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# CRIMINOLOGY, CLASS AND CRICKET: RAFFLES AND REAL LIFE

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*E.W. Hornung's character Raffles, first introduced to the public in 1898, not only aroused considerable interest at that time but created an enduring image of the suave, gentlemanly burglar far removed from the stereotype of the rough, professional thief more usually associated with the crime. This paper investigates both the creation of the character and the creation of the stereotype in the nineteenth century in an attempt to discover not only the secrets of the appeal of the Raffles but also some of the characteristics of early criminological discourse, some of which may cast their shadows to the present day.. It also highlights tensions between conceptions of , 'amateur' and "professional" status both in relation to the protagonist's lawful pastime, cricket, and his unlawful career of burglary.*

## Introduction

This is a paper in part about the creation and subversion of stereotypes, those social clichés which help us, usefully or otherwise, to process the infinite variety and complexity of real life. An invitation to participate in a symposium on 'Law and the Victorians' sent me instantly to my own clichés about the period in search of an appropriate subject. 'Contrast' appeared very early on the list: the contrast between the vast advances in science, technology, mechanisation and their achievements and the lives of those who dug the coal and operated the looms, the contrast between piano-leg-shrouding prudery and 'Allo Dearie' vice, the contrast between endless argument over the form of liturgy and the brutality of the Whitechapel murders. Contrast was to be the theme, then: very earnest (important, that), very historically significant, very... clichéd. And yet the first Victorian I picture in imagination is always W.G Grace. A figure not by any means without contrast himself<sup>2</sup>, it is more the schoolboy romance of Grace and his era that comes to mind, the pre-lapsarian cover drives, the hopeless innocence of underarm bowling. Even Victorians themselves could get nostalgic about Grace and cricket whilst the 'long-

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<sup>1</sup> I am indebted to Catrin Fflûr Huws and Helen Palmer for their comments on a draft of this paper, and to all those who contributed to the discussion which followed its rather unpolished presentation to the Reading Legal History Symposium in April 2010. I am immensely grateful too to those anonymous readers of this work as it developed, whose comments and suggestions have filled gaps in my knowledge and understanding.

<sup>2</sup> See Simon Rae's biography *W.G. Grace* (London: Faber, 1998) pp. 103-4 for the 'amateur' Grace's earnings from the game.

whiskered doctor' was still alive<sup>3</sup>. Those who have never read *Wisden* have heard of Grace, and those who have never read the works of E.W. Hornung have heard of Raffles.

Raffles as a character first appeared in *Cassell's Magazine* in June 1898 and his adventures appeared in book form under the title *The Amateur Cracksman* the following year. Two other volumes of stories followed, *The Black Mask* in 1901 and *A Thief in the Night* in 1905. A disappointing and rather disagreeable novel, *Mr Justice Raffles*, appeared in 1909. All have their points of interest, but it is the first collection which will principally occupy us here. As George Orwell recognised in an important essay on the character in 1944, it is the first book which has 'the true Raffles atmosphere'<sup>4</sup>. It may be objected that such an assertion begs the question of what that 'atmosphere' is, but two features seem to me to be important here and both will be of significance in the discussion which follows. The first is the element of surprise, both to the reader and to his ultimate partner in crime, the narrator of the tales, Bunny, on learning that the gentleman cricketer A.J. Raffles is simultaneously a burglar, a surprise which can never, of course, be repeated. The second is acknowledged by Hornung, (as Bunny) at the beginning of the second collection. At the end of *The Amateur Cracksman* both Bunny and Raffles have had their criminality exposed, leading to the important truth recognised at the opening of *The Black Mask* '...it was no second innings that we played together; it was a new match; and we played no more for love. Take us, then, not as you left but as you find us now, *Amateur Cracksmen* no longer, but professionals of the deadliest dye...'<sup>5</sup>. Raffles's status as a 'gentleman amateur' is Hornung's great contribution to the literature of criminality. To understand quite why it is a surprise, and quite why it is such a contribution is the point of this paper.

It is not necessary for the reader to have read the Raffles stories or to know anything of their creator to follow its argument. In some ways, as will become clear, the mere stereotype of the daring burglar in evening dress is quite sufficient. Nonetheless a few words may be helpful. The

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<sup>3</sup> See Francis Thompson in the celebrated poem 'At Lord's' recalling a match in 1878. It ends, famously:

'For the field is full of shades as I near the shadowy coast,  
And a ghostly batsman plays to the bowling of a ghost,  
And I look through my tears on a soundless-clapping host,  
As the run-stealers flicker to and fro,  
To and fro;

O my Hornby and my Barlow long ago!

