“THE DARK AND DREADFUL INTEREST”: CHARLES DICKENS, PUBLIC DEATH, AND THE AMUSEMENTS OF THE PEOPLE

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By

Katherine Brandwood, B.A.

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Katherine Brandwood

Thesis Advisor: Professor John Pfordresher, Ph.D.

ABSTRACT

A vocal opponent of public execution throughout his career, Dickens deplores the dramatization of capital punishment in numerous letters and public statements; the culture of carnival surrounding the scaffold produces a corruptive theater, he claims, in which the criminal can attain a “monstrous notoriety” at the moral expense of the crowd (Letters 224). The “dark and dreadful interest” that drew such numbers of spectators to Tyburn and Newgate, according to Dickens, reflects “a law of our moral nature, as gravitation…in the structure of the visible world”; if this propensity is natural, however, its indulgence is nonetheless morally degenerative, “odious, and painful” (Letters 220, 218). Accordingly, the state’s exploitation of this morbid compulsion constitutes, for Dickens, a breach of dramatic ethics. In staging public death, the state makes a violent demonstration of power that depends upon its subjects’ moral susceptibilities: the “dark and dreadful interest” ensures an audience, but it concomitantly “produces crime in the criminally disposed, and engenders a diseased sympathy – morbid and bad, but… irresistible—among the well-conducted and gentle” (Letters 212). However, Dickens’s fictional representations of the condemned belie his rejection of the scaffold as a scene of dramatic entertainment and betray his own “dark and dreadful interest” in the gallows and the guillotine. Veiled in his statements against capital punishment as a political practice, then, is the assertion of a professional prerogative: as an artist, he makes an exclusive claim to the ethical representation of the scaffold scene.
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Introduction

The closing chapter of *A Tale of Two Cities* opens to a “rumble, hollow and harsh,” as the revolutionary tumbrils “carry the day’s wine to La Guillotine” (384). Spectators on the roadside and in the overlooking houses survey the anonymous condemned, who respond variously to the collective gaze:

- Of the riders in the tumbrils...some are so heedful of their looks that they cast upon the multitude such glances as they have seen in theatres, and in pictures... One, and he a miserable creature of a crazed aspect, is so shattered and made drunk by horror that he sings, and tries to dance. (385-6)

In these impulses to performance, Dickens registers the prisoners’ participation, even at this mortal extremity, in a culture of entertainment that constructs scaffold as stage. If the condemned body constitutes the principal feature in the capital drama, the pathos of these “crazed” performances lies in the actors’ attempts to retain some agency in executing the role.

It is a compelling role, though hardly an enviable one; in *A Philosophical Enquiry into the Origin of Our Ideas of the Sublime and Beautiful* (1756), Edmund Burke invokes the scaffold-stage analogy to suggest the greater dramatic gratification available from the former: “Choose a day on which to represent the most sublime and affecting tragedy we have,” he submits, “and when you have collected your audience... let it be reported that a state criminal... is on the point of being executed in the adjoining square; in a moment the emptiness of the theatre
would demonstrate the comparative weakness of the imitative arts” (qtd. in Faulk 78). To pose a strictly competitive relationship between the capital spectacle and the “imitative arts,” however, is to obscure their complex interactions. In Dickens’s “death-carts,” for example, the “imitative arts” become the imitated, as the doomed passengers borrow “glances...they have seen in theatres, and in pictures” to fulfill the aesthetic expectations those same sources have produced. The “miserable creature,” likewise, aware that his role is to entertain, “sings... and tries to dance,” reverting in his “crazed” confusion to the conventions of stage performance.

A vocal opponent of public execution throughout his career, Dickens deplores the dramatization of capital punishment in numerous letters and public statements; the culture of carnival surrounding the scaffold produces a corruptive theater, he claims, in which the criminal can attain a “monstrous notoriety” at the moral expense of the crowd (Letters 224). Public hangings in Victorian London routinely drew audiences of 3,000 – 7,000, with particularly infamous criminals attracting 30,000 – 40,000 and even, by some reports, up to 100,000 spectators (Gatrell 7). The “dark and dreadful interest” that drew such numbers to Tyburn and Newgate, according to Dickens, reflects “a law of our moral nature, as gravitation...in the structure of the visible world”; if this propensity is natural, however, its indulgence is nonetheless morally degenerative, “odious, and painful” (Letters 220, 218). Accordingly, the state’s exploitation of this morbid compulsion constitutes, for Dickens, a breach of dramatic ethics. In staging public death, the state makes a violent demonstration of power that depends upon its subjects’ moral susceptibilities: the “dark and dreadful interest” ensures an audience, but it
concomitantly “produces crime in the criminally disposed, and engenders a diseased sympathy – morbid and bad, but... irresistible—among the well-conducted and gentle” (Letters 212). Dickens decries the capital spectacle, ultimately, as socially irresponsible dramatic entertainment.

If the capital drama borrows from the “imitative arts,” however, the reverse is equally true; in his fiction, Dickens exploits the rhetorical and affective power of the scaffold to achieve narrative drama, from the prophetic gravity of Sydney Carton’s scaffold speech to the poignant horror of Fagin’s “Last Night Alive” (Oliver Twist 441). Dickens’s fictional representations of the condemned belie his rejection of the scaffold as a scene of dramatic entertainment and betray his own “dark and dreadful interest” in the gallows and the guillotine. Veiled in his statements against capital punishment as a political practice, then, is the assertion of a professional prerogative: as an artist, he makes an exclusive claim to the ethical representation of the scaffold scene.

Dickens’s chief contributions to the debate on capital punishment comprise two series of letters, the first published in The Daily News in 1846 and the second appearing three years later in The London Times. From 1846 to 1849, as critics have widely noted, his position evolved from one of categorical opposition to capital punishment under any circumstances to a more moderate proposal that executions be conducted in “comparative privacy within... prison walls” (Letters 253). This revision demonstrates Dickens’s far more urgent objection to the capital spectacle than to the capital penalty itself; in advocating for the removal of the scaffold from
the public eye, he advocates for a popular culture of entertainment that privileges (rather than subordinates) the “imitative arts.”

In its social and political implications, Dickens’s revised position reflects and anticipates a trend in modern Western penal administration characterized by practices of surveillance, incarceration, and rehabilitation rather than spectacular punitive violence. Michel Foucault charts these developments in Discipline and Punish: The Birth of the Prison (1975), resisting a humanitarian narrative to explain the retreat from public torture and execution to pose, instead, an account of punishment’s transition “from... an art of unbearable sensations... [to] an economy of suspended rights” (11). The tools and practices of the modern carceral bureaucracy constitute new regulatory “technologies of power,” Foucault submits, that no longer rely on spectacular demonstration of the state’s ultimate prerogative with respect to the criminal body (131).

Dickens’s lifetime saw what V. A. C. Gatrell calls the “great[est and most] sudden revolution in English penal history,” when, in the 1830s, an increasingly middle-class Parliament voted to reform capital practice (10). Collectively termed the “Bloody Code,” more than two hundred capital statutes annually condemned murderers and forgers, national traitors and sheepstealers alike; approximately 7,000 people were executed in England and Wales between 1770 and 1830 (Gatrell 7). As a result of vigorous reforms, hangings in the 1830s numbered only a tenth of those in the previous decade, and by 1837, murder was effectively the sole remaining capital crime (Gatrell 9). Public executions remained major social dramas, however, (perhaps the more powerful for occurring less frequently);
Dickens himself attended at least two high-profile hangings in London, reporting on both occasions an unseemly spirit of revelry among the spectators. Due in part to his own outspoken activism, public executions were finally abolished in 1868, two years before his death.

In campaigning to privatize capital punishment, Dickens participated in the modern movement toward a disciplinary practice characterized by “bureaucratic concealment” (Foucault 10). Such a system, operating by invisible structures of power to surveil and regulate its subjects, bears certain resemblances to a novelistic project that not only penetrates private domesticity but also subtly constructs hegemonic standards for social behavior. Accordingly, the scaffold, as a site of intersection between dramatic entertainment, regulatory discipline, and popular education, provides a conducive platform for examining Dickens’s literary project and the ethics of his craft. Some preliminary analogies will serve as points of entry by characterizing Dickens’s literary relationship to the capital drama in terms of his relationships to its three primary players: the state, the condemned, and the crowd. The state and the novelist, as authors of regulatory drama, can be paired in their corresponding projects; the condemned and his fictional counterpart, in their common fates; the scaffold crowd and Dickens’s readership, in their roles as spectators and educational subjects. The contradictions that emerge in Dickens’s writings on capital punishment—both fictional and journalistic—trouble these analogies, however, revealing Dickens’s empathy for the condemned and his affinity with the crowd despite his expressions of antipathy and moral condescension for both.
Chapter One—Dickens and the State—will establish Dickens’s ethics of entertainment and the pedagogical nature of his social project as a literary dramatist. In considering the degree to which the novelist functions as social disciplinarian, Chapter One will problematize Dickens’s ethical distinction between the “imitative arts” and the state-authored capital spectacle. Chapter Two will interrogate Dickens’s relationship to the condemned subject, characterized in his fiction and journalism by competing sympathetic and antagonistic impulses. This ambivalence, symptomatic of his own “dark and dreadful interest” in the psychology of the condemned, undermines the claim to judicial objectivity on which he bases his social and political prescriptions; further, it erodes his moral distinctions between himself and the members of crowd. The final chapter will take up this latter relationship, rendered problematic by the immediacy of Dickens’s professional interest: the scaffold crowd and his increasingly democratic readership are one and the same. By demonizing the crowd, Dickens validates his pedagogical project; the urgency of his social function as a novelist is predicated on the moral degeneracy of the very class he purports to defend and represent.

This thesis explores Dickens’s activism against public execution as it informs, illuminates, and complicates his literary ethics. In critiquing the capital spectacle in his journalism, Dickens critiques a competing dramatic and rhetorical project that poses a direct challenge, as Burke suggests, to the cultural primacy of the “imitative arts” (qtd. in Faulk 78). Dickens’s opposition to the state’s scaffold drama is motivated neither by a moral objection to the capital penalty itself (since he abandons his abolitionist position in 1849,) nor by a categorical objection to
exploiting the people’s “dark and dreadful interest” in it (since he exploits that very affect in his fiction.) Ultimately, as close readings of his letters and novels suggest, Dickens’s project in both denouncing and dramatizing public execution is the assertion of authorial – and social – control; that project is necessarily compromised, however, in the exercise of empathy that defines the novelistic craft.
Chapter 1

Dickens and the State: Discipline, Entertainment, and the Rhetoric of Spectacle

Charles Dickens’s 1850 essay on “The Amusements of the People” is premised on his opening avowal that “nothing will ever root out from among the common people an innate love they have for dramatic entertainment” (3). Far from being unwholesome, he submits, this predilection entails a social responsibility for its fulfillment: “We believe these people have a right to be amused” (11). The social impetus for Dickens’s advocacy is upper-class resistance to the democratization of theater-going in the Victorian period; the venues and productions newly conceived for working-class audiences were decried for vulgarity, but Dickens celebrates the imaginative outlet they afforded “these people,” many of whom were illiterate or otherwise incapable of accessing private forms of entertainment. To withhold licenses from the proliferation of “common” theaters, he argues, would be to decline an opportunity “to turn to some wholesome account the means of instruction [they have] at command” (12). The Dramatic Licenser might assume, instead, “a real, responsible, educational trust... exercis[ing] a sound supervision over the lower drama... [and] improving the character of [the people’s] amusement” (12).

