectual when faced with problems large or small and to W.Le Queux they were the ill equipped and hopelessly outnumbered frontline against the onset of socialism. Few, if any authors, expressed themselves satisfied with the role of the police and as a consequence went on to make extensive changes to their role in their novels. This chapter will focus on these often quite fundamental alterations, looking first at

the fictional characters given to police officers and then examining the sort of tasks they undertake. The final section will explore three alternatives to the police; Rudyard Kipling's Aerial Board of Control provides the interesting perspective of international commerce taking on the role of law enforcement; the use of vigilante groups with illustrations from J.K.Jerome, Edgar Wallace and Z.S.Hendow and finally the community as its own self-regulating police force as put forward by William Morris and W.H.Hudson.

The Police

An interesting indicator of the perceived value of the police in utopian fiction is the fact that only a handful of novels read for this research featured officers who were actually given characters with names and personalities. Those novelists like Edgar Wallace who represent the exception to the rule tended to develop characters who were high ranking officers rather than the constable on the beat. Whilst not describing any one individual member of the police force, H.G.Wells made an important observation about the need to give some consideration to the psychological make up of recruits to the service in his novel, A Modern Utopia (1905). His utopian citizens had upon reflection decided that

> "They will not put into the hands of a common policeman powers direct and indirect that would be dangerous to the public in the hands of a judge".
>
> (Wells 1905:343)

Wells goes on to make the point that this was a matter "altogether too much neglected" by the social reformer on earth. Unfortunately, having raised the issue, Wells does not go on to describe the sort of characteristics that he believed were appropriate for police officers. He simply concludes the discussion by remarking that in his fictional state the role of the officer had been restricted to answering questions from menbers of the public and keeping order. The responsibility for catching criminals was no longer theirs. With a few other minor exceptions the remainder of novelists who describe events in which the police are involved treat them as completely lacking any personal characteristics. The utopian novelist when discussing the police chose not to describe personal traits but more importantly to make observations concerning such issues as their effectiveness and efficiency.

It is somewhat ironic given that the central theme of this chapter is about the detection of crime that the primary role of the police in utopia is one of crowd control. The need for their involvement in this sort of exercise arises out of two common scenarios, urban unrest and major catastrophes, both of which will be examined in turn. The problem of large scale rioting or at least the threat of it was a theme regularly returned to throughout this period. Charles Fairfields short story, The Socialist Revolt of 1888 (1884), was one of the first works of fiction to examine the subject when he described how the people lead by the socialists overthrew the conservative government. The attempts to quell the initial disturbances were lead by "a

considerable force of police", however, they proved unable to stop the rioting and as a result first the Horse Guard and then the entire might of the army is mobilized. This close link between the police and the armed forces is one that emerges repeatedly when novelists focus on rioting. The police appear to be given the role of attempting to resolve the problem first but if they are unsuccessful then the military quickly takes over both the command of the situation and the police themselves. William Morris's detailed account of the revolt that established his socialist utopia follows just such a course. He describes how the "civic bourgeois guard" (the police) violently attempt to break up a peaceful demonstration of workers at Trafalgar Square armed with bludgeons. Having failed in their attempts the army take control and at another meeting, again in Trafalgar Square, a large number of protesters are massacred by the military. After that both the police and the army work closely together in endeavouring to break up meetings and arrest the suspected leaders of the revolt. Similar responses to civil unrest are repeated in W.Le Queux's The Unknown Tomorrow (1910) and J.C.Snaith's An Affair of State (1913), in the former the police are armed with pistols because of the increasingly violent "lawlessness" they have to deal with. Le Queux's police are as unsuccessful at stopping the socialist revolt as Morris's were, and the introduction of the army makes little difference as the government is eventually overthrown and anarchy reigns. Snaith's police fare little better against the same opponents and the military are called upon to take over the railways and guard the houses of the money lenders. It is only with the successful

political intervention of the novels hero, James Draper, who is elected prime minister, that law and order are re-established. The effectiveness of the police and the army in their handling of these situations is often portrayed as ineffectual. Both forces are, however, repeatedly placed in situations which they cannot hope to succeed in. The socialist writers described them as instruments of repression who are prepared to go to any lengths to protect the status quo. Whilst those authors of a more conservative disposition, who were opposed to the idea of revolt, complained at the ineffectiveness of the police attempts to quell the disturbance. On several occasions the social upheavals were only put to an end because of outside intervention from the colonies. W.A.Watlock's short story, The Next '93 (1886), is a good example of this as the socialist government is finally toppled by the "colonial legions" who believed it was the "duty of the vigorous offspring" to "protect and tend the mother country".

A common characteristic shared by most of the novels which examine this theme of combatting civil unrest is the use of special constables to swell the ranks of the police. J.C.Snaith's utopian novel provides a more detailed account than most and is therefore worthy of brief examination. When the unrest he describes appears to be on the point of degenerating into civil war a Royal Proclamation is issued asking every able bodied man between the ages of 16 and 70 to enrol as special constables. Anyone that does so is

".....pledged and empowered to maintain law and order, to protect life and property to the utmost of his powers".

(Snaith 1913:203)

"Every loyalist" who enrols is instructed to wear a white arm band around his left arm. Snaith does not make it clear however, if the specials are ever used, for the description of the crisis's resolution is only sketchy. It is ironic that from these few details provided by Snaith the reader is given more information about the special constable than any other novelist provided about the police force. The final word on this subject must go to William Morris who created a far more ruthless and militaristic organisation called "Friends of Order" who fought the socialists during the two years of civil war suffered by England. This group was not a legal body, but one which the government of the day were content to let flourish in the hope that "something might come of it". It was made up of members of the middle and upper classes who wished to oppose the threat of revolt as strenuously as possible. As a result they armed and drilled themselves with the assistance of a large number of officers from the regular army. Through this connection the group were able to keep a good supply of guns and ammunition. One of their initial tactics involved guarding and sometimes even garrisoning the larger factories, however, as the revolt continued the "Friends" began to expand the areas they controlled and Morris writes that at one stage they held all of Manchester. In the final days of the revolt they fought openly side by side with the armed forces in a vain attempt to suppress the revolution.

The significance of looking at the involvement of the police in dealing with environmental catastrophes and other more bizarre incidents, such as alien invasion, is that it further reinforces the picture of their inability to cope with large scale problems. The short stories written for the periodicals contain numerous examples of this, a number of which will be briefly mentioned. Cutcliffe Hyne's London's Danger (1898) describes a large fire in the centre of the capital which produces mass panic in its citizens. The author observes that

> "Even the police made no effort to quell the terror or curb its lasting, they had their own homes and their own lives to think about".
>
> (Hyne 1898:343)

Five years later in 1903, F.White wrote The Invisible Force in which a plague virus is discovered in London. Those that are wealthy enough flee the capital, as a result the poor undertake a "ragged invasion" of many middle class areas plundering what they can. Yet again the police are portrayed as doing nothing to prevent the crimes, preferring to save themselves and their own homes. The final illustration is taken from H.G.Wells War of the Worlds (1897) which tells of the invasion of this planet by the Martians. Once the people realise what has happened the inevitable mass panic breaks out and huge numbers flee from the advancing enemy. In doing so they cause chaos as the roads and railways are blocked with more traffic than they can cope with. Wells details the degeneration and notes that

> "....the policemen who had been sent to direct the traffic, exhausted and infuriated, were breaking the heads of the people they were sent to protect".
>
> (Wells 1897:99)

When not faced by an extra-terrestrial invasion or contending with plague, or fire, or snow the police could look forward to coping with civil disturbances and riots. It would appear that the constables in the Pirates of Penzance were perfectly correct in their assessment of their "lot". The series of impossible tasks assigned to the police and in particular the criticisms voiced about their performance leads to the obvious conclusion that they were not a valued part of the criminal justice system for many utopian novelists. This point becomes even more apparent when looking later at the role of the police in those novels in which utopia is achieved. Quite simply the police have almost in every case disappeared without trace, their role being absorbed by the community as a whole or some other specialist body.

Having examined the most common element of the work of the police portrayed in the literary utopias of this period it is appropriate to turn to their next most popular role, that of crime prevention. Two novels are of particular interest when addressing this theme, F.W.Hayes's The Great Revolution of 1905 (1893) and Guy Thorne's Made in His Image (1906). Both novels explore the ambitious plan of arresting all known criminals who are unable to prove that they have a legitimate source of income. The purpose being to try and eradicate the "idle" and "loafer"

classes in one single movement. F.W.Hayes describes how the government served a warning to the entire population that the inability to "prove means of substance" was now a crime and that at the end of two months all those unable to pass the test faced lengthy imprisonment. Whilst waiting for that time to elapse the police constables were trebled in number by using discharged or pensioned officers as well as appointing new men. 11,000 infantry men were placed in readiness to take their part in the arrests and Portland and Dartmoor prisons were prepared for a "huge influx" of new inmates. In addition several county workhouses were also equipped to take any surplus prisoners until the building of two new penal establishments had been completed. Some offenders chose to take the warning of the government seriously, but rather than find employment they elected to emigrate to America. One of the few references to detectives in the whole body of utopian fiction occurs in Hayes' novel when he describes how they watched "this compulsory exodus" of offenders on to the Atlantic liners. The 1st July 1904 was the day set to put the elaborate plans into operation and at 10.30am. Hayes wrote that

> ".....every public-house and gin-palace known to be the resort of the loafers and roughs was blockaded, the outer doors fastened.....and the inmates arrested and handcuffed. Every street and court in the slums were picketed, and the homing birds were caught as they made for their nests".
>
> (Hayes 1893:163)

All those who are detained are interviewed, Hayes does not say who by, but the assumption is that it was the police.

Approximately one-third were released after providing a "reasoned explanation" for their behaviour; those with previous convictions for violence were given a twelve month prison sentence immediately. The third and final group were given the option of serving a twelve month sentence or joining the army for three years. The overwhelming majority accepted the second of these two "choices". The result that Hayes describes is that "the backbone" of the criminal classes had been broken and they would never be allowed to recover. One of the disturbing aspects of this operation is the way in which Hayes dismisses any criticisms of it. The fact that a substantial number of people are given a custodial sentence, not for committing any new crime but for having an offence of violence in their past, is regarded as being of no importance. Hayes scathingly attacks any critics when he wrote

> ".....the sect of sentimentalists (most of whom knew as much of the ruffian class as they did of the Aztecs, and were credited by scoffers with recommending from West-end drawing rooms the reform of wife-kickers and armed burglars by means of the contemplation of bouquets of wild flowers, the playing of the Moonlight Sonata and poetic appeals to the "higher nature") raised their usual wail of protest against such unkind, inconsiderate treatment of their pets".
>
> (Hayes 1893:157/8)

Hayes goes on to describe how the plan was a radical departure from the "old routine" which occasionally saw success with one or two individuals but never seriously dented the increasing crime rate. In fact his initial policy of arrest and sentence

without trial was only the beginning of the change in attitude towards offenders. In concluding this examination of Hayes approach to crime prevention it is significant that the police do not feature again in the subsequent plans to reform the criminal justice system. It is almost as if they have rendered themselves obsolete after their one huge, initial operation. Offences do occur after this purge of the criminal classes but the means by which the perpetrators are apprehended remains unclear.

Thorne's novel, Made in His Image (1906), begins in the same way as Hayes with new courts being established to sentence all those men and women who are deemed to be "useless and irreclaimable". The police and army are again employed to arrest large numbers of people living in the slums of the major cities of Britain. Those detained were already known to the police, workhouse masters and prison warders and by being known they proved themselves to be "burdens on the community". After taking part in the arrests the police still had a further role to play, this time in the sentencing process. For when an individual appeared before the court it was the responsibility of the force to "prove" their previous convictions to the satisfaction of the judges. However, after completing this task the role of the police is not returned to again. There are several incidents in which they may have been involved but are not explicitly named, for example those individuals convicted in the new courts are transported to their prison by train. It is not made clear who actually undertakes the task of guarding them whilst on their

journey, it could conceivably be the police, the army or prison officers. Also at the close of the novel the experiment in dealing with offenders ends disastrously as they escape with the help of an anarchist group. The criminals proceed to run amok in the locality of the prison before they are brought under control, however, Thorne again does not make it clear who restores law and order.

Beyond the principal role of crowd management and taking part in large scale arrests of the "irreclaimable" portion of society, the role of the police remains largely undeveloped by utopian novelists. Yet there is one final image of the police that regularly appears which would seem to sum up their status in the eyes of many of the writers and that is the view that they are little more than pawns of the party in power. William Morris's opinion on this has already been expressed earlier in this chapter but there are many more who wrote on the same lines, albeit from different political perspectives. For example the anonymous short story, The Doom of the County Council in London (1892), tells how the police are in the complete control of the socialist council who use the officers as their own private army. The willingness of the police to co-operate with the council was the "keystone" of the socialists strength. It is this re-occurring obedience to carry out what ever instruction given them by their political masters that is perhaps the most dominant image of the police in utopia.

Utopian Alternatives

If the role of the police is neither clear, nor for that matter particularly interesting, the alternatives put forward by authors as diverse as William Morris and Edgar Wallace are fascinating. The purpose of the remainder of this chapter is to examine some of the agencies and policies advocated as the best ways to detect crime, beginning with Rudyard Kipling's Aerial Board of Control. However, before engaging in the serious examination of this theme there is one illustration from W.G.Moffat and J.White's short utopian novel that contains one highly imaginative response to this theme which cannot be ignored. What's the World Coming to? (1893) describes how crime has almost entirely disappeared after the establishment of the Criminal Investigation Department. This unusual agency is not staffed by humans but by "disembodied spirits" who communicate with their living police counterparts through clairvoyancy. The Criminal Investigation Department was originally suggested by the spirits of the dead who recognised the important role that they could still play in affairs on earth. The spirits are asked to trail anyone that is suspected of being a criminal

> "Instead of dodging behind the suspect in constant fear of being seen, they walk side by side with him, enter where he enters, sit down beside him, look over his shoulder when he reads or writes, and report everything at the automatic writing office in the ghosts bureau".
>
> (Moffat and White 1893:124)

Not surprisingly the criminal is always apprehended and the

deterrence value of this unusual agency was such that the number of offences had declined to a very small number, Moffat and White's response to the very real problem of policing the community has little value in terms of serious historical research, nonetheless it remains an amusing eccentricity worthy of mention.

In stark contrast to the humour of the ghost police the vision of Rudyard Kipling's Aerial Board of Control operating as an international police force has a strong air of realism to it. For this august body, "semi-elected, semi-nominated", is primarily concerned with keeping the lanes of commerce open. As innocuous as that may sound the reality of the situation is that this group effectively "controls the planet", its motto being "Transport is Civilisation". In his other short story which featured the A.B.C., With the Night Mail (1908), Kipling describes how this body

> ".....confirms and annuls all international arrangements and, to judge from its last report, finds our tolerant, humorous, lazy little planet only too ready to shift the whole burden of public administration on its shoulders".
>
> (Kipling 1908:21)

The extent of the power of the A.B.C. is only gradually unfolded by Kipling, for example the first of these short stories describes how the last country in Europe which retained its autonomy from the Board wishes to surrender its independence. The premier of this country explained that Crete was tired of

"playing at savages" and no longer wanted to have local self-government which had after all only been designed for the "confusion of human affairs". The request was acknowledged by the Board and Crete was officially annexed by them. Whilst each country retains some degree of local government, and indeed has its own police force, the major decisions and problems are dealt with by the Board. Again quite what the role of the police actually is remains unclear; it would seem that there is little serious crime as the Chief of Police of Illinois remarks in As Easy as A.B.C. that there has not been a murder in his jurisdiction for over 20 years. It would appear that their role is more symbolic rather than real, however the police do initially try and restrain the crowd that subsequently gets out of control and requires the intervention of the Board in As Easy as A.B.C. It is interesting to note that in this instance the Board have replaced the role of the military that was described earlier in this chapter. Their involvement in any country's internal affairs is governed by weighing the impact of the problem upon the ability for trade to continue. The crowd in Illinois is deemed to be a major problem because they are turning out the landing lights and making it impossible for the air traffic to land. The Board dispatches a fleet of aerial craft to investigate, they are given the instruction to

> ".....take such steps as might be necessary for the resumption of traffic".
>
> (Kipling 1912:2)

The action taken to break up the crowd begins when the fleet

bombard them with "siege-lights", designed to produce temporary blindness. After that the "pitch-pipe" is used to deafen them and the crowd quickly capitulates.

Kipling's Aerial Board of Control are never described as being an international police force but their response to the gathering of the crowd at Illinois demonstrates that in many ways they act as if they are. There is one major difference however, between the conventional role of policing a community and the actions of the Board, and that is that they only chose to act because their business interests were threatened. It is worth speculating that perhaps the police are meant to deal with any crimes which only effect the local community whereas the Board take up those cases when wider interests are threatened, such as the free flow of their air traffic. The division between the two bodies is not explored at all and therefore this suggestion can be nothing more than pure speculation. Whatever the extent of the local police powers were intended by Kipling to be, it is clear that the Aerial Board of Control held the final authority for decisions which effected not just one country or even a continent but the entire planet.

Given that many of the utopias written during this period described worlds which were single states, it is surprising that the notion of an international police force was not considered more often than it was. H.G.Wells' novel, The Sleeper Awakes (1899), does not actually refer to such a body but when the city of London is embroiled in a violent civil war the ruling party

call for the "negro police", who are based abroad, to finally suppress the revolt. This sort of international flexibility is the nearest he gets to exploring the issue of the single police force. J.E.Flecker's The Last Generation (1908) is one of a few works of fiction which actually makes mention of an International Police Force, but even this is limited to one brief reference. When looking at the vast number of issues which are dealt with in the literary utopias of 1880 to 1914 the reasons for the omission of a serious examination of the concept of an international police force remains something of an enigma.

Vigilante Organisations

There are two distinct types of these groups which exercise police-like authority and discipline in their respective communities. The first is concerned primarily with sustaining a level of morality which the vigilantes, and in some cases the states as well, believed to be appropriate. They sought to destroy any material which might cause moral degeneration to the point when crime was contemplated or committed. Individuals responsible for propagating inappropriate material or ideas were sometimes identified and harassed or prosecuted. J.K.Jerome's White Ribbon Vigilance Society and Z.S.Hendow's Inspectors of Public Morality will be the main illustrations of this group. The second type of vigilantes are directly concerned with the apprehension and punishment of offenders. Of these Edgar Wallace's Four Just Men are undoubtedly the most famous example. Both of these types will be examined in turn.

Z.S.Hendow's novel, The Future Power (1897), describes how his Inspectors are instructed to destroy everything that "may" set an "evil example". As a result of their effectiveness the author describes how

> "A purer system of morals prevails everywhere, men's minds are directed towards higher things....."
>
> (Hendow 1897:74)

It is important to note that these Inspectors were actually appointed to their work by the state, they are not acting as concerned or enraged individuals but as servants of the government. Both Hendow and Jerome paid particular attention to the impact of the arts upon the moral health of the community. The White Ribbon Vigilance Society, which was the creation of the latter author, proved to be extremely zealous when looking at this area and there were a number of far reaching consequences of their investigations. As a result of their action the theatre no longer existed because it was "vicious" and "degrading"; only a few books are allowed to be published after careful examination and all the pre-revolution literature has been destroyed because it was full of "old wrong notions"; numerous paintings and sculptures were also declared unfit and "improper" and had also been destroyed. The power of the White Ribbon Society was such that all new art and literature had been forbidden, as they were considered likely to "undermine the principles of equality" upon which the Socialist state was built. This was because the arts

".....made men think, and the men that thought grew cleverer than those that did not want to think; and those that did not want to think naturally objected to this....."
(Jerome 1891:277)

Jerome's satire on socialism clearly exaggerates the quest for moral hygiene in his community, yet like all good satire it is built upon sound foundations. For many utopian authors who were convinced that their particular vision of the future was correct actively sought to destroy and suppress anyone or anything that might weaken their stance. There were not many perfect states portrayed whose strength lay in their diversity, instead strength was equated with solidarity and unity. The moral vigilantes had a considerable role to play in ensuring that the state remained cohesive, hence the powers that are given to them by authors like Z.S.Hendow. His inspectors were given authority to destroy anything that "may" corrupt either an individual or society. It is the use of the word "may" that is of considerable significance because it gives the Inspectors freedom to interpret what is harmful and what is not. Jerome's White Ribbon Society worked within a specific defined area (albeit one as extensive as to embrace all the arts) beyond that he gives no indication that they can go any further. In contrast Hendow's Inspectors have no such parameters and presumably can operate where ever they believe appropriate. A good illustration of the extent to which some vigilante groups were prepared to go is provided by the anonymous writer of The Day That Changed The World (1912). This utopia tells of Britain undergoing a spiritual revival which empowers the Church of England to "attack" the immorality of the

rest of society. There are many different targets selected for particular attention but they all have in common the fact that the church has decreed them to be "breeders of iniquity" who have remained unchallenged by a compliant and sinful state. The author describes how spiritually revitalised Christians will

> ".....howl indecent plays off the stage! and indecent exhibitions out of cinematograph theatres, to make bonfires of indecent books and newspapers, to tear indecent placards off the hoardings, to denounce sweaters by name, to stop every drunkard and every harlot on the street, to make war on the bookmaker, to prosecute every publican who permits drunkenness on his premises, and to expose at whatever cost in the law courts every swindler of every kind....."
>
> (Anon. 1912:262)

The author describes the intended goal of this action as being the moral cleansing of England. This last group are not acting with the approval of the state like Jerome's and Hendow's, and the tactics that they employ cross over into the second category of vigilante organisations, those that are actively concerned with the apprehension and punishment of offenders.

Edgar Wallace devoted two of his utopian novels to describing the actions of a small number of men dedicated to upholding and executing the law as they understood it. In the first of these novels, The Four Just Men (1905), Wallace makes their role quite clear.

> "When we see an unjust man oppressing his fellows: when we see an evil thing done against the good God.... and against

man - and know that by the laws of man this evildoer may escape punishment - we punish".

(Wallace 1905:13)

The second of the two novels, The Council of Justice (1908), describes how the group fight the growing threat of the anarchists in this country. Within the early part of that novel there is a good example of the way in which they treat the offenders they apprehend. An anarchist bomber is found dead in London and accompanying the body is a note which read "this man threw a bomb, so we slew him". The four had developed a system of notifying offenders that they were under scrutiny, the individual was given an initial warning to desist from what ever activity they were engaged in. If that was ignored a second warning was issued and if that too was ignored then the offender was executed. Towards the close of the novel one of the group, Manfred, is captured by the police and put on trial for his actions. When defending himself in court this character expands the group's views on the deterrence value of their role of aggressively policing the community. He argued that for each individual killed by himself and his peers "a hundred turned at the terror of our name". He goes on to say that the sort of actions carried out by his group were necessary because of the way the laws of Britain are framed.

"The inequalities of the law are notorious, and I recognise the impossibility, as society is constituted, of amending the laws so that crimes such as we have dealt with, shall be punished as they deserve".

(Wallace 1908:171)

Not only was the legal system, according to the group, at fault the manner in which convicted criminals were punished was also fundamentally flawed. During his trial, Manfred describes how a "spurious form of humanitarianism" has elevated the fear of pain to the level of a "religion". He argues that man is not yet able to learn the errors of his ways by "reason" alone and it is therefore necessary to deploy the use of "corrective discipline" to stop offenders. By playing upon the criminal's "blind fear" of death, he hoped to curb not only the excesses of the anarchists, but all other offenders as well. Although Manfred is sentenced to death for his crimes originating in the war against anarchy, he is freed by his colleagues and the novel concludes with their escape from the country. Throughout the two novels featuring the four just men the other characters from the police, the courts, the prison service and even the political establishment express their tacit approval of the actions of this group. For example in the first novel the British Prime Minister describes the work of the group as "a poetical idea" as these four aggregate to themselves the right and the power to act as judge and executioner.

Wallace's characters represent the most extreme example of a vigilante group prepared not just to seek out criminals but sentence them as well. A more moderate, but nonetheless, disturbing picture of vigilante activity is depicted in the anonymous Christian utopia, The Day That Changed The World (1912), that was referred to earlier in this section. It describes how Temperance Society members had come out on to the

streets to challenge anyone they find who is drunk. They had decided that

> ".....no drunken man will pass through the streets of London without being warned; and not only will drunken men be warned they will be followed to their homes. And very soon their wives and children will be taken away from them....."
>
> (Anon. 1912:256)

The author describes how "an army of Christians" had taken to the streets, some to tackle the drunkard, as the illustration above highlights, others targeted groups as diverse as the prostitutes and the women's suffragette movement. The purpose of such intervention was simple, "Life was to be reorganised", no longer was society going to put its faith in Mammon but now it was to follow Christianity. The hallmarks of such a society were to be beauty, dignity and purity, hence the need to challenge the outward signs of sinfulness such as drunkards and prostitutes. Whilst not deploying the violent solutions proposed by Wallace's group, the sanctions proposed by the militant Christians were not without teeth. With particular reference to the drunkard explicit threats were made about being stopped in the street and being admonished for being in a condition that did not meet the approval of the Temperance Society. Whilst that may simply be described as an embarrassing or irritating experience, being followed home is a far more serious intrusion into an individuals life. Especially as the purpose of doing so was not just to intimidate but also to identify where they live, and to ascertain if there is a wife or children who need assistance. The next

level of sanction against the drunkard was the removal of any dependants from the home. There is no mention of a choice being offered, the assumption made is that wives and children will freely desert their home, husband and father without protestation and go to live with complete strangers. The final punishment threatened is that the drinker will be "locked up" and made to work for his dependants until he is "fit to live with decent people". It is unclear if the author meant that a state prison would be utilised for such purposes or that the Temperance Society were going to operate their own establishment. Regardless of which of these two options was intended the drunkard would apparently be given an indeterminate custodial sentence and released only when his jailers were satisfied that his moral condition had improved to a level that they believed to be appropriate. This range of sanctions whilst not possessing a violent element, as was the case in Wallace's novels, nonetheless remain a significant intrusion into the life of the "offender".

The use of the term vigilante conjures up a number of images which have been shaped by a body of fiction and films which have focused on this subject throughout this century and particularly in the past thirty years. Edgar Wallace's two novels are very much part of that tradition and have helped shape some of the stereotypes that this word has generated. For example in The Four Just Men (1905) the group are described as

> ".....known to none; vague shadowy figures stalking tragically through the world condemning and executing....evil forces...."
>
> (Wallace 1905:122)

It is this combination of mysteriousness; a thirst for justice; a sense of struggling against almost insurmountable odds and of course violence that essentially characterises the vigilante in popular culture both now and when Wallace was writing. Clearly his characters fall easily into that tradition, yet the White Ribbon Society, the Inspectors of public morals and the Temperance Society do not. They are portrayed as working in a public arena, and in the first two cases with the complete approval of the government. There is no mystery in the way that they work and their actions are often directed against objects and not just people, as is the case with Wallace's group. There is however, a common thread in the severity of the sanctions that they impose on their respective opponents. That severity provides the connecting link with the final part of this chapter which examines the role of the community in both policing and punishing itself when crimes have been committed.

The Community and self-regulation

> "Everybody guarded his neighbour, and kept a jealous eye upon the national property".
>
> (Anon. 1884:101)

The belief that a police force was not a necessary part of a healthy utopian community was one that was frequently explored

throughout the period. Most of the novels and short stories that examined this theme dwelt on the importance of building a close sense of community amongst its citizens, creating the image of the state as one large, extended family. Other alternative models were of course put forward, the majority of which tended to rely upon scientific advances as an alternative regulator of human deviance. An example of one such utopia is Godfrey Sweven's novel Linanora (1903). In this perfect state the people had made two significant developments which have rendered crime a thing of the past. The first was that they had been able to identify "the physical centre" of each emotion. This had lead to the establishment of ethical laboratories in which moral diseases were examined and their origins understood, this resulted in the eventual cure of each illness. As the people's scientific knowledge of their physiology and psychology grew the second development began to take shape and that concerned their increased awareness of their own abilities. In particular they learnt to read each other's minds and were therefore able to know both what each other thought and felt. It was impossible in such a situation for anyone to contemplate offending as other people would be aware of the thought almost as soon as it had taken shape. As a result the race continued to advance and gradually emotions like jealousy, envy, hate and lust had become "obsolete". The people now no longer had the motivation, nor the inclination to offend and the entire country lived in peace knowing that crime would never be a problem again. Sweven's utopian advances in science and self awareness combine the two major alternatives explored by those authors who rejected the

idea of the closer community as a means of tackling crime. However, it is to that latter subject that the remainder of this chapter will be devoted as it is the primary alternative to the police explored by the utopias of this period. The concept of community will be looked at from two different perspectives; the first will draw upon W.H.Hudson's The Crystal Age (1887), looking at how he approached this theme by exploring the relationship between social cohesion and nature. The second uses William Morris's News From Nowhere (1890) and looks at the impact of socialist ideology upon the forging of community ties which make both the police, or any other aspect of the criminal justice system, no longer necessary.

> "I began to be affected by the profound silence and melancholy of nature, and by a something proceeding from nature - phantom, emanation, essence, I know not what. My soul - not my senses perceived it. To my soul its spoken "Hush" was audible, and again, and yet again, it said "Hush" until the tumult in me was still, and I could not think my own thoughts. I could thereafter only listen".
>
> (Hudson 1887:180)

These sentiments were expressed by the character Smith who plays the role of the visitor in The Crystal Age. Whilst with the utopian "family" he begins to develop some of their insight and understanding, but for much of the novel he represents the negative values which Hudson saw as the product of his own age. For example when given new clothes he offers money in payment, however the people do not understand what it is as they have never seen any before, nor do they have an equivalent to it.

Smith is asked to explain its purpose and he finds himself unable to do so, limply concluding that he had never learnt to "define" money only to "spend it". Smith's role in the novel was clearly designed to create this sort of tension between what Hudson's ideals were and what he understood his own society's to be. This character is central to understanding the novels response to the prevention, detection and punishment of offences because it is through his eyes that the principles and values of this utopian community are revealed. This examination of Hudons's novel will focus on three principal themes; the powerful relationship between the individual and "nature", from which the utopian citizen learns of their spiritual strengths and weaknesses and thus is able to detect in their own lives any hint of inclination to offend; secondly the impact of the relationship between "nature" and the sexual needs of the individual, this is of particular importance to crimes of passion. Finally the significance of the home and "family" relationship will be examined.

Smith completely fails at first to appreciate the importance of the natural environment to the "family" he lives with. He begins by simply watching them, initially agog at the liberties that he believes they are taking. For example after only a few days with them he awakes one morning to the sounds of laughter and merriment, he looks out of the window and observes

".....ladies and gentlemen all swimming and diving about

together with the unconventional freedom and grace of a company of grebes".