See A Ross (ed) *The Penguin Cricketer's Companion* (Harmondsworth: Penguin, 1981) p.459.

<sup>4</sup> G. Orwell 'Raffles and Miss Blandish' in S.Orwell and I.Angus eds *The Collected Essays, Journalism and Letters of George Orwell*, (vol 3, London: Secker and Warburg, 1968) p.212.

<sup>5</sup> In fact the third volume of stories relates back to the earliest days of Raffles and Bunny, Raffles having been killed at the end of the second. There are many different editions of the Raffles stories. I give here page references for the single volume edition *The Collected Raffles* (London: Dent, 1985), but in all cases I will also give the name of the story and the date will indicate the individual volume in which it is included. In this way the reader should be able to find the references no matter which edition is at hand.

writer E.W. ('Willie') Hornung had written other stories before the birth of his most famous character, in particular he had dipped in to his own experience of life in Australia (where he had spent some time, it seems as a consequence of his chronic ill health, as a young man) to inform adventure stories. He was the brother-in-law of Sir Arthur Conan Doyle, and there is no doubt that the characters of Raffles and Bunny are informed by, and sit in criminal contrast to, those of Sherlock Holmes and Dr Watson<sup>6</sup>. The stories are narrated by 'Bunny' Manders, who had been Raffles's 'fag' at public school, and this focus on criminality being narrated from the point of view of the perpetrators (as opposed to that of the detective, say, or in a detached third-person narrative) is striking and significant, for it necessarily makes the 'respectable' reader to an extent complicit in their actions. Bunny, driven by despair at gambling to pass a bad cheque (as we will see, an ungentlemanly act, but one which gentlemen commit) is initiated into Raffles's world of crime. A.J. Raffles<sup>7</sup>, an England cricketer who lives in tasteful style in the Albany, his running between the wickets apparently unaffected by his trademark Sullivan cigarettes, is a 'cracksman', a burglar. Raffles's own criminal career originated in a similar fashion to that of his protégé, but continues for different purposes and in a wholly different atmosphere, a point to which we will return later. Yet the exploits of Raffles, the popularity of which are evidenced by the repeated republication and reprinting of the stories over the thirty years after his first appearance<sup>8</sup> have, I suggest, much to tell us about Victorian and Edwardian notions of criminality. He is a character of his time, and whilst it would be naive to assume that the novels (or any novels) unproblematically mirror universal and uncontested social beliefs, it would be naive too to suggest that, as historically situated artefacts, they have nothing to offer in this regard. Raffles's appearance, I hope to show, gives us an opportunity to reflect on what it was that made him so sensational. To do so involves a consideration of the expectations which he defies. In this respect we must first consider his chosen form of offence. To do this it will be necessary to think rather seriously about the Victorian understanding of crime.

## Criminology

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<sup>6</sup> *The Amateur Cracksman* was dedicated "To ACD This Form of Flattery", see J. Lewis in *The Collected Raffles*, above n 5, p.xvi.

<sup>7</sup> There is debate as to the origin of the name, see P. Rowland *Raffles and his Creator: The Life and Works of E.W. Hornung* (n.p: Nektia, 1999) p.132. I think the resonance with the historical character Sir Stamford Raffles, a biography of whom, by D.C .Boulger, had been published in 1897, is important and would only add a couple of observations. Firstly the question of the timing of the transition of the meaning of the term 'raffish' from 'disreputable' to 'rakish', and whether it be a cause, an effect or neither of the character's name is suggestive, but is unknown to me. Secondly, and more important to the argument advanced here if there is a connection, the stereotyped cockney burglar of Felix Dale's 1867 farce *He's a Lumatic* is called 'Ruggles'. The soubriquet 'Bunny' is, I think, simply taken from the term 'rabbit' as applied to a poor batsman. It was a term used by Hornung in this sense, see the 1923 story 'Chrystal's Century' in Ross ed., above n 3, p.41.

<sup>8</sup> It is difficult to posit with confidence a precise demographic of the readership, though the production of cheaper editions is suggestive. See Rowland *above n 7*, p.126 for the publishing history.