Dickens’s investment here is in the politics of his own craft; although his creative involvement in the theater itself never surpassed the amateur, his legacy as a literary dramatist reflects the way in which his narratives both borrow from contemporary conventions of stage and spectacle and anticipate modern
technologies of “dramatic entertainment.” Juliet John discusses in particular Dickens’s literary adaptation of melodrama, a stage genre favored “at the dawn of an era which witnessed the expansion of cultural as well as political access because it offered an inclusive, populist aesthetics” (134). In the “externalized representation” and the “symbolic art of the visual” characteristic of melodrama, John suggests, Dickens recognizes a profound literary ethics of inclusion: “So do extremes meet;” he writes in “The Amusements of the People,” “and so is there some hopeful congeniality between what will excite Mr. Whelks [of the New Cut, Lambeth] and what will rouse a duchess” (18). Accordingly, John observes, Dickens’s aesthetic theory and his art reflect the conviction that “melodrama at its most ambitious could comprise what Peter Brooks calls ‘the expressionism of the moral imagination,’ as well as a salve or antidote for the alienating forces of modernity” (138).

If “dramatic entertainment” was an increasingly democratic enterprise in Victorian England, it was a development, in Dickens’s view, mutually beneficial for patrons and purveyors of the arts. In an 1853 speech at Birmingham, he celebrates the demise of an exclusive literary economy financed and dictated by “individual patrons, sometimes munificent, often sordid, always few”; the far greater creative freedom a diverse popular readership affords the artist, however, entails the responsibility for a reciprocal regard: “My creed in the exercise of [my] profession,” he asserts, “is that Literature cannot be too faithful to the people in return – cannot too ardently advocate the cause of their advancement, happiness, and prosperity”

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1 On Dickens’s “stories as spectacles,” see Verónica D’Auria’s “Spectacle and Estrangement in Dickens,” 351; for a seminal account of Dickens’s influence on the advent of cinema, see Sergei Eisenstein, “Dickens, Griffith, and Ourselves.”
(Qtd. in Johnson 73). As a dramatic artist, then, Dickens acknowledges and publicly espouses the “real, responsible, educational trust” foundational to his ethics of entertainment (“Amusements” 12).

In “The Amusements of the People,” Dickens invokes the supervisory role in which the government – specifically, the Dramatic License – participates in the ethical economy of “dramatic entertainment.” If the state bears an “educational trust” in the administration of such “amusements,” however, it spectacularly violates that trust, for Dickens, in purveying dramatic entertainment of the most sinister, degenerative, and perversely compelling variety. The public execution is a dramatic genre to which Dickens gives close consideration in his fiction, letters, and journalism; the culture of entertainment surrounding the scaffold is the subject of an urgent social critique motivated explicitly—even insistently – not by sympathy with the tragic figure onstage, but rather by concern for the moral welfare of the audience. Dickens offers a vivid articulation of this critique in his letter of February 28, 1846 for publication in The Daily News. Of the crowd assembled to witness the hanging of Francois Courvoisier, he reports “nothing but ribaldry, debauchery, levity, drunkenness, and flaunting vice in fifty other shapes”; this atmosphere of carnival and the spectacle that inspires it are associated explicitly with the theater in “the cry of ‘Hats off!’... raised... as they would [raise it] at a Play – to see the Stage the better, in the final scene” (Letters 220).

If “dramatic entertainment” is an educative medium to which the popular moral intellect is particularly susceptible, the drama of state power enacted on the

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2 Courvoisier, a Swiss manservant, was hanged on July 6, 1840 for robbing and murdering his employer, Lord William Russell (Letters 222).
scaffold not only fails to “turn to some wholesome account the means of instruction which it has at command” (“Amusements” 12), but calculatingly exploits a perverse “law of moral nature”; namely, the “attraction of repulsion” (*Letters* 218). The capital penalty, Dickens writes in 1846, exercises

... a horrible fascination, which, in the minds – not of evil-disposed persons, but of good and virtuous and well-conducted people, supersedes the horror legitimately attaching to crime itself, and causes every word and action of a criminal under sentence of death to be the subject of a morbid interest and curiosity. Which is odious and painful, even to many of those who eagerly gratify it by every means they can compass; but which is, generally speaking, irresistible.

(*Letters* 218)

He goes on to catalogue the voyeuristic cultural practices that render the capital felon a dramatic celebrity: the sensationalism of criminal biography, the sale of scaffold “relics,” the exhibition of waxen death masks in Baker Street, the general popular surveillance, and all the commercial exploitation of that “depraved excitement” surrounding “the town talk, the great subject, the hero of the time” (*Letters* 218).

This brand of “dramatic entertainment,” of course, is not salutary for its democratic appeal; there is no “hopeful congeniality” in its equal fascination for a commoner and a duchess (“Amusements” 18). On the contrary, the death penalty and its attendant culture of carnival mobilize “the attraction of repulsion” to the moral degeneration of all participants. In the same series of letters to the *Daily
News, Dickens suggests, indeed, that the capital spectacle reproduces the criminal behavior it ostensibly deters; he cites the following statistic, compelling though vague: “Out of one hundred and sixty-seven persons under sentence of Death in England, questioned at different times, in the course of years, by an English clergyman in the performance of his duty, there were only three who had not been spectators of executions” (Letters 227). It is this exigency – the danger of moral subversion – that most urgently informs Dickens’s unequivocal position in 1846; his final letter to the News concludes, “I beg to be understood as advocating the total abolition of the Punishment of Death, as a general principle, for the advantage of society, for the prevention of crime, and without the least reference to, or tenderness for any individual malefactor whomsoever” (Letters 245).

In Dickens’s attitude toward “the attraction of repulsion,” however, there exists an apparent conflict between his politics and his aesthetics. His rigorous ethical standards for dramatic entertainment and his commitment to the “advancement, happiness, and prosperity” of his readers do not preclude his own spectacular representation of the morbid, the grotesque, the “repulsive”; on the contrary, as Goldie Morgentaler observes, ”Dickens’s fiction reflects [a] peculiar attraction to the macabre—he likes to write about amputated legs and bottled babies, bodies eviscerated, bodies made up of artificial parts, bodies dug up after death” (47). A self-professed patron, author, and theorist of “good, murderous melodramas,” Dickens explores with an equal perverse enthusiasm the underworlds of violence and crime (Oliver Twist 134).
Dickens’s claim to an educative ethics of virtue, then, does not entail exclusive representation of the beautiful. Further, it permits a range of affective responses, from the benignant gratification inspired by Scrooge’s spiritual reclamation to the visceral horror produced in audiences of the famous “Sikes and Nancy” reading. The latter offers compelling insight into Dickens’s aesthetic relationship to “the attraction of repulsion”; “the Murder,” as he referred to the performance in his letters, dramatizes the young woman’s brutal killing (“such flesh, and so much blood!”) and her murderer’s tormented flight from justice, pursued by visions of her mutilated corpse (Public Readings 484). It culminates, significantly, with a public execution, as Sikes unintentionally hangs himself in his attempt to escape a furious mob. The forum of the public reading lent an immediacy to Dickens’s interactions with his audience that print publication did not allow, and he was anxious to witness the sensational effects of his dramatic prose. He exulted in the “contagion of hysteria” the reading produced, celebrating after its trial performance the “unmistakably pale... horror-stricken faces” of his listeners (Public Readings 465).

Significantly, according to Philip Collins, John Forster advised against the performance, expressing “an aesthetic distaste for the platform exploitation of this sensational subject” (Dickens: The Public Readings 466). Dickens himself confessed anxiety about whether “the art would justify the theme” (465). He decided, of course, that it would, and “the Murder” became a “fierce obsession”; he insisted on performing it up to four times a week during his Farewell Tour, despite the dire toll of the physical and emotional exertion on his health (470). The operative aesthetic
force here, both for the artist and for his readers (who came in droves to be “petrified”) is the “attraction of repulsion.” If Dickens’s dramatic exploitation of this “law of moral nature” on the stage resembles the dramatic exploitation he so deplores on the scaffold, his qualifying argument, it seems, is that “the art... justifies the theme.” This distinction is troubled, however, when Dickens brings aesthetic principles to bear on his political critique of the capital spectacle.

In two letters published in *The London Times* in 1849, Dickens articulates a revised position on capital punishment, retreating from abolition in favor of a critical reform: “I would have the last sentence of the law executed with comparative privacy within the prison walls” (*Letters* 253). As in 1846, his statements are inspired by his attendance at a particularly notorious execution; Frederick and Maria Manning, a husband and wife convicted of murdering their lodger, were hanged, according to Dickens, amidst “fightings, faintings, whistlings, imitations of Punch, brutal jokes, [and] tumultuous demonstrations of delight” (*Letters* 249). His urgent suit, then, is “to prevent such frightful spectacles in a Christian country, and all the incalculable evils they engender” (*Letters* 253).

In support of his case, Dickens cites a passage from Henry Fielding’s 1750 *Inquiry into the Causes of the Late Increase of Robbers*:

> The execution should be in some degree private. And here the poets will... assist us. Foreigners have found fault with the cruelty of the English drama, in representing frequent murders upon the stage. In fact, this is not only cruel, but highly injudicious: a murder behind the scenes, if the poet knows how to manage it, will affect the audience
with greater terror than if it was acted before their eyes... The mind of man is so much more capable of magnifying than the eye, that I question whether every object is not lessened by being looked upon, and this more especially where the passions are concerned... If executions, therefore, were so contrived that few could be present at them, they would be much more shocking and terrible to the crowd without doors than at present, as well as much more dreadful to the criminals themselves. (Qtd. in Letters 253)

In invoking Fielding’s argument against public execution, Dickens critiques not the exploitation of the popular imagination, but the rhetorical strategy behind it. The spectacle, in its vulgar corporeality, is a text that fails to maximize the dramatic generation of fear and awe – the affective responses instrumental to the projects of deterrence and reinforcement of state power. More significant than the alternative Dickens proposes, however, is the dramaturgic rationale that informs it. Fielding suggests that the state take a lesson from “the poets” in staging its demonstration of absolute power; the model invoked is the murder of Duncan in Macbeth, which, according to Fielding, is more terrible for its commission behind the scenes “than all the blood which hath been spilt upon the stage” (Qtd. in Letters 253). Accordingly, to conduct executions in “private solemnity” would be to produce in the popular audience a heightened “awe and dread” more conducive to the state’s enforcement of its narrative (Letters 253).

His proposal that stagecraft inform statecraft suggests Dickens’s recognition that the drama enacted on the scaffold is no less representational for being real. He
engages it, in this letter, as a dramatic project and its authors as fellow craftsmen, offering his professional counsel as to the rhetorical strategies most effective in the manipulation of audience response. In this, Dickens anticipates Foucault, who articulates in *Discipline and Punish* an account of public torture and execution that recognizes the body of the condemned as the text on which the state narrative of justice is inscribed. “The condemned man publish[es] his crime and the justice meted out to him,” says Foucault, “by bearing them physically on his body” (43); it is this body rendered text, forced to “emit signs”, that performs what Foucault calls the “reactiva[tion] of [state] power” (25, 49). According to Dickens, however, the regulatory text the state publishes on the scaffold (namely, the hanging body of the criminal,) is both rhetorically ineffective and, in the morally degenerative affect it inspires, ethically irresponsible.