(Hudson 1887:110)

Hudson's reference to the grebes is one of the many examples of his combining his passion for flora and fora with the development of the principal themes of the story. By doing so in this instance he emphasises the unity, the bond between nature and humanity that was so vital to his utopian community. Smith was to later experience this directly when he begins to work with the people and is asked to plough a field. The plough is driven by a pair of horses which he harnesses in the conventional manner and then begins to work them. Eventually they become frustrated with the heavy handed approach of Smith and they respond by galloping off. Left alone Smith concludes that the horses had known more about the work than he and as a result of his mishandling they were no longer prepared to plough with him. He belatedly realises that the act of ploughing was not a man forcing animals to do his work but a partnership which would benefit both parties when the crop was grown. This incident in one sense symbolises the way Hudson believed that humanity should interact with "nature", in his novel The Purple Land he wrote that "we" should

".....make her our obedient slave, then the earth would be Eden, and every man Adam and every woman Eve".

(Hudson 1927:262)

This is what has happened in The Crystal Age, nature clothes,

feeds and houses the people and in repayment they tend the environment and in a caring and responsible manner harness its many attributes. The result is exactly what Hudson described in The Purple Land, as the relationship between humanity and "nature" benefits both parties. The spiritual needs as well as the physical are also met and enhanced by this partnership. The "family" have learnt not just to appreciate their environment but they also know themselves better as a result of their constant interaction with "nature". Smith remarking upon the personality of one of the families young women that he has fallen in love with observes that

> ".....it was impossible for her crystal nature to be anything but truthful".
>
> (Hudson 1887:161)

The "crystal nature" referred to in that description is the quality that distinguishes the utopians from their visitor. They have learnt to be open, to be honest and to look at their thoughts and actions with a clarity that Smith finds alarming at times. As the title of the novel says it is a Crystal Age that these characters are living in. The implications for offending are obvious, crime as Smith and the reader understand it, no longer exist. The "family" have outgrown murder, theft and assault generations ago because of their development, yet different sorts of offences are still committed. The manner by which they are dealt with will be looked at as part of the final section of this examination of Hudson's novel.

The combination of the right relationship with nature and an awareness of the value of both their home and their family are the basic ingredients of Hudson's perfect society. It allows the individual member to both physically and spiritually grow in ways that Smith finds perplexing. For example he falls in love with one of the daughters of the family, Yoletta, who he believes to be in her teens, in fact she is thirty-one and the father of the house is almost two hundred years old. The treatment of the subject of the utopian's sexuality is worthy of brief examination as Hudson skilfully negotiates his way around the problem of crimes of passion that William Morris's society still experienced. When Smith first accidentally enters the utopia he sees the family walking towards him and observes that apart from the father of the house he was "at first puzzled" as to whether the group was made up of all men or, all women, or a mix of the two sexes. The confusion was because they were all approximately of the same height, had the same length hair and all had "smooth faces". His confusion deepens when he falls in love with Yoletta and kisses her for the first time, for after the embrace had finished she asked why the kiss had been so passionate. Smith responded by saying that it was because he loved her so much, her reply stuns him when she remarks

> "I know you do Smith. I can understand and appreciate your love without having my lips bruised".
>
> (Hudson 1887:155)

Later when discussing the subject of love Yoletta tells Smith that there is "only one love" and that for her is the love of the

"family". The young women is not simply trying to avoid the unwanted advances of her suitor, she means what she says for the characters in Hudson's utopian family have a greatly diminished sexual drive. He devised his community upon the model of the beehive with the family having only one fertile couple, literally the mother and the father. The rest of the family members are the workers, not sexless, but all have a greatly reduced sexual instinct, hence Yoletta's response to Smith. The image of the beehive is Hudson's and it appears several times in the novel, for example the father tries to understand Smiths explanation of what cities are by calling them "immense hives of human beings". The reason for this approach to sexuality lie in the authors' fear of a population explosion. The mother of the family discusses the issue with Smith and observes that the idea of a community in which all women are wives and mothers was a "very repulsive idea". She goes on to voice her concern that the "fruits of the soil" would be insufficient to cope with the number of mouths needing to be fed, and that the earth would be full off

> ".....degenerate beings, starved in body and debased in mind - all clinging to an existence utterly without joy".
> (Hudson 1887:196)

As a result of his views on the dangers of a population explosion, Hudson has also circumvented the concerns that Morris expressed about the only offence that he believed would never completely disappear, the crime of passion.

As already mentioned there are still a few crimes committed in

the novel and interestingly they are not ones that are recognisable as such to Smith. For example he is initially believed to have told a lie and is to be punished by the father of the house for this offence before Smith proves his innocence. When making his initial judgement the father observes even if Smith had not been told, lying was a crime he should have intuitively known as everyone has

> ".....the same law of right and wrong inscribed on the heart".
>
> (Hudson 1887:124)

That Smith did not know this was an offence is yet further evidence of his inability to really grasp the values of this community and also to know himself. He did have the same law "inscribed" on his "heart" but he either chose to ignore it or was unable to recognise it. This incident also reveals something of the manner in which offences should come to light in Hudson's utopia. There is no need for a police force or vigilante groups of whatever description because having committed a violation of the law the individual would not only be aware that what they had done was wrong, they would then seek to undo the wrong and confess it. However, this principle is interestingly not put to the test by Hudson because all the crimes described in the novel are witnessed by other members of the community. For example Yoletta damages one of the books in the house in a moment of anger in front of several members of the family. The role of investigating this offence or any other crime is taken by the father of the house, in fact he and his wife are central to both

preventing, detecting and punishing offenders in their community. Each of these stages are linked tightly together by the same individual, the father, dealing with all three aspects and also by the speed by which the last two are resolved. The first of these three aspects is undertaken when the father reads to the "family" from the books of the law in the evenings. He outlines the principles that they believe in and the way that they should conduct themselves. Smith little understood what was being read and observed

> ".....to my mind his theology seemed somewhat fantastical, although it is right to confess that I am no judge of such matters. There was also a great deal about the house, which did not enlighten me much, being to rhapsodical, and when he spoke about our conduct and aims in life, and things of that kind, I understood him little better".
>
> (Hudson 1887:75)

It is not surprising on reading Smith's views on the book of law that he committed as many transgressions as he did. With regards to the detection of offences the father again takes responsibility, but the task seems a light one. Not only are there few crimes to investigate but the small number that there are, are easily solved. The close knit nature of the "family" and the complete honesty of each individual mean that the full truth of any situation is known to all, not just the father. When it appears that an offence has been committed the father simply approaches the perpetrator where ever they are and firstly admonishes them and then tells them of their punishment. In each of the incidents in which the father decides to sanction an

individual for their behaviour, he discusses the offence with them. In cases where he did not see what occurred he begins by repeating to the offender what he understands to have happened in order to ascertain if it is the truth. For example when Smith becomes ill through over exertion and lack of food the father recognises his physical discomfort and does not "press" him for details, instead explaining that he

> ".....shall simply state your offence, and if I am mistaken in any particular you shall correct me".
>
> (Hudson 1887:237)

After the details have been established the father then passes his sentence, which was the same in everyone of the incidents described in the novel. He informs the offender that they must remain in their room for a period that he stipulates, so for example, Smith's punishment for lying, before he proves his innocence, is that

> ".....for the space of sixty days you must dwell apart from us, never leaving the room, where each day a task will be assigned to you, and subsisting on bread and water".
>
> (Hudson 1887:121)

The whole process of dealing with offence and offenders is characterised by the family's values of simplicity, honesty and belief in the ability of individuals to mend their deviant behaviour when given the opportunity to contemplate their actions. There is no need for the police or a vigilante group because each member of the family has been so moulded by their

environment that they prize the happiness of the others above themselves. They have over time translated the selfish instincts of humanity into a "crystal nature" which has given them greater insight into the origins of their feelings and actions. The community enjoys the peace and spiritual strength traditionally associated with the archetypal utopia, many of whose characteristics are present in William Morris's society and it is to his utopian novel that this thesis will turn to next.

The socialist community depicted by Morris is set in this country, one hundred and fifty years after its violent birth. During that time the reader learns that

> ".....a tradition or habit of life has been growing on us; and that habit has become a habit of acting on the whole for the best. It is easy for us to live without robbing each other. It would be possible for us to contend with and rob each other, but it would be harder for us than refraining from strife and robbery".
>
> (Morris 1890:262)

The source of this "habit" is the doctrines of socialism, which have been warmly embraced by all the people. Morris, like Hudson, describes a community which has few problems with crime albeit for different reasons. What offending that still takes place is the "error of friends" rather than the deliberate action of a criminal class. These errors tend to be of one particular kind, what Morris describes as crimes of passion. This study of News From Nowhere will focus on the same three aspects of policing examined previously when looking at Hudson's utopia,

those being, the prevention, the detection and the punishment of crime.

The principles of socialism serve Morris's community in the same way that nature did Hudson's. Whilst there are no formal books of law to be read to the people advising them on conduct and ideals to strive for, Morris's characters have a tradition of a strong and vibrant oral history. The visitor to the utopia meets a character called Hammond who acts as his guide for a while, but also, because he is an old man, he serves as an important link with the past. He tells the visitor about the revolution and the early days of the new community. In a sense his oral accounts serve the same purpose as Hudson's law books, they remind the listener of the wrongs of the past and therefore how to avoid the pitfalls ahead. For example, he describes what the causes of crime were believed to be, covering such themes as private property, the bias of the law to the wealthy and the repressive nature of the family. Sharing this knowledge with the people is one means of trying to ensure that the errors of the past will not be repeated and thus crimes will be prevented. Unfortunately the lesson seems to be in some danger of being lost for when discussing education in general, and history in particular, Hammond informs the visitor that many people "don't care about it". He goes on to add

> ".....that it is mostly in periods of turmoil and strife and confusion that people care much about history; and you know....we are not like that now".
>
> (Morris 1890:210)

Morris describes only a very small number of offences in his novel and as mentioned previously they are all crimes of passion. These offences are seen as "a mere spasmodic disease" which do not require a "body of criminal law" to deal with them, as a result the token role of detection and investigation is one taken by the community. Unlike Hudson's father character, the task of ascertaining what happened is shouldered by all the people in the village. However, there is little to be done as a similar honesty and openness exists amongst these people, as was the case with the "family" encountered by Smith in The Crystal Age. The violent death described towards the end of Morris's novel requires no investigation as the incident has been fully reported by the young man who killed the other. The visitor finds the process strange and observes that he could not

> ".....help wondering at first that the man who had slain the other had not been put in custody till it could be proved that he killed his rival in self-defence only. However, the more I thought of it, the plainer it grew to me that no amount of examination of witnesses, who had witnessed nothing but the ill-blood between the two rivals, would have done anything to clear up the case".
>
> (Morris 1890:355)

Interestingly the process of detection continues after the crime has been committed and the perpetrator has confessed. What is being examined is the emotional response of the offender to what has happened, for it is expected that he or she will demonstrate "grief and humiliation". If the response is found to be wanting then "society in general" will make "pretty clear" to them what

is expected. The reasoning behind this treatment of offenders is based upon Morris's belief that

> "In a society where there is no punishment to evade, no law to triumph over, remorse will certainly follow transgression".
>
> (Morris 1890:265)

The visitor questions whether remorse is a sufficient penalty for an offender who has taken anothers life. Hammond argues that it is the only concern that the community has because to give an individual further punishment would run the risk of turning "grief into anger". The sense of "humiliation" felt by the perpetrator may disappear and be replaced with a desire to be revenged for the communities "wrong-doing to him". The only instance when incarceration or restraint are contemplated is when the individual is deemed to be sick in body or in mind.

Morris's radical response to the policing of the community is clearly based on a system of belief which relies heavily upon the integrity of humanity and the ability of the community to act unitedly. His novel paints an attractive picture of a state in which no one wishes to "play the part of torturer and jailer" (Pg 266) and there are many who are prepared to be "nurse or doctor". Sadly its weaknesses become apparent when trying to visualise this system actually functioning. For example, when an offence has taken place the assumption is made that the local community are capable of acting in unison when faced perhaps by a violent crime that has resulted in the death of one of its members. The

fundamental problem is that Morris's depiction of his socialist communities lacks the sense of cohesion that was apparent in Hudson's family. They are portrayed as a group of healthy and content individuals, but the reader is given little sense of how they interact together except when working or feasting. Even the population of Morris's villages are not easily defined, as people move freely about the country. For example Dick the boatman in London at the beginning of the novel also works as a farm labourer several days journey up the Thames. This sort of mobility makes the sense of community that the novel evokes seem less credible.

There is also the problem that Morris does not tackle, that of the decision-making processes which would have to be gone through in order for the community to make a united response to a criminal act. The principles by which people should respond are clearly spelt out, but the mechanism which translates these ideals into practical measures is not fully explored. The situation described earlier in which one man killed another when fighting together is a case in point. The reader learns that the local community are fully aware of what took place, are satisfied with the remorse demonstrated by the killer and have urged him to consider a journey abroad in order to aid him in putting the tragedy behind him. What Morris fails to say is how these issues were all agreed, we are simply told the outcome and not the process. In contrast Hudson takes the reader through the system of justice that the "family" follow, and both the theory and the practice are made clear .

William Morris and W.H.Hudson were not alone in exploring the fictional possibilities of the community acting as its own police force. Other novelists such a K.Folingsby, Robert Buchanan and Richard Whiteing also wrote about this theme. The latter's novel, The Island (1888), is particularly relevant as it also portrays a community which is characterised by values that both Hudson and Morris held to be important. Whiteing places great stress on the honesty of the people and the visitor to the island observes at one point that

> "I had no idea of what truthfulness might mean, till I came here".
>
> (Whiteing 1888:74)

The author develops this theme more fully than both Hudson or Morris and goes on to make the important point that in the perfect community the only completely effective means of replacing the police was by the people accepting that "public confession" should follow any offence. This principle is unfortunately not put into practice during the novel, but it nonetheless remains the cornerstone upon which the concept of self-regulation is ultimately built in Whiteing's, Hudson's and Morris's utopias.

In concluding this chapter on the role of the police in utopia it is possible to make two broad generalisations about this theme. Firstly, the police were widely seen as being an ineffective organisation which made little or no impact upon the prevention or detection of offending. Secondly an alternative

was generally considered necessary, however, the effectiveness of these other means of policing the community is equally questionable. The range of these different proposals explored is considerable, authors such as G.Parsons and F.C.Smale equipped their police forces with the latest technology to assist them in their fight against crime. In the first instance this meant providing them with "air boats" to protect the traffic of the skies, and in the second certain police officers were equipped with collapsible wings which enabled them to detect offenders from the air and swoop down upon them when they least expected. Others like H.G.Wells in The Sleeper Awakes (1898) divided the police into a number of groups with responsibilities for different parts of the community. Wells in fact lists fourteen separate sections each with their own uniforms, including the council police (dressed in red), the Labour police (dressed in orange) and the police of the ways. Those novelists who portrayed societies without a recognisable police force were equally inventive in the manner in which they dispensed with them. Sidney Watson describes the chaos after large number of the police had been taken up by Jesus Christ's second coming. Francis Dickberry's The Storm of London (1904) tells how the police become unnecessary when every one awakes one morning to discover that their clothes have disappeared. As a result society has to adopt to being completely naked all of the time; it was therefore impossible to identify a constable by his uniform and so no one can call upon them for assistance. The entire constabulary is consequently made redundant. Despite the strange nature of some of the novelists' treatment of the police,

and the alternatives to them, a large number of writers seriously expressed their concern about this issue. It was a problem which was being discussed as earnestly in the years immediately prior to the First World War as it was back in the 1880's. During that time the same questions were repeatedly returned to without much advancement, the only consensus being that changes were required. One of the few novels that sought some kind of compromise between the extremes of the debate was Albert Taber's Work For All (1914). He recognised that the police were a necessary part even of the most stable and outwardly content society, yet he believed that their presence should be dramatically reduced, thus allowing the community as much freedom as possible themselves. Taber assigns one constable to every "division" of the people (8,000 individuals make up one "division") and writes that the police officer does not

> ".....patrol the streets, seeking and making criminals, as there is no need to do any seeking, but waits till someone complains about a wrong doer, when if satisfied, he arrests the culprit, without waiting for a warrant, entering any premises where he may be".
>
> (Taber 1914:68)

Such a compromise was rare and when analysing the utopian literature of this period it is easy to identify the sort of trends outlined in this chapter but little consensus. The problems for the writers of utopias who looked at the criminal justice system do not end with the police, for as the next chapter demonstrates there was even more discontent expressed about the role of the lawyer and on occasion, the sentencers.

In many ways the criticisms of the police were merely a foretaste of what was to come once the novelists began to focus their attention on to what happened within the courtroom.

Chapter Six: The Criminal Justice System in Utopia

> "Instead of the clearly written code, the lucid statements of rules and principles that are now at the service of everyone, the law was the muddled secret of the legal profession".
>
> (Wells 1906:75)

Wells' novel In the Days of the Comet (1906) is written in the form of the memoirs of an aged utopian citizen reflecting on his youthful experiences prior to the coming of the comet's gas. He remembers a "dark world", full of "preventable disorder", a society overflowing with discord and suffering. The old man also recalls there was no justice for anyone who was financially unable to "command a good solicitors deference and loyalty". The entire criminal justice system, its laws, its institutions and its sentences appeared to be malleable for those who had the advantage of wealth. It is the purpose of this chapter to examine the components of the criminal justice system mentioned by Wells, the law, the police and the courts. The subsequent chapter will go on to explore in greater detail both the role of the courts and the different professions, like the lawyers and Magistrates who worked in them. This chapter will address the subject of criminal justice systems in the following manner; firstly it will look at the importance attached to what authors like H.Lazarus and W.Tuckwell describe as "natural laws". This was the belief that there was some external power at work in the

affairs of humanity, and it lead many utopian authors to explore in their fiction the impact of these "higher laws" upon societies organisation. The second part of the chapter will examine four different criminal justice systems created by W.Le Queux, Alfred Morris, Richard Whiteing and H.Lazarus.

Natural Laws

> "There are eternal laws, and men must learn them. If men ignore them, there is a penalty".
>
> (Lazarus 1894:25)

"Eternal laws", "natural laws", "laws of nature", and the "irresistible evolutionary tendency" are all terms used by authors to describe their belief in the existence of a higher morality. Whether the source of these laws was God, social evolution or the "hand of fate" the outcome was the same as these principles would gradually exert their power on society and transform stagnant states into utopias. These laws require examination because they often form the foundations upon which authors like H.Lazarus, F.W.Hayes and W.Tuckwell built both their civil and criminal justice systems. Before looking at Lazarus's novel as an illustration of this process it is important to dwell briefly on the characteristics of these laws because individual authors interpreted them differently. An obvious starting point for this examination is the fiction of the Christian novelists like Sidney Watson, Guy Thorne, James Adderley and W.Tuckwell. For these writers belief in laws and principles that were not of human construction was a key part of their personal faith.

However, even amongst these writers there were different interpretations of how God's law would effect society. For example W.Tuckwell constructed his utopia upon the premise that

> ".....the worlds perfectibility is the logical outcome of belief in the Creator's perfectness".
>
> (Tuckwell 1885:16)

He believed that God's plan for humanity was to create a heaven upon earth, for Tuckwell's short story, The New Utopia (1885), is simply a fictional foretaste of what he believed was to come. Other Christian writers like Sidney Watson believed that the laws of God would in fact bring about the reverse of Tuckwell's hopes. Watson's two utopian novels, In the Twinkling of an Eye (1910) and The Mark of the Beast (1911), describe the collapse of society as all the christians are taken in the Second Coming of Christ. In the second of these novels one of the characters reflecting upon the spiritual condition of society prior to the Second Coming observes

> "If we had known our bibles only a tithe as we knew our newspapers, we should have seen that all we were glorying in, under the name of "progress" was but a perfecting of human systems, leaving God, and his purposes, and his plans utterly out of the question".
>
> (Watson 1911:100)

The division amongst the Christian writers between those who predicted a positive future for society and those who saw its decline is reflected in the fiction of their secular counterparts. The major differences being in the source of the

"natural laws" and the reason for their existence. This last point was not one that many novelists turned their attention to, and as a result the laws are most often simply described in action. For example Sir J.Vogel's novel Anno Domni 2000 (1889) portrays a society in which the "progress of natural laws" is evident to all as the state has gone from strength to strength. Vogel describes how this process appears to him when he wrote

> ".....constant progression, comparatively imperceptible in its course, attains to immense distances after the lapse of time".
>
> (Vogel 1889:27)

Both Vogel and Tuckwell pictured the laws which governed the development of the state as operating like a diagonal line drawn on paper which smoothly and slowly climbs from its base to its apex. There were to be no steps or faltering, just constant progress. Others adopted a similar view to Sidney Watson, that the laws which governed society would not allow humanity to develop beyond a certain point. This is a perspective that J.D.Beresford clearly articulates in his 1913 novel The Goslings. In it a plague virus spreads around the world killing the vast majority of the men. As the first news of the epidemic reaches England two characters discuss the existence of

> ".....some outside power which will not permit mankind to crystallize into an organism".
>
> (Beresford 1913:35)

The vagueness of the imagery of this example with reference only to an "outside power" and "outside control" is typical of the language used to describe both the source and the actions of "natural laws". Beresford is also vague when writing about the destructiveness that infringement of these laws has brought about in the past; he simply describes how "some eruption from outside" had repeatedly retarded social progress. The Christian writers were more certain, even if they did disagree about the outcome, when they were describing both the source and the purpose of the laws.

The value of H.Lazarus's contribution to this subject is that he is one of a small number of novelists who wrote a little more expansively about the secular version of these laws. The laws that he writes of are located in the study of history, for he argues that by careful examination the past will reveal its yet "undiscovered power" of providing a record of the future. Lazarus maintained that history's greatest lesson was that when "justice", "truth" and "sincerity" were highly valued by all members of the community then a nation grew in "greatness, power and wisdom". However, when a state was characterised by "injustice", "lying" and "mammonism" then that nation will "bleed to exhaustion". Once society had learnt that lesson and begun to sincerely embrace those positive values then its future was secure. Whilst his version of what the laws are is still couched in terms that are little better than vague generalisations his account is one of the most detailed provided by secular utopia writers. Perhaps he sensed the weakness of what he was writing

for the passage concludes with Lazarus warning against excessively seeking knowledge of natures laws as it was important for the scholar not to go beyond that "which is good for him to know". By ending in this way he curtails any need for further details as he hides behind the escape mechanism that too much knowledge of subjects like this is dangerous.

There were a small number of utopia writers who exploited what they believed to be the weaknesses of the arguments put forward in support of these eternal laws. Of these Havelock Ellis was the most clinical in his attack and in his utopia, The Nineteenth Century (1900), he directly challenges their stance. Concerning the sense of mystery evoked by some authors when discussing these laws Ellis wrote

> ".....the world is not a sacred mystery which we may never penetrate. Rather it is a mystery of which we may at any moment find the key....."
>
> (Ellis 1900:121)

The "key" for Ellis was not the understanding of some vague, ethereal "eternal laws" but the careful application of scientific knowledge in society's quest to understand itself and its environment. He reserved his most damning criticism for those authors who wrote about the inevitable march of progress mapped out for humanity. He observed that

> "....in passing from one stage to another they were always conscious of an exhilarating feeling of "progress", no

matter in which direction they were moving".

(Ellis 1900:160)

Ellis argued that every community experienced "perpetual slight oscillations", some of which could be construed as advances whilst others were setbacks. These he suggests were the "rhythmic vibrations" of which life was made up, to believe that they were ordered by some outside power or that they were always of a progressive nature was, in his opinion, to fundamentally misunderstand what was happening. The reason that these believers in progress were unable to realise the error that they were making was because they were "wrapped in the misty dreams of an impossible ideal" (Pg 122).

The degree of influence of these "higher laws" upon the utopian fiction of these writers and criminal justice systems in particular is difficult to quantify. Some authors like Lazarus used their views on these laws as the skeleton for the whole novel and the events which they portray are the flesh upon these bones. For example his central character, who adopts the "false name" of Carlyse Democritus, is the living embodiment of all the values that Lazarus espouses in his introduction. It was only because of his "ceaseless devotion", "genius and inspiration" that the initial revolution was successful and that the society that replaced the old order was so humanitarian in outlook. It is his personal values which also shape the new criminal justice system and its laws. Lazarus's use of this character and the tone of the legislation created are the key areas which are most

noticeably influenced by the laws he originally outlined. Other writers focus less on one strong character or the specifics of legislation and paint a broader picture of a community shaped by the principles or laws they adhere to. W.Tuckman is a good example of this for his short story, The New Utopia (1885), simply describes the strength and variety of life in a small village in the year 1995. It contains no characters at all just description of how different aspects of the community have advanced. Lazarus and Tuckman represent the two extremes taken by the utopia writers of this period as far as criminal legislation is concerned. The former imbues his new policies on offending with the lessons he has learnt from the "higher laws" and in a very real sense the forces of history described by Lazarus serve as the foundation for his justice system. In contrast Tuckman provides little detail of his communities approach to dealing with offenders. This is because his laws of inevitable social perfection have already conquered the problem of the criminal and as a result there are no more crimes to respond to. His utopian state has literally outgrown the problem.

Criminal Justice in Utopia

> ".....the idea of justice must be sacred in any good society".
>
> (Wells 1905:382)

The literary utopias of this period depict a range of measures designed to ensure that justice, and in this particular case

criminal justice, was properly exercised. Authors like Christopher Yelverton and H.Lazarus typify those who favoured a state dominated by an enlightened despot; William Morris and R.Blatchford gave the responsibility to the community as a whole, whilst J.Vogel and W.Stanley believed that large legislative assemblies were the answer. Such was the concern to convey the importance of this issue that some novelists devoted long sections of their novels to examining the philosophic origins of laws. For example H.G.Wells' A Modern Utopia (1905) dwells on the implications of a system of justice which hinges on legislation which limits liberty either through "Prohibition" or "Command". In contrast to these very specific novels the majority of utopias simply describe their particular mechanism for exercising criminal justice relying upon the defence that their approach worked. For those authors who wrote dystopias the aim was the reverse, their task being to discredit the model depicted. The substance of this section will be taken up with an exploration of these different systems of justice present in this body of fiction. The novelists observations will be divided into three, those that focus on what I have called pre-revolutionary justice; then revolutionary justice and finally post-revolutionary justice. The purpose of this examination is to focus on the relationship between the police, the criminal law and sentencing.

Pre-revolutionary justice

This level of justice is the one that the reader often becomes

immediately acquainted with upon opening a utopian novel for it describes the condition of a community or state prior to any change that the writer wishes to introduce. Because the picture described has yet to be shaped in the manner that the novelist chooses it is often characterised by criticisms of the existing order. A good example of this process is H.G.Wells In The Days of The Comet (1906) which describes in great detail the problems of the "dark world" prior to the intervention of the comet's gas. Whilst the traditional focus for criticism at this level of justice was the authors own society a few novelists replaced that idea with other targets, the most common of which was socialism. For example Walter Besant's novel, The Inner House (1888), begins by describing a community in which "all is pure, unadulterated socialism". It is a world in which the people are being shaped into the "perfect Type of Humanity" which will do nothing other than work a little, sleep, eat and breathe. Besant's novel depicts how a small number of individuals begin to discover their real selves and mount a successful revolt against the domination of socialism and the "grey existence" it has brought to all. Because both the themes of socialism and the writers own society have already been discussed when looking at other issues in previous chapters another, rarer, topic has been chosen to illustrate the sort of justice that is characteristic of this level, and that is the state controlled by women. Another of Besant's novels, The Revolt of Man (1881), will provide the material for this examination.

This utopian novel of Besant provides an insight into how a

criminal justice system is both established and maintained in a society which is characterised by repression and injustice. It describes the growth of the women's movement and how it obtained the vote in a succinct manner before focusing on their increasing involvement in the political life of the nation. This eventually lead to what Besant calls the "clack parliament" in which there were three times as many women as men sitting as M.P's. As their domination increased both the lower house and the monarchy were abolished, in their place the House of Peeresses was established. This meant that the country was ruled by an elite of hereditary peeresses as the dissolution of parliament had rendered elections unnecessary. Strict laws were passed by this group to "stamp out" male violence and reduce their freedom to meet together. Whilst little is written about the actual courts in the novel the sentencers are all women who view offences of violence to women as a threat not just to one individual but to the whole fabric of society. At the point at which the novel begins Besant's fictional state is beginning to totter, there were regular reports of outbreaks of male violence and the attempts made to suppress the growing dissatisfaction of the men were not effective. The reader learns that

> ".....the prisons were crammed with cases of young men who had "broken out"; that very soon they would have no more room to hold their prisoners; that the impatience of men under the severe restrictions of the law was growing greater every day and more dangerous to order".
>
> (Besant 1882:29)

The rest of the novel charts the rise of a mens movement which

eventually gains sufficient power to undertake a non-violent coup which returns society to its traditional male dominated state.

Besant's description of the justice system in The Revolt of Man cannot be viewed independently of the roles played by education and the church. He has cleverly welded the three together with the latter institutions providing a high level of support to the peeresses idea of justice. For example, the boys were taught in state schools to value "meekness", "modesty" and "docility" above anything else. At the same time the church was teaching them about the "religion of the perfect woman", as Besant observes

> "It was the only recognised and tolerated religion; it was not only the religion of the state, but also the very basis of the political constitution".
>
> (Besant 1882:137)

Men were taught that the peeresses were rulers by divine right and that to challenge their power was an act which neither the state nor God would forgive. This double injunction, when an act is deemed to be both criminal and also offensive to God, is an excellent example of a justice system uniting with other social institutions in order to reinforce its own strength. Those who contemplate criminal actions have been educated in a state which promises both human and divine punishment for their deeds. The importance of indoctrinating the children from the earliest years was widely recognised by the politician, the minister and the teacher, Besant describes how the ideology of the "Perfect Woman" was

".....carefully taught with catechism, articles, doctrines and history, to children as soon as they could run about".
(Besant 1882:137)

It was not just the formal educational opportunities that were utilised by the peeresses for Besant describes how even children's entertainment was used as a tool in this process. He cites how Punch and Judy shows were part of this as the children watch how Punch threatens his wife with violence and generally disobeys her and as a result is sentenced to death and hung. This presentation is viewed as being a "moral lesson" of "the greatest value to boys".

Besant's novel contains all the essential ingredients of a society whose criminal justice system is in the pre-revolutionary phase. The general tenor of the state is repressive in nature and the interests of a few are promoted above all else. The courts act as another means of support to the party in power, seeking not to dispense justice but to signal government disapproval for acts against the interests of the dominant class. As a result sentences are passed which are orientated towards both punishing the offender and making an example of them in order to deter others who may contemplate similar actions. Whilst the criminal justice system is often highly efficient it is not effective, for example Besant's prisons are extremely overcrowded. This demonstrates that whilst being well equipped to detect and sentence offenders the state has failed to overcome the problems that cause the criminal activity. The repression is unable to stifle the desire for reform amongst those who are

most afflicted by it. Besant's male characters inevitably rebel and the women are overthrown in probably the most peaceful revolution encountered in the utopian literature of this period. This was not a perspective shared by many of the other utopia writers whose description of revolts were often extremely violent. It is that next stage, revolutionary justice, which will now be examined.