I want to begin here with an observation which will appear almost comically banal, but the reasoned reflection on which, I suggest, will reveal much which is of paramount importance in understanding important changes in the perception of crime in the nineteenth century: namely that when people begin to be classified by virtue of their criminality then a ‘criminal class’ is created. The point is not, however, a simple analytical one but one which both requires and generates important changes within the real world. Within the nineteenth century the ‘discipline’ of ‘criminology’ developed. There is no need for the moment to worry unduly about what is meant by the term ‘discipline’, nor indeed the boundaries of the notion of ‘criminology’ (in truth a term apparently not coined until 1890). Nor yet is it necessary at this point to assign a precise date or a singular event to the emergence of this body of knowledge<sup>9</sup>. The significant point to be understood is that changes took place in the way in which crime and criminality are regarded, changes much simpler than, and more important than, the explanatory discourses to which they were necessarily anterior. Whether an individual’s criminality is explicable in terms of degeneration, atavism, poverty, moral imbecility or any of the myriad other theories propounded in the nineteenth century, depends upon that individual’s prior identification as a criminal. I speak in terms of ‘identification’ in the sense of initial categorisation, by those who engage in writing or talking about crime as a social problem, rather than in the sense of physical identification as the perpetrator of the crime by the police or the court (although the latter will normally, though not inevitably, be the event which allows of that categorisation) or of the posited criminogenic effects of what later criminologists will term ‘labelling theory’. Simply put, if we want to explain the actions, techniques or motivations of, say, burglars (or ‘garroters’, or ‘recidivists’ etc) we must first bring together our category of burglars (or ‘garroters’ or ‘recidivists’ etc). This method of thinking decontextualizes the individual from other possible means of identification (name, family, geographical origin, employment) by asserting the centrality of a single (or repeated) event (or, more arguably, characteristic) around which he or she is positioned (burglary, ‘garrotting’, ‘recidivism’) together with others who share that form of event (or characteristic). It may be that other recontextualizing is then proposed (‘burglars come from this sort of family, or that sort of place, or this type of occupation’) but this has been done

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<sup>9</sup> Although at least in Britain we can, I think, discount the overwhelming significance of the Lombrosian ‘lightning flash’ which still continues to blind many contemporary writers on the history of criminology. Despite careful new appraisal (see N.Rafter ‘Cesare Lombroso and the origins of criminology: rethinking criminological tradition’ in S.Henry and M.Lanier (eds) *The Essential Criminology Reader* (Boulder, Colo.: Westview Press, 2006) which gives a more considered perspective, it is still too easy to overstate Lombroso’s influence in Britain, and to consider the important British empirical innovators like Dr G.Wilson, J.Bruce Thomson and David Nicolson as ‘proto-Lombrosian’ (presumably in the way that horses are ‘proto-carts’). For these last mentioned writers, see, e.g. L. Radzinowicz and R. Hood *The Emergence of Penal Policy in Victorian and Edwardian England* (Oxford, Clarendon Press, 1990) Ch.1 or, differently considered, in N. Davie *Tracing the Criminal: The Rise of Scientific Criminology in Britain 1860 – 1916* (Oxford: Bardwell Press, 2005) Chs 1 and 2.

on the basis of the initial aggregation around the axis of criminality. The reader may regard such a verbose and complicated explanation as an attempt to mystify an obvious truth. Yet is not a necessary truth, but a historically contingent one. To begin<sup>10</sup> to see people in this way, by reference to the fact of their criminality rather than any other characteristic, and, for these purposes, in aggregation rather than as distinct individuals, is something which has causes and effects. The fact that such a way of thinking is so familiar to us as to seem banal should give us more reason, not less, to consider those causes and effects. Clearly in a paper of this nature it is not possible to do so in exhaustive detail, but the points raised here will suffice, I hope, to give a synopsis of some very significant factors in these processes. One particular cause/consequence (for it is both) of this mode of thinking is the apparent hardness of the edges of the distinction between the people (or 'types' of people) being so observed and the people (or 'types' of people) doing the observing. Such a distinction is still one which can haunt criminology in our own day<sup>11</sup>. It certainly, as we shall see, informs the sensationalism of the Raffles stories.