Dickens’s rhetorical critique of the capital spectacle is discernible, too, though in subtler terms, in his earlier abolitionist writings. In an unpublished letter to the editor of the *Edinburgh Review* in 1845, he offers to contribute a piece on the subject, in which he proposes to illustrate the evils of public execution by means of “a vivid little sketch”; the story of the fictional protagonist, modeled on a contemporary murderer, will demonstrate “what enormous harm he does, after the crime for which he suffers” (*Letters* 212). Dickens insists, however, “I should state none of these positions in a positive sledgehammer way, but tempt and lure the reader into the discussion of them in his own mind” (my emphasis; 212). His claim, here, is to a rhetorical facility so expert that it allows him to produce his own convictions in the reader without announcing his persuasive agenda.
Significantly, Dickens’s language of psychological manipulation – “tempting” and “luring”—recurs in reference to the state spectacle, but not to convey the author’s rhetorical control. “Present [the] black idea of violence to a bad mind contemplating violence,” Dickens writes of public execution in 1846, “hold up before a man... the spectacle of his own ghastly and untimely death by man’s hands; and out of the depths of his own nature you shall assuredly raise up that which lures and tempts him on” (my emphasis; Letters 226). Crucially, the manipulative agency Dickens claims as the author of his “vivid little sketch” does not reside with the author of the spectacle on the scaffold; in the former case, the artist “tempt[s] and lure[s]” by rhetorical design, but in the latter, the text produces a malignant psychological response strictly antithetical to the project of deterrence it is published to serve. The state, with its sensational show of power, is the rhetorical “sledgehammer” Dickens's artistry rejects, and its dramatic spectacle, far from discouraging deviance, “produces crime in the criminally disposed, and engenders a diseased sympathy – morbid and bad, but natural and often irresistible—among the well-conducted and gentle” (Letters 212).

If the language of Dickens’s critiques poses the executioner as artist, it enables, likewise, a reading of the artist as executioner. In “Executing Beauty: Dickens and the Aesthetics of Death,” Goldie Morgentaler notes the semantic relationship between the two: “The connection between art, reproduction, and execution is an old one... Language itself provides a link... since one can execute

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3 The state’s rhetorical command is further compromised by the ability of critical participants in the drama to go off-script. Chapters two and three will discuss the scaffold speech and other ways in which the state narrative can be undermined by a sympathetic collusion between the crowd and the condemned.
both a painting and a human being, and both may be hung” (50). (Of course, it is not exclusively the fine arts that bear this relationship to execution, although the exhibition of plays and novels is not discharged in terms of hanging.) Morgenthaler’s reading of Ned Dennis, the sadistic public hangman in *Barnaby Rudge*, recognizes Dickens’s embodiment of the artist-executioner. Dennis is a self-professed “fancy workman” who takes perverse aesthetic gratification in the performance of his trade:

“You’re a kind of artist, I suppose—eh!” said Mr. Tappertit.

“Yes,” rejoined [the hangman], “Yes – I may call myself a artist... art improves natur’ – that’s my motto” (*Barnaby Rudge* 329).

Dennis’s interest in the derelict Hugh, as Morgenthaler demonstrates, is in an artistic specimen whose muscular neck is “such... a [one] for stretching!” and he makes similarly ogreish physical appraisals of characters throughout the novel (317). He aestheticizes not only death itself and its subjects, but the *execution* of death – the *process* by which “art improves natur’”: a hanging, or, by his professional euphemism, a “working-off,” “when it’s well done, [is] so neat, so skilful, so captiwating... that you’d hardly believe it could be brought to sich perfection” (619).

Dickens’s decision to represent his hangman as artist reinforces capital spectacle as a rhetorical project in the genre of “dramatic entertainment.” Indeed, Dennis himself draws the familiar analogy between scaffold and stage: “I’ve heerd a eloquence on them boards – you know what boards I mean – and have heerd a degree of mouth given to them speeches, that they was as clear as a bell, and as good
as a play” (544). With self-conscious irony, it is Dickens—the true artist—who brings Dennis to justice on the very scaffold over which he so keenly presided. 

Dickens’s correspondence demonstrates a darkly whimsical appreciation of his power to condemn, and as literary executioner, he does not deal exclusively punitive justice. In an 1846 letter to John Forster, he seals the fate of Paul Dombey, the ethereally innocent would-be protagonist of his seventh full novel: “Paul, I shall slaughter at the end of number five” (Qtd. in Pritchard 305). Nor is Paul the first angelic child resolutely dispatched by Dickens’s pen; in the months preceding the serial conclusion of The Old Curiosity Shop, he complained to Forster, “I am inundated with imploring letters recommending poor little Nell to mercy” (Qtd. in Bachman 307). His position in receiving – and disregarding – these desperate intercessions is singularly analogous to that of the British Home Secretary, to whom thousands of petitions were submitted each year appealing capital convictions. As a novelist, then, Dickens exercises what V. A. C. Gatrell calls “the prerogative of mercy” in reference to the law: an arbitrary and absolute power to which his public is ultimately subject (200).

In “Legal Performance: Good and Bad,” Julie Stone Peters submits,

Law is the ultimate performative institution: its assertions... make something happen. The law’s performative statements – when a sovereign says ‘I command’ or a judge says ‘I sentence you’ – might be

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4 Notably, the historical Edward Dennis (the public hangman from 1771-1786) was not executed for his involvement in the Gordon riots; in fictionalizing the account, Dickens asserts his authorial power to condemn the man he judges so deserving of this fate (Barnaby Rudge 730, Note 4).
thought of as super-performatives: performatives backed by force.

(185)

In some sense, however, the novelist’s performative power exceeds that of the law in his ability to sentence and execute simultaneously: Dickens enacts death in writing it, whereas a judge’s capital sentence must subsequently be carried out. Significantly, then, as Antony E. Simpson observes, no scene of execution is rendered in all of Dickens’s fiction (141).5 While several characters are officially condemned, Dickens’s narration always stops short of the scaffold: Hugh, Dennis, and Rudge, Sr. are depicted in harrowing anticipation of their sentences but abandoned at the scaffold steps; Sydney Carton’s beheading in A Tale of Two Cities gives way cinematically to the poetry of his prophetic vision; Fagin last appears in Oliver Twist on his “last night alive” (441); Martin Chuzzlewit’s malevolent cousin Jonas eludes state justice by taking poison in his cell; Magwitch is spared hanging by his natural death in Great Expectations, and the murderess Mademoiselle Hortense6 is featured in Bleak House only up to the scene of her arrest.

According to Simpson, “Dickens’s refusal to portray the scene at the scaffold was... principled and heartfelt. He came, reluctantly, to support capital punishment, but he would never use its application for dramatic effect” (141). I would suggest, rather, that Dickens’s decision to withhold the state spectacle in his fiction is consistent with the philosophy of rhetorical power he articulates through Fielding;

5 Pictures from Italy (1846) includes Dickens’s firsthand account of a public execution in which he describes the decapitation in explicit detail. As reportage, however, the piece is distinct from his fictional oeuvre.
6 Hortense’s characterization is likely inspired by Maria Manning, whose execution for murder Dickens witnessed in 1849 (Bleak House, 1024, Note 9).
it is a refusal that fetishizes violence by making it invisible. By seeming contradiction, however, the capital spectacle does feature in Dickens's novels—it is simply removed from the context of state-enforced justice. As F. S. Schwarzbach notes, Dickens's villains meet all manner of violent ends, from drownings to burnings to shootings to collisions with railway trains: “[Dickens] is willing,” writes Schwarzbach, “to himself act as jury, judge, and executioner, and to glory self-righteously in his villains’ deaths” (102). Crucially, though, Dickens himself does not appear in the text in these adjudicatory roles; the novel form allows the writer to obscure his creative agency. Dickens recognizes rhetorical power not in eclipsing violence itself necessarily, but in eclipsing the author of violence—the regulatory mechanism that enforces it.

In The Novel and the Police, D. A. Miller invokes Flaubert’s famous statement: “The author in his work should be like God in His universe, everywhere present but nowhere visible” (24). This principle informs Dickens’s operations as artist-executioner, and perhaps nowhere more demonstrably than in the execution of Bill Sikes. Sikes’s death, which Dickens both published in Oliver Twist and performed in dramatic reading, is the only depiction of a hanging in all his fiction; although it is accidental, it has all the features of the Newgate spectacle, from the riotous crowd of witnesses to the “sudden jerk, [and] terrific convulsion of the limbs” as the rope pulls fast (Oliver Twist 428). The crucial missing element, of course, is the hangman. By contriving Sikes’s accidental death on these terms, Dickens creates the rhetorical illusion of a naturally occurring justice that only happens to resemble the state brand; in other words, he enforces his own sanction,
but “not in a positive, sledgehammer way” (Letters 212). The power attendant on this manipulation is significant: if the novelist is “God in His universe,” then the justice he invisibly enacts has the quality—and the prescriptive force—of the divine.

Miller traces the social repercussions of this exercise of power, posing “a radical entanglement between the nature of the novel and the practice of the police” (2). Dickens’s “disavowal” of state violence, Miller suggests, both disguises and empowers his exercise of “less visible, less visibly violent modes of ‘social control’” (viii). The Victorian novel, with its unprecedented breadth of readership and its “hegemon[ic]” claim on the cultural imagination, was a potent “technology of discipline” whose regulatory prescriptions—cloaked in narrative—established and reinforced normative conceptions not only of justice, but of virtue and propriety, domestic protocol, and all the institutions of social life (x). Miller, like Dickens, distinguishes novelistic “policing” from state policing in terms of rhetorical style:

Traditional power founded its authority in the spectacle of its force...

By contrast, disciplinary power tends to remain invisible...

Disciplinary power constitutively mobilizes a tactic of tact: it is the policing power that never passes for such, but is either invisible or visible only under cover of other, nobler or simply blander intentionalities (to educate, to cure, to produce, to defend.) (18)

Miller’s argument recalls, inevitably, Dickens’s “educational trust”—the ethical responsibility associated with authorship of “dramatic entertainment.”

In “The Amusements of the People,” Dickens explicitly poses that “trust” in the service of regulation and supervision:
We would assuredly not bear harder on the four penny theatre, than on the four shilling theatre, or the four guinea theatre; but we would decidedly interpose to turn to some wholesome account the means of instruction which it has at command... We would... exercise a sound supervision over the lower drama, instead of stopping the career of a real work of art. (12)

To supervise dramatic entertainment is to supervise the moral imagination; Dickens alerts the state to an opportunity to exercise powerful influence over popular behavior. In exerting this influence, as always, he counsels strategic rhetorical discretion: heavy-handed measures, he warns, will only “exhibit the suppressive power of the law in an oppressive and partial light” (14). If he recognizes dramatic entertainment as the “disciplinary supplement” Miller poses, however, Dickens deploys Miller’s “tactic of tact” to frame the project in terms of “education,” not control.

Both Miller and Jeremy Tambling discuss Dickens’s relationship to state power in conversation with Foucault’s *Discipline and Punish*. The evolution of Dickens’s position on capital punishment in particular, Tambling suggests, reflects the trend in penal administration charted in Foucault’s study toward “the birth of the prison.” Over the course of the 19th century, the spectacular penalty of torture and execution, which dramatized state power through public manipulation of the criminal’s body, gave way to technologies of surveillance and incarceration that rendered structures of power more diffuse and less visible (Foucault). It is in support of these developments, which employed new strategies of psychological
(rather than corporal) manipulation, that Dickens opposed the scaffold spectacle in 1849:

The “mystery” of private executions is objected to; but has not mystery been the character of every improvement in convict treatment and prison discipline effected within the last 20 years? From the police van to Norfolk Island, are not all the changes changes that make the treatment of the prisoner mysterious? His seclusion in his conveyance hither and thither from the public sight... his being known by a number instead of by a name, and his being under the rigorous discipline of the associated silent system... is all mysterious. I cannot understand that the mystery of such an execution as I propose would be other than a fitting climax to all these wise regulations. (Letters 255).

