

ROUGH JUSTICE

edited by Martin L. Friedland

ESSAYS ON CRIME IN
LITERATURE



John D. Baird

Caesar R. Blake

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Northrop Frye

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While it is clear that these studies are of 'law in literature' and not 'law as literature,' their purpose is not to concretize the emotional and social realities of our criminal law today. Rather, they indicate how often the criminal legal system serves as a metaphor for and a measure of the values of the societies the works evoke.³ The emphasis is on the historical aspects of crime as reflected in literature, on the insights literature can provide into societal perceptions and representations of crime at the time. More important, these studies seek to examine the authors' own attitudes towards society and crime.

The Bible

To Northrop Frye, the Bible, while not itself a work of 'literature,' is a product of 'the power of the creative human imagination' which embodies the fundamental distinction between crime and sin: the difference between man's obligations within the social, secular order and man's obligations to God. Frye argues that the two are not unrelated: 'any legal code that goes back to a divine revelation has the conception "sin" as its major premise from which the conception of "crime" is derived.'

Frye describes Christianity as an originally revolutionary movement which, like most revolutionary movements, repudiated established authority, in that its private code (sin) represented a rejection of the public code (crime). The Christian 'revolution' separated sin and crime much more widely than did Judaism and, Frye argues, 'the consequences of doing so are still with us.' Crime and sin are not coextensive in the legal system today and attempts to resurrect such a relationship – for example, by the House of Lords in 1961 in *D.P.P. v. Shaw*⁴ – have been strongly criticized by most observers.⁵ Successful revolutions, Frye remarks, also frequently produce written constitutions which themselves are regarded as 'inspired' documents, restoring the lost unity of the secular law and an invisible, religious, morale.⁶ While Frye specifically refers to the American Constitution as an example, Canada's own Charter of Rights and Freedoms⁷ has come, in a short time, to assume the same symbolic, quasi-scriptural role in our legal system.

Frye reminds us that illegal or even criminal societies exist in which an even more substantial wedge is driven between crime and sin. Using the example of modern-day South Africa, Frye asks: What happens when secular and spiritual obligations conflict? Is it a crime to obey the law in a 'criminal' society? Frye concludes his examination by sug-

gesting that 'a fuller perspective of the crime that traditionally derives from sin' would give us 'a saner and less anxious vision of the origins of human evil and of the methods of encountering it.'

Chaucer's *Canterbury Tales*

As Frye notes in his paper, the theoretical distinction between crime and sin in the Middle Ages was strong, but the practical division was less rigorous. Patricia Eberle explores the broad medieval conception of 'crime' which reflected the 'interpenetration of religious and legal thought' in the Middle Ages. As she shows, secular criminal concepts took on 'religious connotations,' while the Church began to define itself in 'increasingly legalistic terms' and broadened the jurisdiction of the ecclesiastical courts.

This integration of secular and religious legal structures, Eberle points out, was realized in what Harold Berman describes as the 'Papal Revolution' of 1075.⁸ Pope Gregory VII and his supporters sought to centralize authority and impose 'right order' on society by establishing a legal hierarchy stretching from God, through the church, to secular government and ultimately into the home and the relationship between men and women. This 'revolution' was opposed by secular authorities who resisted the erosion of their power and subordination to the lowest church official. While violent confrontations were eventually quelled by a series of compromises, Eberle accepts Berman's argument that the ideal expressed by the Papal Revolution formed the basis of the Western legal tradition. She describes this model: 'For Berman, one of the most important effects of the Papal Revolution was in the ideal it attempted to express: the ideal of reforming the world by means of law, law re-organized and rewritten where and when necessary but based on a consistent and coherent ideal of justice and bearing within itself the principles of its own further growth.'

Eberle characterizes Chaucer as a literary law reformer and critic whose reaction to this model is expressed in the *Canterbury Tales*, written towards the end of the fourteenth century. Using the *Man of Law's Tale*, the *Wife of Bath's Tale* and the *Clerk's Tale* as examples, she maintains that Chaucer 'did not accept these ideals uncritically or believe they could be easily realized in practice.' Indeed, the tales suggest that 'Chaucer was seriously doubtful about the value and practical application of any systematic view of justice.'