Revolutionary Justice

> ".....there was no one in authority, and no order anywhere. Everything was chaos, and neither life nor property were safe from the predatory bands".
>
> (Le Queux 1910:51)

Le Queux's novel The Unknown Tomorrow dwells for most of its three hundred pages upon the horrors of a violent, socialist inspired revolution. The detailed portrayal provides one of the most explicit accounts of how criminal justice operates in such turbulent circumstances. Le Queux's approach to revolutionary justice is typical of those writers like Alfred Morris and H.V.Watson who chose to depict this phenomenon in extremely violent terms. At the opposite end of the continum of revolt are authors such as Walter Besant and H.Lazarus who portray large scale social transformations as taking place with little or no bloodshed. Both of these extremes will be studied beginning with Le Queux and concluding with H.Lazarus.

The socialist revolution, according to The Unknown Tomorrow,

began at a large meeting in Trafalgar Square which was attended by some fifty thousand people. The flash point which triggered its actual commencement was an attempt by the police to arrest the Socialist M.P. who was addressing the people. In the proceeding violence several officers are attacked and killed by the enraged mob, and in response the remaining police shoot into the crowd. As a result a "fierce and terrible battle" began to spread all over London. In the ensuing conflict the police and the army were unable to withstand the attacks of the crowds and so their ability to exercise control and either detect or deter crimes was quickly removed. During this initial phase of the revolt Le Queux describes how the "worst side of human nature" had taken control both of individuals and crowds. As a result there was little self control demonstrated by the revolutionaries, nor was there any effective external restraint exercised by their leadership or any other agency. Consequently a desire for revenge appears to have been the sole motivating spirit behind the notion of criminal justice that was evident at this time. Shops, houses and clubs were ransacked, fifty Members of Parliament were murdered and over two hundred undergraduates in Oxford meet a similar fate simply because they were the "representatives of the classes". Le Queux wrote that the more depressed areas of the country like Lancashire were the scene for some of the most frightening acts of violence. He describes how even "municipal officers" were murdered by the socialist "mob". This first phase of the revolt lasted a week during which time

"....this terrible lawlessness progressed unchecked, and

hundreds of the upper and middle classes were killed or maimed by the yelling undisciplined mobs".

(Le Queux 1910:55)

Le Queux's description of the revolt contains an interesting contradiction, for whilst labelling the actions of the crowds as criminal, their motivation for these offences is one of primitive justice. It is almost akin to the Old Testaments Mosaic laws of "An eye for an eye". The people are in their view simply returning the pain that they have suffered for generations. It does not matter that the individuals they attack are not necessarily the ones that oppressed them, as with the Oxford students, it was the fact that these were symbols, "representatives" of the class system, that was the important factor. That is the level at which criminal justice operated in this violent revolution.

The second phase of the new justice system began with the election of a Provisional Council of fifteen prominent socialists who replaced the previous government. The establishment of this group was the first attempt to provide some leadership for the people and to exert a degree of control over the actions of the crowds. However, the high level of violence still continued but it became increasingly systematic and less random. For example Wormwood Scrubs Prison was taken over by the revolutionaries, the prisoners were freed and it became an interrogation centre. Those who were taken there were all thought to be wealthy individuals who had hidden their riches from the socialists. The prison soon developed a reputation for using torture as a means

to making the more stubborn prisoners talk more freely. Le Queux describes how the horrors of the Inquisition and the French Revolution were combined together in the prison. He also wrote that there were daily large numbers of burials in "common pits" outside of the walls of Wormwood Scrubs. Whilst the violence was being carried out against the rich there were attempts by the socialists to impose a code of conduct on their own followers. This was not designed to prevent further acts of aggression, its purpose was to stop individuals keeping for themselves whatever property they recovered from their attacks on individuals or buildings. Those found to have committed such thefts were summarily executed and Le Queux describes that such a sentence was passed on at least a dozen individuals of both sexes, in London alone. Eventually the council were forced to act to restrain their more militant followers who continued to destroy large numbers of houses, shops and factories and so the Property Protection Law was introduced. Its effect was minimal and the third and final phase of the revolutionary justice began with the central councils realisation that they were unable to exercise any real control over large numbers of its supporters. This lack of control is demonstrated by the crowds selection of a new section of society to victimise after killing some 14,000 of the middle and upper classes. The new target was the Jews who were chosen for persecution partly for their wealth and partly because of the growth of racial hatred. Le Queux commented that

> "The barbarous treatment meted out to the Jews was terrible, unprintable atrocities being committed in that

blind madness of hatred".

(Le Queux 1910:160)

It would seem that the Jews had become the scape goat for the lack of success of the revolution. The wife of the leader of the socialists argued that every

> ".....disaster which has befallen the country ever since 1910 had been due to the power exercised by the Hebrew race against England".
>
> (Le Queux 1910:150)

It became an unofficial part of the revolutionary programme that racial purity needed to be fought for. The enemy now was the Jewish people but after them a new infinitely more powerful opponent would soon appear and that was the "yellow races". It was widely circulated that they were preparing to "swarm" into Europe and establish a new world order. As already described the consequences of the combination of fear and frustration stirred sections of the revolutionaries to new depths of violence and destruction. Once the Jews had either fled or been killed the people were left with no external enemy to fight against and their anger at seeing no improvement in their life style became focused at the socialist council. Serious bread riots broke out in a number of provincial towns and the socialist leadership discover that the former Prime Minister had become a rallying point for those who were beginning to oppose the new regime. As a result he was arrested and imprisoned in an attempt to reduce his political influence. At the same time Public Cautions are circulated around the country warning people not to incite any

disagreement with the council, this extended as far as not being allowed to speak or write against them. The penalty for being found guilty of such actions was two years imprisonment. This legislation had little impact and the growing discontent of the people lead the architects of the revolt to conclude that "humanity was not ripe for the ideal socialism" (Pg 243) and within a short period the council was forced to resign and the old government was re-established in power.

Clearly Le Queux's description of revolutionary justice was designed to show the inability of humanity to live up to the ideal of socialism. One of the novel's leading opponents of the socialists neatly surmises the authors views on the inevitable failure of this political doctrine when he observes, at the close of the story, that "you cannot alter human nature". Le Queux argued that competition existed in every society and that some people benefited from this whilst others did not, it was neither possible nor desirable to alter this. This view highlights the points made at the beginning of this chapter concerning the impact of "natural laws" upon a states understanding of justice. Le Queux paid particular attention to two such laws which focused upon the physical and moral condition of the people. Concerning the former he repeatedly described the followers of socialism in this novel as being of "unhealthy and degenerate stock". He then went on to make a clear connection between the external, physically poor state of the people and their moral condition. One of the members of the old order, a character called Lord Amesbrury, tells some of the revolutionaries that socialism is

doomed because of the "degenerate" nature of its followers. The core of this degeneration is the inability for humanity to really come to terms with its "selfishness and self-interest". Not only is this inherent characteristic of humanity the stumbling block for socialism it is also the point that destroys any possibility of revolutionary justice being anything other than retributive. Le Queux argues in effect that the vast majority of those who took part in the revolt were doing so not out of sympathy for the ideals of socialism but for what they could obtain for themselves. Their actions are repeatedly portrayed as being motivated by revenge rather than anything more noble. Once the violence of the revolution had become an integral part of overthrowing the old order Le Queux reveals another facet of humanity's selfishness. He depicts how easily the veneer of civilisation can be dissolved by acts of violence and in its place is revealed a primitive, animal-like lust for aggression. The novelist provides numerous illustrations of this point when he describes the actual details of the violence perpetrated by the socialists. For example in the first phase of the revolt the crowd are described as being "mad with the lust for blood"; later in their search for the wealth of the rich the people are again portrayed as maddened this time by their "lust for gold". Le Queux developed one particular character, George Sillence, as the personification of the "worst side of human nature". He is portrayed as being a "brute", "devoid of any human feeling" who personally carried out some of the most violent acts described in the novel. He and his followers were regularly portrayed as being at the forefront of the search for wealth in both homes and

the workplace. He was also responsible for organising and carrying out the bombing of a public meeting of the old government which killed four hundred people. Ironically as the revolution collapsed Sillence was captured and tried by the reconstituted government, on being found guilty of murder the people dragged him out of court and hung him on the nearest lamp post.

In conclusion throughout the revolution there were no attempts made to establish a new system of justice based upon the ideals of socialist doctrine, indeed as it began to finally falter the council became increasingly repressive. The freedom given to the rank and file followers of the revolt meant that the previous justice system, with all its many faults, was replaced by a large number of individuals and small groups exercising their own notion of justice based on a desire to be revenged. For example there is no mention of any of those held in prison or killed by the socialists as ever having been accused of committing an offence or receiving a trial. The only mention of any individual being tried and convicted takes place after the revolt had failed and that concerned the character George Sillence. Le Queux's novel paints a gloomy picture of humanity's selfishness, however he drew one positive lesson from the failed revolt and that was that society had been "purged" of "many abuses" and

> ".....awakened to many serious truths which had hitherto been overlooked".
>
> (Le Queux 1910:330)

In contrast to the pessimism of anti-socialist authors like Le Queux, there were those novelists who portrayed successful revolutions and ones in which justice was enhanced not retarded. Henry Lazarus's The English Revolution of the Twentieth Century (1894) is a good illustration of this latter type and his novel will provide the basis for examining this issue.

The revolt portrayed by Lazarus is a considered and planned event with a clear leadership and specific goals, it is the exact opposite of the chaos depicted by Le Queux. The recognition of the need for a fundamental change in the way in which society was organised began in the Salvation Army and within the organisation the League of the Social Revolution was established. Gradually its membership increased until almost the entire Army shared the belief that a revolt was necessary. This view and the means of accomplishing it were secretly passed by the League throughout the length and breadth of the country and so on the day designated Lazarus describes how

> ".....the gigantic machinery of the state became reversed as easily as a floating warship to the "Port", or "Starboard" of her commander".
>
> (Lazarus 1894:35)

The final preparations for this revolt had been completed when the League had managed to persuade large numbers of the police and army of the legitimacy of their cause. As a result there was very little bloodshed on the day of the revolution, a few army officers being the only victims. The first step taken by the

revolutionaries to secure their position was to ensure that every public house was closed and a guard put on it. Those designated to police this action were given clear instructions to execute any publican who chose to challenge their authority and who tried to open their hostelry. The second step saw the arrest of large numbers of Members of Parliament, Lords and Bishops who had been active in suppressing the people and denying them there rights. Once the powerful members of the state had either been won over to the revolt or arrested the next batch of arrests began and those concerned were money lenders, owners of slum housing, officials who were known to have been corrupt and landlords who had owned public houses situated in a slum. The purpose of the first arrests was to break the power of the state and reduce its chance of co-ordinated retaliation. The second round of detentions also concerned some individuals from the first group but the majority were those who had financially profited from the misery of the people.

The early stages of Lazarus's revolution are characterised by a strong sense of discipline. Unlike the socialist crowds of Le Queux's novel the League were able to exercise control over the actions of its adherents and thus ensure that there was very little violence. The previous paragraph outlines how the public houses were closed and guarded to ensure that they remained that way. What is interesting is who was actually delegated to undertake this task, those responsible were a combination of constables, soldiers and civilian members of the League. In effect a new police force had been born. Like Le Queux's crowds,

these individuals were instructed to execute those who opposed their orders, however this is a rare example of offenders being sentenced without trials. Such was the League's concern to deny the crowds access to alcohol that they were prepared to make this important exception to the revolutionary justice they established. Having made that observation it is significant that Lazarus does not record any incidents when the owners of public houses tried to disobey their instructions.

Those individuals who were detained in the two waves of arrests that took place initially were all given a trial in the "Court of Judgement of the Revolution". Whilst the details of the trials that take place at this time are few, Lazarus does make it clear that this is a specially constituted court and one in which the sentencers are not drawn from the states judiciary. Both the Magistrates and Crown courts are retained during this period to deal with what the author describes as the "usual smaller criminalities". Not only is the revolutionary court an addition to the criminal justice system the sentences that it passes are also new. For example those found guilty of owning slum housing and lending money with high interest rates were sent to a very different kind of prison. The members of the League identified some of the worst buildings and then blocks of these houses were turned into what became known as "slum prisons".

Whilst some of the convicts were being transported to these new institutions, in which they were to remain until they died, the crowds in London manage to overpower the guards and the sort of

violence that Le Queux reported as a daily occurrence took place. In their thirst for revenge the crowds are described as having "hacked to death" over a thousand convicted prisoners. These incidents coupled with the deaths of the few army officers at the very beginning of the revolt are the only times when the tight control of the League appears to temporarily falter. Lazarus makes no attempt to distance those who orchestrated the revolution from these acts, the absence of any disapproving remarks suggest that in his view these victims were in fact receiving the sort of sentence that natural justice demanded. Although the crowds in London had taken matters into their own hands on this occasion the Court of Judgement refused to bow to the pressure for this sort of punishment to be sanctioned by them. Throughout the time that this court sat there is no record of any death sentences being passed, instead all those convicted were sent to the slum prisons. In a similar move to that adopted by Le Queux the lands, wealth and houses of these rich prisoners were taken by the state and used to support the poor. The houses were immediately utilised to provide accommodation for those who had formerly lived in the slums. The new tenants were subject to the most "thorough-going measures" to ensure that "order, cleanliness and discipline" were always maintained. Lazarus writes that

> "Any breach of duty, or abuse of the generous shelter provided, subjected the offender to immediate punishment and removal".
>
> (Lazarus 1894:65)

It would appear that these sanctions were applied by the members of the League delegated to supervise each house and that the offender was not punished by any tribunal or court. This extremely localized response to exercising justice coupled with the use of the existing criminal courts and the temporary installation of the Court of Judgement was the totality of the revolutionary justice system. Its strength obviously being its ability to deal with criminal matters in a wider variety of forums than was previously possible.

In the first part of this chapter Lazarus's belief in "eternal laws" was briefly mentioned, the influence of this view can be clearly detected in his description of revolutionary justice. Lazarus describes his "laws" as having two primary sources, history and spirituality. He describes how history should be viewed as a "lesson" which can be used to "teach us" how to act. The most important conclusion reached by the League's leader, Carlyse Democritus, from his study of the past was that it was vitally important for society to understand and experience a new sense of "order". This seemingly vague generalisation in fact had very concrete implications for the development of the new society for it extended to all aspects of social organisation, from the need to have a dynamic government prepared to both lead and to guide the people, through to local centres of population taking more responsibility for their own communities. With specific reference to criminal justice the League introduced a series of simpler criminal laws to be administered by a much wider variety of courts. In so doing the confusion and hypocrisy

that Democritus believed were the hallmarks of the previous system were done away with. Additional rationalisation of the selection of sentencers was also undertaken, the implications of which will be examined in the next chapter. As for the lessons to be drawn from humanities spirituality the whole success of the revolution was based upon Carlyse Democritus's ability to understand the "craving" of the "human soul" for both "spiritual as well as material succour". This insight was of particular relevance to the Leagues notion of revolutionary justice. For example the reason that the public houses were closed was because it had been recognised that the souls of the people had been so starved of the teachings of the church and the physical comforts that the middle and upper classes enjoyed that they were prone to the influence of the "infernal one" when drunk. Lazarus describes how in these circumstances the "temptations" to give full vent to their frustration and rage was "too strong" to be born by the people.

Lazarus's novel was not alone in portraying a largely peaceful social transformation. Other authors like F.W.Hayes and Z.S.Hendow also described revolts which successfully avoided the descent into violent anarchy. These writers were however in the minority as the vast majority of other novelists, be they socialist or conservative, believed that large scale violence would be the only outcome when revolution was attempted. Any attempts to bring into being a criminal justice system during this time, that did not reflect widespread destruction and aggression, was largely viewed as being foolishly optimistic.

Post Revolutionary Justice

The wide diversity of utopian fiction written during this period produced an enormous diversity of new justice systems arising out of innumerable revolutions. This concluding part of this chapter will focus on the extremes of this theme, Richard Whiteing's novel, The Island (1888), providing the illustrative material for the examination of utopian justice. In contrast to this Alfred Morris's Looking Ahead (1891) will provide a powerful example of dystopian justice. Concerning the first of these, Whiteings' novel is set on the island of Pitcairn and the people who now inhabit this tropical paradise are the direct descendants from the mutinous crew of HMS Bounty. The novelist concisely describes how the sailors had been unable to settle and that as a consequence "wild debauchery" had been the most common characteristic of their community. The mutineers then began to fight amongst themselves and in ensuing violence all but one of the group were killed. Concerning this survivor the history of the islands records that the man

> ".....struck with horror and remorse, takes a turn to piety, and knowing nothing of heredity, is simple enough to believe that God gives the race a fresh start with every generation".
>
> (Whiteing 1888:56)

The children that he fathered from the native women were brought up to follow the precepts of Christianity. This faith mingled with the personality of the islanders, and aided by the qualities

of their environment produced a race of people who were truly utopian citizens. They possess a "virtue that almost ignored evil", they were "strong", "gentle", "truthful" and "brave" and they had the "most wonderful curiosity in life". Given these personal characteristics it is hardly surprising that the islanders have little problem with crime, and therefore have a system for dealing with offenders which is simple in the extreme. Before looking at that structure it is important to make the point that it is the spiritual and psychological transformation that the people have experienced that makes their approach to the apprehension and sentencing of offenders function properly. This "new human type" that Whiteing describes has much in common with the pictures painted later by William Morris and Robert Blatchford of their utopian citizens. What these authors did was to shift the emphasis from the need of the state to provide a justice system to the individual taking full responsibility for their actions and the actions of their neighbours. Once this responsibility has been accepted and acted upon the need for an imposed central system diminishes markedly. Novelists who were unable to share this optimistic vision of humanity, like Le Queux and H.Watson, had to place their faith in administrative procedures and processes in order to try and achieve the same result. There was no such necessity in Whiteing's utopia, there was no police force, no lawyers, only one Magistrate for the whole island and no prison warders. The Governor of Pitcairn also acted as the sentencer, he is elected annually in an election in which all adults participate. Any adult member of the community is free to stand for the office, there is no

selection process to be undergone and as a result the successful candidate can legitimately claim the support of the majority of the voters. The current incumbent is described by the novelist as lacking the sartorial elegance normally associated with the occupier of such an important office. His principal attire consisted of a blue seaman's outfit with brass buttons. This coupled with his lack of desire for social distinction lead the visitor to the island to initially conclude that he "came somewhat short of the common conception of a governor" (pg 64). As the Magistrate, his task was to

> ".....carry out the laws, and when there's any complaint to call the people together and hear both sides".
>
> (Whiteing 1888:69)

The simple legal process that the islanders have has three stages to it; the first involves the Magistrate hearing the case and then passing sentence, the convicted individual has the right to appeal and this brings in the second phase; a jury can be sworn in to hear the case afresh and reach their own verdict; the third and final stage, if a further appeal is submitted to the court, is to wait for the next British man-o'-war to come to the island where upon the Captain is asked to hear the case and his decision is agreed by all to be binding. The Magistrate is asked by the visitor if he has ever considered sending the more perplexing cases to the House of Lords to hear the appeal, he responded by saying

> "We shouldn't like to trouble you, sir, thank you , all the

same".

(Whiteing 1888:72)

Whilst the details of the way in which the courts operate are not described in great detail it is apparent that there is no role for the lawyer in the administration of justice. There is also no place for a prosecutor acting upon behalf of the island state. When a "complaint" is brought against someone, both the plaintiff and the accused must represent themselves. Despite the adversarial nature of this system there seems to be no evidence of friction between the different parties, even whilst waiting for the final appeal to be heard by the next British Captain everyone remains "friendly enough". Regarding the detection of offending this is accomplished in two different ways; if there is a victim of a crime or a witness then that person is free to bring their case to the Magistrate and the legal process outlined above is then begun; the second stage is for the offender to admit their responsibility. This is the primary way in which crimes are resolved, as Whiteing observes the "want of a detective police" has been completely replaced by "public confession".

Clearly the systems for dealing with offenders on Pitcairn is only possible because of the moral regeneration that the people have experienced. As the Magistrate observed they are not "wicked" but on occasion they are "careless". Unfortunately one of the least convincing aspects of the novel is the manner in which this transformation takes place, and as a result the novel

appears somewhat simplistic. The visitor to the island is told that the secret of the people's happiness is that they had learnt to leave their "weakness" and "badness alone and try for goodness, that is all" (pg 118). The people are presented as being physically and morally perfect but do not progress beyond being one-dimensional characters. It would have been interesting for Whiteing to have looked at the one remaining serious crime that troubled William Morris's perfect state, the crime of passion, and examine its effects upon the state. Whiteing briefly refers to this subject at the close of the novel when he describes the visitor's feelings upon kissing one of the young women. The character describes how he could feel "the brute that is in each of us" beginning to stir. Sadly this response is not examined any further, and as a result the most serious crimes portrayed in the novel are carving upon the trees and killing a neighbour's cat. The one value of the islanders child-like simplicity is revealed when the author uses it for satirical purposes. This is particularly effective when they discuss their hopelessly romantic image of Britain. For example, when discussing the process by which legislation is created, the Governor describes the British Parliament as consisting of

> "Over a thousand people to make the laws; and at it day and night too! The moment anything goes wrong anywhere, there they are, waiting on the premises, as you might say, to put it right".
>
> (Whiteing 1881:90)

In stark contrast to the optimism of Whiteing and the other

socialist novelists is the picture painted by Alfred Morris. His novel describes the activities of a group of men, women and children who are shipwrecked on a remote island and then depicts the state of Britain once the survivors return home many years later. Both of these aspects of the novel will be examined in turn. The survivors from the sinking ship, some seventy in total, vote to become a socialist republic until they are either rescued or find means to escape their barren island. Amongst the fledgling community are several ardent socialists who hold a considerable degree of influence over the majority of the others. When deciding what laws they should adopt as a group one socialist, a character called Mrs Miller, argues that there should be no restrictions what so ever. She said that

> "Laws were made for slaves, not for free men. To distrust the people, or to believe them capable of injustice, was the way to make them untrustworthy and unjust. Perfect trust would begat perfect trust, whilst distrust would beget distrust".
>
> (Morris 1892:134)

This argument was warmly accepted by the majority and the decision was taken to have no laws at all. Several weeks later however, a violent quarrel between two men over one of the few eligible women lead to one murdering the other. The community decided that the offender should be tried for his crime and after much debate two members of the group were appointed to act as prosecutors and two as defence representatives. The trial takes place in front of the entire community, each of which was entitled to vote by secret ballot on the guilt or innocence of

the accused. It was agreed before the start of the trial that a two-thirds majority was required for a conviction. After a spirited defence by two of the socialists acting for the offender he was acquitted and freed from the secluded confinement he had been restricted to throughout the trial. The effect of this decision was quickly felt throughout the community as the people began to realise that they had effectively given everyone the warrant to commit any crime they choose, "distrust" was beginning to "beget distrust". The situation worsened when some days later there was an attempt by the unconvicted murderer and several of his peers to steal the guns and the ammunition that the community possessed. The attempt was foiled and in the ensuing fight to keep the weapons secure the murderer was shot dead. As a direct result the community decided that living without laws was no longer advisable and so they voted to bring into force the common laws of England, so far as they were "known and understood". A governor was appointed along with an executive council and a militia whose responsibility it was to act as an unarmed police force. Each individual wishing to be part of this new society was expected to swear allegiance to the British Crown, those that refused to do so suffered an extensive range of penalties which included being deprived of the right to acquire property. In addition the executive agreed that those who refused to declare their allegiance should

> ".....be supplied with lodging, food and clothing, on a scale to be fixed by the doctor, as sufficient to maintain health, and should be required to live apart from the rest of the community. No intoxicants to be served out to them,

except as medicine on the written order of the doctor".
(Morris 1892:172)

The Social Republic had been doomed to fail from the moment of its inception according to Morris because of the inherent "selfishness and weakness" of humanity. Whilst he started from a similar position as Whiteing, namely that men and women have an "innate" awareness of what is "right", Morris argued that this would only function whilst the individual continued to enjoy "moderate prosperity". As soon as some form of adversity occurred then this "innate" sense would be lost as the individual became caught up in a struggle to ensure their own needs and perhaps those of their family were met. It is for that reason that the Republic was, according to Morris, never going to succeed. The island upon which the survivors had landed was a long way from the normal shipping lanes, consequently rescue was unlikely. Its climate was poor as was the soil, so the chances of growing crops was limited, as a result the food supplies salvaged from the ship were in danger of being exhausted in several months. These circumstances over rode the inclination to follow the dictates of conscience and once the decision had been taken to have no laws or sanctions the violent consequences were, in Morris' view, inevitable. This latter decision was of particular significance for it meant that there was nothing to "repress individual dispositions to excess". This being the primary function of laws according to Morris. The situation was only manageable once a legal framework had been established, a police force formed and a clear code of punishments set up. In

order to impress upon the people the need to conform the initial penalties upon those who chose not to swear allegiance were severe and were passed without an individual having any right to appeal. The only means of their removal was for the person to change their mind and take the oath.

Eventually a small number of individuals escaped from the island and upon returning some years later to Britain they discover that what had happened to them had merely been a microcosm of what had taken place in England. A general strike had led to the fall of government which was then replaced by a socialist administration. Their radical programme reduced the country to "pandemonium" in a matter of days. The fundamental mistake made by the socialists was identical to the island experience, for having depended upon

> ".....the instinctive sense of right, inherent in human nature, they had launched society on an inclined plane, and now found themselves absolutely powerless to arrest the downward process".
>
> (Morris 1892:246)

As the food began to run out and it could no longer be bought or stolen the social turmoil intensified and only began to dissipate as epidemics decimated the population. Within the space of a few years the entire country had reverted to a primitive form of feudalism in which each important land owner became a "sort of king". There was no longer any central government control and as a result each tiny state made its own laws, operated its own

police force and carried out its own sentences. The concept of dealing with offenders in a specially constituted court had largely passed away and had been replaced by the "king" hearing a case personally and deciding what the punishment should be. As these rulers felt that they were not answerable to anyone the hearings undertaken were frequently biased and the sentences savage and designed purely to punish. Morris's novel deliberately highlights the impact of socialism upon a small community and then for the latter part of the novel opens the debate further to embrace the entire British Isles. In so doing he allows the reader to see the impact of socialism upon the many functions of the state, and as has been demonstrated the effect upon the criminal justice system was catastrophic. The principal reason for the failure of the socialist approach to such a system lay not in their ideology or practices but in the "inherent" inability for humanity to be able to manage the freedom given to them. The belief that no laws were required is described by Morris as "specious" because it is based upon

> "..... the assumption that no individual, impelled by human nature inherent in man would ever seek to employ his greater intelligence, or his greater physical strength, inorder, in the name of freedom, to oppress his weaker neighbour".
>
> (Morris 1892:135)

In fact the author's interpretation of socialist values meant that he did not have to create any complex justice system in his dystopian world. He argued that with such an ideological base there would be no laws, no police, no courts or any need for

punishment, his portrayal simply required there to be no social structures whatsoever. As a result the focus of his attack is different to many of the other anti-socialist writers because he dwelt primarily on what he believed to be the values which underpinned the beliefs of the socialists. In contrast novelists like Le Queux and Jerome K.Jerome both were primarily concerned with the consequences of socialism.

In concluding this section on Morris's novel it is important to link his views on the inherent weaknesses of humanity with the discussion at the beginning of this chapter on "natural laws". His dystopia makes no reference to external forces shaping either individual actions or those of a community, instead he focuses his attention upon the impact of what he describes as the "innate" characteristics of humanity. These factors serve the same function for Morris as the "laws" do for novelists like H.Lazarus and F.W.Hayes. Both are beyond the control of humanity, they may be known about and even understood to a degree, yet they remain beyond man's sphere of influence. For example knowing that individuals were inherently selfish did not mean that it was possible to change people's actions. Both the "laws" and Morris's characteristics provide boundaries beyond which neither the individual nor society as a whole can cross. The best option for Morris's characters was to recognise their weaknesses and build a society which minimized the possibility of them being given space to develop. To destroy the social structures which acted as the checks to "inherent selfishness" as Morris's socialists did on both the island and in Britain lead

to inevitable disaster. This descent into anarchy was also a consequence for the deliberate flouting of the "laws" which govern society. Morris's "innate" characteristics can be divided into two types, the first which shape the moral development of each individual and the second which effect both the physical and mental capacities of every person. The former of these has already been discussed when examining Morris's belief that our sense of what was "right" only functioned well during periods of comfort and social stability. Concerning the second type of "innate" characteristics Morris argues that some individuals have far greater abilities than others and therefore what these stronger individuals have to offer is more significant than their weaker counterparts. To ignore this principle was to once again to court disaster for society, this is born out by the experience of the survivors of the ship wreck. As Morris recounts about the failure of the island "Social Republic" the attempt to introduce the principle of complete equality between all individuals failed.

> ".....as it always must fail with any community, because while equal rights were quite susceptible of exact definition, equal duties could only practically be worked out by equal capacities, and capacities are never equal".
> (Morris 1892:133)

This concern over the inequality of capacities was not new to Morris it was frequently expressed in the literary utopia by those opponents of socialism throughout the period under examination. Jerome K.Jerome took this particular issue to a

bizarre conclusion in his short story The New Utopia (1891). All the characters in his socialist state enjoy an identical life style, they all dress alike, they all eat, sleep and even wash at the same time. The people of this state have no individual identity, each is like the other in both manner and appearance. Jerome's state had not only ensured that equality was achieved at a political and social level it also endeavoured to rectify the inequality that nature introduced into the community. For example every citizen had black hair, those not born with this colour had their hair dyed. The character acting as guide to the obligatory visitor to this state explains why this decision had been taken

> "What would become of our equality if one man or woman were allowed to swagger about in golden hair, while another had to put up with carrots? Men have not only got to be equal in these happy days, but to look it, as far as can be".
> (Jerome 1891:266)

Morris's novel of course does not go to the satirical lengths of Jerome, instead as adversity reaches both the island and Britain the strong and the ingenious prosper at the expense of their weaker neighbour. There is no clearer illustration of this than during the final chapters of the novel when he describes the decline of Britain. In the feudal world portrayed, the rich and powerful use every means at their disposal to safeguard their own position and to forcefully dominate their miniature kingdoms.

In concluding this chapter's examination of criminal justice

systems in the literary utopia, one final point needs to be made and that concerns the detailed nature of the systems depicted by the many novelists. Not only had novelists like William and Alfred Morris, H.Lazarus and Le Queux, to name but a few, presented in their respective novels complex systems of criminal justice, they had also demonstrated how these systems can alter in response to changes in the fictional state. They were in other words presenting a living model which evolved, either positively or negatively, as the novel progressed. The next chapter will focus on the very centre of these criminal justice systems, the courts.