In *Dickens, Violence and the Modern State*, Tambling discusses the ways in which this disciplinary “mystery” artificially “conceals the emotional forces already dictating punishment” (11). By his explicit support of “these wise regulations” and in his own invisible operations as artist-executioner, Dickens, too, “conceals his own violence” (Tambling 11); in his politics and in his aesthetics alike, Dickens anticipates, encourages, and rhetorically enacts the mode of discipline that will characterize a regulatory modernity. However, Dickens’s novelistic “policing” is not necessarily the social and rhetorical coup that Miller – and Dickens—believe. The novelist compromises his regulatory detachment in the necessarily sympathetic and identificatory process of characterization; novelistic individuation does not reduce
persons to numbers, but explores human interiority and *elaborates* the innocent and guilty subject alike. Dickens's authorial sovereignty, then, is not absolute. In inhabiting the subjectivities he represents, the novelist exercises an empathetic function at odds with his regulatory project; he demonstrates his psychological affinity with the condemned.
Chapter 2

Terminal Expectations: Sympathy, Censure, and the Psychology of the Condemned

On April 29, 1845, The London Times published a stirring account of the “Execution of the Murderer Hocker,” dramatizing the culprit’s final hours in anticipation of “the last dread sentence of the law” (7). Thomas Hocker was a particularly notorious personality whose trial excited avid popular interest; apprehended for the fatal beating of his romantic rival, James Delarue, Hocker offered a series of increasingly implausible alibis and denunciations, “all of which,” according to Arthur Griffiths’s 1884 Chronicles of Newgate, “were proved to be absolutely false by the police on inquiry” (494). The Times furnished details of the condemned man’s troubled sleep on the night before his execution, his last conversations with the attending officials, and his fastidious attention to his final toilette. On the “fatal” stroke of eight o’clock in the morning, the report proceeds,

[Hocker] fell back into the arms of one of the officers of the gaol in a fainting state. From that moment his whole frame became prostrated. The scene at this moment was truly horrible. The wretched murderer was placed in a chair and carried from his cell into the open air. By the aid of common restoratives, promptly administered... and by artificial means, the unhappy criminal was resuscitated from a state resembling death only to undergo death in its reality. (7)

The account belabors “the perfect prostration of all power in the sufferer” upon the scaffold, such that he required assistance to remain upright until “the fatal bolt was
drawn” (7). “After the drop fell,” it concludes, “it appeared that on the instant life was extinct, but in a few seconds a slight convulsive muscular action of the extremities was apparent, and then all was over” (7).

Appended to the article is Hocker’s final statement (or “confession”) to the prison Ordinary, in which he amends his testimony yet again but insists with eloquent fervor on his innocence, invoking the urgency of his plight with respect to divine salvation: “Can it be that I am indulging an infidel temerity at such an awful period as this by asseverating an untruth? No, my conviction of a future judgment...is so powerful, that I have not wickedness enough to trifle with my Maker and my own soul at its peril. (7) Significant here, in what is only one of innumerable official and unofficial accounts of Hocker’s final hours, is the degree of engagement with his emotional and psychological experience in the anticipation of imminent death. Evidently, it is not merely the violent spectacle on the scaffold that inspires the “dark and dreadful interest” surrounding capital punishment but equally, the voyeuristic contemplation of the doomed man’s tortured interiority.

In *American Notes*, Dickens repudiates the “sickly feeling which makes every canting lie or maudlin speech of a notorious criminal a subject of newspaper report and general sympathy” (qtd. in *Dickens and Crime* 221). Likewise, as he argues in his letters, the very intimacy of such psychological portraits as *The Times* published of Hocker produce in readers a “diseased sympathy” with the criminal ill-conducive to any moral profit from witnessing his punishment (212). Indeed, the language of *The Times’s* report communicates a sanctimonious compassion for its “wretched” subject, even as it acknowledges “the spirit of lying which throughout appears to
have been [his] true characteristic” (7). Hocker is “the sufferer” and “the unhappy criminal” whose anguish is “truly horrible” to behold; the condolatory tone of the piece casts the execution in terms of Hocker’s ordeal rather than his punishment (7).

Dickens’s disgust with such narratives – disseminated in a variety of genres and publications, from newspaper reports to broadside ballads to The Newgate Calendars—is a critical premise of his argument against capital punishment in 1846. He opens the first of his letters to The Daily News with the unequivocal assertion,

I wish to be distinctly understood, in the outset, as writing in no spirit of sympathy with the criminal. It will be part of my purpose to endeavor to show that the morbid and odious sentimentality which has been exhibited of late years, in favor of ruffians utterly unworthy of it, but drawing nigh to the gallows, is one of the evil concomitants of the Punishment of Death. (emphasis in original; Letters 213-4)

On amending his proposal in 1849 in favor of private execution as opposed to abolition, Dickens writes in the same spirit with regard to the condemned. “From the moment of a murderer’s being sentenced to death,” he avows, “I would dismiss him to... dread obscurity”; this removal from the public eye constitutes an attempt to remove the convict, likewise, from the public imagination, rendering him a regulatory abstraction—the voiceless and anonymous object of punitive state justice. As in 1846, Dickens’s revised proposal is motivated not by sympathetic consideration for the felon but rather by concern for the general moral welfare.⁷

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⁷ Indeed, as V. A. C. Gatrell observes, “To kill felons without ceremony in private was to deny them the only worldly support they could hope for in their last hours” (37).
In articulating his objections to criminal celebrity and the associated corruption of popular sympathies, Dickens engages again with the scaffold as a rhetorical platform—a scene of “dramatic entertainment.” The state’s authorship of the capital spectacle (which, as Chapter 1 submits, is already problematic for Dickens on rhetorical and ethical terms,) is further compromised by the opportunity it offers for the malefactor to steal the show.

In his letter of March 9, 1846 to The Daily News, Dickens suggests a pathological compulsion in certain criminally disposed characters to participate in the “repulsive drama” simply for the “infamous notoriety” it affords (Letters 227). He puts the case of Thomas Hocker, “an insolent, flippant, dissolute youth... [who] casts about him... for some mode of distinguishing himself—some means of getting that head of hair into the print-shops” (227). His opportunities, Dickens concedes, are limited:

The Stage? No. Not feasible. There has always been a conspiracy against the Thomas Hockers, in that kind of effort. It has been the same with Authorship in prose and poetry. Is there nothing else? A Murder, now, would make a noise in the papers! There is the gallows to be sure; but without that, it would be nothing. Short of that, it wouldn’t be fame. Well! We must all die at one time or other; and to die game, and have it in print, is just the thing for a man of spirit. They always die game at the Minor Theatres and the Saloons, and the people like it very much. (227).

Chapter three will further explore the nature of the “support[ive]” relationship between the condemned and the crowd.
If Dickens’s work demonstrates a rhetorical affinity between the artist and the executioner, this passage suggests a like relationship between the artist and the murderer—and, by inevitable extension, the artist and the condemned. Murder and Authorship, here, are analogous projects in their common aspiration to “dramatic entertainment.” The murderer, accordingly, is not only a public but a literary figure, and his turn on the scaffold is “quite an epitome of his experience of the domestic melodrama or penny novel” (Letters 227).

Indeed, Ellen L. O’Brien discusses the way in which Victorian gallows literature, particularly the widely disseminated confessions, “last laments,” and “affecting verses” of the condemned, established a cultural “[link between] the sentimental poet and the violent murderer” (“Criminal Poets” 319). Popular participation in the genre reflected this conception of murder as an aesthetic project; broadside ballads and other “low” forms of criminal biography “formulate[d]... an urban sublime based on the aesthetic power of violence” (“Transgressive Aesthetics of Murder” 20). O’Brien cites James Catnach, a prolific publisher of sensational gallows literature, whose professional aspiration was to render “the most beautiful murder” in print (“Transgressive Aesthetics of Murder” 20).

Dickens denigrates the murderer-as-artist for his “lunatic conceit” and deplores the morbid sensationalism that elevates crime to art, but his fiction demonstrates an imaginative capacity (and perhaps a compulsion) to inhabit the criminal interiority—to become, obversely, the artist-as-murderer (Letters 228).
In discussing his artistic relationship to violence and criminality, critics often cite Dickens’s *Sikes and Nancy* reading and the almost sinister relish he expressed for “performing” the murder. The narrative occupies Sikes’s tormented consciousness as he flees his crime, and Dickens’s identification with the character was such that, after readings, he reported “having] a vague sensation of being ‘wanted’ as I walk about the streets” (qtd. in *Dickens and Crime* 267). He anticipated performances in the voice of the murderer (“I do not commit the murder again... until Tuesday,” “I am... murdering Nancy [tonight,]”) and he once wrote afterwards, “The crime being completely off my mind and the blood spilled, I am (like many of my fellow-criminals) in a highly edifying state today” (qtd. in *Dickens and Crime* 268). As Collins observes in *Dickens and Crime*, Sikes is not the only murderous character whose psyche Dickens so intimately inhabits: he devotes full chapters to “close internal account[s]” of Jonas Chuzzlewit, Barnaby Rudge, Sr., and Bradley Headstone, among others (284). Such accounts, however, are not inconsistent with his unapologetic defense of “good murderous melodramas” (*Oliver Twist* 134). More remarkable, given the urgency and rigor with which he denounces the “morbid and odious sentimentality” of gallows literature, are his equally intimate – and distinctly sympathetic—portraits of the condemned (*Letters* 214).

Fagin in *Oliver Twist* and the depraved hangman Dennis in *Barnaby Rudge* are just such “ruffians” as Dickens declares “utterly unworthy of [sympathy]” in his 1846 diatribe against sentimentalized accounts of the condemned (*Letters* 214). Not only are both characters inveterate villains, but their executions serve a calculated poetic justice. Fagin, who repeatedly invokes “the prospect of the gallows” to
intimidate and extort those in his nefarious employ, celebrates early in the novel, “What a fine thing capital punishment is! Dead men never repent; dead men never bring awkward stories to light... Ah, it’s a fine thing for the trade! Five of them strung up in a row, and none left to play booty or turn white-livered!” (*Oliver Twist* 68)

To call Dennis, likewise, a proponent of state executions is to comically understate the case. In Morgentaler’s terms, Dennis is “an aesthete of execution... [When] he praises his own hand for the many jobs it has done with ‘a neatness and dex-terity [*sic*, never known before’... he might as easily be mistaken for a painter or a sculptor as for a hangman” (53). On storming Newgate with the Gordon rioters, Dennis mounts guard outside the condemned cells to prevent their inmates’ escape; Phiz’s illustration depicts the hangman lounging cross-legged and chewing with sinister complacency on the head of his stick as the “piteous... wretches” reach imploring hands through the bars of their cell doors (*Barnaby Rudge* 541-2). While “the terrible energy with which they spoke, would have moved any person... to have set them at liberty,” the sadistic Dennis only rebukes them for effeminacy and entreats Hugh, when he arrives on the scene, not to free them, but “to leave [them] to me... [and] give me my share” (*Barnaby Rudge* 545).