Chaucer's portrait of the Sergeant of the Law – the first portrayal

of a lawyer in English literature – perhaps reflects his reserve about the legal system and its practitioners. While the Sergeant is remarkably learned, knowing ‘of every judgment, case and crime, / Ever recorded since King William’s time,’ he shares the characteristic of many other lawyers in this collection: ‘Though there was nowhere one so busy as he, / He was less busy than he seemed to be.’⁹ Chaucer knew the legal system well. He had been a legal practitioner and was a judge – and had the added experience of being personally charged with rape.¹⁰

Eberle calls our attention to the fact that the structure of the *Canterbury Tales*, in which the tales subvert each other and force the reader to attempt to reconcile their conflicting authority, mirrors a classic textbook of canon law and, appropriately, its humble descendant, the law student’s casebook. The resulting plurality of views and profusion of crimes – murder (in many cases of blood relations), incest, bigamy, rape, treason, theft, assault, alchemy – suggest that ‘if someone were looking for a text that reflected the thinking of ordinary medieval English citizens on crime and justice, it would be difficult to find a work better suited to this purpose than the *Canterbury Tales*.’

Middleton and Rowley’s *A Fair Quarrel*

If the *Canterbury Tales* reveals Chaucer’s response to the law, Brian Parker demonstrates that Middleton and Rowley’s *A Fair Quarrel* was the literary response of the law to the growing problem of duelling in the early seventeenth century, a crisis caused by volatility in the class structure, the deadly introduction of the rapier, and an influx of continental fencing masters with elaborate, hair-splitting ‘codes of honour.’

The play highlights the confusions that exist when there is ‘a distinct gap between the legal code and what popular opinion or prejudice believe,’ and Parker argues that the play is an unusual, perhaps unique literary work in that it was ‘directly connected to major legislation at the very highest level’ and may, indeed, have been secretly sponsored by the government. It bolstered anti-duelling legislation by King James I and his attorney-general, Francis Bacon, which provides one more example in the history of the criminal law of the state’s continuing desire to centralize the administration of justice and monopolize violence, in this case by eliminating the practice of duelling to settle private disputes.¹¹

This is literature as law reform in its purest incarnation. Yet Parker

demonstrates that the play is not one-sided enough to be mere propaganda, but exploits distinctions between 'sin' and 'codes of honour' with an irony that ensures that 'instead of having a single, disapproving attitude drummed didactically home to them, the play's contemporary audience was cleverly drawn into the actuality of the dilemma by having to weigh a double response to the play.' The main plot shows duelling as less than honourable, and so undermines its very foundation. Similarly, the bawdy scenes provide an uncomplimentary doubling of the main action, rendering the hypocrisy and vocabulary of duelling ridiculous.

None the less, in a manner characteristic of the mixed genre of seventeenth-century tragicomedy, the audience maintains some sympathy with the characters in the central plot and their problem of having to decide between contradictory ideals of behaviour.

With its use of irony and mockery to subvert the bases of duelling, the role of *A Fair Quarrel* in challenging popular opinion is of more than historic interest. Given our efforts to change public attitudes in fields such as drunk driving, spousal assault, and rape,¹² Middleton and Rowley may have something to offer present-day policy makers.

Fielding's *Jonathan Wild*

John Baird characterizes Henry Fielding's *Jonathan Wild*, published in 1743, as a work 'directed at the corrupt legal system that a corrupt society deserves and gets.' Highlighting a gulf between the criminal law and the mores of Wild's society, Baird argues that Fielding used Wild as 'the supreme symbol of a society that has cut adrift from its moral moorings, a society which cannot tell the difference between right and wrong.' Such a society, 'like Wild, must sooner or later face the ultimately self-destructive consequences of its folly.'