Chapter Seven: The Utopian Courts

> "The Court was a large and lofty octagonal hall, its ceilings and sides covered by heavy drapings of black, upon which were written in characters blood red these various texts, "because ye have oppressed and forsaken the poor". "Who so stoppeth his ears at the cry of the poor, he shall cry himself but shall not be heard".
>
> (Lazarus 1894:88)

The heart of the criminal justice system, the court, received a considerable degree of attention from the literary utopias of this period. The interest was such that authors as diverse as H.Lazarus, Hall Caine, E.G.Herbert and G.Thorne even devoted parts of their novels to describe the physical properties of the room in which the court sat. Despite this high level of interest there was seemingly little consensus about the best way that this part of the criminal justice system should operate. At one end of the spectrum is the chilling description of H.Lazarus's Court of Judgement of the Revolution which sentenced hundreds of government figures to life imprisonment. In complete contrast to this is the court described by Samuel Butler in Erewhon Revisited (1901) in which justice is informally dispensed in the market place. Butler writes of how the mayor and "two coadjutors"

> ".....sat weekly on market-days to give advice, redress grievances, and if necessary (which it very seldom was) to administer correction".
>
> (Butler 1901:120)

The later stages of this chapter will examine several of the different types of court encountered in the utopian novels. H.Lazarus and F.W.Hayes both provided detailed accounts of the courts in their respective novels which were used to harness and eventually subdue the criminals in their revolutions. In contrast to the success of these two novelists creations are the courts depicted by Hall Caine in his novel The Eternal City (1901) and G.Thorne in his novel Made In His Image (1906). Both of these writers describe courts which far from being successful, actually make their respective states less stable. However, before embarking on this examination, two of the key professions working within the courts, the lawyers and the sentencers, are important to focus upon. Not surprisingly they were identified by a large number of authors as being of central importance to the implementation of criminal justice.

The Lawyer

> "The men who perform the functions of the law are the most venal of all. They are inhuman monsters, vying with the worst of the tyrants, great and petty....."
>
> (Wilkie 1902:62)

The chorus of disapproval directed at the lawyer and the barrister stretched across the thirty four years that this research embraces and was shared by authors of all political persuasions. Even those novelists like George Griffith whose utopian fiction was of a more sensationalist nature joined in the criticism. His observations in The Outlaws of the Air (1895) are

typical of the charges laid by many other writers. At the close of this novel the anarchists, who had captured a number of flying machines and used them to bomb several cities in England, are captured and put on trial at the Old Bailey. They enlist the aid of a barrister, whom they pay with stolen money. He puts their defence to the Court, arguing that as no one saw the crews of the flying machines who carried out the bombing then it was impossible to convict the men in the dock. His clients were in court simply because of circumstantial evidence, no-one had seen them commit a crime. Such was the eloquence of his defence that it seemed possible that the jury would return a verdict of not guilty. However Griffith describes how

> ".....for once, at least, twelve jurymen declined to be fooled by legal technicalities and forensic trickery".
> (Griffith 1895:364)

This brief scene contains the majority of the key criticisms levelled at lawyers in the utopian fiction of this period. The first one concerns their financial greed, for there is the clear inference that the barrister knew the money was stolen yet this makes no difference to him. In another of Griffith's novels The Women Against The World (1903), another barrister is found to have taken a bribe. This character, Mr.Copham, was employed as prosecuting council and was persuaded to find an innocent man guilty in order to protect another. As a result of the barrister's intervention the defendant is found guilty and hung for a crime he did not commit. This link between financial greed and the lawyer is expanded upon by F.W.Hayes who argued that they

shared the same "instincts" as the "blackmailer" and the "slave-driver". To him, and many others, the legal representatives were simply another form of criminal, seeking to promote their own interests at the expense of justice.

The next point to be drawn from Griffith's barrister in the Old Bailey is the way he is depicted as obscuring the search for truth and justice. The author describes how he deploys a range of "legal technicalities" and "trickery" designed to confuse the court and intended to allow guilty men to go free. A.E.Taber expresses the same opinion in his short story Work For All (1914) when he wrote

> "The duties of lawyers seems to be to hide as much of the truth as possible, and to use all legal means to defeat the ends of justice and equality".
>
> (Taber 1914:99)

A final example of the many descriptions of the lawyer's negative effect upon criminal justice is found in W.Stanley's novel The Case of The. Fox (1903). He wrote how the courts were full of "men of education" who were "licensed and encouraged" to "misrepresent" by every means possible the case in which they were involved in. The same characteristics are applicable to Griffith's Old Bailey barrister who, in Stanley's words, thrived in a system in which justice depends upon the "loquacious ability of a bantering council". This common complaint seems somewhat unjust for the advocate was simply exploiting the system and was only allowed to do so because of the nature of the courts. The

lawyer was in fact a symptom of the justice system's failure rather than the cause of its inherent weaknesses. The adversarial manner in which cases in court were heard placed great emphasis upon the verbal skills of the respective councils. Inevitably this left open the possibility that the truth of what happened in a particular case could become obscured by a skilled defence advocate who sought to confuse the issues rather than clarify them. Yet the responsibility for this flaw appears to be continually attributed to the lawyer. This incorrect diagnosis may have its roots in the fact that the lawyer was identified as being responsible for guilty men and women being freed by the court. They were perceived as the most prolific expounders of what Stanley describes as "legal untruth". In his utopia he describes how this form of distortion was now recognised as being "as objectionable as other untruths". In fact he writes that

> "With advanced public morals.....the falsehood of a public man becomes worse than that of a private one".
>
> (Stanley 1903:182)

The response of most utopian authors to the problems posed by the use of both defence and prosecution lawyers was to simply remove them from the court altogether. Whilst this particular change will be examined in greater detail later in this chapter the most commonly preferred alternative to the old system was to let the defendant and the plaintiff bring their own cases. An example of this can be found in A.Taber's Work For All (1914) which describes how the court personnel have been almost entirely

phased out. All that remains is a Stipendiary Magistrate, the defendant and the person bringing the charge. What Taber and other authors who adopted a similar approach seem to have overlooked is the fact that they have exchanged one form of verbal adversarial conflict for another. The defendant and the plaintiff would not have the knowledge previously possessed by the lawyer and this would undoubtedly greatly reduce the prospect of "legal untruth" becoming common currency. However, it still places a premium upon verbal skills and the ability to martial a clear argument. The danger that a case may be decided because of the articulate abilities of one side or the other remains as likely in this new system as it did under the old.

The Sentencer

In the wide variety of states that are depicted in the utopian fiction of this period the individuals chosen to take the role of sentencers come from a startling array of backgrounds. W.Watlock and Samuel Butler gave the distinction to the mayor; G.J.R.Ousley and R.Benson allocated members of the church the task; C.Yelverton and Richard Jefferies favoured the dictator and the king respectively; Walter Besant gave the responsibility to the medical profession and R.Buchanan advocated that the philosopher should fulfil the role. In addition to these serious suggestions were the satirical ones which cannot really be surpassed by Harold Gorst's proposal in his short story The Pole of Heredity (1898) which sees the task being taken on by an extremely young baby. In this piece of fiction the author

indulges in a comic fantasy of role reversal in which the child is responsible for the parents. The children in Gorst's fictional world are all born with a "ready-made stock of intuitions" and a "rich inheritance of experience". The particular child which is the focal point of the story is given the role of Magistrate to the Fourth Area by the Prime Minister who is only a few years older than the baby. The reader is allowed to witness this particular sentencer at work and the details of a number of cases are outlined. One focuses upon "an amusing assault" involving the occupants of a balloon and a flying machine which come to blows in mid air. Another involved two minors who were charged with being at large "without any visible means of support". The two defendants in question are in fact the parents of the baby magistrate who had run away the day previously. The short story concludes with the baby concluding that she will never marry.

> "She thus selfishly retained her ripened faculties for herself, instead of aiding the world's progress by allowing the law of heredity its natural operation of instantaneously transmitting their developed maturity to a succeeding generation".
>
> (Gorst 1898:54)

The purpose of focusing upon Gorst's story was not only to describe the satire but also to make an additional point concerning the typical fictional treatment of the utopian sentencer. The novels of this period often provided information about the sentencers which they had created, however, they make far less comments about the magistrates and judges from their own society. One of the rare exceptions to this is F.W.Hayes' novel

The Great Revolution of 1905 (1893). The author describes how the "rough and lower class" were often treated leniently, even with "tacit sympathy" by the magistrates. The roots of this unusual relationship was, according to Hayes, a survival of the time when all Justices of the Peace were appointed upon political grounds. During the elections for office it was often found necessary to employ a bodyguard as well as people to harass other candidates. The "loafer" provided ideal material for such work and as a result of faithful service subsequent petty crimes were treated with a high degree of leniency.

The utopian treatment of the sentencers is not without its own limitations for whilst the activities of the magistrate and the judge are often outlined there is little information given about their personal characteristics. H.Lazarus is one of the few writers who described the sort of people he believed should take on this responsibility when he wrote that they ought to be

> ".....a class of men drawn from all the great practical avenues of the nation - military, naval, professional, literary, commercial, trade and labour, trained in the brave, stern school of experience and fact, chosen first by their fellow men to judge over them, and after a long trial period available for the highest offices in the nations administration of justice".
>
> (Lazarus 1893:386)

The only writer to explore beyond the horizons described by H.Lazarus was H.G.Wells in his novel A Modern Utopia (1905). In this work of fiction Wells outlines in great detail his ideas on

the role of a "voluntary nobility" not only in the administration of justice but as the leaders of every aspect of the community. The organisation is also known as the Samurai and it was the last of a large number of what Wells describes as "political and religious experiments" that were undertaken several hundred years ago. The Samurai are of interest because of the detail provided by the author concerning both their personal characteristics and the style of life that they were expected to lead. Both of these dimensions will be examined in this chapter because they provide a rare insight into the personality of the sentencer.

The inhabitants of Wells' utopia had evolved a system of classifying the human mind which had four primary categories within it. These were the Poietic, the Kinetic, the Dull and the Base. The first two of these are described by Wells as being the "living tissue of the state", whilst the remaining pair were the "bone and cover of the body". The classification focuses on the "quality and character" of the individuals imagination and those labelled as being Poietic and Kinetic are the most capable citizens out of which the Samurai were most commonly drawn. The first of these, the Poietic, are described as possessing imaginations that range "beyond the known and the accepted" (pg 441). Individuals with this level of ability have the desire to translate their imaginative "excursions" into "knowledge" which benefits the entire community. Wells observes that

> "All religious ideas, all ideas of what is good or beautiful, entered life through the poietic inspirations of man..... it is a primary essential to our modern idea of an

> abundant secular progress that these activities should be unhampered and stimulated".
>
> (Wells 1905:441)

The Kinetic class were distinguished by a more "restricted range of imagination", they were not capable of going beyond what Wells calls the "known, experienced and accepted". Coupled with high levels of what the author calls "personal energy" this classification were the type of people that made the best judges and administrators. Those individuals from these two groups who wished to become members of the Samurai had to pass a series of tests to ensure that they possessed the necessary skills and qualities. They had to be twenty-five years old or more and must be both physically and mentally in good health. Once these basic characteristics had been proven the candidate then had a further series of far more searching examinations to undergo. These were written into part of the formal code of the Samurai called The Rule. The purpose of this text was designed to

> ".....exclude the dull, to be unattractive to the base, and to direct and co-ordinate all sound citizens of good intent".
>
> (Wells 1905:447)

The Rule detailed the need for the candidate to be able to demonstrate a certain level of academic achievement, namely the passing of what is described as a college leaving examination. This was not a particular exacting requirement as Wells observes that only some ten percent of the population actually fail the exam. Other more testing aspects of the Samurai's life style

which the candidate had to embrace involved, for example, not eating meat and refraining from smoking and drinking. Other restrictions included not being allowed to bet, to take part in any games or even be a spectator and no member of the Samurai, prospective or actual, was allowed to act, sing or recite. Any individual found to be in breach of these requirements was to be removed from the organisation regardless of whether they were one of its most experienced members or a complete novice. In addition to these negative requirements there was an equally extensive list of actions that had to be undertaken on a regular basis. These included sleeping alone, four nights out of five, bathing only in cold water and reading aloud from the book of the Samurai for a minimum of ten minutes a day. The purpose of such a strict regime both for entrants and actual members was to create a high level of self discipline, to harness the "impulses and emotions" and to develop a "moral habit". This inner strength produced by adherence to The Rule was designed to sustain the individual Samurai during periods of "stress, fatigue, temptation". In essence the procedures ensured that the individual remained in a state of "moral and bodily health and efficiency". The consequence of this was that their work was undertaken with a consistent strength and vigour that in previous societies had only been achieved by a minority of disciplined individuals who acted as disparate parts as opposed to the co-ordination of the Samurai.

The entire ethos of Wells' "voluntary nobility" was built upon what the author describes as the "repudiation of the doctrine of

original sin". Wells argued that humanity was not essentially evil as the church taught but was in fact good. The positive attributes of the individual needed encouragement and discipline which was exactly what was provided by The Rule. As a result of this careful and detailed training the Samurai were entrusted with what Wells describes as the "responsible rule of the world". No other system would, he argued, reap such benefits. The consequences for every aspect of the criminal justice system were considerable, for not only were the sentencers members, so were the barristers and the legislators. In addition other Samurai were allocated research tasks to examine alternative means of working with offenders. For example the Samurai met by the visitor to the utopian state was looking at the psychological profiles of prison officers to see what sorts of personality were better suited to this difficult task. This last example is another illustration of the attention to detail that Wells paid to his utopian administrators. No other utopia writers of this period remotely approached this very particular style of Wells.

In concluding this focus on the lawyer and the sentencer, the overall impression from the utopian fiction remains somewhat stereotypical in nature. The barrister and the solicitor were consistently depicted in a negative light as little better than criminals who chose to ply their trade in the law courts, making their living by exploiting the weaknesses of the criminal justice system. In contrast to this the judge and the magistrate are primarily portrayed as vague, ill-defined figures who dispense justice in a fair and equitable manner but seem remote from the

rest of society. This inability to create credible characters is a common fault in the literary utopia as all to often the authors desire to discuss their ideas is of paramount importance. This imbalance can given some utopian fiction the initial appearance of being a sociological or political treatise rather than being a novel. The only characters that appear are at best two dimensional and are often only there to advance an idea, or to act as a mechanism to develop a particular theme. This approach of advancing the idea at the expense of the character is most detrimental when examining the role played by the key individuals in utopian society who are given the task of implementing the writer's beliefs. The observations made by Wells on the personality of the Samurai demonstrate how important that this type of discourse can be to strengthening the rest of the fiction.

The Utopian Court

F.W.Hayes wrote in his utopia, The Great Revolution of 1905 (1893), that the proposals outlined in his work of fiction were designed to

> ".....hasten, and simplify the administration of justice, and to purify it from the almost ineradicable strain of venality, chicanery, delay, expense, clumsiness, and oppression which have for so many ages defiled and degraded it".
>
> (Hayes 1893:264)

Hayes, along with H.Lazarus, are two novelists who explored in

great detail the sort of changes that they believed should be made to the criminal justice system and in particular to the courts. Both of these writers views will be examined in turn.

In his novel, Hayes describes the impact of a piece of legislation entitled The Judicature Amendment Act 1905 which made it legally binding that every defendant's case should be heard within four weeks of committal taking place. Each case was to be heard by three judges, two of which were to be in regular contact with the prisoner, the complainant(s) and the police. The third was given strict instructions to remain "aloof" from these interactions and simply pay close attention to the details of the case provided to the court when it was sitting. The two "examining judges" were not only required to thoroughly investigate the details of the case, they were given a new responsibility which involved them listening to any representations made by the defendants family or friends. The purpose of this aspect of the judge's work is not made clear by Hayes but presumably it serves the function of allowing supporters of the accused to provide positive information to the sentencers concerning the individuals character and antecedents. Sadly, Hayes does not mention what weight is accorded to these testimonies by the judges.

In addition to the comprehensive change in the way cases were to be heard Hayes made several other adjustments to the court process. He was, for example, a fierce critique of the solicitor and the barrister, as the earlier part of this chapter

demonstrated. In his new court the "paid advocate" was replaced by a lawyer who provided his services to the defendant free of charge. It would seem that instead of being paid by the individual the legal representative was to be paid by the state. This financial arrangement was intended to remove the temptation from unscrupulous lawyers seeking to profit from the crimes of others. Another change preferred by Hayes which is worthy of mention was his decision to allow the courts to have the right to find a case not proven. The consequences of this additional option were not explored by Hayes, it was just briefly alluded to and then past over. The same fate is enjoyed by the final major alteration proposed and that was that the House of Lords was "reduced" to being the ultimate court of appeal in Hayes' new social order. The collective impact of these changes upon the state was such that the author observed that

> "Nine-tenths of all the judicial and penal machinery became obsolete and useless within half-a-dozen years of the Great Revolution".
>
> (Hayes 1893:308)

It is significant that the novelist links the "judicial" with the "penal". The clear message behind this association is that a court which has the powers to punish criminals severely is the only way in which the problem of offending can ever be brought under control. The harshness of the penalties devised by authors like F.W.Hayes, C.Yelverton and H.Lazarus at times seem at odds with the humanitarian tenor of their fictional states. The treatment of the theme of punishment in utopia is a subject of

considerable proportions and therefore will form the subject matter for the following chapter. Returning to the equation that weak courts equal increased criminality, and strong courts equal the decline of offending, it is important to comment that this belief was one that was attractive to many utopia writers throughout the period. For example N.Green's A Thousand Years Hence (1882) describes how the existing criminal courts "stood powerless" in the face of rising levels of offending, it was only when the government granted "exceptional powers" to the sentencers that a reverse in this trend was achieved. This new assistance is described by Green as allowing each court to

> ".....estimate actual offence and wrong doing, and to award accordingly".
>
> (Green 1882:171)

The result, according to the novelist, was that "evil" had been for the first time "seized by the throat" and effectively eradicated. At the other end of the period in 1913 Edgar Wallace's novel The Fourth Plague typifies the views of his contemporary utopia writers when he bemoaned the lack of legislation to deal with the threats posed by crime. Wallace argued that technology had enabled offenders to commit increasingly violent crimes with the aid of better bombs and more deadly poisons. He argued that a "new type of punishment" was the only means of combatting successfully such perils. In this particular instance the "new" sanction took the form of allowing the military to shoot certain criminals "without trial and without remorse".

The second criminal court to be examined is the one put forward by H.Lazarus in his novel The English Revolution of the Twentieth Century (1894). His novel begins with a highly organised and largely peaceful revolution in which the old order is toppled overnight. The new court system that Lazarus proposed ran in tandem for a while with the previous model. The same magistrates and judges that were sentencing before the uprising were allowed to continue afterwards, the major difference being that a new court was set up to try individuals charged with offences arising out of the revolt. The Court of Judgement of the Revolution only had one sentencer and that was the person that had lead the overthrow of the government. Little is written about how this court functioned, all that can be gleaned is; the types of offender before the court which included bishops, ministers of state, lords and money lenders; that each individual was given a trial and finally that the only sentencer was, as already mentioned, the leader of the revolt. Looking for a moment at the individuals brought before the court for oppressing the people it is interesting, given the long list of occupations put forward by Lazarus, that it did not include any magistrates or judges. The author appears to have made the assumption that the sentencers were not acting in a manner which was detrimental to the people or the state. This is further supported by the fact that the same magistrates and judges were allowed to continue in their work after the revolution has taken place. They continued to deal with what Lazarus describes as the "usual smaller criminalities".

It is worth returning for a short while to the new court in which revolutionary justice was practised immediately after the overthrow of the government. Whilst the writer gives no direct indications as to how the actual trials and sentencing were undertaken, there are some clues provided in other parts of the novel. This information may at first appear to have no direct bearing on the court process for it is concerned with the personality of the leader of the revolt, Carlyle Democritus. Lazarus had chosen to structure the revolution that brought about the establishment of utopia around one key figure, the character who adopted the "false" name Democritus. This was a literary device that was shared by a number of other writers from this period including James Adderley's hero, Stephen Remarx; Christopher Yelverton's, Oneiros and F.Dixie's heroine, Gloria. Each of these fictional characters have considerable charismatic abilities, they are born leaders and all possess a strong desire to see inequality overturned and justice set up in its place. It is these personal characteristics of his fictional creation that Lazarus utilises in the administration of justice in the revolutionary court. For example, in the early part of the novel the author establishes the credentials of the architect of the revolt by describing some of his skills, of which one of the most significant was his ability to understand the desires of the "human soul". Democritus is portrayed as possessing a remarkable degree of insight into the actions of humanity as a whole, yet he also seems to intuitively know the motivation behind the actions of any individual. Translating these abilities into a court room context conjures up comparisons with the guilty sinner

being brought before an all knowing God for the final judgement. In the same manner that eternal punishment is dispensed to those that have failed to adhere to the teachings of Christ, Lazarus's hero passes life sentences on those that have oppressed the people. The specific punishment of the revolutionary court was to send convicted individuals to live in a number of specially preserved, foul slums for the remainder of their lives. There are a number of clear parallels between the character of Democritus and Christopher Yelverton's Oneiros. Both possess intuitive skills that render them able to assess an individual's guilt or innocence without the aid of conventional evidence and both believe that punishment should in certain circumstances be severe. For example, Oneiros is described sitting in judgement upon a man found guilty of kicking his wife "almost to death". He decides that the offender should be punished in exactly the same manner arguing that those that "inflict bodily pain" should experience "bodily pain" in return. As the narrator in the novel observes, he could at times "border on the barbarous" when sentencing people convicted of violence. The faults with administering justice in the way that Democritus and Oneiros did are not hard to find. Their whole approach relies upon their intuitive skills, which are not only difficult to describe, but more importantly from a defendant's perspective difficult to argue against. If a judge says a defendant is guilty because his instincts tell him so, how can those feelings be disputed with? In Democritus's instance the individuals brought for trial in the revolutionary court are those who have most publicly oppressed the people, an in depth trial was not deemed necessary because

everyone knew them to be guilty. That extremely dangerous assumption appears to underpin the court's sentencing in this period of revolutionary justice. Interestingly of those brought before this special tribunal there are no other verdicts recorded except that of guilty.

Having sentenced all those accused of crimes against the people, the revolutionary court is closed and Democritus turned his attention to the conventional criminal courts. The Magistrates and the Crown courts are kept with seemingly very few changes but two other courts are added to the existing complement. The first of these is only concerned with civil matters and is described as the Court of Honour. Those that sat in judgement on these cases are described as being drawn from "amongst all trades and professions". The second was called the Women's Court of Honour and Arbitration, and it dealt with

> ".....domestic cases and questions concerning the welfare and protection of their sex generally".
>
> (Lazarus 1894:384)

The officers of this court were all single women and the cases were heard in private so as to minimalise any distress experienced by those called to appear before it. The significance of these additional tribunals was that any officer who had served for five years in either of these two courts was eligible to become a magistrate. If an individual wished to become a judge, ten years of experience in these two courts was required. Magistrates wishing to be considered for the high

court had to complete three years on the bench before they were eligible. This structure put forward by Lazarus is an important part of his utopian vision as it creates a series of mechanisms by which a wide variety of individuals can become sentencers. Those that have come from the civil and women's courts would be of particular value as they previously would have little opportunity to become involved in the administration of justice. The one principle weakness in this system is that the author never actually writes about who makes the final decision on who should become a sentencer. The word "eligible" is repeated several times but there is no indication given as to who decides which of the eligible were to be selected.

The court system envisaged by H.Lazarus is one of the most complex of its time, yet his proposals possess an air of realism which is more than can be said for some of the wilder schemes devised by some of his literary contemporaries. Ironically the courts appear most convincing when the central character Democritus is not sentencing, for then more conventional methods of trying a case are employed. One shared characteristic that these courts have in common with the personal style of the leader of the revolution is the severity of the sentences passed on convicted defendants. Without wishing to trespass on to the subject matter of the next chapter, lengthy periods of imprisonment were the norm. Those prisoners who chose to misbehave were often flogged, simply starved for a while or given both these punishments. Lazarus was reiterating the view that only sentencers who were prepared to be extremely harsh would

curtail the crimes of society.

After only five years of this type of sentence being passed by the court, Lazarus announced that the "repetitious offender" had "absolutely disappeared". It is tempting to suggest that the reason for this great improvement had little to do with the improved morality of the criminal classes and everything to do with the fact that most of them were serving extremely long custodial sentences. The real test would be when these people were released, for then the effectiveness of this approach would be put to its most stringent test.

In contrast to those authors like H.Lazarus, C.Yelverton and F.W.Hayes, who advocated severe punishment for criminals, there were a smaller number of writers who took a diametrically opposite view. One of the most creative attacks on the supporters of harsh sentences was G.Thornes Made in his Image (1906). The novel is set in the near future and describes how Britain and London in particular had become inhabited by people who were "lost" and "degraded". The government had decided that stringent measures should be brought into force to remove the problem of those individuals who had become "of no use to society". The solution proposed is

> ".....to establish courts which will sit in judgement upon all those men and women who are useless and irreclaimable for whatever reason. These courts will decide upon their fitness or unfitness to remain in society".
>
> (Thorne 1906:17)

If an individual was found to be unfit by the court then that person would be regarded by the state as a slave for the rest of their life. Those reduced to this status were then to be held in single-sex penal colonies until they died. The reason for keeping the men and women apart was to ensure that these "useless" individuals did not produce any children to swell the ranks of this despised class. The tribunal that was to pass sentence on these individuals was called the Court of Final Inquiry and it was set up in the Old Bailey where six judges working in threes, sentenced the guilty. The defendants that appeared before this court had all been specifically identified as having become an untenable burden on the community. The police and army had been deployed in a large number of joint exercises in which specific individuals were apprehended and brought to this special court. Having been detained, each of the prisoners was allocated a barrister paid for by the state who would provide their defence to the court. Any witnesses that were called as part of this process were also paid out of the public purse. There was one other major difference about The Court of Final Inquiry and that was that it did not rely upon a jury to determine the guilt or innocence of the prisoner. This was because the police, the master of the workhouse, the prison warder and the relieving officer had accumulated a large amount of detail about each clients life, they knew exactly what each defendant had done to prove their uselessness. As a result of this considerable volume of evidence these officials were considered by the court to have

".....already acted as a grand jury, and returned a true bill".

(Thorne 1906:135)

The consequences of this meant that the defendant appearing before this specially constituted court was considered to be guilty. It was therefore their responsibility in conjunction with their barrister to prove that they were not beyond redemption. Throughout the period in custody, prior to the case being heard, each defendant was "observed and reported" on by both doctors and criminologists. The purpose of this being to assess both the physical and mental strength of the defendant. During each case four principal witnesses for the prosecution were called to give evidence. The first was the master of the workhouse and it was his responsibility to prove to the court the idleness of the accused. The second was a representative of the local police force, his responsibility was to give evidence concerning the previous convictions of the defendant and answer any question on that subject. The third witness was the prison medical officer who gave the court information on the physical fitness of the individual and in addition commented on the defendant's ability to work. The fourth and final specialist to give evidence was a criminologist whose specific function was to provide the court with a degree of insight into why each criminal had offended in the manner that they had. An example of such a contribution can be found in the first case to be tried by the new court. The criminologist observed to the judges that this particular defendant possessed hardly any trace of morality. He went on to say that

> "The ordinary virtues of a law-abiding citizen seemed to be entirely absent. The man was non moral".
>
> (Thorne 1906:148)

In the face of such evidence, coupled with the information provided by the other prosecution witnesses the man is convicted of being "irreclaimable" and is therefore sentenced to the penal colony for the rest of his life. Thorne paints an evocative picture of this first successful prosecution when he contrasts the bewilderment of the guilty man and his undoubted failings with the large numbers of respectable members of the upper classes who sat in the public gallery to enjoy the spectacle. Thorne's sympathies are clearly with the defendant and his views on the injustice of the sentence passed upon him are swiftly articulated after the trial by a group of Christians meeting to protest at the court's actions. They express the sentiment that

> "The wiping out of the unfit was to be the method of progress rather than the redemption of the lost".
>
> (Thorne 1906:155)

Following the lengthy description of the first case to be sent to the penal colony the court disappears into the background of the novel whilst the experience of the slave's imprisonment becomes the predominant issue. However, Thorne continually reminds the reader about the injustice of the whole criminal justice system. The author attributes the failure to the lack of attention paid to the teachings of the church. He observed that

> "Men did not realise what they were doing when they substituted social science for religion in our schools and taught children material comfort was their chief concern, that the citizenship of heaven was a mere dream of the enthusiast".
>
> (Thorne 1906:155)

Because of this failure in education, Thorne argued that an entire generation had grown from childhood to adulthood "knowing nothing" of the teachings of Christ. This lack of spiritual awareness effected society in two ways. Firstly there was an increase in crime as people sought to provide for themselves and their families the sort of material comforts they had been taught to strive for. At the other end of the spectrum the legislators and the sentencers had also become alienated from the gospel and as a result they became increasing draconian in the punishments they inflicted. According to Thorne they had neglected the fundamental Christian truth that "creed and character are inseparably united". Morality was not to be achieved by "method", "precept" or "punishment", it was only to be attained by the individual experiencing a spiritual conversion. The novel ends with a practical demonstration of the consequences of a sentencing policy which ignores the teachings of Christianity. The slaves who are imprisoned in the first of the penal colonies situated in Cornwall manage to overpower their guards and, killing many of them in the process, they make good their escape. Once free they then begin to exact a terrible revenge on the society which had supported their incarceration. The military has to be called in to put down the rebellion, and the penal colony from

which they had escaped is closed.