Both villains, then, appear to richly deserve the fate to which they so callously consign so many others; indeed, Dickens demonstrates his commitment to this just irony in condemning Dennis against the historical record (his real-life counterpart was pardoned.) As they “[draw] nigh to the gallows,” however, Dickens indulges in agonizing accounts of their emotional and psychological distress, a
humanizing gesture that renders his own “[unworthy] ruffians” sympathetic in their final hours.

The penultimate chapter of *Oliver Twist* treats “The Jew's Last Night Alive”; we witness Fagin's trial and sentencing from the defendant’s box and follow him to the condemned cell, where he passes the harrowing hours in anticipation of his violent death. As Susan Meyers notes, Fagin's is a “repellent characterization” (246); he is “perfectly demoniacal,” “a loathsome reptile, engendered in... slime and darkness” (*Oliver Twist* 157, 3). Nonetheless, “the narrative perspective [in these final scenes] aligns us sympathetically with Fagin... draws us in toward [him,] and makes the trial that throws him into such a state feel brutal and inhuman” (Meyers 246). Dickens conveys not only the horror, but also the helpless disorientation of Fagin’s psychic trauma with empathic poignancy; as he awaits the jury,

[An] oppressive, overwhelming sense of the grave... opened at his feet... but in a vague and general way, and he could not fix his thoughts upon it. Thus, even while he trembled and turned, burning hot at the idea of speedy death, he fell to counting the iron spikes before him, and wondering how the head of one had been broken off, and whether they would mend it or leave it as it was. Then he thought of all the horrors of the gallows and the scaffold, and stopped to watch a man sprinkling the floor to cool it – and then went on to think again. (*Oliver Twist* 442)
The interposition of these mundane features of the scene intensifies the reader’s sense of Fagin’s mental agitation, and as the narrative proceeds to his solitary cell, his inner discourse becomes increasingly fragmented:

> It was very dark; why didn’t they bring a light? The cell had been built for many years – scores of men must have passed their last hours there – it was like sitting in a vault strewn with dead bodies – the cap, the noose, the pinioned arms – the faces that he knew even beneath that hideous veil – Light, light!” *(Oliver Twist 445)*

In Fagin’s desperation, here, his voice appropriates the generally detached third-person narration; he makes his frenzied appeal for “light!” almost directly to the reader. By the time we leave him to his death, “the only mourner in his own funeral train,” we are inclined to echo the tearful Oliver’s compassionate outburst: “Oh! God forgive this wretched man!” (446, 9)

In the latter chapters of *Barnaby Rudge*, Dennis is depicted in a similar extremity of suffering. On the eve of his execution, he is pictured thus in the cell he shares with Barnaby and Hugh:

> Dennis sat upon a bench in the corner, with his knees and chin huddled together, and rocked himself to and fro like a person in severe pain... ‘No reprieve, no reprieve! Nobody comes near us. There’s only the night left now!... Do you think they’ll reprieve me in the night, brother?... Say you do...’ whined the miserable creature, with an imploring gesture towards Barnaby, ‘or I shall go mad!’ (635)
In the course of Dennis’s removal to the scaffold, Dickens refers to him in much the same language he would later reject in accounts like those of Hocker: Dennis is, variously, a “wretched object,” a “miserable creature,” a “wretched spectacle,” an “abject creature,” a “trembling wretch,” and an “unhappy man” (635-6, 43,44,45). On approaching the gallows steps, he almost loses consciousness and requires support, “trembl[ing] so, that all his joints and limbs seemed racked by spasms” (643).

In July 1845 (four years after the serialization of Barnaby Rudge,) Dickens wrote to Macvey Napier, the editor of The Edinburgh Review, to propose a piece on the subject of public execution and its associated literature. He meant to expose the perverse sympathy with which the condemned was represented as “a martyr to [the public] fancy”: “I should [write] a vivid little sketch of... such a crime as Hocker’s – stating a somewhat parallel case, but an imaginary one, pursuing its hero to his death, and showing what enormous harm he does, after the crime for which he suffers” (Letters 212). While his letters to The Daily News the following year articulated the abolitionist argument he outlined to Napier, however, the “vivid little sketch” was never written. There is no illustration, in Dickens’s fiction, of the “enormous harm” wrought by “diseased sympathy” with the capital felon; the accounts of Fagin and Dennis, on the contrary, produce such sympathy. When Dickens suggests, then, that “the horrible fascination surrounding [capital]

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8 Certainly, Dickens wrote Fagin and Dennis some years before proposing his “vivid little sketch.” By the time he wrote Barnaby Rudge, however, he had already witnessed the execution of Francois Courvoisier (1840) and conceived his horror of the capital spectacle, which motivated his 1846 letters. It would not appear, then, that he underwent a change of attitude toward gallows literature and its wretched subjects between writing these early fictional “last night[s] alive” and his later political statements.
punishment... is too strong for resistance," he offers an explanation for his own contributions to the “gallows literature” he finds so distasteful: he cannot resist writing these accounts any more than the public can resist reading them (Letters 219).

If Dickens indulges his own “dark and dreadful interest” in Oliver Twist and Barnaby Rudge, he exploits the affective power of the capital drama to serve a range of rhetorical ends. The scaffold produces a rhetorical extremity that Dickens recognizes for all its aesthetic intensity; Hugh's final speech in Barnaby Rudge, for example, is an indictment of the society that has punished and brutalized him for his poverty, all the more powerful because it is spoken at the foot of “that black tree, of which I am the ripened fruit” (646). The prophecy that concludes A Tale of Two Cities is Sydney Carton's scaffold speech, though it is not given voice; like Hugh's bitterness, Carton's last words derive dramatic resonance from the stage on which he enacts his sacrifice.

Dickens engages the affective power of the capital narrative, then, to humanize the guilty and to vindicate the righteous, to evoke horror and pity, to incite outrage, and to inspire reverence. His relationships to the scaffold as a literary contrivance and an apparatus of political power are equally complex and equivocal, and the contradictions between his fictional practice and his civic journalism reflect an ambivalence toward capital punishment that none of his positive assertions on the subject can disguise. The late novel that best represents the nuances of that ambivalence is Great Expectations, published less than a decade before public executions were finally abolished.
Punitive justice in *Great Expectations* is the spectral, all-pervasive but indeterminate threat that anticipates Foucault’s carceral modernity as regulated by panoptic surveillance; it realizes the “mysterious” penalty that Dickens imagines and endorses in his letter of 1849, in which the structures of punitive power are concealed from the subjects they govern (*Letters* 255). As author (and therefore, arbiter,) Dickens exercises this invisible regulatory agency, “policing” the novel, its characters, and, as D. A. Miller suggests, its readers, and ultimately reprieving the capital sentence with all the authority of divine sanction. While Dickens powerfully enacts the artist-as-executioner, however, the novel simultaneously inhabits the consciousness of the condemned and complicates the nature of guilt: Pip’s confession constitutes an extended interior exploration of a subject who has always already been sentenced to death.

The specter of the scaffold has grim ubiquity throughout *Great Expectations*. In a narrative about anticipation, it constitutes a terminal symbol that produces in the ever-aspiring Pip a profound anxiety; from his introduction to sin and guilt in the first chapters of the novel, Pip’s conviction of his criminal proclivity generates a constitutional misgiving that his expectations are, from the very first, condemned. The dawn of self-awareness (Pip’s “first most vivid and broad impression of the identity of things”) is shortly succeeded by his first contemplation of his future (*Great Expectations* 3). As he anticipates his criminal initiation, Mrs. Joe’s dark hints regarding the fate of inquisitive children amount, for Pip, to a personal prophecy: “I felt fearfully sensible of the great convenience that the Hulks were handy for me. I was clearly on my way there. I had begun by asking questions, and I was going to
rob Mrs. Joe” (15). His knowledge of criminal sanctions, however, is not limited to incarceration. At the close of his first encounter with “my convict,” Pip watches the hunted man retreat across the marshes toward “a gibbet with some chains hanging to it which had once held a pirate” and imagines, with “a terrible turn,” that “he were the pirate come to life... and going back to hook himself up again” (7). Pip is aware of practices of capital punishment, and his morbid fancy that the executed pirate should return to his chains, as to his native element, suggests the child’s sense that this ultimate penalty is the natural – or at least the inevitable – terminus of the criminal life.

Pip’s very earliest expectations, then, are of an abortive future:

If I slept at all that night, it was only to imagine myself drifting down the river on a strong spring tide, to the Hulks; a ghostly pirate calling out to me through a speaking-trumpet, as I passed the gibbet-station, that I had better come ashore and be hanged there at once, and not put it off. (15)

Pip’s profound sense of destiny is reinforced by his lack of agency in this vision: he “drift[s]” inexorably to the Hulks, and ultimately to the gallows. The persistence of this nightmare fantasy in his waking consciousness is illustrated the following day, when the absence of Pumblechook’s pork pie threatens to expose Pip’s theft at Christmas dinner; he flees the table only to run “head foremost into a party of soldiers with their muskets: one of whom held out a pair of handcuffs to me, saying, ‘Here you are, look sharp, come on!’” (30) With this seeming realization of Pip’s
guilty fantasy, Dickens ends the chapter and the serial part, suspending the reader, with Pip, in the dread expectation of his seizure and arrest.

David Trotter’s introduction to the Penguin edition of the novel suggests Pip’s deep-seated conviction of his “aboriginal criminality,” deriving from this earliest awakening of his conscience (xi). His deliverance from suspicion when “my convict” confesses to having raided Mrs. Joe’s pantry, then, is only a stay of execution. Accordingly, in his abiding sense of guilt, the prospect of the gallows continues to haunt Pip, even (and, perhaps, especially) as other prospects present themselves in the course of his development. He is sent to Miss Havisham’s house “to play” under his sister’s sanguine notion that “[his] fortune may be made by his going” (52). On his first visit, with a vague appreciation that his future prospects are tied to Satis House and its singular mistress, Pip’s imagination produces not a generative but a terminative vision: alone in the brewery-yard,

I turned my eyes... towards a great wooden beam in a low nook of the building near me on my right hand, and I saw a figure hanging there by the neck. A figure all in yellow white, with but one shoe to the feet; and it hung so, that I could see that the faded trimmings of the dress were like earthy paper, and that the face was Miss Havisham’s, with a movement going over the whole countenance as if she were trying to call to me. (64)

The apparition suggests Pip’s subconscious association of his potential benefactress with the “ghostly pirate” on his gibbet; both, he imagines, “call to [him],” inviting him to share their inevitable fate “and not put it off.”
Pip’s tendency to associate contemplation of his future with the prospect of execution is reinforced upon his indenture as Joe’s apprentice: “I was ‘bound;’ Mr. Pumblechook holding me all the while as if we had looked in on our way to the scaffold” (105). Moreover, this rite of passage, like his birth to consciousness in the churchyard, involves Pip’s implication in the criminal: as Pumblechook escorts him to the Town Hall, he is aware of “[a] general impression in the Court that I had been taken red-handed,” and one onlooker proffers him “a tract ornamented with a woodcut of a malevolent young man fitted up with a perfect sausage-shop of fetters, and entitled ‘TO BE READ IN MY CELL’” (105).