The development of statistical method within the nineteenth century is, of course, associated with the emergence of discourses of criminology<sup>12</sup>. If another of the clichés of the Victorian age is its belief in the potential of science then the raw material of the social scientist was to be statistical. It is apparent, from what has been said above, that statistical method is also both a cause and an effect of the change of thinking explained above. It is a cause in that it aggregates individuals around particular chosen themes, collapsing their individuality into a numerical outcome and discounting their differences in other respects than that which is the subject of the aggregation. Yet it is also an effect, for without the choice of a theme around which the individuals are to be aggregated the statistics will not be created, still less refined and added to. It is probably pointless to argue whether the recognition of the value of counting things preceded or followed the idea of the sort of thing which should be counted. The important point to note

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<sup>10</sup> It may be objected here that there is nothing new in this process in the nineteenth century, for 'vagabonds' collectively were a cause for concern in the sixteenth century, just as 'unruly apprentices' were in the eighteenth. But the collectivity invoked there is, I suggest less precise and hard-edged; it invokes the characteristics of and dangers of a style of living rather than the precision of the criminal conviction. These were people who committed crime rather than being defined by it. In any event this type of collective aggregation is much less common and much less the subject of detailed 'scientific' analysis than that of the nineteenth century. In this respect I believe that the continuity of concern brilliantly analysed in Geoffrey Pearson's classic study *Hooligan: A History of Respectable Fears* (London: Macmillan, 1983) should not be read as indicating that nothing changes in the nineteenth century, an argument for stasis which he himself broadly denies (p. 207).

Other collectivities where the descriptor also defines the offence (as 'Catholic' or 'Protestant' at different times in the sixteenth century) raise, I think, rather different issues.

<sup>11</sup> See for example the recent critical analysis of the current state of the discipline in J. Young *The Criminological Imagination* (Cambridge: Polity, 2011).

<sup>12</sup> For good discussions of the development of statistics see Radzinowicz and Hood, above n 9, Ch4, N. Rafter (ed) *The Origins of Criminology: A Reader*, (Abingdon: Routledge-Cavendish, 2009) Part IX, B. Godfrey, P. Lawrence, C. Williams *History and Crime* (London: SAGE, 2008) Ch.2.

is that statistical method becomes enormously important within the nineteenth century. In relation to crime and criminality, official statistics were first created from 1805, refined and refined again until by 1857 they were in a recognisably modern form, containing information not only on convictions but also on crimes known to the police and information concerning ‘the criminal classes at large’, listed as known thieves and depredators, receivers, prostitutes, suspected persons, and vagrants and tramps<sup>13</sup>. Less officially, prison surgeons such as J. Bruce Thompson at Perth<sup>14</sup> or chaplains such as William Williams at Carmarthen<sup>15</sup>, could make further statistical sub-division on examination of their captive populations. The development of such statistical method is highly significant, yet the modern criminologist, smug in his or her ‘modern’ sceptical approach to such records should be aware of the fact that such scepticism is almost as old as the collection of the figures themselves<sup>16</sup>.

The mention of those who collected these statistics also reveals significant changes which had made their collection possible. The County and Borough Police Act of 1856 had made the ‘new’ police forces obligatory. Although locally administered the force was operational on a ‘national’ level. The promise of uniform and universal statistical evidence was latent within the system. Moreover changes in the nature of predominant forms of punishment from the last quarter of the nineteenth century, the increasing dominance of imprisonment over corporal and capital measures and transportation, provided the laboratories for the investigation of criminality and its perpetrators by the emergent class of ‘experts’ who worked within them. The reasons for this transformation are much contested, and I have provided my own interpretation at length elsewhere<sup>17</sup>, but it is certainly not necessary to subscribe to all of the ideas of Michel Foucault to recognize the underlying strength of his argument concerning the link between new penality and the creation of new forms of knowledge<sup>18</sup>.

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<sup>13</sup> Radzinowicz and Hood, above n 9, p.98.

<sup>14</sup> See Rafter, above n 12, Chs 17, 27.

<sup>15</sup> R.W. Ireland *“A Want of Order and Good Discipline” Rules, Discretion and the Victorian Prison* (Cardiff: UWP, 2007) pp 145-7.

<sup>16</sup> See Radzinowicz and Hood, above n 9, pp 107 et seq., Pearson, above n 10 pp 215-6.

<sup>17</sup> Ireland, above n 15, pp 1-44.