A different example of repressive courts can be found in Hall Caine's utopian novel The Eternal City (1901). Set in Italy it focuses upon the revolutionary activities of the character, David Rossi. He describes himself as a "religious anarchist" who wishes to overthrow the oppression of the monarchy and replace it with a government based upon the teachings of the church. Rossi exhorts his followers to start a non violent revolution, he argued that "prayer and protest" were the only weapons that the people should use. The strength of support for the revolutionaries cause grew to the extent that the government responded by putting large numbers of police and soldiers on the streets of Rome. Inevitably there were clashes between the people and the troops and there were numerous arrests. It is at this point in the novel that the courts began to play a significant role in terms of the sentences passed on the imprisoned protestors. The government declare a state of siege and the armed forces take control. A primary part of their responsibilities was the establishment of military tribunals which would try those arrested in the insurrection. These specially convened tribunals began their work within only a few days of the demonstration taking place. Caine describes one of them as being situated in

> ".....a large gloomy chamber with arched roof and sandstone walls. It was divided into two unequal parts, the larger part for judges and counsel, the smaller part for the

> public. A long horse-shoe table, covered with green cloth, stood under a portrait of the King, which was draped with flags and surmounted by a streamer bearing the words 'The law is equal for all'".
>
> (Caine 1901:326/7)

Not only had the military taken over the role of judging the accused, those less senior in rank, such as a captain, fulfilled the duties of Public Prosecutor. All the officers of the court other than the defence council wore their military uniforms, the more senior even wearing their decorations. In the same way that Thorne focused on the trial of one particular defendant, Caine also chose to explore the court through the experience of one individual accused of involvement in the unrest. The trial of this particular character, called Bruno Rocco, began some four weeks after the disturbance during which time he had been held in custody. The tone of the court proceedings is immediately established by the manner adopted by the Public Prosecutor. Caine described how his opening speech outlining the case against the defendant was prepared with "little sallies" which caused his comrades to laugh and the "judges to smile". As far as the Prosecutor was concerned the sole purpose of his role was to demonstrate the power of his rhetorical skills to the gathered assembly and to enjoy taking a part in the pretence that the military called the administration of justice. During the trial it emerges that the defendant has been pressured to co-operate with the authorities in an attempt to present a negative image of both the protesters and their leader Rossi. When the Director

of the prison, where the defendant was remanded, is called to give evidence Rocco interrupts his statement and tells the court

> "This man fed me on bread and water," cried Bruno. "He put me in the punishment cells and tortured me in the strait waistcoat .....and when he had reduced my body and destroyed my soul he dictated a denunciation of my dearest friend and my unconscious fingers signed it".
>
> (Caine 1901:396)

This interjection by the defendant coupled with the description of his experiences awaiting trial in prison, which Caine depicts in the previous chapters provide a rare glimpse into this part of the pre-court experience. Other utopian authors such as H.C.M.Watson, A.Taber and F.W.Hayes all make passing reference to this stage in the criminal justice system but no other writer of literary utopias from this period provides the detail that Caine did. The most common approach to the subject was to describe how lengthy waits for trial had been removed altogether and that the new court was capable of holding fair and just trials within a very short period of a defendant being apprehended for their crime. A typical example of this can be found in H.C.M.Watson's The Decline and Fall of the British Empire (1890). In this novel the author describes how a man charged with murdering his wife is tried before the Magistrates only a week after the offence was committed. He is convicted and sentenced to death, and his case then went immediately to the Jury of Equity which acted as the ultimate court of appeal. The verdict and the sentence are both upheld and the convicted individual is allowed to chose the means by which he will be

executed and then the death penalty is carried out. Whilst Watson does not give a timescale for the entire process the implication is that it all takes place extremely quickly. It is this emphasis on the speed of which justice is dispensed that is portrayed as the most important development.

In contrast to this approach Hall Caine devoted several chapters to the prison experiences of the character Rocco as he waited for his trial. The reasons for this interest were, I believe, essentially twofold; firstly the torture, abuse and political manipulation endured by the prisoner serve to show the reader the true nature of the regime that the revolutionaries are attempting to overthrow. The prison is simply used by the state as another means of trying to oppress and silence its opponents. It therefore comes as little surprise when the court is also portrayed as a similar tool several chapters later. The second reason for the attention paid to this period is to do with the dramatic interest which descriptions of prisons and courts often conjures up in the reader. It is as if the writer takes the reader into a world they know little about and provides them with the opportunity to experience through the medium of the work of fiction a little of the horrors of such an existence. On one level this vicarious entertainment works quite well for the pressure placed upon the character Rocco is conveyed in a manner which creates a genuine empathy for this one man struggling against the power of a state which is intent upon breaking him. Unfortunately much of this good work is undone by the melodramatic manner in which the court scene is brought to a

close. The prosecuting counsel produces a love letter purporting to be from the leader of the revolt to the defendant's wife. Rocco is unsure what to believe and in an agony of uncertainty he swallows a file of poison hidden in his shoe and dramatically takes his life.

In concluding this chapter it is important to take an overview of the fictional courts encountered in order to establish if there are any common trends or just a number of individual creations. Taking the literature as a whole there appears to be only one area in which the novelists who wrote about courts were in complete agreement and that concerned the conduct of solicitors and barristers. This chapter began with a detailed look at these concerns and there is therefore no need to repeat those findings, it is sufficient to record the high level of consensus concerning their treatment. Attempts to find similar levels of agreement concerning other aspects of the criminal courts proved fruitless, however, what becomes apparent are a number of schools of thought. The first of these was promoted by authors such as F.W.Hayes, Christopher Yelverton, H.Lazarus and A.Taber. The common thread shared by these writers was the use of the criminal court as a key institution in establishing the new norms of behaviour that were expected of society. Whilst sentencing policies differed from novelist to novelist, as indeed did their interpretation of what actions should be designated crimes, this group of writers were consistent in the function they attributed to the court. The laying down of new social

norms, often initially supported by harsh penalties for disobedience, was deemed by these authors only to be possible through the courts. The ideological perspective which serves as the foundation for this school of thought places great emphasis on society only being able to learn and progress if given clear guidelines. They did not share the views expressed by novelists like William Morris and C.R.Ashbee who believed that the people would only grow given perfect freedom. H.Lazarus neatly encapsulates the need for the court at the close of his novel when he wrote about the numerous "temptations thrown in the way of humanity" which are "too strong" for the individual to resist alone. The role of the court was, in his opinion, to strengthen the resolve of the individual. Once the utopian norms of behaviour had been firmly established, the need for the courts to be so dominant diminished. However, the courts were never rendered completely redundant, even when society was moving into a golden era the like of which had never been experienced, they remained in readiness and could be reactivated when ever required.

Hayes conclusion to his novel is typical of this approach to the courts. The need for such institutions had now passed, yet still a small part of the criminal justice system was to be retained in case of a set back in the development of the new social order. In complete contrast to the last approach, authors like W.H.Hudson and as previously mentioned William Morris and C.R.Ashbee depict societies in which the court has been

completely discarded. Its very existence was a symbol of oppression according to Morris and he could envisage no situation when one individual should sit in judgement on the actions of another. He argued that

> "In a society where there is no punishment to evade, no law to triumph over, remorse will certainly follow transgression".
>
> (Morris 1890:265)

In such circumstances a criminal court would only serve to make the situation worse. The role of the "neighbours" in Morris's utopia does, however, take on part of the role that the court would have previously fulfilled. They do not sentence the individual when a "transgression" takes place but they do ensure that the perpetrator expresses genuine remorse for their actions. Should anyone be slow in demonstrating the expected "grief and humiliation" then it is the responsibility of the local community to remind them of how they should behave. Like William Morris, W.H.Hudson describes in his novel, A Crystal Age (1887), a society in which the concept of a criminal court is as alien to the people as is the notion of war. However, he differs from Morris in that he created a more explicit mechanism for dealing with the few offences that are committed. This function is fulfilled by the "father" of the house who holds responsibility for not only discovering the details of any crime but also hearing any mitigation from the offender and then sentencing them. This compression of the roles of detective and judge into one is a characteristic of this school of thoughts approach to

the issue of criminal justice. The primary difference between William Morris and W.H.Hudson was that the former shared these responsibilities out amongst all members of the community, whereas the latter located them in one individual. The allocation of such concentrated power to the father seemed to have caused concern to the author, who describes an additional mechanism which allows the mother of the house to overturn any sentence she feels to be unjust. Hudson describes how it

> ".....was always in the mothers power to have any person undergoing punishment taken to her, she being, as it were, above the law. She could even pardon a delinquent and set him free if she felt so minded".
>
> (Hudson 1887:207)

The process by which an individual is spoken to concerning an offence is a completely public one. No special room is used and the father normally questions the person he suspects of committing a crime when he finds them, seemingly regardless of anyone elses presence. Witnesses are not called as the investigation is limited to the cross examination of the defendant by the father. The reason that this simple system functions is because of the personal integrity of the individual members of the family to tell a lie would be as likely as committing murder. The novel features several instances when such "trials" take place but only one in which the mother becomes involved in overturning the sentence. Again there is nothing formal or ceremonious about her involvement, she simply speaks to the father alone and he informs the defendant of her

intervention. This approach to the administration of justice, characterised by its informality and simplicity, is typical of the group of novelists who put their trust in human nature rather than complex administrative procedures. Even the physical environment in which justice is dispensed reflects the divide between the two schools of thought outlined. For example, this chapter began with a quotation from H.Lazarus' The English Revolution of the Twentieth Century (1894) in which both the grandeur and the power of the court were highlighted in considerable detail. It was important that justice was not only being carried out but also being seen to be undertaken. Lazarus's emphasis upon the sombre tone of the court with its black drapes is married with the "blood-red" texts which cover the walls denouncing the offenders. The imagery chosen by the novelist does not conjure up any sense of triumph or victory, rather it seems to bestow the whole proceedings with a touch of gothic horror. In contrast to this, Hudson's informal discussions which only involve the family seem at first glance to be trivial affairs. This, however, is a misconception for the fear of being punished is no less vivid for those who break the law. For the pain of seperation from their environment is undoubtedly real.

The final area of common ground concerning criminal courts that can be identified revolves around the involvement of the church. Authors such as G.J.R.Ousley, R.Benson and Sidney Watson all placed great emphasis upon the role of Christian teaching in the administration of justice. One of the most interesting points

that emerges from these works of fiction was the dual justice system described in R.Benson's novel The Dawn of All (1911). This utopia portrays Britain as a Catholic country and focuses upon the impact of the teachings of the church of Rome upon every facet of life. Even the court system has not been left untouched by this process and the conclusions that Benson reached are important to discuss. Whilst the state still held responsibility for the criminal courts, the Catholic church had its own tribunal in which any charges of heresy were heard. The novel describes the case of a young priest who appeared before the court having written an academic paper which is considered to be heretical. The court seems to function in the same manner as a conventional secular tribunal, the case for the prosecution being put first followed by the defence. The sentencers are clearly eminent members of the clergy but no indication is given concerning their actual position in the church. Once a verdict of guilt is established by the court they are then empowered to sentence the defendant. Up until that point has been reached the defendants are kept in a special prison reserved for those individuals charged with offences of heresy. Once sentence is passed they are then transferred to a secular institution. Benson is vague about the actual disposals this court can make, but given that he makes reference to transferring convicted individuals to state prisons, it would seem sensible to conclude that they can pass custodial sentences. The only other option that the novelist records the court possessing is the right to sentence the more serious offenders to death. The young priest referred to earlier is convicted and then sentenced in that manner. Interestingly

Benson describes how this disposal is not carried out by the church, instead the individual is transferred to a state prison and then executed by the officers there. Benson encapsulates the role of Catholicism in his state when he wrote the following

> ".....it is the function of the Church to guide the world, and the highest wisdom of the world to organise itself on a supernatural basis".
>
> (Benson 1911:199)

The justice system which he developed, allowing for secular and spiritual courts to operate in the same state, is unique in the utopian literature of the period. Other novelists, such as H.Lazarus, operated a dual court system, one dealing with conventional crimes whilst the other focused just on offences arising out of the revolution. The significant difference between Benson's model and Lazarus's was that the revolutionary court was designed to have only a limited life span. Once the crimes that were designated to be heard there were dealt with the court was closed and was never used again. In contrast Benson's church court was intended to be a permanent part of the states machinery for dealing with offenders.

One aspect of Benson's novel that had been explored by an earlier writer of utopian fiction was the role of the church in sentencing offenders. Writing over twenty five years earlier, C.J.R.Ousley's novel Palingensia (1884), describes how both the criminal laws and the courts are formulated and administered by the church. Once again there are few details of how the court

functioned. However, Ousley does describe a part of the process in which the court must determine if an offender is "insane or vicious". The significance of deciding which of these two categories a defendant fell into was that it determined which set of sentences they were most likely to benefit from. This process meant that not only had the sentencers to determine the guilt or innocence of a defendant they also have to reach a decision on the motivation for the actions of those individuals they convict. Those offenders which the court believed required a custodial sentence could be sent to one of two types of institutions; those that are judged to be "insane" are sent to the local Asylum and those thought to be "vicious" go to the Correctium. Whilst Ousley stressed the importance of determining which of these two institutions offenders should be sent to he then goes on to describe the regime of both the Asylum and the Correctium in identical terms. New inmates in both places start upon a diet of bread and water and are

> ".....carefully instructed in their moral duties, and taught such honest craft as they show skill for".
>
> (Ousley 1884:190/1)

The important principle of trying to separate those who have offended through choice and those that acted deviantly when mentally ill seems to have been wasted. Still further complications arise later in the novel when the author wrote that no one could be deemed to be "insane" or "a dangerous lunatic" unless their medical condition has been established by a special tribunal. This must be made up of seven members of the

community, four of which had to be "competent" doctors and psychologists. The remaining three should be "more or less acquainted" with the person but have no "self-interest" in the outcome of the case. Clearly some of the individuals appearing before this panel will have exhibited evidence of mental disorder which under no circumstances could be construed as having a criminal component. However, particularly when dealing with those cases which are described as "violent lunatics" the division is not so clear. If an individuals violence had been directed at either people or property then it is unclear why these cases do not come under the jurisdiction of the criminal courts. To be critical of a work of fiction for failing to explain more clearly a single aspect of one of its themes may seem harsh, but the author's work begins to lose its validity if it fails to make sense as a whole.

For many writers of utopian fiction during this period, the role of the court was often alluded to but details of how this institution functioned remained vague. The sentencers of these fictional societies were often shadowy figures, not through any desire to create a dramatic tension, but simply because they were never developed properly as characters. Numerous illustrations of this can be found throughout the period; from the early 1880's there are the women magistrates from Walter Besant's The Revolt of Man (1882), and from the twentieth century there is the "Central Committee" of E.M.Forster's The Machine Stops (1909). These sentencers have varying degrees of impact upon their society but their respective authors were more concerned with

describing the consequences of their decisions rather than the manner in which they were made. Despite this stance there were also a large number of novelists who did wish to explore in detail the way in which the judicial process worked in their fictional states. Whilst there is this crude division between those that prominently featured the court in their novels and those who chose not to, this division evaporates when the subject matter of the next two chapters is discussed. The issue of punishing offenders and particularly the part played in this by imprisonment was an issue that drew forth one of the most intense debates in utopian fiction's treatment of criminality. In fact so much information is available from the novels that the next chapter will focus just on the discussion on the use of custodial sentences.

Chapter Eight: The Use of Imprisonment in Utopia

> "At a very early period in the development of every barbarous race there arise two institutions for dealing with the criminal - the prison and another, still more decisive, appearing in various forms, the cross, the stake, the gallows, the axe".
>
> (Ellis 1890:234/5)

Ellis went on to argue that capital punishment was now "dying out" in Europe and thus leaving the prison as the primary means of sanctioning the offender's criminal behaviour. He also ironically observes that society may have not "reformed the prisoner" but it has at least "reformed the prison". The living conditions that the convict enjoyed, their diet and the demise of hard labour meant that many prisoners enjoyed a higher standard of living whilst serving a custodial sentence than when they were released back into the community. He believed that the "comfortable, easy-going routine" of the new prisons had little deterrence value for the recidivist. Equally problematic was his belief that the courts were still too eager to send first offenders into custody where they learnt that imprisonment was not such a "terrible punishment" to undergo. Once incarcerated these unsophisticated and inexperienced criminals were allowed to freely associate with offenders who had extensive criminal records. The result was that many more different ways to commit crimes were taught to the new comers. Ellis concludes that

> ".....the modern prison, with its monotonous routine of solitary confinement, varied by bad company, is fruitful of

nothing but disaster to the prisoner and to the society on which he is set loose".

(Ellis 1890:251)

Ellis was fettered by the constraints of reality in proposing a valid alternative to the problems that he saw in the prison system at the turn of the century. No such restraints should, however, serve to restrict the imagination of the writer of the literary utopia and the intention of this chapter is to examine the use of imprisonment in this body of fiction.

Whilst the utopias of socialist writers like William Morris, R.Blatchford and C.Ashbee could find no function for the prison in their fiction, there were many more novelists who believed that this institution had a valuable role to play. This chapter will explore the differing types of imprisonment portrayed in the novels, ranging from the individual undergoing solitary confinement in their own room described by W.H.Hudson through to the use of entire towns or islands as penal colonies. Following this the purpose of imprisonment will be examined. Was it to reform the offender?, to give some much needed respite to the community?, or was it a crude form of eugenic programme whose aim was to prevent the offender reproducing? Before looking at these themes a brief study will be made of the staff employed to work in the prisons for a great deal can be gleaned about the intentions of an institution from its personnel.

The Prison Official

> "No men are quite wise enough, good enough and cheap enough to staff jails as a jail ought to be staffed".
>
> (Wells 1905:382)

Wells concluded that as it was impossible in his view to find the right type of people to work with offenders in prison it was best to leave them to their own devices. His penal establishments in A Modern Utopia (1905), are therefore situated on islands and the only staff are deployed in boats circling the colony, their only function being to prevent escape. George Griffith had reached an identical conclusion six years earlier in his short story Hellsville (1899). The American authorities in this piece of fiction establish what is described as a "Hard Case Reservation" which is modelled on the provision given to the American Indian. The offenders are completely unsupervised, but their colony is surrounded by a ring of forts occupied by soldiers who have instructions to shoot anyone attempting to escape. Griffith records that in the first week alone over two hundred prisoners are killed whilst trying to elude the guards. The only contact envisaged by this approach to prisoners was limited to one occasion and that was at the very beginning of the sentence when the offender was escorted to their jail. Other novelists such as Walter Besant operated prison establishments in which the staff had far more contact with the inmates but their role remained very similar to that of Wells and Griffith. Besant's novel The Revolt of Man (1882) features the convict prison in Liverpool which has become the centre for the most hardened and

difficult offenders. The Warders are armed with rifles all of which have fixed bayonets. Besant says little about the quality of the prison staff; he simply remarks that the majority of them were

> ".....criminals of less degree who purchased their liberty by becoming, for a term of years, convict-wardens".
>
> (Besant 1882:116)

The minority of staff who did not fall into this category were women. They, it would seem, shared the same responsibilities as their male counterparts and given that the society depicted by Besant is a women-dominated one, it is reasonable to suppose that they provided the management personnel for the prison. In contrast to using petty offenders as warders other authors like Guy Thorne used ex-military personnel to staff their penal establishments. In his novel Made In His Image (1906) he describes how his wardens were drawn primarily from the Naval Reserve in Plymouth and Devonport. Regardless of where the prison staff were drawn from, their role throughout this period did not change. They were employed to ensure the prisoners did not escape and also to enforce discipline, sometimes administering corporal punishment as part of that function. H.G.Wells' concern about the role of prison staff, quoted at the beginning of this section, is vindicated by the characteristics of those wardens who are described in the utopian fiction of this period. Wells wrote that the greatest danger for any prison lay in the fact that the treatment of the offenders would be the responsibility of people who were often "hard, dull and cruel".

Writers as diverse as Walter Besant, Guy Thorne, Hall Caine and F.Hayes all produced literary utopias which amply bore out Wells' point. There does not appear to be one example of a prison which was staffed by individuals who were capable of rising above the standards that Wells describes. There would seem to be only two extremes, one in which the warders are of an extremely poor quality and alternatively penal institutions which function without staff. The nearest that the literary utopias of this period came to, in terms of producing the perfect prison, is the one portrayed in H.Lazarus's novel The English Revolution of the Twentieth Century (1894). Ironically, however, there are only a very small number of references made to the staff and none of these make any comment upon their strengths or weaknesses.

Whilst the details of both the wardens' tasks and character appear sketchy there is even less information concerning the actual management of prisons. H.Lazarus and Hall Caine are the exception to this he former provides a brief reference to the fact that the penal colonies he described are each "ruled" by a governor who has been appointed by the state. He is assisted by a panel of three independent individuals who are employed by the local county council. No further information is provided about how they manage the prisons or the sort of person that Lazarus considered to make a good governor. This omission is significant because he was one of a small number of writers who actually devoted part of his novel to describing the sort of people he wanted involved in the criminal justice system. For example, in the previous chapter, Lazarus's views on who would make a good

Magistrate of Judge were discussed. The author described in detail the regime of his penal colonies and the impact they made upon prisoners, he therefore had ample opportunity to expound his views on the characteristics of governors. His decision not to take the opportunity to do so could be interpreted as suggesting that their standing in the criminal justice system did not merit such observations.

In the early chapters of this research, which focused on the causes of crime and the portrayal of the offender, the interplay between contemporary criminological views and the ideas expressed in the literary utopia provided a rich source of information. The subject matter of this section also lends itself to this process and so the views of the novelists discussed above will now be compared with the opinions of Havelock Ellis outlined in his work The Criminal (1890). In the penultimate chapter of this book he discusses the effectiveness of the prison warder and speedily concludes that they are

> ".....about as well fitted for the treatment of criminality as the hospital nurse of a century ago was fitted for the treatment of disease".
>
> (Ellis 1890:260)

Ellis continues the comparison with the medical services arguing that the criminal is as difficult to understand as the patient, yet the staff allocated to manage him or her are given no training in their work. Ellis points to the Continent and praises France, Belgium and Switzerland for establishing training

schools for prison staff. He maintained that no one should be appointed to work in such a difficult environment unless they had first been properly trained. It is interesting to contrast his views on this subject with the novelists, for in doing so it is immediately clear that his ideas are far more radical than those put forward in the utopias. The novelists who do mention the prison staff have given no thought to how their role could be developed, they have instead concentrated on the regime. The weakness in this is swiftly exposed by Ellis's argument that the regime is only as good as those who operate and manage it. Ellis was not however content with just proposing that the warder be better trained. He also suggested that it would add greatly to the effectiveness of reforming the prisoner if he came into contact with staff whose primary responsibility was to teach and not control the prisoner. To this end he suggested that "highly skilled" teachers be brought in to enrich the regime. Their value lay not just in their abilities as educators but in the fact that they were

> ".....fresh from the outside world and mingling daily in the affairs of men".
>
> (Ellis 1890:261)

This important group of staff would bring with them a sense, a flavour of what was happening beyond the walls of the prison. This meant that the feeling of isolation from the rest of society experienced by the inmate could be addressed. At times when reading Ellis's thoughts on improving the staff it was as if he were writing the literary utopia and the novelists were the

criminologists passively accepting the status quo. It is a rare illustration of the weakness of the collective vision put forward by the utopian fiction of this period.

In concluding this brief examination of prison staff from warder to governor the lack of information about their roles requires comment. In the large number of utopias which mention the existence of prisons in their communities these institutions are the primary mechanism for both punishing and reforming the offender. Whilst some of the novels like Walter Besant's The Revolt of Man (1882) were dystopias and therefore portrayed the damaging effects of prison, there were many more utopias which relied almost exclusively upon the penal colony to resolve the problem of offending. Despite this reliance upon the custodial experience there remains this lack of information about the staff who wrought these transformations. The conclusion to be drawn from this is that the novelists were primarily concerned to stress the importance of establishing the most appropriate regime. In other words the programme which the prisoner was expected to complete was the most significant component of the custodial experience. The process was everything whilst the personnel were merely its servants. The common factor identified by the majority of novelists in seeking to rehabilitate the prisoner was that of employment. The redemptive power of work is an issue returned to again and again by writers regardless of their political perspective. This issue will be discussed later in this chapter after first looking at the different types of prisons that were envisaged.

The Prison in Utopia

This section will begin by focusing upon the two most common types of prisons created in utopia; the establishment which simply left its occupants to fend for themselves and the institution which sought to rehabilitate as well as punish its prisoners. The conclusion to this examination will look at the unique perspective put forward on this theme by W.H.Hudson. Before embarking upon this work it is first important to look at how the power to imprison offenders was greatly increased by a large number of utopian writers. H.Lazarus, F.W.Hayes and C.Yelverton are typical of those whose fiction began the climb towards utopia by greatly increasing the numbers of criminals entering their penal colonies and detaining them there for far longer. By doing this the sphere of influence of the prison was allowed to grow beyond all previous recognition. An illustration of this process could be drawn from any number of novelists from throughout the period, I have, however, chosen one of the earliest examples, N.Green's A Thousand Years Hence (1882). Green argued that in order to try and effectively deal with the problem of crime it was vital that society should begin to sentence offenders differently. He proposed two important changes to the use of imprisonment; firstly that custodial sentences should be made longer and secondly that certain types of offender should remain in custody until they died. Green wrote that if

".....there was solid ground for believing that any

> criminal if set at large, would only forthwith resume his criminality why do him the injustice to set him at large?"
>
> (Green 1882:171)

He went on to elaborate on this point when he observed that

> "No doubt criminals had their rights but it now began to be seriously thought that the rights of the non-criminal part of society ought to have equal consideration".
>
> (Green 1882:171)

Lengthy custodial sentences obviously meant that the community could enjoy longer periods of respite from the crimes of individual offenders; however there were other beneficial factors. For example, life sentences for recidivists would, Green believed, act as a powerful deterrent to other criminals. To continue a life of crime was not only to court the possibility of returning to prison several times it might lead to detention for natural life. One other consequences of the imposition of these life sentences was that it reduced the number of children born to criminal parents. The eugenic potential of imprisonment was something that many utopian authors quickly grasped and as will be demonstrated later in this chapter the relationship between eugenics and imprisonment is regularly returned to. The fundamental philosophy held by Green and many subsequent novelists was that the prison system was not being used as well as it could; its current approach did not resolve the problem of crime it merely endeavoured to unsuccessfully curtail it. By putting what Green describes as the "rights of the non-criminal part of society" first and reducing the "rights"

of the criminal the author argued that only then would offending decline.

Green's view that offenders should be detained for longer was slightly revised in later utopian fiction. Instead of simply imposing long sentences for every minor offence, criminals were given opportunities to learn from a relatively short period in custody first. If they were reconvicted for a further offence of a similar nature the custodial sentence was greatly increased. Should this process be repeated a third time then a period of life imprisonment was then passed. This particular way of dealing with criminals was often focused on drink-related crimes. F.W.Hayes novel The Story of Phalanx contains an example of this mechanism and he even makes reference to the drinkers being sent to a "dipsomaniac asylum" to serve their sentence. H.Lazarus makes use of a similar device but applies his to the problem of the habitual offender. A final illustration of this process can be found in R.Benson's first utopian novel Lord of the World (1907), where anyone convicted of being a practising Catholic is subjected to this massive escalation of sentence. As far as Hayes and Lazarus were concerned such a measure was meant to be a short term one. Its purpose was to obviously maximize both the deterrence and punishment value of imprisonment, whilst a period of significant social change was undergone. Once these alterations to the state had been completed, in other words the infrastructure of a fledgling utopia was in place, then this measure was withdrawn. In many ways the most interesting uses of imprisonment both in terms of

lengths of sentence and in actual work undertaken with prisoners can be found in those utopias which focus on a society in its interim state.

The Island Prison

> "Never perhaps in the history of the world had so many elements of evil been brought together in one spot".
>
> (Griffith 1899:55)

Griffith's short story Hellsville U.S.A. describes how having survived a violent and bitter civil conflict the American government establishes a new form of penal establishment for supporters of the old regime. The prison was set up in one of the country's short-lived boom towns which were now completely deserted. The inmates came from a wide range of backgrounds; there were socialists, anarchists, "discharged policemen", "low-down Irish" and others that Griffith refers to simply as "mean products". Despite their diversity they all shared one common characteristic and that was that they opposed the new humanitarian government's policies. Griffith wrote that there was not one of them that had not been an offender or had the "potential" to be one. It is worth pausing to comment on this observation concerning the potentiality of an individual to become a criminal. Griffith does not elaborate on how these people could be identified, he simply makes the statement and continues to develop the plot. He was not the only author to make this sort of unsupported generalisation and it is important to remember that such observations often acted as short cuts to

resolving difficulties or weaknesses in the development of a novel. Nonetheless there is a sense that these type of comments are reflective of the thinking of both the writer and their society. The question of firstly identifying criminals and then ensuring that they receive lengthy custodial sentences were issues that were at the heart of research into criminality at this time. In the early chapters of this thesis criminologists such as Havelock Ellis and W.D.Morrison were shown to be concerned with very similar issues.

Returning to Griffiths "Hard Case Reservation", all the offenders that had been gathered together after the civil strife were placed in the former boom town. There were to be no staff in the reservation and the inmates were allowed to behave as they pleased. For the first year they were given stocks and supplies and then these were stopped. From then onwards it was for the inmates to "get what living they can out of the soil". Griffith scathingly remarks that nature's "hunger-whip" may finally propel them to work. The death toll inside the reservation was extremely high; twelve months after the colony was established its population was said to have halved as the inmates fought amongst themselves and others simply starved. Griffith described the reservation as being

> ".....the one place where human wickedness could be as wicked as it liked, and where human depravity could be as depraved as it liked".
>
> (Griffith 1899:61)

The deterrence value of this new form of imprisonment was not lost on the population of America, or indeed the rest of the world. Griffith describes how the crime rate fell dramatically once the "horrors" of Hellsville, as it became known, filtered out to the public. The novelist records how the mere threat of incarceration in the reservation proved to be a "greater deterrent" than any other sanction possessed by the courts.

Griffiths "Hard Case Reservation" was by no means the first time that this sort of imprisonment had been written about in the literary utopias of this period. The earliest reference to this concept can be found in The Great Irish Wake which was published anonymously in 1888. In this short story a combination of radical politicians and criminals from both Britain and America are lured to Ireland where they were attacked by a vastly superior army. Those who were "unfortunately" not killed in the initial battle were detained on the island for the rest of their lives. It is interesting to note that both this anonymous Irish author and Griffith should chose to label political rebels as being offenders, their crime presumably being their opposition to the political status quo. H.Lazarus was another writer whose utopian state built a similar sort of penal establishment for political offenders and other specific types of criminal. His novel, The English Revolution of the Twentieth Century (1894), is of particular interest when examining the issue of imprisonment for he is one of only a small number of authors who makes use of both staffed and unstaffed prisons. The birth of his institution in which the prisoners are left to their own

devices takes place shortly after the revolution which swept the old order away. The leader of the revolt order that the worst parts of the London slums should be set aside as to house several groups of new prisoners. Lazarus describes how

> "Blocks in the slums were isolated by high and strongly built walls, guarded in all parts by strong bands of armed patrols. Into these dens of filth and disease, with their rotten floors, their dank walls, the roadways and pavements impregnated with loathsomeness of every kind; into these hells of stench and abomination, which the wealthy had provided for the poor, the poor now incarcerated the wealthy".
>
> (Lazarus 1894:90)

Those individuals who are sentenced to life imprisonment in these slums were ones that had profited most from the dreadful conditions that the poor had had to endure. The new government made a clear distinction between these types of offenders and all others. The latter group had their own penal institution that will be examined later in this chapter. The distinction between the two groups of criminals is further underlined by the fact that a special court was established to try the individuals accused of oppressing the poor. The fact that they were given the opportunity of a trial is important to mention as it has already been commented upon in this chapter that a presumption of guilt was often made. Griffith, for example, makes no reference to trials taking place in his short story, his inmates were just taken to their prison. There is no suggestion that any innocent victims were caught up in this process such was the

author's confidence that everyone was guilty.