Pip’s adult companions, with the exception of Joe, warmly encourage him in nurturing a guilty conscience. Mr. Wopsle impresses Pip’s participation in his dramatic reading of The History of George Barnwell, aided by the ever-righteous Pumblechook in casting the murderous protagonist:

When Barnwell began to go wrong, I declare that I felt positively apologetic, Pumblechook’s indignant stare so taxed me with it. Wopsle, too, took pains to present me in the worst light... Even after I was happily hanged and Wopsle had closed the book, Pumblechook sat staring at me, and shaking his head, and saying, “Take warning, boy, take warning!” (117)

Although Pip expresses resentment at the guilty implication of his “unoffending self,” Pumblechook’s warning is one that Pip has already internalized (117). Accordingly, when he returns to the forge to find Mrs. Joe senseless, he is inclined to believe, against all reason, “that I must have had some hand in the attack” (120).
Pip’s guilty misgiving demonstrates, here, the extent to which he has become the self-policing subject of Foucault’s “disciplinary society” (209). The metaphor for regulatory supervision, in *Discipline and Punish*, is Jeremy Bentham’s Panopticon design, which famously theorized a disciplinary mechanism based on the constant possibility of surveillance;² Bentham proposed a prison so constructed that each isolated cell be visible from a central supervisory tower, the windows of which would prevent the cells’ inmates from discerning when and whether they were being monitored. “He who is subjected to a field of visibility, and who knows it,” Foucault writes, “assumes responsibility for the constraints of power... he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection” (203). The scaffold, for Pip, exercises a panoptic function such that his “certainty of being punished” produces a corresponding certainty of his own guilt (Foucault 9).

Arriving in London on the realization of his “great expectations,” Pip’s first view of his new prospect is overshadowed, yet again, by the panoptic prospect of the scaffold. As he waits for Jaggers to return from court, he is conducted by “an exceedingly dirty and partially drunk minister of justice” about the precincts of Newgate Prison: “He was so good as to take me into a yard and show me where the gallows was kept... and then he showed me the Debtor’s Door, out of which... four [culprits] would come the day after tomorrow...to be killed in a row. This was horrible, and gave me a sickening idea of London” (166). Following this grisly introduction to his new surroundings, Pip is shown to his lodgings at Barnard’s Inn,

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² For further discussion of Foucault, the Panopticon, and *Great Expectations*, see Jeremy Tambling’s *Dickens, Violence and the Modern State*. 41
where, upon being left alone in the stairwell, “I opened the staircase window and... nearly beheaded myself, for, the lines had rotted away, and it came down like the guillotine” (174). His use of this language and imagery, as he surveys his new environs, is indicative of the persistent subconscious anxiety that, “stain[ed]” as he is with the “taint of prison and crime,” his future must be an abortive one—that he will come, inevitably, to what Wemmick assures him is “quite the natural end here” (200).

Indeed, Pip’s associates in Little Britain offer continual reminders of that “end;” Wemmick’s person and Jaggers’s premises bear oppressive “remembrance of a host of hanged clients,” from the “diabolical” casts on Jaggers’s shelf to Wemmick’s collection of personal ornaments—the “portable property” he has amassed in the course of his dealings with the condemned (388). In this environment, Pip’s anxious sense that this terrible “end” is a matter of predestination is only reinforced: Mr. Jaggers informs him that “he... habitually knew of [children] qualified in all ways for the hangman, and growing up to be hanged” (413). That Pip himself is one such ill-fated degenerate is the misgiving that haunts him at every stage of his expectations: as David Trotter observes, Pip retains, even at the height of his pretensions to gentility, a sense of his “deep mysterious affinity with criminal conduct... [He] characterizes criminality not as a moral lapse, but as a psychological, even a genetic, predisposition: an encompassing and pervading taint” (ix).

With Magwitch’s return and revelation, Pip’s long-harbored anxiety is realized: his fortunes and future are indeed condemned, along with the man who is their source. His benefactor takes pains to impress upon Pip that his return to
England, if discovered, means “Death... and Death by the rope, in the open street not fur from this” (333). 10 Pip’s horror of this knowledge and the responsibility it entails exceeds even his fear and revulsion of the man himself: “I doubt if a ghost could have been more terrible to me... A ghost could not have been taken and hanged on my account” (338). In the terms of Pip’s nightmare-fulfillment, of course, Magwitch *is* a ghost – the manifestation of the “ghostly pirate” who once beckoned Pip to the gallows.

As he softens towards his benefactor, Pip’s anxiety only increases; Magwitch comes to represent Pip’s future not in the material prospects he provides, but in the intimacy of their inseparable association. Pip’s life is as bound to Magwitch’s as is Herbert’s to his future wife’s:

*Herbert* had sometimes said to me that he found it pleasant to stand at one of our windows after dark, when the tide was running down, and to think that it was flowing, with everything it bore, towards Clara. But I thought with dread that it was flowing towards Magwitch, and that any black mark on its surface might be his pursuers, going swiftly, silently, and surely, to take him. (381)

In Pip’s revised teleology, Magwitch is the new end and focus from which he cannot be diverted; his mounting fear for Magwitch’s fate supplants—or, more accurately,

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10 Although *Great Expectations* is set (and written) before public executions were discontinued, the version of punitive justice operating in the novel bears more resemblance to the invisible mode of discipline that Foucault associates with the “birth of the prison” than to the spectacular “reactivation of [state] power” performed on the public scaffold (Foucault 49). While the *prospect* of execution is ubiquitous, there is no scene of execution in *Great Expectations*; the gallows is a spectral and surveillant, not a spectacular, presence in Pip’s life and consciousness.
conflates with – his longstanding anxiety about his own. In their attempted escape, the merging of their lives and destinies is illustrated in the realization of Pip’s childhood dream; Magwitch and the injured Pip (unable to row) “[drift] down the river on a strong spring tide,” the threat of the gallows more urgent than ever before.

Upon his capture and trial, Magwitch’s sentencing is equally Pip’s. They hold hands as the Judge delivers both verdict and sentence, and as “my convict” is “formally doomed,” so, formally, are Pip’s expectations; they will end, as he feared they would, at the scaffold (458). Likewise, in the grace of Magwitch’s reprieve – his natural death before his sentence can be carried out – Pip, too, finds grace and release. His final prayer for mercy and forgiveness is equally for his “second father” and for himself; their absolution is in their divine pardon from the fate to which they were, together, condemned (320).

This pardon, of course, is an exercise of Dickens’s executive “prerogative of mercy” (Gatrell 200). In Great Expectations, he imagines and enacts a “disciplinary power” so abstract and absolute as to produce a subject, in Pip, for whom guilt is the primary condition of consciousness (Miller 18). The scaffold is a spectral, surveillant presence that exerts the greater regulatory pressure for being, in Dickens’s terms, “mysterious” (Letters 255); the invisible artist-as-executioner exercises near-total control over the condemned subject. The form and narration of the novel, however, give that subject a platform and a voice. If Great Expectations is not Pip’s scaffold speech, it is his confession. As such, it involves his admission of guilt, but it insists, simultaneously, upon the qualifying context.
Pip’s confessional project requires his repudiation, as retrospective narrator, of his former hypocrisy and self-importance; in the rejection of Young Pip, he defines a new self, chastened and improved. The mature narrator betrays sympathetic impulses for his deluded younger self, however; the most striking such moment occurs early in the novel, as Pip describes the gradual change wrought in him through his association with Satis House and its bizarre inhabitants. He interrupts the narrative with a spontaneous appeal to his reader’s understanding: “What could I become with these surroundings? How could my character fail to be influenced by them? Is it to be wondered at if my thoughts were dazed, as my eyes were, when I came out into the natural light from the misty yellow rooms?” (93) The sudden interjection of this passage, unanticipated and abruptly checked, suggests that the narrator yields to an impulse against his purpose; he resumes the story without transition, as though refusing to further indulge the train of thought.

Such a qualifying gesture, however, does not necessarily constitute a breach of the confession. Pip demonstrates, here, an anxiety about reduction; aware of the formative external factors that influenced his behavior, he cannot submit his case to simplification, even to prove the authenticity of his contrition. Miss Havisham expresses a similar anxiety in her final interview with Pip; even in her agony of remorse, she is compelled to forestall reductive judgment: “‘If you knew all my story,’ she plead[s], ‘you would have some compassion for me and a better understanding of me’” (Great Expectations 372). She resists admitting unqualified guilt, although she regrets having been an agent of injury and grief; while the context of her actions hardly excuses them, it humanizes a woman who otherwise
appears unequivocally malevolent. Pip’s narrative, likewise, is both confession and apology; he demonstrates a self-exacting determination to disclose the worst of his actions and their hidden motives, but he insistently contextualizes his behavior, refusing a verdict of categorical guilt.

For all it preemptively condemns the natively “criminal” subject, then, *Great Expectations* ultimately offers a deeply contextualized and empathetic account of guilt. In allowing Pip to qualify and elaborate, Dickens affirms the ethical value of individuals’ “stor[ies]” as they elicit “compassion...[and] understanding” (372). In *Disipline and Punish*, Foucault describes a process of individuation and isolation that renders Panopticon subjects “a collection of separated individualities...that can be numbered and supervised” (201). The process of individuation in *Great Expectations*, however, does not reduce Pip to a number, although Dickens did imagine and endorse just such a “mysterious” disciplinary program (*Letters* 255); novelistic individuation performs *elaboration* rather than reduction and invites empathy rather than enforcing isolation.

Dickens’s ambivalence with respect to capital punishment is reflected in the conflicting narrative projects of *Great Expectations*: detached authorial discipline on the one hand and sympathetic development of the guilty subject on the other. In giving voice to that subject and complicating the nature of his guilt, Dickens compromises his regulatory authority as artist-executioner; he betrays susceptibility to the very “diseased sympathy” he deplores in the scaffold crowd (*Letters* 212).
Chapter 3

“Policing the Crowd”: Popular Authorship and the Threat of Revolution

The contradictions that emerge in Dickens’s relationship to the condemned subject reflect an interior conflict of punitive and sympathetic instincts. Characterizations like those of Hugh, Fagin, Sikes, and Magwitch in particular demonstrate the degree to which this ambivalence is class-inflected, as Dickens draws on divergent narratives of poverty in his representations of the criminal Other: the criminal is, alternatively, inherently depraved in accordance with his social position or victimized by a society that unjustly punishes his economic abjection. The competing impulses to demonize and champion the lower classes are in even greater tension, perhaps, in Dickens’s treatment of the scaffold crowd.

V. A. C. Gatrell characterizes Dickens as “one of the crowd’s staunchest enemies,” citing in particular his condemnatory accounts of crowd behavior at the executions of Courvoisier and the Mannings (The Hanging Tree 74). Gatrell challenges Dickens’s righteous criticism on these occasions, suggesting that his reading of the scenes in fact “project[ed] disowned aspects of [his] own feelings on to a scapegoat crowd which [he] could then self-gratifyingly castigate” (605). If there is justice in this analysis, Dickens’s disparagement of his fellow spectators serves not only to displace the liability of his own “dark and dreadful interest” in the spectacle, but also to ethically motivate his abolitionist argument: it is the popular moral reclamation, he claims, for which he campaigns in opposing public execution (Letters 220).
At Birmingham in 1853, Dickens celebrates his increasingly democratic readership and pledges his professional commitment to the “advancement, happiness, and prosperity [of the people]” (qtd. in Johnson 73). Before the scaffold, however, “the people” are no gracious abstraction, but a vast, corporeal reality, diverse, mobilized, and impassioned; in recording these visceral encounters, Dickens betrays a profound anxiety with respect to the classes he has invited into literary participation. His treatment of the scaffold crowd in his letters and fiction demonstrates a determination to view “the people” as educational charges rather than rational and self-sufficient fellow citizens. They are intellectually and morally susceptible in his representation, but they are also volatile and potentially violent; accordingly, they require not only moral instruction, but also discipline and control.