Jonathan Wild's practice was itself a cruel parody of the state's criminal-law power, for he returned property stolen by his band of thieves to its rightful owners for a fee. Just as the character of Wild's enterprise parodies the criminal-law power of the state, so Newgate prison, 'the holy place, as it were, of criminal culture for more than a century,' in which the debtors form partisan attachments to the opposed bands of thieves who plunder them, represents democratic society. While *Jonathan Wild* is frequently read as a satirical attack on Sir Robert Walpole, Baird argues that it was written against *all* corrupt politicians and the societies which countenance them.

The correlation between the Wild of the book and the historical Wild raises the important question of the relationship between the fiction of a literary work and the reality of the author's subject.¹³ Extending his analysis to Dickens' *Our Mutual Friend* and Scott's *The Heart of Midlothian*, Baird argues that 'fiction may extend history, supplement it, even humanize it, but it cannot change it.' This point is considered in many of the other studies, from the 'art' of Oscar Wilde's life, to the fictional adaptation of actual cases in *Native Son* and *An American Tragedy*, and to actual people like Louis Riel and Lizzie Borden. Does this grounding in reality give the fiction greater authority, or does it heighten our awareness of the author's own subjectivity and role in constructing history?¹⁴ In *Jonathan Wild*, Baird asserts, 'Fielding deliberately violates not only history, but his reader's memories.'

None the less, a study of Wild's career gives insight into the problems the law has always faced in controlling the theft and receiving of stolen property,¹⁵ and also the dangers inherent (now as then) in giving large rewards, either in money or immunity, to encourage prosecution.¹⁶ As in *A Fair Quarrel*, one solution proposed is that the law should spread its net more widely (extending criminal sanctions to the seconds in a duel, making it an offence to receive stolen property, and seizing the proceeds of crime) in order to control all participants in criminal behaviour.

Scott's *The Heart of Midlothian*

While Jane Millgate asserts that 'legal right endings coincide with narrative right endings' in Walter Scott's fiction, the consequences of the division between crime and sin play a major role in *The Heart of Midlothian*. Madame Justice Bertha Wilson of the Supreme Court of Canada, in a recent lecture on Scottish literature, noted that *The Heart of Midlothian*, published in 1818, allowed Scott 'to treat the deep dilemma of justice and mercy; and the apparent conflict between the law of God and the law of man.'¹⁷ At a crucial moment in her sister's trial, Jeanie Deans refuses to lie, even to save Effie from a wrongful conviction and hanging, saying 'I may not do evil, even that good may come out of it.'¹⁸

In that Jeanie is put in this situation by an unjust child-murder law, *The Heart of Midlothian* represents another literary law-reform text – although only in a retrospective sense, since the law in question had been repealed by Scott's day. Scott was deeply involved in the Scottish

legal system in his position as one of the principal clerks to the Court of Sessions (the supreme civil court in Scotland). He was also keenly interested in the differences between English law and Scottish law at the time, and held firm views on the specific form which changes to the Scottish law should take: 'it is not enough that they [law reforms] have been found practically good in the country from which they are proposed to be transplanted [England] ... It is only in its natural soil, where it has long been planted, that the tree can be expected to flourish.'¹⁹ Millgate supports Scott's view that effective law reform can only begin with an understanding of the law as 'the product of cultural and social circumstance,' an understanding which literature can, of course, articulate and highlight.

Even though Scott's depiction of actual criminal procedures is generally positive in the novel, he none the less challenges the moral supremacy of the criminal justice system with his depiction of Jeanie's successful efforts to transcend it on her sister's behalf. Millgate observes: 'the problem with the law seems to be that it is curiously beside the point ... While the law is presented as going perfectly through its motions, other processes and other systems of value simultaneously deny the validity of those motions ...' This is a strongly recurring theme throughout this collection: the institutional authority represented by the criminal law, as portrayed by the author, is unresponsive to the central issues raised by the work as a whole. In its place a kind of 'rough' justice often operates, so that 'right' resolutions are seen as being achieved outside of the legal system, and often in spite of that system. The Porteous riot and Jeanie's extra-legal machinations represent a rejection of the endings that the criminal law has prescribed in favour of endings that, while morally acceptable, undoubtedly subvert the authority of the criminal justice system.