<sup>18</sup> E.g. ‘...the Panopticon was also a laboratory, it could be used as a machine to carry out experiments, to alter behaviour, to train or correct individuals’ (p203), ‘...a positive knowledge of the delinquents and their species, very different from the juridical definition of offences and their circumstances, is gradually established....The task of this new knowledge is to define the act ‘scientifically’ qua offence and above all the individual qua delinquent. Criminology is thus made possible.’ (p254) both in M. Foucault *Surveiller et Punir; Naissance de la Prison* translated by A. Sheridan as *Discipline and Punish: The Birth of the Prison* (Harmondsworth: Penguin, 1979). It is neither necessary nor possible here to explain how my own understanding of the process of penal transformation more generally differs from that of Foucault, on which see Ireland, above n 15, pp.10-12. Perhaps, however, it may be legitimate to point out as meriting further study what I see as an increasingly divergent views of the values of Foucault’s study as expressed by the social theorists whose work he inspires and the prison historians working in proximity to the subject matter which gives rise to it.

Again, it is worth pausing at a development hinted at in the last paragraph to consider its significance. Just as policing became a ‘national’ concern within the nineteenth century, so, more generally did the whole question of crime. At the level of punishment too the gaol as a locally-administered institution gave way, as a result both of the construction of national penitentiaries (later Convict Prisons) and an increasingly interventionist approach to local establishments, to the nationalised system created in 1877. Order and disorder, once conceived of as essentially local concerns<sup>19</sup> became recast, partially as a result of the processes outlined above but partly as a change in the perceived responsibility of Victorian central government, as a national issue. The growth of newspaper and periodical literature, with its fascination with criminality, allowed details of distant crime to become part of the daily experience of a readership otherwise wholly ignorant of the localities and characters involved. The sceptical reader is entitled to demand evidence for these baldly stated conclusions. That evidence is too extensive to be rehearsed here, but that reader may be assured that (whether or not he or she agrees with them) they are indeed conclusions, not merely assertions<sup>20</sup>. It is important that we should be reminded of them when we consider the emergence of criminological thought within the nineteenth century.

But what of Raffles in all this? My contention is simply that the emergence of a desocializing discourse of criminality, which moves its attention away from the named individual committing specific offences within a specific locality towards the statistically assembled, nationally-considered compound of ‘the burglar’ (the ‘garrotter’, the ‘recidivist’) *in its very essence* divorces that construct, in the eyes of those who read and the ears of those who hear about it, from the individuals whose initial activities become aggregated to create the category. If there is set alongside this tendency the unease over identity which results from the (to the suburban or estate-holding outsider) apparent anonymity of life in the increasingly large and increasingly numerous large towns and cities, together with the potential for the railway to transport individuals, faster than rumour, to places where their character and antecedents are unknown<sup>21</sup>, it

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<sup>19</sup> See K. Wrightson “Two concepts of order: justices, constables and jurymen in seventeenth-century England” in J. Brewer and J. Styles (eds) *An Ungovernable People: The English and their Laws in the 17<sup>th</sup> and 18<sup>th</sup> Centuries* (London: Hutchinson, 1979) at p. 24: ‘The maintenance of order meant less the enforcement of impersonal regulations than the restraint of conflict among known individuals in a specific local context’.

<sup>20</sup> For the argument underlying these paragraphs the reader is referred to Ireland, above n 15, Introduction. The only point at which my argument would be altered within the context of this article would be to give rather more emphasis to the role of the increase of the reporting of crime within the increasingly important newspaper and periodical press in the nineteenth century, which could and did introduce readers in, say, rural Wales to criminality within the metropolis and, if the case was sufficiently striking (see, eg, R.W.Ireland ‘Sanctity, Superstition and the Death of Sarah Jacob’ in A. Musson and C. Stebbings eds, *Making Legal History: Approaches and Methodology* (Cambridge: CUP, 2012), p. 284, *vice versa*).

<sup>21</sup> It may be argued that the sense of anonymity and community breakdown is overstated here, that stable working class groupings existed within the urban sprawl. But even if this is so it does not invalidate an argument that such matters were perceived to be real and worrying contemporary problems. See R. Crone “From Sawney Beane to



becomes apparent that although our statistics and our criminologists are giving more information about ‘criminals’ there is paradoxically less detailed and reliable information about them *simply as people*. Removed from their connection to individuals, collectivities and locations to whom and in which they are known, and categorized with other individuals, on the basis of an act or acts, to whom they are not<sup>22</sup>, the construction of a ‘criminal class’ leaves a gap. Its members now have, to be intelligible as human beings, to be re-introduced *as individuals* to those who read about them. The criminologist performs this task through the construction of a ‘case study’, but for the more general reader the task is undertaken through different channels, namely journalism and the novel. It is through all these media that context and biography are restored to the criminal now freed again from the aggregated anonymity of stereotype. ‘Factual’ or ‘fictional’ accounts which consider particular individuals will both, of necessity, call into question the unproblematical acceptance of that stereotype and may even serve to bring into question its utility in the first place.