One of the last references to this type of prison, in this period, can be found in H.G.Wells The Modern Utopia (1905). He proposed that islands in isolated parts of the oceans should be utilised as penal establishments. The prison guards would not be based on the island but in boats which constantly circle the colony. Beyond this Wells wrote that the state would give these "segregated failures" their "full liberty". The novel describes how one island would, for example, be for "incurable cheats" and another for the "hopeless drunkard", in this manner all the different types of criminal were kept separate from each other. Wells indulges in a playful satire when he describes the island given over to the cheats, he wrote

> ".....crowding up the hill, the painted walls of a number of comfortable inns clamour loudly. One or two inhabitants in reduced circumstances would act as hotel touts, there are several hotel omnibuses and a Bureau de Change...And a small house with a large board, aimed point-blank seaward, declares itself a Gratis Information Office, and next to it rises the graceful dome of a small casino".
>
> (Wells 1905:383)

This description calls up the image of a thriving seaside town rather than a prison in which the inmates are serving a life sentence. However, despite the intended humour Wells makes the serious point that these "cheats" are only free to prey upon each other for there are no innocent victims there. The reason Wells elected to develop the idea of segregation for life was different

to the other writers who used this formula. George Griffith's "Hard Case Reservation" was motivated primarily to punish a certain section of the community, and H.Lazarus's slum prison was based upon a similar foundation. Wells, however, believed that his form of imprisonment was a more humane alternative to the prisons of his era. He observed that

> "All modern prisons are places of torture by restraint and the habitual criminal plays the part of a damaged mouse at the mercy of the cat of our law".
>
> (Wells 1905:384)

Wells argued that he could only envisage one crime that merited the full horrors of the present penal system and that was what he called the "reckless begetting of contagious diseases".

When taking an overview of the unstaffed prisons proposed by Wells, Lazarus and Griffith it is interesting to look at the eugenic component played by these institutions. Griffith, for example, makes it clear that men and women were detained together in his Reservation, as indeed were children. The author does not touch upon the reasons for incarcerating this latter group; he simply mentions that after the first twelve months of the Reservations existence all the children sent there were now dead. The reader is left therefore to conjecture upon the reason for the children's inclusion into such an establishment. Was it, for instance, because whole families were transplanted into the Reservation on the principle that the children would inevitably follow in their parent's footsteps? By imprisoning them Griffith

presumably would argue that he was sparing society the damage that these children would have committed when they were older. Perhaps this was what he meant when he made reference to some of the inmates of the Reservation as being "potential" criminals. An alternative to this possibility is that the child prisoners were detained in Hellsville on their own criminal merit. What ever the reason, the presence of children in the Reservation is clearly described. Wells and Lazarus do not discuss the age range of their inmates but it would appear from other information from their respective novels that children are not sent to these prisons. Wells describes how all offenders under the age of twenty-five are sent to what he calls Disciplinary Schools. There is no need therefore for children or young people to be sent to the island prisons. In Lazarus's case his slum prison is reserved for those who have exploited the poor and the list of those who were convicted of this crime were, with few exceptions, adults employed in positions of considerable authority. With regards to women being detained in the same establishment as men, Lazarus's novel is not clear on this point. He neither wrote about the creation of separate unstaffed prisons for women, nor did he mention women becoming inmates in his slum jail. In contrast to this Wells had clearly carefully considered the issue. One of the major attractions of this type of prison was the relative ease with which the male convicts could be kept separate from the women by simply locating them on different islands. Concerning this theme Wells wrote

"The State will, of course, secure itself against any

> children from these people, that is the primary object in their seclusion, and perhaps it may even be necessary to make these island prisons a system of island monasteries and island nunneries".
>
> (Wells 1905:382)

Wells was by no means the first to write about the eugenic potential of imprisonment. In his novel A Thousand Years Hence (1882) N.Green wrote about the need for what he describes as "Social Re-sanitation". He observed that society would aim

> ".....as far as humanity and decency will permit, to prevent the criminal and worthless from leaving families behind, and thus maintaining for society an everlasting battle with professional and hereditary crime".
>
> (Green 1882:15)

The detention of the habitual offender for life was one means of achieving this desired goal. Throughout the period covered by this research the issue of eugenics gradually gathered momentum and by the turn of the century the subject can be encountered in almost all the utopian literature written then. The peaking of interest at this particular time was in no small part due to the work of Sir Francis Galton and the Eugenics Education Society. In conclusion, as far as the offender was concerned it was relatively easy, in a utopian context, to devise a programme which made it impossible for them to have children. Green did not need to elaborate upon his idea of detaining certain criminals for life for that was quite simple all that was required. The more complex measures were needed for those individuals whose behaviour was completely legal but because of

their mental or physical condition they were deemed to be unfit parents.

The Punitive Prison Regime

In contrast to the punishment offered by the penal establishment which left the inmates to fend for themselves there was a small number of dystopias which described prisons designed to maximize the prisoners discomfort. Two of the more detailed accounts of such institutions feature in Walter Besant's The Revolt of Man (1882) and Guy Thorne's Made In His Image (1906). The first of these portrays the convict prison in Liverpool in which Besant's oppressive female government incarcerated its worst offenders. The inmates were dressed in sackcloth and every day they were expected to undertake a variety of meaningless manual tasks. These included carrying heavy weights up and then down a ladder and digging large holes and then filling them in. Besant describes the regime as combining

> ".....cruelty of monotony, of uselessness and of excessive toil".
>
> (Besant 1882:116)

There was no therapeutic value attached to this work, its sole purpose was to degrade and eventually physically and psychologically break the inmates. It is difficult to envisage any prisoner surviving any length of sentence in such an establishment as a combination of poor diet, inadequate clothing and strenuous work would eventually prove to be fatal. Given

these characteristics the phrase concentration camp could perhaps be better applied to describing this sort of prison. Thorne's penal colony is a more sophisticated version of Besant's. It is located in Cornwall on fifteen miles of "wild, untenanted moorland". This area of land contains over one hundred abandoned tin and copper mines which provided the major source of employment in the colony. The prisoners are better dressed than those in the Liverpool prison as they each are given a "suit of corduroy" on arrival. On one of the arms of the suit the inmates number is sown on in cloth. Thorne actually goes into a surprising amount of detail about the diet of the prisoners. They breakfast every morning at 5.30am on coffee and one and a half pounds of brown bread, which is expected to last all day. At 9.30am they are given more coffee and some salt with lard to put on their bread allocated earlier. For lunch, and 12.30pm, the meal is soup and vegetables. The final food of the day is served as a supper when the prisoners are given rice or peas with coca and bread and cheese. Thorne concludes his detailed list with the observation that the best behaved prisoners are allowed one meal of meat once a week. In addition to this privilege they were given two ounces of tobacco per week; regular access to library books and also were allowed to sleep in a single cubical as opposed to the dormitories in which the others slept. An additional benefit of being well behaved was that such prisoners were allowed to work with far less staff supervision in the more remote corners of the colony. The author describes the impact of the regime upon both the well behaved and the more problematic prisoner as being identical, for all the inmates appeared to be

".....healthy, well fed, and physically in good condition. But they suggested cattle. All that had made them men was gone from them".

(Thorne 1906:191)

The reason for their demeanour becomes quickly apparent when the punitive aspect of the regime is revealed. The governor of the penal colony used three principal punishments on inmates who had broken the rules of the institution. He could order a prisoner to be placed in a "dark cell", alone, and for as long as he saw fit. Flogging was another common form of sanction and Thorne records in the first six months of the colony's life this punishment had been used on fifty-seven occasions. Each time a flogging took place all the inmates were summoned to the parade ground in the centre of the prison and were made to watch the punishment carried out. The reason for making these beatings public was to reinforce the message to the prisoners, both individually and collectively, that if they did not adhere to the rules then they too would be punished in this manner. The governor placed a great deal of emphasis on the deterrence effect that floggings had; he argued that following this public sanction there was a "marked" decline in the crimes committed in the colony. The final sanction which the governor could utilise was the death penalty. Thorne describes how two prisoners were hung in the first eighteen months of the colonies opening, their offences being to seriously assault a warder. In addition to this two other prisoners had tried to escape and had been shot dead in the attempt. The power that the prison staff had over the inmates calls up the image of a feudal despot ruling his

fiefdom with a rod of iron. The prisoners do not appear to have a right of appeal against any sentence passed on them, indeed even when the death penalty is invoked there was no mechanism for the decision to be reviewed. The reasons for this tremendous concentration of power in the hands of the governor and his staff and the abolition of any rights of the prisoner are bound up in the special nature of this particular establishment. In the early chapters of the novel Thorne describes the conclusion of the first trial which resulted in an offender being sentenced to life imprisonment in the colony. At the point of passing sentence the judge made the following remarks to the guilty man

> "I sentence you therefore, to the perpetual depravation of all civil rights, and that you be perpetually imprisoned.."
> (Thorne 1906:150)

Each prisoner is therefore informed about the cessation of their civil rights before entering the prison. If they were in any doubt about what that meant, a few weeks in the colony would have made it abundantly clear. To reinforce the powerlessness of the prisoners Thorne actually refers to them on a number of occasions as slaves. Even the means by which they are transported to the prison gives evidence to their low status in the eyes of the authorities. They are taken in what Thorne calls a "grey train" from the courts in London to Cornwall. The train has no windows, the only light and ventilation coming from heavily barred "orifices" in the roof. Viewed from the perspective of the late twentieth century both the description of the journey to the colony and the harsh regime endured upon entering it invites

direct comparisons with the concentration camps of the Second World War. Even the reason for establishing the colony, the need to rid society of its "useless" and "dangerous" people, has much in common with the idealogy of the death camps.

Thorne's novel concludes with a large-scale riot at the prison colony in which many of the warders are murdered and several of the governor grades are tortured to death. A large number of the inmates escape and armed with the weapons of their former guards they wreak havoc on the local communities. The actual fate of these prisoners is not particularly clear, but it would seem that many were killed by the armed forces sent to deal with the riot. What is made explicit is that the government abandon the idea of using the penal colony as the only means of dealing with the "irreclaimable" section of society.

Thorne's novel is of particular interest because it provides an extremely detailed account of the punitive prison regime. It is also important to look at the real theme of the novel, that being the need for society to find a constructive method of dealing with offenders. In the opening pages the author demonstrates the futility of the prison system as it stood even before the idea for the colony had been conceived. He wrote that the lack of employment opportunities and the worsening economic situation of the country meant that many individuals were

> ".....willing to commit almost any crime to get safely into prison - to get a little food, a little warmth".
>
> (Thorne 1906:4)

The prison was neither a place in which rehabilitation was practised nor was it seen as a punishment which caused criminals to be deterred from offending. It was in fact seen as a haven for an increasingly desperate number of poverty stricken people. Thorne's novel was belatedly mirroring what had been actually happening for almost a century. J.J.Tobias's work Crime and Industrial Society in the Nineteenth Century (1967) demonstrates this point clearly. He quotes Sir Robert Peel's views that the prisoners of the General Penitentiary on Millbank were living too "comfortably" in comparison to the honest poor. This observation was made in 1826 and was later echoed by, amongst others, William Corbett and Edwin Chadwick. Given that one of the principal functions of the literary utopia was to act as a critique of the existing social order it is perhaps surprising to find that very few novelists explored this theme. One of the earliest of the references to this issue was made by C.Wise in his novel Darkness and Dawn (1884) when he observed that at present the prisoner

> ".....lived under conditions that would have kept him from criminality if he could have enjoyed them outside".
>
> (Wise 1884:73)

The next discussion of this theme that I came across was over twenty years later when Thorne's novel was published. His account of the desperation felt by the poor and their descent into offending in order to be housed and fed indicates that the prison was not fulfilling the role that was intended for it. However, instead of the government recognising these warning signals they persisted in developing the prison colony and by so

doing compounded the problem. For not only were the conventional prisons failing they had hastily created another penal institution whose moral foundations were extremely weak. Thorne was a Christian and not surprisingly the arguments that he puts forward against the penal colony are all firmly rooted in the teachings of the church. His key point was that it was morally reprehensible for individuals to be condemned by the state as irreclaimable and sentenced to a life of institutional misery. To do so was to assume the powers of judgement that belonged only to God. This view is cruelly parodied in the novel by the political architect of the colony who remarked that according to the Christian

> ".....no one was hopeless. The churches could save, they could renew ideals in swine".
>
> (Thorne 1906:26)

The title of the novel, Made In His Image, is meant to act as a reminder of the Christian belief that each individual is fashioned by God and that each bears the mark of the creator upon them. To declare a human being as being beyond redemption was not only to assume the mantle of God it was also blasphemous as it declared Gods creation of certain individuals to be error ridden. Thorne argues that the growth of "social science" in the schools, in the home and in the workplace was responsible for society losing sight of the direction God wanted them to follow. As a consequence Christian values were ignored and the driving force of "social science" propelled the nation from one crisis to another. Thorne was concerned to stress the importance of the

spiritual dimension of each individual's personality and the dangers of ignoring this. He argued that an individual could not be made moral by "method and precept" the only solution lay in a spiritual interaction between humanity and God. The prison and the penal colony were therefore doomed to fail because they paid no attention to the issue of the prisoners spiritual needs, seeking only to cater for the basic physical requirements. The savagely violent riot at the close of the novel is both symbolic of the failure of the penal colony and also a further indication of the consequences of the teachings of the church being withheld from every section of society.

In concluding this section on the punitive prison regime it is interesting to observe that both Besant's and Thorne's institutions were being held up as examples of poor penal practice. The former's convict prison was dismantled following the successful overthrow of the women's government, whilst the other ended with a revolt. Other authors like T.M.Ellis, Richard Jefferies and F.Dixie also presented this type of prison as repressive and a damaging experience for the inmates. The punitive prison in which there are no attempts made to reform the inmate was widely regarded as being of little assistance to society in resolving the problem of crime. In fact a significant proportion of these institutions are described as having inmates who, in the eyes of the author, do not deserve to be there. Examples of this include the persecution of the Catholics in R.Benson's novel Lord of the World (1907); the political opponents of the state in H.G.Wells The World Set Free (1914) and the women campaigning for equal

rights in F.Dixie's novel Gloriana (1890). The concept of having institutions which deployed staff to intensify the punitive component of the regime is regularly portrayed as being worse than leaving the prisoners to fend for themselves. The slum prison of H.Lazarus and the Hard Case Reservation of George Griffith are presented as being legitimate responses to criminals because the people incarcerated within them are seen to deserve their fate. In contrast the prisoner sentenced to a period in a punitive establishment is more frequently portrayed as a victim.

The Prison and Reformation

Of those authors who believed that the prison had any role at all to play in the process of reforming the offender, there were two very different approaches adopted. There were those like H.Lazarus who believed that combining imprisonment with employment was the solution, in his institution

> ".....labour was compulsory; God had made man to work. If he could not work for lack of will, the strong and wise will of his brother man must direct him. There was no escape from that great law".
>
> (Lazarus 1894:162)

In direct contrast to this was the perspective put forward by, amongst others, William Stanley in his novel The Case of The. Fox (1903). He wrote that

> "There is no hard (useless) labour as formerly, so the

prisoner often gains during confinement a grateful state of mind".

(Stanley 1903:187)

This positive "state of mind" was achieved by giving the prisoners time to contemplate both their misdeeds and the reasons that they had occurred. This process of self realisation was the primary mechanism for reforming the offender. This chapter will examine each of these means of reformation looking first at the role of work and providing illustrations from H.Lazarus's novel The English Revolution of The Twentieth Century (1894).

Following the successful overthrow of the previous government by The League of Social Revolution their leader turned his attention to the problems of punishing and reforming the offender. He quickly established fifty new penal colonies located all over the British Isles, each of which was capable of housing 5,000 individuals. These colonies were based upon a quasi-military model which meant that the inmates were given uniforms upon arrival and were then divided into groups of prisoners known as companies. Each of these units were supervised by a number of staff who Lazarus referred to as officers. They too wore uniforms, however they were readily distinguishable from those worn by the inmates. The author goes on to describe the accommodation and facilities of these penal colonies as being like barracks which

".....were staunchly constructed, well warmed, drained, and lighted, brightly and strongly decorated. There was always

> provided within them resources for genuine human comfort, cleanliness and recreation. Each barrack had its club-room and library".
>
> (Lazarus 1894:161/2)

Each colony was divided into quarters, these were for single men, single women, married couples and finally the officers. Each inmate was provided with "warm clothing", "wholesome food", "perfect human shelter" and "rough but manful labour". This work was focused on the reclamation of what Lazarus calls "waste land", it included embanking and clearing rivers, dredging harbours and creating more agricultural land. The strength of Lazarus's proposal lay in the fact that those areas reclaimed were not handed over to the state or to private individuals but to those that had been adjudged the best workers in the colony. The penal colony not only taught the criminal the means to avoid further offending but once it had been demonstrated that the lesson had been learnt they were released with new skills and the land to practice them on. Such was the success of these colonies that Lazarus records that all the old prisons were demolished and new "labour palaces" were put in their place. It would be wrong, however, to create the impression that these colonies were veritable utopias in their own right. The system of internal punishments which the officers could inflict upon those inmates who transgressed the institutions rules were severe. For example any individual believed to be "recalcitrant" in their allotted task had their working day increased from eight to nine hours. Should a further misdemeanour take place the day was extended to ten hours. The final sanction was flogging, Lazarus remarked

that this should not be "resorted to except in extreme cases". Given that most of the work undertaken by these colonies was intended to make considerable physical demands upon the individual the extension of the working day was no light punishment. It is also important to bear in mind that the novelist does not describe any other mechanism for leaving the colony other than by demonstrating a willingness to work. For any individual continually breaking the rules of the institution the only outcome would be that they would extend their length of stay possibly until they were too ill or infirm to work.

Lazarus wrote that within five years of the establishment of the penal colonies the "repetitious offenders" no longer existed. It is tempting to suggest cynically that the reason that they no longer troubled society was because they were all serving long sentences in the new colonies. Lazarus, however, believed that he had devised a set of proposals which successfully dealt with all types of criminal. He described some of the beliefs that had influenced both the shape and the content of the penal colonies in the later part of his utopia when writing about the "habitual" offender. He observed that such individuals were

> ".....a confession of the brutal civilisation which manufactured the criminal, and dared not therefore, fearlessly do away with him, by compelling him to labour usefully and preventing him for ever from further desecrating God's earth and God's people."
>
> (Lazarus 1894:389)

Lazarus's proposal to "fearlessly do away with" the criminal

begin with the insight he had gleaned into what he describes as the laws of nature and the spiritual component of humanity. He argued that the only means by which society could hope to improve was for both the government and the people to re-establish their relationship with God. Once this had happened Lazarus believed that there would be a number of beneficial consequences for all concerned. The most significant of these was that the "eternal laws" that governed human development would become more apparent to the spiritual discerning. The application of this process to the penal colony provides an interesting insight into Lazarus's thinking. In the early stages of the novel, shortly after the overthrow of the existing order, the leader of the revolt outlines his views on government.

> ".....the highest ideal of National Government is that which compels all men to labour, in return for which labour they should find ample food, shelter, clothing, domestic comfort and leisure for moral and material advance".
>
> (Lazarus 1894:384)

The significance of "labour" to Lazarus was that he believed it to be one of the guiding principles necessary for the establishment of a healthy society. It was, in other words, one of the "mysterious" laws that must be obeyed. When man worked he fulfilled "the purpose of his creation", and by inference when he was idle he was refusing to follow the pattern laid down by the creator. The penal colonies emphasis on the value of work assumes a deeper significance when viewed from this perspective. Lazarus was not simply seeking to provide gainful employment for

those who had chosen not to work he was endeavouring to bring them into some kind of realisation of the "eternal" principles that should govern their lives. The prisoners had to be made to work, beaten into submission if that was necessary, because failure to do so meant that the individual had failed to grasp the spiritual significance of employment. The consequences of such failure was not only the perpetuation of criminal behaviour or the inability of society to free itself of the burden of crime but most importantly of all it meant that the individual was condemning themself to facing the eternal wrath of God for ignoring his law. In order to assist the process of self awareness necessary for the criminal to realise their spiritual condition the colony regime included compulsory "intellectual and moral training" in its regime.

Lazarus was not alone in his beliefs concerning the redemptive powers of work, although he was one of only a small number of writers who explored this theme in relation to the reformation of offenders. The writers of literary utopias throughout this period were greatly exercised by the issue of work. Politically these authors were from every perspective, yet it was the socialists like William Morris and C.R.Ashbee who were at the forefront of the debate. Both these novelists were deeply concerned to portray the positive experience that "labour" could be under the right social conditions. Morris writing about this theme in News From Nowhere (1890) observed that in the nineteenth century there was a belief that all work was "suffering". The advent of the revolution had, however, changed that as the

following quote demonstrates

> ".....we are so far from that thinking that, as you may have noticed, whereas we are not short of wealth, there is a kind of fear growing up amongst us that we shall one day be short of work. It is a pleasure which we are afraid of losing, not a pain".
>
> (Morris 1890:274)

In News From Nowhere, Morris discussed three particular benefits that the worker could gain through their labour. The first and most obvious is concerned with the "gain in honour and wealth" which will be received by the worker when the task is complete. The second positive arises out of the type of employment which Morris describes as "mechanical work", those people who are involved in this form of labour have learnt to view their tasks as a "pleasurable habit". An example of this type of worker is the boatman, Dick, whom the visitor to utopia meets in the opening pages of the novel. He divides his employment between ferrying passengers across the Thames and in the summer working in bringing the harvest in. Should the reader be tempted to undervalue this character, Morris reveals that he is "fond of working in gold and fine metals" and has some considerable skill in this. Dick's manner, his clothing and his physique lead the visitor to utopia to conclude that this young man was "specially manly and refined". The final positive arises out of the actual labour that is undertaken, Morris describes how

> ".....there is conscious sensuous pleasure in the work

itself; it is done, that is, by artists".

(Morris 1890:275)

There is no "artificial coercion" forcing the worker to undertake tasks that he or she would wish to refuse, everyone does what they "can do best". The result of such freedom is the establishment of a healthy and vigorous society in which all individuals are equally valued. It would be interesting to speculate for a moment on what William Morris would have made of Lazarus's proposals regarding the need for offenders to work in order to discover their real selves. Morris would no doubt agree with the value placed upon "labour" by Lazarus, but I think that he would have had little sympathy for the methods chosen to motivate the recalcitrant worker. Morris argued strongly against the need for what he called "coercion" and was heavily in favour of the individual making their own choice about what work to do. He placed his hopes on the revitalising impact of socialism upon humanity. Everyone would be affected by it and there would be no need for the penal colony as there would be no one wishing to avoid the pleasure of employment. In contrast Lazarus believed that there were large numbers of people who had to be educated into understanding why they should work and what its true value was. Lazarus argued that these individuals were the "sad result of generations of neglect" by society as a whole and government in particular. Because their plight had been ignored for so long he believed that it would take both time and teaching to undo the damage, hence the need for the labour palaces. Lazarus followed a well trodden path when he divided this group into the deserving

and undeserving poor, a task that he likened to separating the sheep from the goats. The second of these being the group which contained the criminals and the one that Lazarus believed would be the most problematic to deal with.

In concluding this examination of Lazarus's use of "labour" in the reformation of the offender it is worth returning to the harshness of the regimes he portrayed. His penal colonies were designed not primarily to punish but to bring the offender to the point where they were able to contemplate a future without crime. The prospect of extremely long hours, physically demanding work coupled with the prospect of being flogged for infringing the rules of the colony seem more designed to break the spirit of the inmate rather than build it up. Whilst Lazarus claimed that within five years his programme had reduced the number of crimes to an insignificant trickle he still felt it necessary to make provision for the persistent offender. Like a number of other utopia writers he proposed that sentences should be dramatically lengthened after a criminal was released from prison and then convicted for further offences. He described a system which allowed first offenders to be sent to a colony nearest to the place of their conviction where their labour day was to be nine hours long. A second spell in prison would result in the original sentence being doubled and their working day increased to ten hours. A third conviction resulted in a minimum ten year sentence with a twelve hour working day. The fourth sentence resulted in the criminal being imprisoned for life. There is an unexplained discrepancy between the length of the working day

described at this point in the novel and those referred to earlier in this chapter. Interestingly the author observed that the most punitive sentences were for a different type of offender than had previously been the case, they were not

> ".....any more for the wretches brought to crime by ignorance, evil example, and want, but for the soulless gold thief, hatching, in comfort, his devils plans to despoil the hard workers of their thrifty savings".
>
> (Lazarus 1894:253)

From this description and the novelist's treatment of those individuals convicted at the start of the novel for offences against the people it is apparent that he viewed certain criminals as being beyond reformation. It is these individuals who are given the most severe sentences and seemingly are offered no assistance in rehabilitation. The inmates in the slum prisons are simply left to survive or perish whilst the offender convicted for the fourth time is never to be released from the colonies. In following this course of action Lazarus had committed himself to the sort of regime that G.Thorne was to portray over twenty years later in Made In His Image (1906). The effect of this form of imprisonment was to only make the inmates more bitter towards the community that had rejected them and the only value in their existence was to plot revenge. The violent riot in the Cornish prison colony depicted by Thorne put an end to that type of regime but Lazarus seems to have given little thought to the consequences of his policy. Sentencing large numbers of individuals to life imprisonment with no hope of

release was to invite the sort of response that Thorne so graphically describes. Nonetheless Lazarus's detailed account of the regime in his penal colonies remains one of the most informative descriptions encountered in the literary utopias of this period.

In contrast to the emphasis placed upon activity for the prisoner there were a small number of authors who describe regimes in which the focus was on quiet contemplation. William Stanley's The Case of The. Fox (1903) and particularly W.H.Hudson's A Crystal Age (1887) depict this type of response. Stanley's novel deals with the issue in more conventional terms than Hudson does and therefore an examination of his work provides a good introduction to this type of regime. Those individuals convicted of a criminal offence in Stanley's utopia are considered to be suffering from some form of "mental aberration" which is best treated by what the author describes as "Personal isolation". The value placed upon this method appears to be twofold; it acts as a deterrent to other offenders as the prospect of being separated from friends and family is clearly unappealing. In addition the isolation encourages contemplation and leads the offender to reflect upon the error of their ways. Unfortunately there appears to be several significant discrepancies in Stanley's proposals. If crime is genuinely viewed as a type of lunacy, in other words a form of illness, then it is difficult to envisage how the deterrence value of a prison regime can stop the onset of ill health. Further more Stanley repeats several times in his novel that offenders do not receive any form of

treatment and are simply left to discover the benefits of contemplation. Applying this approach to the "mental aberration" which, according to the novelist, is the real cause of crime is tantamount to the authorities just waiting to see if the offender recovers.

A far more convincing case for the therapeutic value of contemplation was put forward by W.H.Hudson in his novel A Crystal Age (1887). The father of the house, whose role as sentencer was discussed in the previous chapter, has only two punishments at his disposal, banishment and solitary confinement. The first of these was used only in extremely rare circumstances whilst the other was far more regularly resorted to. Hudson provides the reader with both the rational behind the use of this punishment but also provides the guilty person's perspective on how it actually feels to experience such a sentence. The first of these dimensions is revealed in the early part of the novel when the visitor to utopia, Smith, is found to have told a lie by the father of the house. For this serious offence he is told

> ".....for the space of sixty days you must dwell apart from us, never leaving the room, where each day a task will be assigned to you, and subsisting on bread and water only".
> (Hudson 1887:121)

The father adds that the primary value of "this period of solitude and silence" is for the offender to think about their actions and "repent" of their crime. Unhindered by communicating with other members of the family; with only simple, undemanding

work to do and a very basic diet the offender is in the ideal position to contemplate his or her guilt. Hudson even describes how this process should happen, he wrote that it was part of this society's beliefs that every individual had "the same law of right and wrong inscribed on the heart". Each offender whilst questioning themselves about why they had behaved as they did needed to rediscover that truth for themselves. Once this has taken place then these people believed that they would learn why they had committed their particular offence. At the end of the period of solitary detention the individual returned to the family with a "changed heart" having gained further insight into the eternal principles that shaped every life. This process was in fact one that was easily understandable to Hudson's utopia dwellers who had been brought up to communicate in a manner that was characterised by total honesty and openness. This applied to both their relationships with other members of their society and indeed to their environment as well. One of the most important abilities possessed by Hudson's characters was the recognition of the need to listen to one's inner voice and to use the natural world in achieving a deeper sense of self awareness. Smith highlights both these points when walking in the forest and becoming profoundly effected by the beauty and majesty of his surroundings he remarked that

> "I began to be effected by the profound silence and melancholy of nature, and by a something proceeding from nature - phantom, emanation, essence, I know not what. My soul - not my senses perceived it".
>
> (Hudson 1887:180)

The result of this communion with nature is that the characters internal "tumult" is "stilled" and he finds that he can no longer think about his difficulties but only "listen" to the voice of nature speaking directly to his soul. The result is that Smith finishes his walk free of the emotional burden he had begun it with. This experience was a common one for the people who lived in the veritable paradise that the novel portrays, yet this illustration serves as an example of what benefits can be obtained by being "open" even for the character who is alien to the utopia. It also demonstrates how the people were used to communicating in a number of ways which were new to Smith and no doubt many of the novels readers. Most importantly, as far as the theme of this chapter is concerned, it shows how this form of communication is moulded by the father of the house to teach offenders insight into their behaviour. The contemplation expected whilst confined to their room may appear to be more of a spiritual quest rather than a punishment for an offence committed, however it was not perceived this way by those members of the family who had undergone it. One of the women characters named Yoletta recalls her feelings to Smith about her periods spent in detention

> ".....I know that I suffer more than anyone can imagine. To tread on the grass, to feel the sun and wind on my face, to see the earth and sky and animals - this is like life to me; and when I am shut up alone, every day seems - oh, a year at least!"
>
> (Hudson 1887:139/140)

To be deprived of direct contact with the forces of "nature"

which the family recognises as being vital to their way of life was regarded as being an extremely severe punishment.

Having explored the psychological and spiritual components of this form of imprisonment it is important to look at other characteristics of this punishment. Two of the most interesting of these is Hudson's choice of location for the confinement to be served, namely the individual's personal room and the role of the other family members during the sentence. Concerning the first of these the offender is not removed to another building away from the rest of the community but instead stays in the house with all the other members of the family. There are also no members of Hudson's utopia whose specific role it was to supervise and police the offenders. Instead it seems that one member of the family was chosen to daily tend to the needs of an offender undertaking a variety of tasks such as bringing them their simple meals and the work that had been allocated to them for that day. The very low key handling of this process does not imbue it with any of the harshness that has been described in a number of other regimes in this chapter. It instead gives it an air of quiet dignity and humanity. The real nature of the punishment is recognised by both the guilty party and the whole of the small community. The prisoner can look out from their room upon the surrounding country but is restrained from actually physically being a part of the natural world with which they enjoy such a close relationship.

The significance of the offender being detained in their own room

is worth focusing briefly upon, for staying within the family home gives the process a sense of the problem behaviour being dealt with by the members of the family. Without lessening the impact of the punishment the message to the offender is that despite having engaged in behaviour which is unacceptable you are still a part of the family. This point is particularly demonstrated when the sentence comes to an end and the individual is free to leave their room and resume their role in the community. They are not regarded as being socially inferior by the other members of the family and they are welcomed back as equals. This seems to be the case even when an individual has undergone a number of such sentences.