Dickens' *Our Mutual Friend*

If we consider literature as an instrument of societal reform, John Robson convincingly shows that 'Dickens is probably the most obvious choice' for considering the role of the author as critic of the legal system. Charles Dickens' life, as Philip Collins observes, 'spanned a period of remarkable developments in the criminal law and its administration, in the scale and spirit of punishment, in police organisation and techniques, in the study of the causes of crime, and in attempts to remove or reduce these causes.'²⁰

Even if James Fitzjames Stephen was correct in saying that Dickens' 'notions of the law ... are precisely those of an attorney's clerk'²¹ – or, as he in fact was at one time, a court reporter – Dickens was none the less capable of giving us fascinating glimpses into criminal law and procedure and, perhaps more important, the criminal mind. The Inspector's observation 'that it was always more likely that a man had done a bad thing than that he hadn't'²² is probably as representative of police attitudes today as it was then. And Dickens gives us a perceptive insight into the mind of a murderer when he states: 'If great criminals told the truth – which, being great criminals, they do not – they would very rarely tell of their struggles against the crime. Their struggles are towards it.'²³

Despite Dickens' interest and activity in the area of social change, Robson notes, 'effective and prompt criminal and legal reform is for Dickens, as for most of us, equally urgent and impossible.' In *Our Mutual Friend*, the institutional criminal justice system is incapable of controlling the myriad criminal activities in the novel, so that many criminals escape its grasp. It is true, as Robson argues, 'looking only at the major crimes, at least rough justice is done' to Rogue Riderhood, Bradley Headstone, and George Radfoot, but, as in *Jonathan Wild*, society itself figures largely as a criminal element untouched even by rough justice, remaining 'unpunished and apparently unpunishable.' This is, of course, one of the recurrent themes of Dickens' later novels, and some of the more recent works discussed in this collection, like *Native Son*, *An American Tragedy*, *Blood Relations*, and *Indian*, take the charge to more radical extremes.

Chaucer's Sergeant of the Law is recalled, in both *The Heart of Midlothian* and *Our Mutual Friend*, by the characters of young, under-employed lawyers. Scott commented on the 'contents of a young advocate's pocket, which contains every thing but briefs and bank notes.'²⁴ In a similar vein, the young barrister in *Our Mutual Friend* confesses: 'I have been "called" seven years, and have had no business at all, and never shall have any. And if I had, I shouldn't know how to do it.'²⁵

Oscar Wilde

Edward Chamberlin's study of Oscar Wilde portrays an author whose life itself was a kind of aesthetic creation. Indeed, Chamberlin remarks, the fact that his life and his art were difficult to separate 'always de-

lighted Wilde – at least until his conviction.’ In keeping with this close relationship, ‘the public with whom Wilde’s plays were such a success was also, with some exceptions, the public which relished his trial and disgrace,’ even as we today are fascinated by Wilde’s criminal history.

In his writings, as in his life, Wilde was concerned with style. Wilde often trivialized serious crime (in his *Phrases and Philosophies* he wrote: ‘no crime is vulgar, but all vulgarity is crime’),²⁶ but he viewed certain other types of crime as political acts of the protesting imagination. While Chamberlin reminds us that Wilde was imprisoned not so much as a martyr to the ‘Love that dare not speak its name’²⁷ as he was for his predilection for ‘telegraph boys and grooms,’ Wilde’s view of crime motivated by oppression is true to the spirit of several of the later works in this collection: ‘No: a poor man who is ungrateful, unthrifty, discontented and rebellious is probably a real personality, and has much in him. He is at any rate a healthy protest. As for the virtuous poor, one can pity them, of course, but one cannot possibly admire them. They have made private terms with the enemy, and sold their birth-right for very bad pottage.’²⁸ Dreiser, Wiebe, Pollock, Ryga, and especially Wright all find ‘real personality’ in characters whose crimes are both a protest against and a product of an oppressive society.