## Class

Let us return, after these necessary, and necessarily rather broad, observations, to the specifics of the crimes and character of the fictional Raffles. As has been noted, the most distinctive and notable thing about Hornung’s creation is that he is a ‘gentleman’. As Orwell, who knew about these things, rightly observes, Raffles is not as grand as the aristocracy who sometimes feature amongst his victims<sup>23</sup>, but nonetheless the public-school sophisticate who sits down to dinner with Lord Amersteth and the Dowager Marchioness of Melrose is hardly a member of the “working class”, and hardly a ‘typical’ member, despite what has been stated earlier about the statistical aggregation around the fact of offending<sup>24</sup>, of the ‘criminal class’ either. The line

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Sweeney Todd: Murder Machines in the Mid-Nineteenth Century Metropolis” in (2010) 7 *Cultural and Social History* p.59, at pp 71 et seq.

<sup>22</sup> See for example the methodology as described by F.W. Wines *Punishment and Reformation* (London: Swan Sonnenschein, 1895) p.254: ‘No observations, however numerous, are of any scientific value (except as material for science) until they are reduced to order by classification and comparison. Observations of the abnormal are of no value without comparison with the normal’. Note also Wines’s sensible reflection on criminological typology, at p.229: ‘There is always a danger in speaking of groups or classes of men, without reservations, such as that a particular observation is meant to apply not to all individuals of the group, but to the majority; or that it is intended as a generalization expressive of an average condition or tendency; or that it is true of all members of the group who fall within certain defined limits, and that the exceptions are outside those limits’.

<sup>23</sup> Orwell, above n 4, p.214, and note the words of the character himself ‘Society is in rings like a target, and we never were in the bull’s-eye...’ “To Catch a Thief” (1901) p.203.

<sup>24</sup> But note, and this is important, Bunny’s concession that once revealed as criminals he and Raffles are no longer ‘amateurs’ in crime. This concentration on the fact of conviction (or in Raffles’s case, flight) as the entrée into the world of the ‘professional’ criminal is a telling acknowledgment of the implications of using particular facts as the basis of categorization.

between these latter two categories may be, to contemporary commentators, at times indistinct and permeable, but Raffles clearly belongs to neither. Let us consider, as an example, their motivations. Notwithstanding the circumstances which led to their initial criminality the protagonists of *The Amateur Cracksman* are often driven by reasons other than financial gain. We have seen Bunny use the term 'love' to describe the motivation for their offences, Raffles prefers to speak of art: 'Necessity, my dear Bunny? Does the writer only write when the wolf is at the door? Does the painter paint for bread alone? Must you and I be driven to crime like Tom of Bow and Dick of Whitechapel?'<sup>25</sup> It is their very difference from 'Tom of Bow' and 'Dick of Whitechapel', names and locations revelatory enough to require no further explanation by either Raffles or Hornung, which makes the characters distinctive. To understand why, it is necessary to pause for a while over the identities of Tom and Dick, whose names (as diminutives) indicate an informality alien to middle class norms and whose provenance marks the distance from the respectability of the suburbs<sup>26</sup>.

We have discussed above the creation of a notion of the 'criminal class' as a concern of the nineteenth century and it becomes a notion of increasing concern more specifically in the second half of that century. The same formulation was not always employed to describe its members, but dominant amongst the terminology employed were two cognate terms which differed in their invocations of motivational associations or lack of them, namely the 'professional criminal'<sup>27</sup> and the 'habitual criminal'<sup>28</sup>. Whilst these are formulated *positively*, as 'types', they are in fact the products, as is the 'recidivist', of a *negative* characteristic, for they are persons whose behaviour

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<sup>25</sup> Hornung "A Costume Piece" (1899) p.24.

<sup>26</sup> It should be noted that the paradigm of criminality in the nineteenth century is increasingly an urban one, following a population shift which sees for the first time the statistical dominance of urban lives over rural ones in the second half of the nineteenth century. Such demographic changes have, I have argued, had profound repercussions for the understanding of criminal justice (see Ireland, above n 15, Introduction. A reading of Pearson's *Hooligan* (see above n 10) with a heightened awareness of its essentially urban lens is interesting. Such changes are also, of course, constitutive of modern life, and their results have located modern criminology as, I suspect unnoticed or at least largely unchallenged by its practitioners, a predominantly urban discipline, the gang culture, night-time economy, knife-crime and the like which it studies perhaps less universal phenomena than it assumes.