Hudson's creative experimentation with the concept of imprisonment in his utopia is a rare example of the theme being explored with real imagination. The vast majority of authors either chose to embellish the existing thinking on prisons or chose to do without them altogether. The Utopian creativity that was displayed in other aspects of the criminal justice system seems largely absent when faced with imprisonment. The negative aspects of custodial sentence were widely recognised and often repeated; the poor physical conditions in which the inmate was housed; the meaningless work given to the prisoner and the poor quality of the warders being the primary points made. Those writers who chose to have no imprisonment in their fictional states often ask the reader to suspend their disbelief and accept that the introduction of a particular ideology would almost instantaneously remove any necessity for such institutions.

Certain of the socialist writers were particularly adept at this approach, Robert Blatchford being a good example of this. In his novel The Sorcery Shop (1907) the reader is informed that

> ".....in a Socialist state there would not be, there could not be, a thief....."
>
> (Blatchford 1907:182)

This statement is supported with the explanation that such a thing would be an impossibility because of the reorganisation of society upon "more practical and human lines". Unfortunately the changes subsequently described fail to add any sense of conviction to the boldness of the above quotation. Fortunately, however, the lost creativity reappears when looking at the subject matter of the next chapter which looks at the alternative punishments devised in the literary utopias of this period.

Chapter Nine: The Alternatives to Imprisonment

Whilst imprisonment remained the primary method of dealing with the criminal in the literary utopias of this period its treatment as a theme, with few exceptions, lacked the spark of creativity that this fictional form encourages. Happily, however, that is not the case when looking at the other types of disposals that are to be found. The focus of this chapter therefore will be on the different sentences that were handed out by utopian courts. Whilst some time will be devoted to exploring the more fantastic of the different punishments, the main focus will be on the serious descriptions. In order to prevent this chapter becoming an unstructured series of accounts of different punishments I have divided the different disposals passed by the courts into six distinct categories. These are;

1. Cautions.
2. Financial Penalties.
3. Reformatories.
4. Banishment.
5. Corporal and capital punishments.
6. Psychological Treatment.

Before commencing this work it is important to highlight the point that these sentences were for the most part not designed to replace imprisonment, they were simply a part of the range of disposals that were open to the various courts. Each of these

six will be examined in turn looking firstly at the actual way the punishment was intended to work and then focusing upon the ethos that lay behind each one.

The Caution.

This sentencing option was portrayed as being the most lenient penalty at the courts disposal by those two or three novelists who incorporated it into their fiction. For example in F.W.Hayes novel The Story of Phalanx (1893) those individuals who refused to work were subjected to "public censure" by the local judiciary for the first offence of this nature. Whilst the use of cautioning was depicted in only a small number of utopian novels it is interesting to note the different emphasis placed on this option by different authors. F.W.Hayes was particularly concerned to stress the public aspect of the cautioning process. It was designed not only to sanction the behaviour of the person responsible for the offence but it was also intended to serve as a warning to the wider community. By broadcasting the caution all were aware not only of the wrong actions of an individual but more importantly everyone knew that if they offended in that manner they would be treated the same. F.W.Hayes extended this use of publicly announcing sentences on criminals to include all offences and punishments imposed by the courts. The local "gazettes" were the primary means of distributing this information, the other main means being posters which were prominently displayed

> ".....at the local townhalls, or at the local finance offices in places where there were no municipal headquarters near at hand or sufficiently central".
>
> (Hayes 1893:265)

Exactly what information was included either in the "gazettes" or the posters is not made explicit by the author. It would seem however that the name of the offender, their crime and their punishment were the key points revealed. Interestingly F.W.Hayes took the details given one stage further in the case of those offenders who received custodial sentences and who incurred the displeasure of the prison authorities by challenging their authority or refusing to work. The "black lists", as they were known, included the names of those prisoners who had been flogged because of their misconduct whilst serving their sentence. The clear purpose of this additional information was to reinforce the view that imprisonment was a rigorous and harsh experience which would break the most difficult offender.

In contrast to this very public process of cautioning offenders, K.Folingsby's novel Meda (1892) uses this sentencing option in a very different manner. The author wrote that all "trivial offences" were punished by "admonitions from the elders of the people". Those responsible for administering the cautions were all drawn from the class of people known as the "nobles". These were individuals who were elevated to this group on their intellectual merits and maturity not because of wealth or influence. Whilst Folingsby wrote very little about the actual process of administering the caution his description of the new

social order in the rest of the novel sheds further light on its significance. For example the traveller to this perfect state is informed by his guide that

> ".....intelligence has gained such a control over our people's passions that everything is held subservient to it ".
>
> (Folingsby 1892:143)

Crimes are rare and "immorality is unknown" as society has learnt the painful lessons of history and the need to conquer the "passions". It is this pervading sense of self-control that gives the caution its credibility in this novel. The great stress laid upon intelligence, and on reason by this society meant that the admonition of the elders has more weight attached to it than may first seem to be the case. It is significant that the caution is referred to as a "punishment" by Folingsby for the offender is forced to face their inner weaknesses when meeting with the nobles. By committing a crime they have demonstrated their inability to reach the level of self-control expected of them and no doubt the caution was used to point this deficiency out. As the intelligence of the individual was so highly prized this process cannot have been anything other than both humbling and painful for the offender. One final point needs to be made about the use of admonitions in this utopia and that again concerns the manner in which the process is conducted. The image conjured up by the author is one of a close knit community in which the erring individual is spoken to firmly but not harshly by those senior members of the state. Their intention does not

seem to be to create the sort of climate of fear and ridicule that F.W.His' approach aroused. Instead the elders were appealing to the intellect and warning the offender of the potential consequences of further lapses. It is interesting to note that H.G.Wells novel A Modern Utopia (1905) contains a description of a reformatory for offenders in which this style of cautioning is incorporated into the programme that the inmates have to undergo. Returning however to the caution in its purest sense it was an option that enjoyed very little popularity in the utopian novels of this period. The reason for this may lie in the belief that an offender is expected to suffer a punishment in some way for his crime. All the other sentencing options place considerable weight on this as the criminal loses something of his or hers, it could be their liberty, a part of their income or in the most drastic circumstances their life. In contrast to this the caution can appear to be a tokenistic response to a crime which allows the offender to escape the consequences of their actions.

The Financial Penalty

> "The amount of a fine which is imposed upon an offender against the law ought to be proportioned to his income, and ought not to be the same for everyone as it is now".
>
> (Hendow 1887:8)

This observation by Z.S.Hendow is his novel The Future Power demonstrates the ability of the literary utopia to challenge accepted practice and propose credable alternatives to it. It

is also an illustration of how relevant some of the discussions on crime from this period are to today's debates about criminal justice. The idea of "unit fines" was finally introduced in 1992, some one hundred and five years after Hendow raised the issue. Hendow was not alone in approaching the subject of fines with a degree of inventiveness, C.Ousley demonstrated a similar creativity in his novel Palingensia (1884). In his fictional state criminals were treated as suffering from mental illness and instead of being sent to prison they were detained in reformatories which sought to find a cure for the individual's ill health. Ousley placed great emphasis upon the need for the inmates to work during their stay in the reformatory and for their labour the inmates were paid a small wage. This money was divided up into three parts by the staff who gave a third of it to the victim of the crime; a third to "state funds" and the final third was saved for the offender to have when he or she were set free. In effect each criminal who was detained in a reformatory was paying both a fine and compensation whilst serving a custodial sentence at the same time. For those offenders who were fined but did not lose their liberty the novelist created a system which made the parents and the teacher of the criminal responsible for a tenth of the penalty. These individuals were included in order to ensure that they are

> "....more careful to bring up their charges in the ways of rectitude".
>
> (Ousley 1884:197)

Ousley's creative use of the financial penalty is unsurpassed by

any other author read for this research. A few other novelists such as Henry Lazarus, M.L'Estrange and Richard Whiteing made passing reference to the fine but they all simply transferred the practices of the real world so to speak into their fiction.

The Reformatory

> "There will be disciplinary schools and colleges for the young, fair and happy places, but with less confidence and more restraint than the schools and colleges of the ordinary world".
>
> (Wells 1905:382)

The need for an institution for offenders which was less restrictive than a prison and yet did not allow its residents the freedom enjoyed by the wider community was recognised by a number of novelists from this period. The reasons for having such establishments varied from author to author with each writer accentuating the particular issue they were most concerned with. For H.G.Wells this meant endeavouring to deter the young criminal from a criminal career which could result in life long incarceration on one of the islands that were discussed in the last chapter of this research. As for C.Ousley and R.Benson they were more concerned with using such an institution to cure the mental problem that was at the centre of any deviant behaviour. In contrast Samuel Butler's satirical novel Erewhon Revisited (1901) features a "deformatory" in which all the unacceptable good children are confined and "hardened with the alloy of vice". All three of these different types will be briefly examined as

they provide a considerable body of useful information on different ways of dealing with offenders.

Wells does not make it clear how an individual actually is sent to his "disciplinary schools". What he does say is that all first offenders and all criminals under twenty-five years of age have to attend them. It would seem likely that as an offence has had to be committed in order to qualify for entry then the referring body was either the courts or another similar agency from within the criminal justice system. Wells also does not provide much information about the regime either in terms of the living conditions or the actual teaching given to the residents. The author restricts himself to making a couple of simple, but nonetheless significant, points about both these subjects. The reader learns that the schools are located in "remote and solitary regions" where

> ".....fenced in and forbidden to the common run of men...remote from all temptation, the defective citizen will be schooled".
>
> (Wells 1905:382)

The whole ethos of these establishments is focused on making the individual consider the consequences of re-offending. Wells describes how each resident must decide what they prize most highly the "wide world of humanity" or the "evil trend" with in them which lead them to offend.

Wells does not make any comment on the effectiveness of his

"disciplinary schools" in terms of reducing offending. There are however clearly a significant number of individuals who do not learn from this experience as Wells fictional state found it necessary to develop the island prisons. The contrast between these two institutions are worth dwelling on for a moment as they highlight the states response to the criminal at different stages in his or her criminal career. The first point to make is that paradoxically the restriction placed on the inmates of the "disciplinary school" are more severe than those sentenced to detention for life on an island. The former are confined to some of the bleakest parts of the countryside and are forced to confront their offending behaviour when asked to decide whether they value their freedom or their criminality most. In contrast those sentenced to detention for life on an island are free to behave as they please. As the last chapter showed the prisons in this fictional state were a far cry from the penal institution that Wells's readers would have been familiar with. They are portrayed as being small but nonetheless thriving communities where the offender has the opportunity to exercise their criminal skills for the rest of their life. The only problem being that everyone else detained was endeavouring to do the same. Of more significance is the decision by the state that at some point an offender can no longer be tolerated or treated within his or her community and must therefore be expelled forever. Sadly Wells does not discuss what the criteria are for deciding that the state can no longer endure the behaviour of one of its citizens. This belief that certain criminals were beyond redemption is one that colours much of the writing on punishment in the literary

utopias of this period. The last chapter identified this trait in the penal establishments written about by, amongst others George Griffith and Guy Thorne. Both of whom depicted prisons which were designed solely to detain the most problematic offenders for life. Later in this chapter the subject of banishing the criminal from society will be examined and this sentence obviously has its roots in the state washing its hands of the individual. The more draconian solutions championed by Edgar Wallace and many other lesser known authors is further evidence of this trend. The threshold which the offender has to cross from rehabilitation to ostracism often remains elusive both when examining an individual novel and looking at utopian fiction as a whole. In the most general of terms this transition seems, not surprisingly, to be heavily influenced by two factors; the seriousness of the offence and the number of previous convictions. Within that crude framework individual authors varied greatly on how much emphasis they would put upon attempts at rehabilitation or pure punishment. For example Ousley, like Wells, used the reformatory as the primary means of trying to transform the offender. A major difference between the two was that Wells had far more lenient criteria for keeping the criminal within the community. In contrast Ousley wrote

> "If any are found guilty a second time of murder or robbery, or of housebreaking, they are sentenced to perpetual banishment, seeing they have proved themselves unfit to enjoy liberty, they are irreformable".
>
> (Ousley 1884:197)

Ousley describes in far more detail than Wells the nature of his reformatories and they are not only more therapeutic in their outlook they seem to be used far more extensively. The author describes them as being essentially places in which the offender receives "wise and beneficial correction". In fact the ethos upon which Ousley built his reformatories is very different to that of Wells. The latter designed his "disciplinary schools" on the principle that offenders took conscious decisions to offend. It was therefore possible, Wells believed, to seek to try and persuade the criminal to stop their deviant behaviour by presenting them with the consequences of their actions and asking them to make a choice. In contrast Ousley "treated" all "evil doers" as "diseased". They were

> ".....cured by the good treatment of those set over them, by learning crafts congenial of their taste and skill, acquiring habits of order and industry and thrift, and by earning their livelihood by honest work".
>
> (Ousley 1884:157)

His correctium are portrayed as being sympathetic and caring institutions which sensitively care for the "diseased" offenders. In an effort to convey to the reader the healing environment that he was trying to create Ousley provides a lot of background detail about life in these reformatories. For example he describes how offenders are initially divided into two groups, "the insane or vicious", by the legal process. The former are detained in asylums whilst the latter go to correctiums. Despite the different names there appears to be little difference in the

regimes offered by both establishments and the following details apply equally to both types. Ousley goes as far as to briefly sketch out the simple process of allocating offenders to institutions. The guiding principle being that the offender went to the asylum or correctium nearest to the area where the crime was committed. The only exception to this concerned those individuals convicted of murder for they were sent to an institution a thousand miles away and were never allowed to return to their former home. Having arrived at the correctium the first impression made upon the prospective resident was that there were "instructive pictures" on all the walls and that music was used to "elevate the feelings". Each new arrival has to start on a bread and water diet which later is expanded to include other "plain" and "wholesome" food. Meat is expressly forbidden as it is perceived as a coarsening influence upon both the mind and the body. In contrast to this a vegetarian diet was seen as the best means of achieving bodily health and "purity" of mind. Two other aspects of the induction process that were seen as central to the goal of reformation were the immediate commencement of a training programme designed to restore the criminals awareness of their "moral duties" and secondly they were "taught such honest craft as they show skill for". Ousley wrote that once the criminal had whole heartedly embraced all of these different components then he or she would successfully be able to recover from the disease that had caused them to offend. One weakness in Ousley's detailed descriptions is that he does not write about the numbers of people who are processed through these institutions. The closer he comes to doing so occurs towards the

close of his novel when he reflects on the entire criminal justice system and observes that

> "These laws, however, most useful in their time, seldom come into operation now, all being happy in their work and there being no disposition to do evil".
>
> (Ousley 1884:199)

This oft repeated sentiment amongst utopian authors that all is now perfect is frustrating in the extreme when trying to look at the validity of the plans for the state that have been put forward. In this instance Ousley is following in the utopian tradition of saying that the correctium had its merits at one time but now it is virtually obsolete. Not every author, however, was prepared to be so dogmatic about the success of their fictional creations. Samuel Butler was one such novelist whose two literary utopias are full of satirical assaults upon his own society. The second of these two, Erewhon Revisited (1901), lacks much of the vitality of its predecessor but it still contains some delightful attacks upon a number of institutions. Of particular relevance are his views on the reformatory and his novel contains a brief chapter on a visit made to the Provincial Deformatory for Boys. On a wall of the building that housed this august institution was an inscription which read

> "When the righteous man turneth away from the righteousness that he hath committed, and doeth that which is a little naughty and wrong, he will generally be found to have

gained in amiability what he has lost in righteousness ".

(Butler 1901:152)

The children sent to this establishment are the ones that cannot be educated within the community because they have demonstrated that they are "quick, unassuming and sincere". They are described by the headmaster of the Deformatory as being "notoriously too good" and it is therefore his role to ensure that they learn some vices in order to counteract this imbalance. The programme devised to "harden" these children with the "alloy of vice" is primarily educative. The Deformatory for example runs classes on gambling, book-making and speculation. The visitor to the establishment arrives there when there are no classes taking place, but the headmaster is determined to demonstrate how arduous his job is. He therefore assembles all the boys together and begins to examine them on what he describes as the Counsels of Imperfection. He asks a question concerning the necessity of avoiding what he calls "extremes of honesty" and is answered by one pupil that

> "It is not necessary, sir.....and the man who says that is so, is a scoundrel".
>
> (Butler 1901:155)

For answering so truthfully this child is caned in front of the assembly and sent to the bottom of the class. Such an outburst of unrestrained truthfulness serves to demonstrate the difficulties faced by the headmaster and his teachers. He continues in his work and asks for a definition of honesty, and

receives the following reply from a pupil who has clearly absorbed the teachings of the Deformatory.

> ".....honesty does not consist in never stealing, but in knowing how and where it will be safe to do so".
>
> (Butler 1901:156/7)

The headmaster goes on to explain to his visitor that the teaching at the school is founded on the principle of aiming not for perfection but for imperfection. The reason for following this some what perplexing course of action is all to do with setting targets which are achievable. He argued that the state would never attain perfection even if it was struggled for "to the end of our days". In contrast imperfection was a condition that it was possible to grasp, the headmaster believed that "we shall probably get it within a reasonable time". In order to attain this level it was important to moderate the beliefs and actions of the most well behaved citizens and there was no better time to do this than in their childhood.

Samuel Butler's satirical inversion of the reformatory into the deformatory raises an important point on the negative impact that this type of institution can have on its residents. Wells and Ousley both wrote about the positives provided by such establishments, stressing their potential to alter the perception of the offender in such a way as to stop their criminal career. The idea that young, immature and vulnerable offenders could be contaminated by their contact with other more experienced criminals was not considered by either of these authors, or for

that matter by the vast majority of other novelists. The prison and the reformatory were criticised for a number of different reasons; the inhumanity of depriving an individual of their liberty; the dreadfulness of the prisoners physical environment and the lack of the right type of people to staff such establishments, being three of the most common. Typical of those writers who were deeply critical of the role of these institutions was A.Taber who observed in his novel Work For All (1914)

> "We have no prisons, as we do not believe that they prevent wrong doing; but rather encourage it".
>
> (Taber 1914:68)

It is interesting that Taber wrote immediately after this about the effect that working in prison had upon the staff. He described how the "coarse gaoler" was made even worse because of his "very occupation". Taber does not however go on to make the same connection concerning the convicts experience of imprisonment. The reader is left with the author's opinion that prisons and reformatories can "encourage" offending behaviour, but no reasons are given for this. When looking at utopian fiction as a whole from this period the most clearly developed critique of these institutions and particularly reformatories was expounded by Samuel Butler. His criticisms act as a valuable counter balance to the enthusiasm shown by other writers such as Ousley, Wells and His.

Banishment

The belief that criminals should be exiled from the town or even the country where they lived was one that enjoyed a more widespread appeal than financial penalties or reformatories had done. It is possible to crudely divide into two groups the types of offenders who were punished in this manner; those individuals who had repeatedly re-offended and had demonstrated no capacity or willingness to change form the first type. The other concerns criminals who have committed offences which are judged to be so serious that their expulsion from their community is required immediately. Before embarking upon a detailed examination of these two groups it is first necessary to try and place this method of dealing with criminals in context with the other disposals written about during this period. Banishment is frequently portrayed as a more serious punishment than prison. Ousley for example made it clear in his novel Palingensia (1884) that a second conviction for murder would result in "perpetual banishment" for the offender. Those found guilty of such a crime for the first time were sent to an asylum or a correctium a thousand miles away from their home and never allowed to return. The distinction between these two sanctions seems at first glance to be marginal, however, it is my belief that there is a significant difference. The first sentence involved two elements; rehabilitation (provided in the reformatory) and punishment (brought about partially by being confined in an institution but also because of the banishment from the home area). The second conviction contains no rehabilitative

component as the offender is now adjudged to be "irreformable", the sole emphasis is punishment through banishment. Whilst Ousley is somewhat vague about what he actually means by this, it is my belief that instead of the criminal being expelled from a particular community he or she is in fact banished from society as a whole.

Ousley's use of banishment is typical of the majority of those authors who utilised this particular sentence and who believed that it was a more severe punishment than imprisonment. Having established its position in relation to the custodial sentence it is also important to ascertain its status vis a vis the death penalty. It is significant that of the dozen authors who write about banishment only one of them, E.Corbett, also incorporates capital punishment into her sentencing options. As far as the others are concerned banishment was the most significant disposal that they depicted. It was possible that the offender's death might arise from their exclusion from society, but that was not the primary purpose of the sentence. More details of the relationship between banishment and capital punishment will emerge during the next section of this chapter which focuses upon the two types of offender who were punished in this manner.

The first group were those individuals who had repeatedly offended and were given a number of different opportunities to learn from their errors by the courts. William Stanley's novel The Case Of The. Fox (1903) described such a scenario for men who refused to work to support their wives. When the individual is

convicted of his first offence of this crime he is

> ".....isolated by the State, and made to work for her upon State work. If he will not do his work, he runs short of food".
>
> (Stanley 1903:188)

If this level of "coercion" does not produce the necessary degree of industry from the offender then the state decrees that he should be "isolated on an island". He no longer has any responsibility to provide for his wife but he is faced with the stark choice of working in order to cultivate food for himself or die. George Griffith outlined a very similar mechanism for the use of banishment eight years earlier than Stanley in his novel The Outlaws of the Air (1895). In this instance those who were made subject of this penalty had been found guilty of "meddling" in other people's affairs. The community who had established this practice lived on a small island in the South Pacific and made use of nearby islands to house first offenders. Those found to have taken an undue interest in their neighbours affairs were initially banished for twelve months to a small islet which was four miles from the main island. Upon completing this period the offender was allowed to return to the community and suffer no further punishment providing they did not repeat their crime. If, however, they are convicted a second time then the criminal was

> ".....set adrift in a boat with a month's provisions outside the reef, and being forbidden to return on pain of death".
>
> (Griffith 1895:41)

Griffith's decision to include a penalty for the offender seeking to breach the order that banished them may seem an obvious course of action yet he is the only novelist to do so. Whilst Stanley may have been able to argue that the deserted islands to which his criminals were sent were impossible to return from, the authors like Ousley and Beresford have no such explanation to offer. This may appear to be a trivial point but is has serious consequences for the validity of this sentencing option. If the decision to banish an individual does not include a further sanction should they endeavour to return then clearly that temptation would always be there.

Both Griffith and Stanley use the option of banishment in such a way as to bring it close to the edges of corporal punishment. Whilst both authors give their respective offenders the opportunity to escape either death or serious harm they also open up the possibility of their offenders sustaining considerable injuries. For example a storm at sea may claim the life of Griffith's criminal whilst Stanley's castaway on a desert island may not have the skills to survive in such an environment. Whilst it is unwise to make generalisations based upon such a small sample there is, I believe, some validity to the notion that this element of possible harm was actually perceived as a positive part of the sentence. The criminals were not merely banished there was also the probability that they may lose their life as a result of this sentence. Such a perspective gains strength from an examination of the second type of offenders subjected to banishment.

E.M.Forsters short story The Machine Stops (1909) describes how the central character, Kumo, begins to test the patience of the rulers of his mechanistic state. Society had become increasingly reliant upon technology to provide all its needs and Kumo began to challenge this in a variety of ways which were explored earlier in this paper. As a result he is threatened with being made homeless by his superiors. This sentence is never carried out because as the title of the short story suggests the machine ceases to work and society collapses. Nevertheless the threat was a serious one, for as the machine controlled all the housing it meant that Kumo would have had literally nowhere to go. The machine's powers of control extended to providing all the major needs of the individual ranging from food to medical treatment. Anyone being subjected to homelessness was in effect being completely excluded from society. This form of banishment differs from the first because it was clear that the authorities were prepared to implement this sentence for what they considered to be the first serious offence. There was no cautionary first stage during which the offender was given the opportunity to amend his or her behaviour. The closest that the authorities came to such a process was to warn Kumo that they were contemplating making him homeless. There were however other novelist, like Elizabeth Corbett and J.D.Beresford who did not even give the offender the benefit of a warning. In her short story New Amazonia (1889) Corbett describes how any man found to have fathered illegitimate children was to lose "all his possessions" and was also to be "banished from the country" immediately. It is significant that this was the only offence

for which banishment was the punishment in Corbett's novel, the obvious consequence for this being that only men could be sentenced in this way. Corbett's treatment of banishment is also unusual in that she was explicit that the offender would lose everything he owned when he was excluded from the country. None of the other writers make the point so clearly or so forcefully. One common element that she did share with the majority of novelists who wrote about banishment was that she gave no indication of what the consequences of endeavouring to thwart this sentence would be. It is however possible to conjecture what Corbett's fictional states response may have been from a number of observations in her novel on the theme of punishment. As mentioned in the introduction to this section, Corbett's was the only utopia which made use of both corporal punishment and banishment and it is her use of the former that informs the following hypothesis. Criminals in Corbett's model state were treated as suffering from "diseased" brains and as a result every effort was made to restore their mental health. However, if the criminal continued to re-offend then the court had the option of having them "euthenasied". There was no option for treatment for those men found to have fathered illegitimate children, it is as if their offence was beyond any possibility of redemption. Should they have attempted to return it would seem that the least they could have expected was to be whipped and sent back. However as the state's response to crime, particularly offences committed by "foreigners" and men, was often quite punitive it would not be beyond the bounds of possibility that they would be executed.

So far all the examples involving banishment have been drawn from societies which are both highly sophisticated and technically advanced, even if the technology has virtually destroyed humanity as in the case of Forster's short story. It is therefore interesting to look at the illustration of banishment provided in J.D.Beresford's novel Goslings (1913). This utopian fiction describes the effect of a new plague which spreads from China till it encompasses the entire world. The impact of this incurable disease was felt primarily amongst men, the vast majority of which died within forty-eight hours of contracting it. The novel describes the effects that this devastating plague has upon British society which gradually breaks down into a large number of primarily agrarian communities populated almost exclusively by women. Beresford focuses on the development of one of these communities and how they cope with a wide variety of problems. One of the difficulties faced concerns one of the women who is caught stealing from the common store. The communities committee meet to debate what to do and conclude that

> "Imprisonment would have been utterly futile. The committee did not wish to punish her for her offence against common property, they merely wished to rid themselves of an undesirable member and make public announcement that they would in like manner exclude any other member who proved herself a burden to the community."
>
> (Beresford 1913:280/1)

This description of banishment provides a number of points which

require examination. Firstly the exclusion of the offender was literally the only sentence that the community felt it had the power to execute. At the time of the thefts the group were struggling to adapt to their new way of life and there was the real prospect that its members would die of starvation or simply lose the will to live. All those able to were involved in the production of food and the provision of other basic requirements such as housing. There was neither the spare buildings to act as a prison nor was there the surplus members of the community to act as jailers. Neither the death penalty nor some form of corporal punishment were canvassed as possible disposals by the committee. The reason for this is not provided directly in the novel but it is answered in part shortly after the banishment had taken place. Beresford alludes to the fact that the community were rapidly becoming vegetarians as they were unable to face the prospect of killing the animals. It is therefore highly unlikely that if the women could not kill in order to eat then they would not have the capacity to execute one of their number. The thefts that the offender had carried out were of a petty nature and would in any event have hardly merited such a draconian response even if the women had shown the willingness to carry such a punishment out. The decision to banish the offender was both the simplest and most effective manner of dealing with this problematic individual.

Beresford's portrayal of banishment conveys a sense of realism which is often lacking in much of the other utopian fiction. The fault does not lie in the respective author's depiction of this

punishment. The problem is deeper and is to do with the unhappy marriage between complex societies endeavouring to resolve the problem of crime by primitive means. Ousley's novel is arguably the best example of this. He describes a highly organised and regulated world state in which humanity had learnt to harness the powers of nature. As a result volcanoes are subdued; mountains are levelled; electric ships pilot the seas and "aerial cars" fill the skies. Equally extensive advances had been made in the creation of peaceful, happy and prosperous communities. It therefore is something of a disappointment to discover that the ultimate sanction that this highly resourceful society applied to its offenders was that of banishment. When compared to the advances described above this punishment seems both clumsy and incongruous, it belongs to a more primitive world which lacked these other achievements. This is precisely the reason that Beresford's usage of banishment carries with it an earthy realism. The community he describes is primitive, unstable and extremely vulnerable. The women are concerned primarily about survival and the production of food and shelter are their over-riding aims. When faced with the problem of one of their members being found stealing she is excluded from the community after a long debate. This expulsion is in tune with the community which decided to follow this course of action, it does not give rise to the feelings of artificiality which were raised by Ousley. The primitive social organization produces an equally primitive, but nonetheless effective, response to the crime they are confronted with.

One final illustration of the use of banishment in the utopian fiction of this period comes from K.Folingsby's novel Meda (1892). Set in the remote future in the year 5575 the author describes a society which had for many years been characterised by its "purity of wisdom". When contrasted with the struggle for existence in Beresford's novel the two communities seem worlds apart, yet they are linked as far as this research is concerned by their use of banishment. The depiction of Beresford's primitive utilisation of this sanction is perfectly contrasted by Folingsby's detailed, technologically orientated description. The manner in which criminals were banished in this utopia was undoubtedly the most imaginative use of this sanction encountered. Banishment was reserved for the most serious crime that the state of Meda knew and that was for a man or woman to marry a second time. The reason behind this decision are somewhat obscure but are perhaps linked to the stringent rules concerning which people were allowed to become parents. One other piece of information is vital in order to understand the unique qualities of banishment in this novel and that concerns the alterations that were made to the earth's gravity by a passing comet many hundreds of years earlier. This had the effect of slowing down the rotation of the earth and thinning the atmosphere. The immediate consequence of this was that all the unfit people who inhabited the cities died because they were unable to cope with the atmospheric change. Only the fit and the healthy were able to survive and gradually adapt to these changes. Over time it was discovered that the atmosphere had undergone a radical transformation, it was now.

".....composed of new life-sustaining gases on which man could live....."

(Folingsby 1892:256)

It was no longer necessary for the citizens of Meda to eat, they simply lived off the nutritious atmosphere and the occasional drink of water. The other important effect felt by the earth after the comet had passed by was the change in gravity. It eventually became necessary for every individual to wear leg weights in order to stop themselves from simply floating away. The leaders of the utopian state had decided to utilise these changes when they developed the punishment of banishment. Folingsby describes how this was done in the following passage.

".....the offender is brought before the Court of Judges, and pleads his own case. If he is found guilty the men of the district are called together, and on the day fixed for the dispatch he is brought before the multitude, his leg weights removed and replaced by a gravity destroyer, fixed in a belt around his waist, and at a given word he floats upward....."

(Folingsby 1892:249)

Instead of being banished to some remote corner of the state the offender is sentenced to "float away into unmeasurable space". Because of their ability to survive without solid food and live off the nutrients in the air this was not a sentence of immediate death, the punishment was expected to last many years before the offender eventually died. By imaginatively making use of science fiction, Folingsby had once and for all resolved the problem of how to banish offenders. There was no need to ponder over what

course of action to follow should the individual endeavour to return as there was no possibility of this happening. The government need not fear that they would one day face possible attack from marauding groups of disillusioned and angry men and women who sought to wreak revenge on the State that had disowned them. In short Folingsby had created the perfect means of carrying out this particular punishment.