After Wilde was imprisoned, however, he expressed a different view of crime. In a petition to the Home Secretary he stated that offences such as those for which he was convicted were ‘diseases to be cured by a physician, rather than crimes to be punished by a judge.’²⁹ Whether or not Wilde believed this is another matter. The year of his sentence (1895) was in fact a turning point in penal philosophy. The Gladstone Commission was to recommend that England change from a deterrent-based penal system to rehabilitation.³⁰ As Wilde’s biographer, Richard Ellmann has observed: ‘Wilde’s misfortune was to serve his sentence just before prison conditions were officially changed by the 1898 Prison Act.’³¹ After a number of petitions, Wilde was eventually permitted to have a larger supply of books than prison rules allowed and he requested the prison governor to order the novels of Charles Dickens for the library: ‘I feel sure that a complete set of [Dickens’] works would be as great a boon to many amongst the other prisoners as it certainly would be to myself.’³² The governor approved a number of other books, but rejected works by Dickens. Perhaps he thought, as Robson has shown, that Dickens dealt too much with crime and criminals.

Faulkner's *Sanctuary*

Michael Millgate's study of William Faulkner's *Sanctuary*, written in 1931, explores a violent and compelling work. Faulkner described *Sanctuary*, in deliberately simplistic terms, as 'the most horrific tale I could imagine,'³³ but Millgate demonstrates that violence was 'a fundamental element in his overall conception of the world he wanted to portray.' The novel exposes the hypocrisy in lawyers and detectives who frequent a Memphis brothel, corruptly manipulate the legal process, and consort easily with the criminal element: as Millgate writes, 'the entire system of justice, of law and order, is inextricably implicated in the social and moral corruption that comprehensively riddles the novel's entire presented world.' Nor is such an analysis confined to this one novel. Millgate again points out that in Faulkner's work 'the arguments of lawyers and the decisions of judges rarely address the needs, the desires, or even the basic social and economic situations of those seeking justice at their hands.'

In *Sanctuary*, as in *Native Son* and *An American Tragedy*, the crimes for which characters are convicted are not necessarily those for which they are legally or morally guilty. The 'justice' in Popeye's execution for a murder he could not have committed, because he was murdering someone else at the time, borders (as does so much in Faulkner) on the grotesquely farcical. Lee Goodwin's situation is more problematic. Though he is wrongly convicted of murder and lynched for it (recalling the Porteous riot in *The Heart of Midlothian*), he would seem to have had the intention to rape Temple Drake, so that the reader is free to think that some kind of moral 'rough justice' was in fact done, despite the various travesties of legal procedure involved.

Dreiser's *An American Tragedy*

Barrie Hayne's study of *An American Tragedy* and Caesar Blake's analysis of *Native Son* explore the use of the naturalistic novel – a genre Frank Norris described as a 'drama of the people, working itself out in blood and ordure'³⁴ – to represent the experiences of the American poor and American blacks. Such experiences lead within the novels to an involvement in crime seen as inevitable because of the strongly deterministic world naturalism presents. In a deterministic philosophy, all people are the products of their environment, including heredity, and their actions can be traced to influences from within that envi-

ronment. The free will/determinism debate was a prominent feature of penological discussion in the early twentieth century,³⁵ and Dreiser and Wright examine the difficult issue of criminal culpability and moral responsibility from within their deterministic visions of human activity. If the determinists are right, as Dreiser and Wright assert, the criminal is the true victim.

Theodore Dreiser's *An American Tragedy*³⁶ is, Hayne reminds us, the 'copy-book' example of the American naturalistic novel. In the naturalistic tradition, Clyde Griffiths has no defence in *An American Tragedy* because, in the deterministic world of the novel, society gives him none. In the end there is more rough justice (since Clyde did have the intent to murder Roberta, even if her death did not come about in the way he planned), so that, as Hayne points out, 'what is restored at the end of *An American Tragedy* looks much more like the continuation of chaos' than the triumph of law and justice.