<sup>27</sup> It should be noted that the noun 'unemployment' was coined in 1888. All persons therefore, notwithstanding their engagement within the economy, were theoretically therefore possessed of a job description, even 'pauper' - a term not legitimately available to the able-bodied, whose status would be given as 'rogue', 'vagrant' etc; positive formulations rather than the negative one of the modern term. My own experience of criminal, vagrancy, and casual poor relief records in West Wales suggests that there, at any rate, the description 'not employed' is used overwhelmingly in respect of married women. 'Professional criminal' answers a similar descriptive purpose. Beyond this the term could found, or be influenced by, theories which sought not simply to label but also explain that condition, see, eg, Henry Lettsom Elliot 'They were led into crime from precisely the same motives that have kept those who now hear me from such a career. The examples of those older than themselves, the influence of associates, the love of standing well in the estimation of others...these...determine the career of every man' in "What are the Principal Causes of Crime, considered from a Social Point of View?" *Transactions N.A.P.S.S. 1868.*, quoted by Radzinowicz and Hood, above n 9, pp 75-6.

<sup>28</sup> As for example in the important Habitual Offenders Act of 1869. Michael Lobban's helpful nudge ensured that I explicitly addressed both descriptions.

remains crucially unaffected by the experience of punishment. Their way of life has not been changed by prison (the whole conception tacitly accepts the Victorian belief in the transformative -reformatory or deterrent at different times - effects of incarceration) and this stasis is recast by invocation of either career choice or unthinking and therefore ineradicable custom as explanatory factors.. Whilst the tension between these rival models of criminality as either characterised by an unfettered rationality or some kind of essential deficiency which the two nineteenth century formulations invoke is still to be found in contemporary criminological thought<sup>29</sup>, the movement as the Victorian period drew on seems perhaps increasingly focussed on the second. Criminality came to be seen as a condition less of the frightening and more of the inadequate members of society<sup>30</sup>. More particular penal interventions, for the juvenile, the inebriate, the insane etc have been seen as evidence of a changing conception of human, and particularly criminal nature. This narrative is true in essence, though I would add that it took strength from the increasing realisation that prison itself was inadequate to deter or reform many of those who found themselves within its walls. To this extent the recasting of the nature of the 'criminal class' depended, as it had been defined by, the inadequacy of accepted societal methods of dealing with it<sup>31</sup>. Nonetheless, and importantly, as we are about to see, the conception of the 'professional' offender, whatever the aetiology of his condition, is never eliminated from the discourse of the 'criminal classes' Moreover, as transportation ceased, following abolition in 1857, and the prisons began to regurgitate their failures into the anonymity of the slum and the railway platform of the home country, the unease about these people grew.

Henry Mayhew 're-introduced' his concerned middle-class readership to the individuals who had been decontextualised into the amalgam that was the idea of the 'criminal class', and he did so by a more differentiated taxonomy of criminality, ultimately based on individual testimony.

Paradoxically in this re-introduction Mayhew also necessarily draws attention to the distance and difference between the objects of his investigation and those who read his descriptions of them, a methodological danger of criminal ethnography apparently not entirely lacking in more recent surveys<sup>32</sup>. It is necessary however to understand my point in using Mayhew's work in this

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<sup>29</sup> I have in mind here the countervailing conceptions of "rational choice" theorists and what Young, above n 11, eg pp 64-5 characterises as 'liberal othering', the construction of deviance as and through perceived deficiency.

<sup>30</sup> On which see, eg, M. Wiener *Reconstructing the Criminal: Culture, Law and Policy in England 1830-1914* (Cambridge: CUP, 1990) especially Ch.6 .

<sup>31</sup> See Ireland, above note 15 Ch 4 esp. 170-175.