Corporal and Capital Punishment

> ".....there has come into existence a spurious form of humanitarianism, the exponents of which have, it would appear, lost there sense of proportion, and have promoted the fear of Pain to a religion: who have forgotten that the age of Reason is not yet, and that men who are animal in all but human semblance share the animals obedience to corrective discipline, share too his blind fear of death...."
>
> (Wallace 1908:172)

This quotation comes during the trial of one of the authors avenging heroes in The Four Just Men. Wallace's observations on the relationship between pain and punishment neatly encapsulate both strands of a view that was present throughout the period under study. The first of these two elements was the belief that the inflicting of pain and even death were punishments that were appropriate sanctions for the state to make us of. The second element was that those who opposed such treatment should be seen as at best misguided and at worst too weak to deal with the problem of crime effectively. This latter point is typified by

F.W.Hayes attack on "the sect of sentimentalists" in his novel The Great Revolution of 1905 (1893). His describes how these people sought to reform the offender by teaching them to appreciate the beauties of nature and playing them "the Moonlight Sonata". The primary focus however of this section is to examine the actual corporal punishments described and to look at the reasons that the respective authors believed them to be appropriate, beginning with Yelverton's novel Oneiros.

In the introduction to his utopia Yelverton wrote that its central concern was how to deal "once and for all" with the problems which bedeviled the state. He describes his fictional world as not being

> ".....some ideal and impossible state of bliss, a land fit only for demi-gods and angels, but a land where happiness should be the inheritance of all ".
>
> (Yelverton 1889:vii)

The methods by which the central character of the novel, Oneiros, used to transform the state over which he was appointed "absolute dictator" were a combination of liberal legislation and harsh penalties for offenders. Oneiros initially focuses upon improving the lot of the thousands of poor, hungry and mistreated children in his country. He published a piece of legislation entitled "The Rights of Man" which had as its first point that it was the duty of the state to ensure that every child did not lose their "birthright". By this he meant that a "a reasonable prospect of happiness" must be within the grasp of all children.

This emphasis upon the quality of life for both young and old was a key concern of Oneiros and by the time that the novel begins the dictators policies had produced a wonderful transformation in the people. Whilst travelling around the state the visitor remarks

> ".....how cheerful were the people we saw, and what light and felicity was in their faces.....all were in the full enjoyment of life ".
>
> (Yelverton 1889:37/8)

Whilst the quality of life of the average citizen is not directly connected to the punishing of criminals it is important nonetheless to demonstrate the essential humanity of the new regime. For when turning to the theme of punishment a very different picture is revealed, one which viewed on its own would lead the reader to believe that they had before them an extremely repressive dystopia. In this context Oneiros is described as being capable of inflicting "terrible" punishments on the offender to the extent that they are portrayed by the author as bordering "on the barbarous". An example is given of a man who almost kicked his wife to death and who is sentenced to the same fate by the court of Oneiros. The purpose of this punishment was to teach the offender "what it is to suffer" exactly as he had made his wife suffer. Once the beating had been administered, Yelverton does not give any details about when this was done nor how soon after the court case it took place, the criminal is deemed to have been punished sufficiently. Whilst advocating this extreme form of sanction against the offender Yelverton's

fictional state does not make use of the death penalty. Unfortunately the reasons for this distinction are not made clear by the author. Instead the reader is left to ponder another important issue arising out of Yelvertons use of corporal punishment, the tension between the use of such sanctions and the liberal legislation designed to improve the quality of life. The author was clearly concerned to depict a utopia which would address and resolve the problems that faced his own state. The fictional world that he created is an attractive one and the people within it are content. However, the manner in which the criminal is dealt with leaves a residue of concern about the real humanity of the state. Whilst there can be little sympathy for the man who physically abuses his wife to the extent described in the novel, the appropriateness of the state's response remains in question. Are, for example, the factors that lead up to the crime in the first place resolved by the administration of corporal punishment? Obviously they are not; such a sentence is not designed to achieve such an aim, at best it could work as a deterrent so that when such an act is contemplated again the memory of the punishment stops the deed. The assumption is however that such a crime is committed when the offender is in a position to carefully consider the consequences of their actions and that is rarely the case. Another important point to be made concerns the desirability of the state employing either one or indeed a number of individuals to inflict such punishments on the offender. Such points are not considered by the author, in fact his treatment of the theme of punishing criminals is dealt with hastily and with little thought. The reader is told

about the harshness of the penalties dispensed by Oneiros but there are only a few examples of this. The impression given by the novel is that offending behaviour is no longer a problem, it therefore requires to be mentioned only in passing. Yelverton was clearly concerned to demonstrate how his fictional reforms had transformed his state, unfortunately in his desire to paint a broad picture of the progress achieved he neglected some important details. His novel does not satisfactorily account for the tension between such punishment and the quality of life described.

A novel that is more helpful in exploring the tensions that became apparent in Yelverton's novel is E.Corbett's New Amazonia (1889). Like the preceding novel this work of utopian fiction describes a state that has become both peaceful and harmonious. The living conditions of the people and their physical health have improved beyond the recognition of the visitor. For example all the women are at least seven feet tall and all are described as being beautiful. The country of New Amazonia is governed by women who have proved themselves

> ".....so much more just, and so much more capable of governing than men, that they invariably enacted none but strictly fair and impartial regulations".
>
> (Corbett 1889:37)

The sense of strictness referred to above becomes quickly apparent as the visitor continues her tour around the island. An example of this is the states views upon marriage and the

conception of children. Before a couple could wed they had to produce a certificate to say that they were both physically sound in an attempt to reduce the chances of them producing disabled children. The procedures did not stop there, for every new born baby was examined by the medical authorities and none that were "crippled" or "malformed" were allowed to live. In order to encourage the peoples compliance concerning these requirements and the other laws of the state Corbett devised a complex range of punishments. These ranged from the guilty person forfeiting all their possessions; "degrading" the offender to the position of the "lowest menial" in the state; banishment; public whipping and making use of euthanasia for the habitual criminal. Whilst each of these are worthy of examination in their own right it is only with the latter two that this section is concerned.

There appears to have been only one crime for which the punishment of public whipping was the penalty and that was smuggling. It is particularly interesting that even then the nationals of New Amazonia were exempt from this, instead they were deprived of their civil rights and relegated to inferior duties. The public whippings were therefore reserved for any foreigner found guilty of this crime. The novel gives no indication of the frequency of such punishments nor does it say why the sanction should be carried out publicly. This latter point may on first inspection appear to have an obvious answer in that by making the event a public one the deterrence value is greatly increased. However there are two factors which cast some doubt on the validity of this view. The first concerns the fact

that only foreigners were whipped for the crime of smuggling, nationals were not. The people who would attend such a punishment would inevitably be drawn largely from the resident population and the number of foreigners would be far smaller. The idea that this public punishment was just about deterrence loses some of its credibility when the vast majority who could attend its carrying out were not legally allowed to be punished in that manner. The second point concerns the use of euthanasia on those who continue to commit offences after the state's strenuous attempts to address the causes of their behaviour have failed. There is no indication in the novel that this was a public event, yet it is a sanction that potentially applies to every citizen in New Amazonia. If the purpose of making the whipping a public act was to deter others from criminal activity why not include the moment when the "incurable" offender is executed by the state, albeit in the guise of euthanasia? It is of course possible that Corbett intended that the public nature of the whipping was meant to serve a variety of purposes, partly to deter but also to reassure the community that crime was being treated seriously. This latter idea gains some strength when looking at the other sanctions that the courts made us of. "Degrading", and the forfeiture of all the offenders possessions are both punishments that would be visible to the wider community. The criminal is not hidden away in some secluded part of the state as was often the case in the previous chapter on imprisonment. Instead the offender remains in the community from which they came and is readily identifiable to all. It is this combination of deterrence and the need for the state to be seen

to be publicly responding to crime that I believe lay behind Corbett's thinking on the issue of corporal punishment. Unfortunately even that explanation is undermined by the novelists own comments on what caused individuals to become criminals. She wrote that when offending did occur

> ".....we accept it as an indication of a diseased brain, and forthwith use our best efforts to cure the disease".
> (Corbett 1889:75)

The details of the treatment offered the patient/criminal are not provided, however, in this instance the significance lies in the actual statement about the causation of offending. If the belief was widely held in New Amazonia that offending occurs as a result of "a diseased brain" then public whippings or any other form of punishment are not going to provide the "cure". It could be argued that instead of punishing criminals the state was actually torturing individuals who were suffering from a form of mental illness.

Whilst this medical model of criminality serves to undermine much of Corbett's use of punishment it does however ironically strengthen the sanction of euthanasia. There are three sections of society in the novel who are expected by the government to face euthanasia, these are; disabled babies; the old and the habitual criminal. The reasons for the inclusion of the first and last group are made clear in the novel whilst the remaining category of the old is less explicit. Corbett mentions in her novel that because of the advances in medical science,

improvements in diet and strict allegiance to Malthus's teachings the health of the people had greatly improved. As a result it was not uncommon for people to live well into their hundreds. It does not appear that euthanasia is practised on everyone over a specific age. It would seem that only those old people whose health became sufficiently impaired as to render the quality of their life extremely poor were dealt with in this manner. In short all three groups are killed because they do not meet the high standards that the state expected of its citizens in terms of their physical and mental capabilities. The invalid and the disabled being perceived as little different to the offender.

Corbett was not alone in employing euthanasia as one of the primary means of improving the physical and mental stock of her fictional race. Ten years after the publication of her novel, Robert Buchanan's utopia The Reverend Annabel Lee (1898) explored the same theme. The author informs the reader at the beginning of the novel that

> "Man was the master of the world and of his own destiny, and Science, by abolishing nearly all the evils which had devastated the earth for so many centuries, had produced an almost perfect race".
>
> (Buchanan 1898:13)

In order to achieve the high standards of physical perfection that humanity had reached, euthanasia had been used on both the "sick" and the "feeble". Buchanan also followed in Corbett's footsteps when he wrote about the strict laws which were

established in order to ensure that no disabled people were allowed to marry. Before a couple were legally allowed to become man and wife they both had to obtain a "Certificate of physical perfection" from the "Holy Office of Health". Buchanan's novel focuses upon the relationship between the heroin of the title and her male companion Uriel. Towards the close of the utopia the couple decided to marry but Uriel's health is poor and he fails to obtain his certificate of perfection. Upon being examined by a doctor it was recommended that his name should be inscribed in the Book of the Unfit, the consequences of this being that he was automatically "sentenced" to a life of "severe and perfect celibacy". The penalty for trying to avoid these restrictions was death and as Uriel had expressed a desire to marry and may have been tempted to pursue his relationship despite his poor health it was decided that he should die.

Buchanan's novel provides no information about how the state executed its offenders focusing instead on the judicial process that brought the decision about. The society described in the novel had not been troubled by crime for many years, along with poverty and disease Buchanan records that it was "practically unknown". The death penalty is the only sanction mentioned in the novel and only two crimes are punishable by execution; the first of those concerns the case of Uriel outlined above whilst the second is the production of alcohol. Whilst the lack of reasons for these two offences being labelled capital crimes is frustrating Buchanan does write at length about the impact of crime and punishment on the perfect state. Before Uriel's crime

had even taken place the novelist observed that there was something ailing about his too perfect state

> "Despite all the delights and allurements of Nature, all the charming discoveries of science for the increase of human enjoyment, all the glories of Art, all the freedom and variety of human intercourse a certain vague monotony characterised the movements of civilisation".
>
> (Buchanan 1898:106)

As one of Annabel's friends remarks to her, humanity needs a "touch of sorrow" to act as a reminder that "we have living souls". The crime perpetrated by Uriel when he wished to marry and his subsequent death sentence acted as the trigger mechanism for releasing the repressed emotions of the entire community. Buchanan wrote

> ".....the dwellers in the Great City were but men and women after all, with the original passions of love and pity hot in their hearts, a burning substratum under an icy veneer of culture and custom".
>
> (Buchanan 1898:249)

Buchanan brings together two seemingly irreconcilable forces, the harmonious and peaceful state and a death sentence from a utopian court passed on one of its own citizens. The reason he did this was to demonstrate that any state which lost sight of the importance of Christianity could not expect to move towards perfection but would in fact only stagnate. From the point of view of this research Buchanan's motivation for engineering this crisis is academic, what is important is that he generated this

tension at all. Other authors like Yelverton and Corbett had effectively kept these two aspects of their state somehow remote from each other. Corporal and capital punishment prove to be effective in reducing crime but the tension between the advance towards utopia whilst at the same time inflicting such sentences on certain sections of the community is not explored. One author who circumvented this problem was Bertram Atkey who wrote a short story for the Strand Magazine entitled The Strange Case of Alan Moraine (1912). The story describes the experiences of a pilot who tries to break the world altitude record in his new plane. However the plane returns to earth empty, the pilot Alan Moraine having completely disappeared. As the story unfolds it transpires that he had been kidnapped by the inhabitants of a remote planet called Syrax. Moraine is taken by the aliens because their Queen had fallen in love with him and for the next few months he spends his time on this unknown planet. In making contact with a member of the human race the Queen has broken one of her country's most important laws. She tells Moraine that she has "sinned" and that because of this she must die. It is at this point that the short story lifts itself out of its mediocrity, for punishment for such a crime is not determined by a court but by the offender. As Atkey wrote

> ".....in Syrax when they sin they kill themselves without any other judgement than their own".
>
> (Atkey 1912:85)

The highly developed sense of morality possessed by the citizens of this state meant that there was no need for a criminal justice

system at all. The reason they are able to act in this manner was because of their belief in reincarnation. After death, if the individual's life had been a good one then they are reborn on another planet whose standards of morality are higher than the previous one had been. The reverse applies as well, so it would seem likely that offenders like the queen in this instance receive a double penalty. They have to take their own life and then are later reborn on a planet which enjoys a lower standard of morality than they had previously experienced. Atkey's short story is typical of the utopian fiction produced for magazines, its plot and characters are extremely week yet it contains within it the germ of an interesting idea. His idea of self punishment has much to commend it within the context of the utopian state. Indeed it invites a crude comparison with William Morris's own expectations of offenders examined in an earlier chapter. In that instance Morris was writing about crimes of passion which resulted in the death of one of the parties involved. He did not wish the offender to kill themselves but he did expect that they would demonstrate considerable remorse for their actions. They had, like Atkey's queen, to punish themselves for their actions. It is this ability to self regulate ones own deviant actions that seems to be most in harmony with the true spirit of punishment in the utopian state.

Psychological Treatment and the Offender

In his second utopian novel, Erewhon Revisited (1901), Samuel Butler's central character Higgs visits a most unusual

educational establishment called the College of Spiritual Athletics. Its emphasis was upon encouraging the individual to develop their moral strength by undergoing a wide variety of temptations. The relevance of that visit to this final part of the chapter on punishment has its seeds in the ideas expressed in the last section on self regulation. Butler's delightful satire was focusing on the same need for the individual to be aware of their strengths and weaknesses and learning from that introspection. The significant differences are that Butler's characters were looking at their morality from a misguided and superficial perspective. They were primarily concerned that their moral strength should be as apparent as possible to those around them, they therefore lacked any real insight into their psychological processes. As a consequence they could not be trusted to act with the same degree of integrity manifested by Atkey's or Morris's characters. Nonetheless Butler's satire serves as a valuable introduction to the theme of the psychological treatment of the offender. The main body of this section will focus firstly upon the psycho-surgery depicted by H.G.Wells in his novel The Sleeper Awakes (1898) and his short story from the same year A Story of the Days to Come. The second part will look at A.Taber's unique approach to counselling offenders and using other people to help the criminal to achieve of insight into their actions when they have proved unable to achieve this alone. Before that, it is however, worth returning to Samuel Butler's moral tests as they provide a useful platform from which to build upon.

The trials against which the citizens of Erewhon could pit their moral strength came in a wide variety of types. For the cost of a penny the individual could make use of one of the many machines to be found in the shops surrounding the college. Bending down in front of the one described by Butler

> ".....you could have a jet of fine pepper, flour, or brick dust, whichever you might prefer, thrown on to your face, and thus discover whether your composure stood in need of further development or no".
>
> (Butler 1901:86)

More expensive trials involved hiring other people or animals to provide a more stern test within the comfort of your own home. "Crying children, screaming parrots" or a "spiteful monkey" were amongst those available for hire in one advert that Hogg read. In addition to the wide range of tests there was another means of developing one's moral strength which at the cheapest end of the spectrum involved the use of patent medicines such as Sunchild Cordial and Spiritual Indigestion Tabloids. The latter of which was advertised as proving effective against all " the more ordinary moral ailments" from lying to "homicidal mania". It also proved effective against "hypertrophy of the conscience" and "diarrhoea of the sympathetic instincts". The most expensive treatments were provided by trained counsellors like Mrs. Tantrums whose advertisement caught the eye of Hogg. Butler cites two testimonials of successful work with married couples which provide some information on the therapeutic process they underwent. In both instances she had worked with the husband or

wife who felt that they can no longer cope with the behaviour of their partner. The basis of her intervention was to learn what the exact piece of problematic behaviour was from the victim. The next stage, and also the main part of the therapy, was to spend a number of sessions alone with this person and repeat the behaviour in front of them. The one difference being that the action was greatly exaggerated. After some eight or more sessions consisting just of this the therapy was over. The whole philosophy behind Mrs. Tantrums and her colleagues work was that by exaggerating an annoying act for such a long time it would, eventually, reduce the impact of the original behaviour. As one of her testimonials from a relieved husband explains, Mrs. Tantrums

> ".....extra special hysterics have so far surpassed anything his wife can do, as to render him callous to those attacks which he had formerly found so distressing".
>
> (Butler 1901:87)

The treatments offered by such counsellors as Mrs. Tantrum and the moral strength testers were not the only attempts to resolve the problems of offending or the desire to commit crimes. The belief that medical intervention could resolve the problems of all offenders was also apparent, particularly in the Magistrates Courts. This time however it was not the Spiritual Indigestion Tabloid that was used, it was the "emetic" and "a strong purge". The reason for their use was because

> ".....all diseases of the moral sense spring from impurities within the body, which must be cleansed before

> there could be any hope of spiritual improvement. If any devils were found in what passed from the prisoner's body he was to be brought up again; for in this case the rest of the sentence might very possibly be remitted".
>
> (Butler 1901:122)

Sadly Butler does not explain how to identify a devil in the excretions from the criminal. Nonetheless this quotation is worth examining for a number of reasons; the interesting confusion of ideas that lie behind the application of the medication reveal a view of offending that has its roots both in the medical and spiritual schools of thought. Given this complexity it is hardly surprising that the sentences imposed seem to contain a cocktail of different elements. The medicine for example is intended to work upon the "impurities" in the criminal's body, yet if any appear they manifest themselves in the form of devils. Such evidence can result in the remitance of any further sentence as the signs of satanic influence upon the actions of the individual are now to be seen by all. Other offenders have no such excuse to bring back before the court and they therefore are given the medication but also must serve the custodial sentence. Presumably these criminals have offended through choice rather than because of any other factor. The confusion is only added to when as the novel progresses evidence of other punishments emerge, these include the deformatory mentioned earlier in this chapter but also one father is advised by the Magistrate to take his daughter home and to whip her every time her behaviour got worse. The effect this array of disposals has upon the reader is one of complete confusion. However it is

important to bear in mind that Butler had created a world whose social structures often made little or no sense, it is dangerous therefore to look for logic or consistency where none was intended. Erewhonian society had recently undergone and was still digesting the changes brought about by Hoggs departure at the close of his first visit to the country. His exit in a balloon had been transformed in to a mystical event which had shaken the entire state, the consequential changes in society as the religion of the Sunchild was adopted had its effect upon every aspect of society. The system of punishments adopted by the court was no exception to this.

A more sophisticated approach to dealing with problems of the mind had been displayed by H.G.Wells in two pieces of his utopian fiction from 1898. He focused on the use of hypnosis as a means of

> ".....impressing things upon the memory, effacing unpleasant ideas, controlling and overcoming instinctive but undesirable impulses....."
>
> (Wells 1898:721)

Wells goes on to describe how "habits" could be erased and "desires removed" by the use of this science. The problem for this research is that there are no instances cited by Wells of its use upon offenders. Within The Sleeper Awakes (1898) this "psychic surgery" was applied to pilots who suffered from giddiness; to children and adults working on complex machinery who needed to be able to concentrate for lengthy periods: to

widows wishing to forget their deceased partner and to lovers who had been disappointed in their relationships. The criminal is not mentioned at all and is primarily punished be being sent to one of the many underground prisons. However, despite the absence of any conclusive confirmation from the novel I believe that the following theory concerning the use of such surgery is a tenable one. The society that is depicted in Wells' novel is a divided one, the rich who have access to all the benefits of their technological age and the poor who barely earn enough to feed themselves. My hypothesis is that only the wealthy could afford the price of psychic surgery and that they could make use of this scientific development either to eradicate deviant impulses before offending or after. In the latter case it is possible that such surgery would be required by the court and if not undertaken them imprisonment would be threatened. What evidence does the novel provide for lending credibility to this theory? The first point in its favour concerns the extent to which the hypnotists had mastered their science. Wells reveals that they were capable of removing habits and eradicating desires yet to "graft desires" was not yet possible. It is not however the creative function of hypnosis that is important here, it is its ability to mask or undo what is already there. Clearly these abilities are well within the capabilities of the hypnotist and as such it would seem possible that the "desire" to offend could be included within this psychic surgery. The next point concerns the extent of the communities access to the hypnotist, Wells for example lists a number of occupations whose employees effectiveness had greatly been improved by this scientific

advance. These groups however were hypnotised at the expense of their employer in order that they would be better workers. In fact the exposure to this science did not improve their quality of life, Wells for example ironically observes that little children were

> ".....converted into beautifully punctual and trustworthy machine-minders...released forthwith from the long, long thoughts of youth".
>
> (Wells 1898:126)

Whilst hypnotists plied their trade on "every street" they were clearly catering for those with money as they specialised in enabling their clients to recall songs and speeches or forget a failed romance. As the majority of the people were forced to sell themselves into the slavery of the Labour Department in order to be able to obtain food and clothes it is unlikely that they would have enough surplus money to make use of the hypnotists services. Taking all these factors into consideration it is my belief that Wells fictional state had both the scientific abilities and social structures which would allow for "psychic surgery" to be part of the treatment for small numbers of wealthy and influential individuals who were, or could be offenders.

In contrast to the exclusivity of Wells' rich upper class and the confusion of Butler's Erewhonians the "moral education" provided for offenders in A.Taber's Work For All (1914) seems much closer to the spirit of contemporary social work practice. Taber

describes a state which has only one form of disposal for the criminal. The prison had been rejected as they had been "weighed in the scales and found wanting"; in its place a clear system of re-education for the criminal had been built up. Every offender was put in the care of a doctor and a parson, both of whom would report back to the court periodically on the progress of the individual in their care. Taber describes how the criminal was allowed to chose which parson he or she was going to work with, this was in order to accommodate the diversity of faiths present in this utopia. There is no mention of being able to chose which doctor is assigned to your case, it would seem likely therefore that they were allocated by the court. The doctor was involved because Taber's fictional citizens believed that all offending was influenced by "mental disease or weakness". The reason for the inclusion of a pastor was

> "Because a reform, to be genuine, must spring from within. The malefactor must himself discover what neither judge nor the prison, nor doctor can discover for him, the nature of his crime".
>
> (Taber 1914:69)

Taber argued that "revelation must come before "reform" and as the parson was a "priest of the Great-Revealer" it was his responsibility to both nurture and notice the first signs of a change in attitude towards offending. It was the authors contention that only after this process of awareness, of "self-conviction", had begun that the task of reformation could be said to have started. Whilst not going into detail about how this

process of reformation was brought about, Taber did make clear the extent to which the criminal was expected to work with the doctor and parson. The offender had to spend one hour a day with either of the two officials working with him. Presumably during that time the offence and the individuals response to it was constantly returned to in order to bring home the consequences of the crime. Taber concluded his observation on the effectiveness of this approach when he wrote

> "Moral education requires much patience and perseverance, but it succeeds better than prisons".
>
> (Taber 1914:69)

Conclusion

The purpose of this chapter has been to examine critically the key types of disposals used by the courts in the utopian fiction of this period. In undertaking this work the breadth of that response had become self evident and it must be born in mind that the sentences from the dystopias were only alluded to in the introduction to this chapter. There is sufficient material for an additional chapter on the manner in which crime was dealt with within those communities. Taking an overview of the sanctions described I have been struck by the uncertainty and confusion that characterises much of the thinking behind the different sentences. The problem of dealing with the criminal should be a major concern for any utopia writer, yet repeatedly throughout this chapter there have been examples of disposals that struggle

to survive a critical examination. The advantage of fiction over reality is of course its ability to resolve a problem with a single sentence. It is, however, undoubtedly unfair to expect that a novel, even a utopia, would contain a complete solution to a problem as complex as how to punish offenders. These novels are not blue prints they are visions. As a consequence, the importance for many of the writers of utopian fiction lay in the wider picture painted rather than the detail. Applying this generalisation to the theme of this chapter leads to the conclusion that the primary concern of authors like Ousley, Corbett, Yelverton and Atkey was to create the image of a state free, or almost free of crime. How that position was reached was of secondary importance.

CONCLUSION

> "A map of the world that does not include utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing. And when Humanity lands there, it looks out, and seeing a better country, sets sail".
>
> (Wilde 1986:34)

When surveying the hundreds of different "maps" of utopia that were produced during the thirty-four years that this research encapsulates one is struck by the variety of forms that this new world takes. Whilst it is possible to appreciate the diversity and the richness of the picture unfurled before the reader it also causes one to reflect upon the fact that such a plethora of visions reveals the lack of consensus amongst the authors. The world state of H.G.Wells in A Modern Utopia would have been a complete anathema to the small rural communities of William Morris's News From Nowhere. Both these utopias would have been rejected by R.Benson as they were founded upon political ideals rather than the creed of the Catholic church which underpinned his novel The Dawn of All. The contradictions and different emphasis expounded by each author who ventured to describe their own vision of the shape of things to come are almost endless. The significance however of the quotation from Wilde lies not only in the importance of striving to create utopias for it also places significant emphasis upon the idea of utopia not being static but constantly progressing. Applying this important observation to the fiction examined for this research it has to

be said that there is only little evidence of development in the images presented to the reader. The most significant change was the gradual move from the small utopian community of the 1880's to the global states that began to emerge in the later years of the nineteenth century. For the most part the over-riding impression is not one of progression but of oscillation. The first chapter of this research identified seven princip themes that were repeatedly returned to by the utopian authors. These themes ebbed and flowed in popularity throughout the period creating the appearance of progression but for the most part they were simple restating views that had already been put forward. Having looked for a sense of development in the actual fictional form it is equally important to search for it in the treatment of the central theme of this research. Once again the quest is largely fruitless but this time because of different factors. One of the principal reasons for this is because most authors devoted only a small part of their novel to dealing with the problems of crime. This led to a large number of short cuts being taken. There is no better illustration of this than Robert Blatchford's description of crime as being a "preventable evil" and then not describing how it can be dealt with. In addition to this there is less sense of those authors with common political views, such as the socialists, speaking with one voice upon the subject. The over all impression gained is that a small number of individual authors like Henry Lazarus seriously struggled with the problem but the majority lapsed into implausible solutions and stereotypes. The latter of these weaknesses was recognised by a number of writers like J.K.Jerome

who observed in his short essay Dreams (1891) that there was a "depressing absence of human nature" in many of the utopias he read. He cheerfully concluded that:

> "....one feels great consolation in the thought....that we ourselves shall be comfortably dead and buried before the picture can be realised".
>
> (Jerome 1891:286)

Behind Jerome's humourous cynicism is the legitimate criticism that many authors created fictional states peopled with individuals who possessed extraordinary qualities rather than the failings that are common to the reader's world. From the point of view of this research a society comprising of such individuals was never likely to be troubled by crime.

Implausible solutions to the problems of crime abound, ranging from the personality transforming gas in H.G.Wells In the Days of the Comet (1906) through to the Hard Case Reservation in George Griffiths Hellville U.S.A. (1899). For many writers it would seem that the means by which the state of utopia was achieved mattered less than the depiction of their perfect world. From the point of view of this research the emphasis is reversed for the key part of any utopian novel was not the finished article but the period of transformation when the problems of the old state were being tackled. It was at this stage that authors like Lazarus, Hayes, Yelverton and Benson explored in some detail how they would approach the causes of crime. In so many instances however this opportunity was sacrificed as authors

chose to devote much more of their novel to describing the intricate workings of the completed state. Whilst this provides a cause of considerable frustration in terms of this research it must be said that the sense of optimism that emerges from these utopias seems the appropriate place to conclude. W.Tuckwell began his short story The New Utopia (1885) with the following description of his perfect community.

> "....everywhere I saw garden-like enclosures of varying size, each with its dwelling house in its midst; here and there were handsome public buildings; carriages passed to and fro by some invisible means of locomotion; the men and women whom I met were picturesquely dressed, although in working clothes, and bore in countenance, manner, speech, the stamp which we associate with education and refinement".
>
> (Tuckwell 1885:4)

Both this particular description of heaven upon earth and indeed much of the utopian literature of this period seem to be built upon the firm conviction that society would progressively evolve into some perfect state. This motivating optimism when viewed from the late twentieth century seems almost childlike in its naivety and hope. Nonetheless it is important to ponder for a moment the fact that Tuckwell was not alone in producing such a work of fiction, there were dozens of writers from all political and religious persuasions who during this period were writing very similar visions. Whatever the reasons there was undoubtedly a sense of optimism that these writers were touched by which motivated them to write in the way that they did. Such a sense

does not now exist and should Tuckwell's work have been published today as a new piece of fiction it would, I believe, be largely regarded as the quixotic thoughts of a solitary dreamer. That explanation cannot be applied to him however when viewed from the context of his own period, other authors could and no doubt did disagree with his particular dream but they understood and shared his desire to express themselves through the medium of the literary utopia. It is interesting to speculate that the demise of the utopia and the growth of science fiction after the First World War had its roots not just in the growth of technological visions but in the disintegration of the writer's trust and hope in humanity following the war. As science fiction grew the emphasis of this body of fiction became inevitably preoccupied with the impact of increased mechanisation upon both the individual and society as a whole. It rarely focused on issues such as crime save perhaps to comment upon the effect of some new technology on one particular dimension of this problem. Offending and offenders were accepted as being part of any social structure, a view which stood in stark contrast to the earlier utopian writers who were concerned to find a means of resolving this problem as best they could. Their attempts to tackle the complex roots of crime and its effects upon their fictional state may in many cases seem simplistic and ineffectual but for all their many obvious failings they were motivated sufficiently to address the problem rather than simply accept it.

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