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Dickens witnessed Courvoisier’s execution from an upper room neighboring Newgate Prison—the last available on the night before the hanging, when Dickens and his two companions decided to attend. From this privileged position, as he watched the crowd assemble below, Dickens caught sight of William Thackeray in its midst; the two did not make contact that morning, and their respective accounts of the scene reflect their divergent perspectives, both physical and philosophical, regarding their fellow spectators (Simpson 129). In the second of his 1846 letters to The Daily News, Dickens recalls of the event,

> From the moment of my arrival... I did not see one token in all the immense crowd; at the windows, in the streets, on the house-tops, anywhere; of any one emotion suitable to the occasion. No sorrow, no
salutary terror, no abhorrence, no seriousness; nothing but ribaldry, debauchery, levity, drunkenness, and flaunting vice in fifty other shapes. I should have deemed it impossible that I could have ever felt any large assemblage of my fellow-creatures to be so odious. (Letters 220)

Dickens wages this criticism on deceptively universal terms, decrying the uncouth sensibilities of “all the immense crowd,” but this “odious” collective excludes “a perfectly different class” distinguished in the subsequent paragraph: “There were, *with me*, some gentlemen of education and distinction in imaginative pursuits,” Dickens testifies, for whom the spectacle was equally unsalutary, though they made no such “flaunting” demonstration of its degenerative influence (my emphasis; *Letters* 220). If a “dark and dreadful interest” in the scaffold scene is a universal “law of moral nature,” then, Dickens insists on qualifying that universality in terms of class. Of the scaffold itself and the violence perpetrated there, he writes with relative affective detachment, advancing a systematic critique of capital punishment as a criminal deterrent and a rhetorical demonstration of state power; it is only in his treatment of the “odious” working-class crowd that he expresses such visceral antipathy and disgust.

The gentlemen “*with me*” (and by implication, “*like me,*”) are distinct from the rabble-rousers below in the refined comportment that bespeaks “education and distinction in imaginative pursuits”; this contrast betrays Dickens’s low regard for the popular intellect, an attitude apparently ironic given his own campaign to democratize literary consumption and his social advocacy for the very class of
“fellow-creatures” he so baldly denigrates here. Such language, however, only illuminates the paternalistic nature of his relationship to the working class—a didacticism exemplified in his espousal of the “real, responsible, educational trust” entailed in purveying “the common people[‘s]... dramatic entertainment” (“Amusements of the People” 12).

If Dickens’s account of the scaffold scene underrates the popular intelligence, Thackeray’s conflicting report suggests that it also misrepresents the crowd’s behavior. “Going to See a Man Hanged,” published in Fraser’s magazine a month after Courvoisier’s execution, constitutes Thackeray’s major contribution to abolitionist literature; the moral conviction of his appeal derives from his own affective experience of the spectacle—the “extraordinary feeling of terror and shame” it produces in him even upon measured recollection (8). Positioned in the throng on the street, Thackeray testifies to the diversity of the spectators of “all ranks and degrees,— mechanics, gentlemen, pickpockets, members of both Houses of Parliament, street-walkers, [and] newspaper-writers” (8). Unlike Dickens, however, Thackeray invokes class distinctions only to highlight the common human disposition that exposes their artificiality: “Pickpocket and peer each is tickled by the sight alike, and has that hidden lust after blood which influences our race” (8). By marked contrast to the riotous irreverence of Dickens’s scaffold crowd, Thackeray writes of the same assembly (from his decidedly more immediate vantage point,)

Throughout the whole four hours... the mob was extraordinarily gentle and good-humored... Each man... is very careful in protecting
the women, and... [though] a great number of coarse phrases are used, that would make ladies in drawing-rooms blush... the morals of the men are good and hearty. (4-7)

Moreover, where Dickens sees an uneducated rabble, “[undistinguished] in imaginative pursuits,” Thackeray celebrates an increasingly literate and intellectually empowered working class: “Populus, has been growing and growing, till he is every bit as wise as his guardians... He can think just as soundly as the best of you... he has been reading all sorts of books of late years, and gathered together no little information” (4). Ironically, if Dickens is a self-appointed “guardian” of the popular welfare and imagination, he is producing the very edifying literature that, by Thackeray’s prediction, will render his supervision unnecessary. Dickens’s rejection of the “odious” masses begins to appear a defensive denial of the reality to which his literary colleague energetically attests; namely, “the vigorous, orderly good sense, and intelligence of the people” (Thackeray 5).

When Thackeray’s commendations of the working class give way to a denunciation of aristocratic oppressions, he is moved to examine his own rhetorical impulse: “What is the meaning of this unconscionable republican tirade—a propos of hanging?” (5) Why, in other words, is the scaffold a site that brings questions of popular autonomy – political and intellectual—to the fore? Such questions certainly attend Dickens’s writings on the subject, though he fails to address them. Ostensibly, the public welfare constitutes the chief impetus of Dickens’s campaign against public executions, but his advocacy participates in a state narrative that infantilizes the people, even as he critiques the state’s methods. The capital spectacle is a
demonstration of the state’s prerogative to regulate and discipline citizens’ bodies, but the pedagogical philosophy behind the spectacle assumes a capacity to manipulate their minds and behavior. Dickens never questions the degree to which the populace is affectively and intellectually manipulable; indeed, he offers alternative rhetorical strategies for manipulation to the state’s greater regulatory advantage.

The question becomes, then, why is Dickens invested in denying the crowd’s humane sensibilities? What does he have to lose in acknowledging “the vigorous, orderly good sense, and intelligence of the people”? (Thackeray 5) Given Dickens’s understanding of his professional ethical imperative, the stakes here are high: as a dramatic entertainer with an “educational trust,” he stands to lose his pedagogical raison d’être, his hegemonic claim to moral and social prescription. The more intemperate, morally unruly—even monstrous—the crowd, the more urgent is his social function as a novelist. A morally sensitive, “vigorous, orderly... [and] intelligen[t]” populace, on the other hand, is potentially self-regulating, self-organizing, and – perhaps most threatening to the novelist’s social authority – capable of self-representation. It is this latter challenge in particular that Dickens urgently resists in his “scapegoating” of the scaffold crowd (Gatrell 605); the popular initiative for self-authorship, in Dickens’s representation, becomes the violent and anarchic initiative for revolution.

In Victorian gallows literature, from street ballads to broadside narratives to chapbook biographies, the scaffold audience constructed its own narratives of crime
and punishment and articulated a popular ethics of response to the capital spectacle. As Gatrell writes,

Reactions to executions were moulded by the images and fantasies which the populace brought from their own knowing and experiencing. The scaffold drama was in this sense of the people’s own making, with most of the scripts written away from the scaffold itself, inscribed in a collective awareness beyond official control.

(113)

Indeed, the popular “script” often disputed the “official” state narrative, with the crowd mobilizing in favor of the felon along class lines. Among many, Gatrell cites the case of Samuel Wright, a London bricklayer hanged in 1864 for murdering his abusive employer; thousands of fellow workmen petitioned for his pardon, and when their appeals were denied, they urged the public not to attend his “judicial murder,” distributing handbills that read, “Let Calcraft [the hangman] and Co. do their work this time with none but the eye of heaven to look upon their crime…There is one law for the rich and another for the poor” (qtd. in Gatrell 103). Often, the crowd expressed a kind of solidarity with the condemned in its antagonism toward the state officials on the scaffold. On the frequent occasions when hangings were ineptly discharged, protracting the victims’ public suffering, spectators would excoriate the hangman, shouting threats and imprecations, throwing stones, and in some cases, pursuing him from the scaffold and beating him (Gatrell 99-100).

In decrying the popular literature that often articulated such solidarity, Dickens undermines his own representations of the “callous and hardened” scaffold
crowd (*Letters* 249). In the same series of letters, he both repudiates the gallows narratives that reflect “diseased sympathy” for the condemned and deplores the barbarity of a crowd that demonstrates no sympathy, “no sorrow... no seriousness” as it witnesses the public death of a fellow human being (*Letters* 212, 220). This inconsistency renders his construction of the “brutal” crowd further suspect; the coarseness and depravity he reports of the assemblages at Courvoisier and the Mannings’ executions, it seems, reflect only Dickens’s preconceived class antipathies.

Indeed, Ellen L. O’Brien discusses the cultural “elision of the working classes with the criminal classes” in Victorian England, a narrative reinforced by legislative measures like the Habitual Criminals Act (1869) and the Prevention of Crime Act (1871), which effectively “criminalize[d] poverty” (“Victorian Street Ballads” 15-6). In popular gallows literature, and street ballads in particular, O’Brien recognizes the articulation of a working-class aesthetics that challenged bourgeois conceptions of the lower classes as “wholly capable of murder but not of its representation” (17). In fact, she argues, the popular literature demonstrates sophisticated aesthetic and rhetorical sensibilities generally overlooked by modern and contemporaneous critics who rate such anonymous, ephemeral publications “a low kind of art” (17).

Street ballads often treated the crime scene as well as the scaffold, and the graphic nature of those depictions invited the perception, articulated in Thomas De Quincey’s “On Murder Considered as One of the Fine Arts,” that “[the people] are pleased with anything, provided it is bloody enough” (qtd. in “Victorian Street Ballads” 17). Through the rhetorical commonplace of the “astonishing disclosure,”
however, Victorian crime ballads dramatized what O’Brien calls “an urban sublime, arising from social, rather than natural forces… [and] based on the aesthetic power of violence” (19-20). Drawing on Burkean and Kantian formulations of the fearsome or terrible sublime (which departed from traditional associations of the sublime and the picturesque,) O’Brien understands the often lurid representations of crime scenes in the ballads in terms of a bloody aesthetic that served sophisticated social criticism. Ballad-writers gave voices to criminals and their victims and contextualized criminal conduct so as to “redirect moral judgment away from the individual… and towards social conditions and legal problems… [thus] defy[ing] notions of class criminal guilt” (20).

Further, O’Brien suggests, the exploration and aestheticization of violence in popular gallows literature registered the ethical dissonance inherent in the state’s program of justice:

The street ballads’ aesthetic resist[ed]… an ideological equation which yoked violent crime and an othered class while it accepted violence which served prevailing dispositions of power. The transformation of what was considered vulgar brutality into a culturally embedded art form simultaneously rewrote an ignorant curiosity as a political one.

(23)

It is this “rewriting,” this working-class project of revision with respect to its own cultural identity and perception, that so threatens Dickens’s creative hegemony as a social novelist. If the executioner and the murderer make bids for artistic authority, so, here, does the crowd. In dismissing gallows literature and the population that
produces it as “brutal” and degenerate, then, Dickens rejects the people’s project of self-authorship, insisting, rather, on his exclusive claim to their social—and literary—representation. It is still, of course, ostensibly a beneficent claim, predicated upon a commitment to their “advancement, happiness, and prosperity,” but it constitutes a refusal to admit competing voices and accounts in his literary domain (qtd. in Johnson 73).