As in *Native Son*, the murder scene is legally problematic.³⁷ Indeed, Dreiser's construction of the scene of Roberta's death forces a significant legal dilemma. The accused intends to drown a girl he has made pregnant. Before he can act on this intent (because of a 'sudden palsy of the will')³⁸ she accidentally falls out of the boat. Knowing she cannot swim, he does not rescue her. This scenario (which could form the basis of a law school examination question) raises the central issue of the relationship between legal and moral guilt – the difference between crime and sin.³⁹ But also compelling and relevant today is another tragic aspect of the story: the difficulty of getting an abortion at the time and its consequences for the lives of Clyde and Roberta.

Several of the works studied here shift dramatic attention away from its conventional place in the detective or murder mystery – the identification and apprehension of the criminal – to the events following a conviction. In *An American Tragedy* (as well as *The Heart of Midlothian*, *Native Son*, and *The Scorched-Wood People*) the story does not end with the verdict, but continues through the quest for a commutation – often a more dramatic process than the investigation and trial themselves.

Wright's *Native Son*

Native Son generated controversy not only among the reading public, but also within the ranks of literary critics responding to the book's naturalistic vision of American society and of the position of blacks within it. Caesar Blake argues that Wright 'regarded the determinants

of human destiny or fate as heredity and environment against which a powerless individual human will could only struggle in futility.' As Dreiser did for Clyde Griffiths, Wright draws the picture of the life and background of Bigger Thomas – a poor black in Chicago in the 1930s – in order to establish the predetermining context of his actions. Indeed, Wright succeeds to such an extent that, despite the fact that he wanted to write a story which 'no one would weep over,'⁴⁰ the reader wants Bigger to escape the grasp of the law.

The defence that Bigger's lawyer Max presents is that which Wright himself asserts, portraying Bigger as a 'victim of murderous dehumanization and exploitation.' Indeed, Bigger's crimes come to define who he is in the society which created him. 'In all of his life,' Bigger Thomas believes, 'these two murders were the most meaningful things that had ever happened to him.'⁴¹ The criminal justice system cannot do justice to Bigger because it is merely a part of the society which, having created Bigger, must destroy him. The best it can do, again, is rough justice: Bigger pleads guilty to a crime for which he was not legally guilty (having had no intent to kill or even harm Mary Dalton). Yet he was clearly guilty of another murder for which he was not charged, but which was used against him, in a shocking display, at his trial.

Native Son, like *An American Tragedy* and *Sanctuary*, shows politically ambitious district attorneys, inept lawyers, an aggressive press, and hostile public opinion as features of the American criminal justice system of the time. In none of the cases is there a change of venue or effective control of the press. In all cases there are either threatened or actual lynchings. And there is the ubiquitous handgun – the great 'equalizer' – in *Native Son* and *Sanctuary*.⁴² In *Native Son*, Bigger thinks: 'He was going among white people, so he would take his knife and his gun; it would make him feel that he was the equal of them.'⁴³ Similarly, Popeye's ever-present pistol in *Sanctuary* compensates for his impotence. *Sanctuary*, *Native Son*, and *An American Tragedy* present together a damning depiction of American society and justice in the early decades of the twentieth century.

Wiebe's *The Scorched-Wood People*

Dennis Duffy brings home to Canadians the issue of the criminal within an uncomprehending society with his study of Rudy Wiebe's *The Scorched-Wood People*, based on the career of the Canadian nineteenth-

century revolutionary, Louis Riel. Duffy argues that Wiebe's 1977 novel 'enables us better to understand crime than to establish blame for it' because of what he calls Wiebe's 'metafiction': a fictional work which is, in an important way, about fiction itself. Duffy's examination of *The Scorched-Wood People* develops his idea that 'recognizing the complexity of Wiebe's portrayal takes a first step toward grasping the importance of his treatment of Riel's crime.'