If Dickens asserts his representational prerogative on ethical grounds, certain similarities between the popular literature and Dickens’s gallows narratives undermine his exclusive professional claim. O’Brien notes the way in which the ballads, “by placing dialogue in the victims’ and murderers’ mouths... constructed psychologies for the participants” (26); the amateur poetics of the street ballads, like Dickens’s multivocal narratives, imaginatively inhabit and humanize the guilty subject as well as the innocent, demonstrating a psychological sophistication and an empathic capacity that Dickens would deny them. For example, “The Life and Trial of William Palmer,” printed and distributed on the murderer’s execution broadside, assumes not only the condemned man’s perspective, but his voice:

Oh listen unto William Palmer,
Who does in anguish sore bewail...
Everything looks black against me,
That I really must confess,
The very thoughts that do oppress me,
Causes me pain and distress... (Ashton 372)
The pathos of this representation, as the “trembling” condemned approaches the scaffold “borne down with grief and care,” recalls the tragic intensity with which Dickens writes his villains’ “last night[s] alive”; in his “anguish sore,” Palmer is the sympathetic dramatic counterpart of Fagin and Dennis.

The ethical complexity and ambivalence with which Dickens characterizes the condemned in his *non-fictional* accounts is further echoed in popular representations. As at Courvoisier’s hanging, Dickens reports appalling “wickedness and levity” in the crowd assembled to witness the executions of Frederick and Maria Manning: "When the two miserable creatures... were turned quivering into the air," he writes, “there was no more emotion, no more pity... than if the name of Christ had never been heard in this world” (*Letters* 249). Indeed, the first stanza of the Mannings' execution ballad closes with the assertion, “No one has the least compassion/ On Frederick Manning and his wife” (*Ashton* 368). Significantly, however, the ballad contains no note of bloodthirsty celebration in the “miserable creatures’” suffering. On the contrary, the popular narrative, like Dickens’s account, demonstrates a tragic sensitivity to their emotional and psychological distress:

See the scaffold it is mounted,

And the doomed ones do appear,

Seemingly borne wan with sorrow,

Grief and anguish, pain and care.

They cried, the moment is approaching,

When we, together, must leave this life. (*Ashton* 368)
In dismissing the people’s “low kind of art” (O’Brien 17), Dickens not only denies the popular ethical sensitivity that belies his urgent pedagogical imperative, but further, he denigrates a local competitor. The street ballads’ dramatization of the scaffold scene is not, after all, fundamentally distinct from Dickens’s – at least on ethical terms.

Dickens’s competitive anxiety with respect to his own readership reflects, in part, a broader bourgeois anxiety emerging from the French Revolution: as Barry Faulk observes, “in the 19th century the crowd is no longer understood as a disparate mass, but perceived as a Conscious Subject”; state and society operate with a new awareness of “the inescapably political nature of the... crowd” in its revolutionary potential (81). Accordingly, Faulk reads Dickens’s advocacy for private executions in terms of an effort to “police... [and] regain control of the crowd” (83).11 The scaffold mob simply poses too great a threat to the established order under which Dickens so successfully functions and from within which he pursues reform. Dickens rejects the crowd-as-artist, then, toward the same imperative that motivates his attempt to disband the scaffold crowd altogether: he works to forestall revolution.

When Dickens treats revolution in his fiction, he contains it in history, locates it safely in a discrete narrative of past events. The revolutionary crowd features only in his two historical novels: *Barnaby Rudge*, which depicts the 1780 Gordon Riots in

11 Well before public executions were abolished in 1868, institutional measures attempted to “regain control” by containing the crowd. Before 1783, London hangings were preceded by processions of up to three hours from Newgate to the gallows at Tyburn, but the riotous behavior of crowds along the route prompted officials to eliminate that particular ceremony, and executions were held, thereafter, directly outside of the prison (Gatrell 30).
London, and *A Tale of Two Cities*, which dramatizes the French Revolution and the Jacobin Terror. In both, the mob is characterized by an almost demonic destructive energy in its violence, but the latter novel in particular represents the popular revolutionary project as a necessary failure of self-authorship.

The bloodthirsty scaffold crowd, in *A Tale of Two Cities*, is the state-sanctioned and restrained counterpart of the revolutionary mob. When Charles Darnay is tried for capital treason in the early chapters of the novel, Dickens’s characterization of the spectators at the Bailey recalls his portrayal of the “odious” assemblage at Courvoisier’s hanging:

> The sort of interest with which [Darnay] was stared and breathed at, was not a sort that elevated humanity. Had he stood in peril of a less horrible sentence – had there been a chance of any one of its savage details being spared – by just so much would he have lost in his fascination. The form that was to be doomed to be so shamefully mangled, was the sight; the immortal creature that was to be so butchered and torn asunder, yielded the sensation. Whatever the gloss the various spectators put upon the interest, according to their several arts and powers of self-deceit, the interest was, at the root of it, Ogreish. (*Tale* 65)

In “The Duplicity of Doubling in *A Tale of Two Cities*,” Catherine Gallagher engages this passage to suggest the way in which public execution (accompanied, in this case, by public torture) functions as the comparatively barbaric rhetorical analogue to the novelistic project itself. The novelist, as Gallagher demonstrates, is in the
business of “exposure and revelation”; in writing domestic and social fiction, Dickens assumes a literary license to “violat[e] the realm of the private” – a realm, in Victorian culture, virtually sacrosanct (126). In the prospect of Darnay’s public disembowelment and dismemberment, then, Dickens submits a literalized “nightmare of transparency... a collective longing for omniscience and power taking the most savage form imaginable,” by comparison to which novelistic exhibition must seem “restrained and salutary” (Gallagher 128). Where the capital spectacle exposes the interior of the body itself to public scrutiny, the novel exposes only the interior of the domestic space – and, perhaps, the interior of the individual consciousness: “By contrast... the novelist’s methods of exposing the intimate are safe, sane, sanitary, and benevolent” (Gallagher 128).

Gallagher’s argument helps to illuminate the stakes of Dickens’s literary engagement with the scaffold drama, but significantly, it is not solely the institution of capital punishment that Dickens demonizes in this trial scene: he directs his criticism, specifically, at the “Ogreish” spectators (Tale 65). Indeed, the crowd exercises its collective imaginative “arts” to participate in the violent exposure at hand: the prisoner is aware of “being mentally hanged, beheaded, and quartered, by everybody there” (Tale 66). If the onlookers are artists, their “arts” are malevolent, and it is against their violent “will to omniscience” that the novelist ethically mitigates his own (Gallagher 127).

In the revolution itself, Gallagher identifies a second “internal analogue for the novel” in *A Tale of Two Cities*: “If the public execution is a nightmare of omniscience, of the exposure of the private,” she suggests, “then the Revolution is
that nightmare amplified a thousand times” (126). Indeed, the savage voyeurism of the crowd at Darnay’s trial is eminently civilized by comparison with the barbaric violence of the revolutionary mob; the scene, as they prepare to massacre the prisoners of the republic, is one of bestial and orgiastic excess:

The eye could not detect one creature in the group, free from the smear of blood. Shouldering one another to get next at the sharpening-stone, were men stripped to the waist, with the stain all over their limbs and bodies... Some of the hacked swords were tied to the wrists of those who carried them... And as the frantic wielders of these weapons snatched them from the stream of sparks and tore away into the streets, the same red hue was red in their frenzied eyes; -- eyes which any unbrutalised beholder would have given twenty years of life, to petrify with a well-directed gun. (Tale 272-3)

The revolutionaries are poised, here, for a ruthless campaign of “exposure”; Lucie Manette learns afterward that “eleven hundred defenceless prisoners... had been dragged out by the crowd and murdered” (my emphasis; Tale 280). The mob realizes the “nightmare... of exposure” in gruesomely literal terms, “dragg[ing] out” their victims and exhibiting their mutilated bodies (or, more often, just their heads,) for public violation. If this “frenzied” throng is the liberated counterpart of the English crowd at Darnay’s trial, Dickens represents a class indiscriminate in its lust for blood: the “blueflies” at the Bailey are just as eager to feast upon a state traitor as is the ravenous “Jacques Three” to consume the representatives of the state itself. As with public execution at Darnay’s trial, it is not the phenomenon of revolution per se
that Dickens decries in this scene at the grindstone: the people themselves, as the authors of this carnage, are the subjects of his dramatic censure. It is they who must be silenced — “petrified”— in order for civil humanity to be restored. Again, their project of exposure is a radical violation by contrast with that of the novelist.

In claiming that revolution and public execution constitute unethical “attack[s] upon the private,” Gallagher suggests, Dickens not only vindicates his own more moderate methods of public disclosure, but also subverts the “social practices” that bear a competitive relationship to his art: “The novel... could [not] survive in a society where exposure was cheap, plentiful, even, God forbid, free. How [could] the novelist thrive in a society that turns itself inside out?” (Gallagher 140) In overexposing the private, in other words, revolution and public execution render the novel’s subtler project unnecessary; as Burke suggests, the vividness of these violent social dramas “demonstrate the comparative weakness of the imitative arts” (qtd. in Faulk 78). Particularly in the case of revolution, however, it is not merely the crowd’s competing project of exposure that poses a challenge to the novelist; the revolutionaries engage, too, in a project of self-authorship that rejects the novelist’s claim to their representation.

The Jacquerie is invested not only in exposing a concealed interiority but further, in authoring a new order; they conceive a new patriotic identity, adopt a new collective name (Jacques), and in the sinister knitted “register,” Madame Defarge and her counterparts write a new course of national history that will be realized not with pens, but with “hacked swords” (Tale 273). By depicting this ostensibly constructive project in its violently destructive operation, Dickens
represents popular authorship as dangerous anarchy. For Dickens, the fixed role of the crowd (and, by analogy, his readership,) is a passive one; any attempt at self-representation—or creative representation of any kind – constitutes a violation of that role and a threat to established structures of authority, both literary and political. The anxiety that informs this attitude helps to explain Dickens’s rejection of the popular gallows literature and his insistent misrepresentation of the scaffold crowd.

Gallagher notes the way in which the scene of execution (in the context of the Revolution no less) comes to serve the novel’s dramatic and rhetorical closure: “[Dickens] incorporates the conventions of... the English execution into his narrative to achieve some of his most typically novelistic effects: the retrospective of Sydney Carton’s life... and the prophetic synopsis of its close” (132). The novelist, then, makes an exclusive claim to the ethical representation of the scaffold scene. Dickens’s letters refuse the rhetorical claims of the state, the condemned, and the crowd respectively, silencing the real participants in a drama he would reserve strictly for the “imitative arts” (qtd. in Faulk 78). The literary position he assumes with respect to the capital drama, like his position at Courvoisier’s hanging, is distanced and ethically privileged; it presumes a license to surveil and morally evaluate the players on and surrounding the scaffold.

In the Panopticon, according to Foucault,

The crowd, a compact mass, a locus of multiple exchanges,

individualities merging together, a collective effect, is abolished and replaced by a collection of separated individualities. From the point of
view of the guardian, it is replaced by a multiplicity that can be numbered and supervised. (201)

Certainly, the “crowd... [as] collective effect” is a source of anxiety for Dickens; if, as a novelist, he performs the panoptic “guardian” who individuates so as to control, he undermines his authority by compromising his external objectivity. In the necessarily empathetic process of novelistic characterization, Dickens inhabits and humanizes the condemned, the members of the working-class, and even the executioner. Subject, equally, to the “dark and dreadful interest” of the drama, the novelist cannot distinguish himself from its participants; he stands, not apart from the scaffold, but in the midst of the crowd.
Works Cited


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