Just as conventional literary treatments have failed to capture Riel's essence, Duffy argues, so did Riel confound white criminal justice (including his own defence lawyers, who urged him to plead insanity to avoid the gallows), so that *The Scorched-Wood People's* implicit message becomes 'the incompatibility of differing cultural discourses.' Whereas Wiebe constructs a portrait of Riel from the inside, incorporating his visions into the novel, other literary treatments and the criminal trial itself do not delve into the mind of the accused (even when he gives evidence) and rarely look into his past or his motives. Wiebe's emphasis on the visionary existence of Louis Riel contrasts sharply with the legal system's focus on the criminal event alone.

Duffy's discussion of 'metafiction' and Wiebe's fictional portrait of Riel can be usefully compared to John Baird's study of Fielding's use of history in *Jonathan Wild*. Both studies consider the uneasy and shifting distance between historical 'fact' and literary 'fiction' in works of this kind. To this end, Duffy acknowledges that subjectivity is, indeed, inevitable, and that 'the fact remains that we are looking at imaginative constructs, and so whatever actuality Wiebe's figure possesses may not be inherently greater than any accruing to other versions of Riel.'

Ryga's *Indian* and Pollock's *Blood Relations*

Ann Saddlemeyer highlights the theatre's affinity to a criminal trial: 'Action ... Suspense ... Immediacy ... Persuasion ... Conflict ... Revelation ... Climax ... Resolution. These are the qualities of theatre, of story-telling, and, coincidentally, of the lawcourts.' As in criminal trials, theatre audiences are frequently forced to try to recreate the past, never sure what is truth and what is fiction. Reality, as we saw above, is always an uncertain reconstruction of the past.

Unlike, however, a criminal jury sitting in judgment to determine responsibility, the audiences of George Ryga's *Indian* and Sharon Pollock's *Blood Relations* are challenged 'to accept some responsibility in turn for the deeds enacted before them.' Society (through its surro-

gate, the audience) is put on trial for the crimes it has engendered. But Saddlemyer cautions us that these plays do not allow any easy responses, that they force 'the audience members to respond as individuals, unable to duck out of responsibility, while at the same time refusing to let them wallow in that equally evasive response, the breast-beating *mea culpa* of the educated white liberal prepared to condemn faceless and nameless society and go home satisfied with a good job well done.' These plays also challenge us to go back to Dickens, Wright, Dreiser, Wiebe, and others to consider whether our responses have in fact been evasive in pinning the blame on 'faceless and nameless society' rather than questioning what undesirable aspects of society we ourselves share in perpetuating.

There is no question but that white, patriarchal society is indicted in the respective plays for its treatment of native people and women. Ryga asks, 'can law and white man's justice apply to those for whom it apparently does not exist?' while Pollock examines 'women imprisoned in a man-ordered universe.' Both Lizzie Borden and Ryga's Indian, according to Saddlemyer, 'feel they have nothing to lose, had no rights to begin with, and attempt to gain them through their crimes.' But the criminal law is incapable of adjusting its vision to respond sensitively and constructively to such situations. The best that can be done is, again, rough justice: Saddlemyer observes that social hypocrisy led Lizzie to kill while moral hypocrisy acquitted her.⁴⁴

The title of Pollock's play highlights a theme which many of the works in this collection share: the murder of blood relations. Ryga's Indian murders his brother, Lizzie Borden is acquitted of murdering her stepmother and father, Effie is accused of murdering her child in *The Heart of Midlothian*, and Walter leads Griselde to believe he has murdered their children in the *Clerk's Tale*. This theme is, however, more popular in literature than it is in criminal statistics.⁴⁵

Detective Stories

Finally, Josef Škvorecký presents an autobiographical portrait of his career as a writer of criminal fiction in a time and place where his works were banned. We reach the point, then, where literature itself becomes a fugitive criminal, the victim of what for Škvorecký was a 'criminal' society along the lines suggested by Frye. Such regimes suppress detective fiction; according to Škvorecký, they 'make corpses, but they don't *write* about them. If a writer does write about them, they