<sup>32</sup> See Young , above, n 11, p.137: 'Much of the best modern ethnography looks at the urban poor-in this it in direct descent from Booth and Mayhew and, like the Victorians viewing the street Arabs, there is a gulf between the ethnographer and their [sic] subjects which mirrors that of quantitative researchers'. Yet elsewhere in the text these same early writers are hailed as precursors of the sort of 'imaginative' criminology favoured by the author (see pp 181, 222). The confusion is not helped by the conflation of two Mayhews (Henry and Pat) in the index to the volume.

context. It might be objected that almost forty years span the period between Mayhew's interviews and the publication of Raffles, a period of very significant change in relation to the growth of 'criminological writing'. Yet Mayhew is introduced here for two reasons. Firstly because of his status: as a journalist Mayhew's reintroduction of the individuality of offenders and of the poor in middle class drawing-rooms is highly significant, although it is of course true that other (again, significantly, metropolitan) commentators such as George Augustus Sala, James Greenwood, W.T. Stead and, of course, Charles Dickens made important contributions to journalism concerning the less respectable aspects of Victorian life. Secondly, Mayhew's ideas about the 'criminal class' and 'professional criminals', though not always absolutely consistent and though subject to criticism within the nineteenth century, nonetheless are important as containing a theme which, as explained above, recurs throughout the century. British criminological thought was not subject to episodes of universal desuetude at the end of a few years, and as my argument below suggests Mayhew's typology is the very sort of thinking which Raffles's character stands at odds with.

Mayhew's interest in crime was not exhausted by the journalism which made it so celebrated. In his remarkable, but little-known, comic novel, *1851*, Mayhew identifies the burglar as the aristocrat amongst thieves, so in his nocturnal occupation at least Raffles need have no status-anxiety:

Hence you see, sir, there may be strictly said to be only three classes of thieves, namely the cracksman and the rampsman, who constitute what may be termed the thieves' aristocracy - there being a certain amount of courage required in the execution of their depredations - then the tail-buzzers and wires may be said to belong to the skilled or middle-class of thieves; while the sneaksmen or lurkers, who display neither dexterity nor bravery in their peca-dilloes, may be regarded, with the exception of beggars, as the lowest class of all<sup>33</sup>.

In *London Labour and the London Poor* the background of the offenders is considered thus:

A number of the most expert cracksmen belonging to the felon class of Irish cockneys, have learned no trade, and have no fixed occupation. Others come to their ranks who

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<sup>33</sup> H. Mayhew and G Cruikshank *1851 or The Adventures of Mr and Mrs Sandboys and Family, who came up to London to Enjoy themselves and to See the Great Exhibition* (London: Bogue, n.d.) pp.44-5.

have been carpenters and smiths, brass-finishers, shoemakers, mechanics, and even tailors. Sometimes fast young men have taken to this desperate mode of life.<sup>34</sup>

Amongst this list there is, of course, no mention of the gentleman cricketer. Raffles is an amateur in a professional's world. And he knows it. In perhaps the most interesting of the earliest stories, 'Gentlemen and Players', Raffles is pitted not only against the police but also against characters which would have been more familiar to readers of Mayhew, the 'professors' as Raffles with a delightful and ambiguous elegance terms them. The contrast between the two varieties of criminals is one of the motors of the plot<sup>35</sup>. Let us be clear here about the point being made. My argument is not that the Victorians did not believe that gentlemen did not commit crime; periodicals, trial reports and prison memoirs clearly attested that they did. But these were crimes generally of a violent temper or a cavalier disregard for the bourgeois niceties of financial, or even sexual propriety. These also had their fictional analogues, most grotesquely in the form of Melmotte in Trollope's *The Way We Live Now*, but also in a number of other incarnations<sup>36</sup>. But gentlemen did not commit the professional crime of burglary. Certainly they did not do it, like a professional, repeatedly.

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<sup>34</sup> H. Mayhew *London Labour and the London Poor*, Vol. IV, (London: Griffin, Bone, 1862). For more on Mayhew see further D. England in L. Knafla ed. *Crime, Gender and Sexuality in Criminal Prosecutions* (Westport, Conn., Greenwood, 2002), Y. Levin and A. Lindesmith in P. Rock *History of Criminology* (Aldershot: Dartmouth, 1994) Ch. 15, J. Bennett *Oral History and Delinquency* (Chicago: UCP, 1981) Ch 1, Radzinowicz and Hood, above note 9, pp 79-83 (where Mayhew's work is described as bringing a 'fresh and lasting insight', p.83).

<sup>35</sup> There is another interesting issue relating to class in this story as the Scotland Yard detective, Mackenzie, joins the guests after (though not at) dinner at Milchester Abbey. His attendance recalls the observations of 'Alfred Aylmer' (Arthur Griffiths) in the *Windsor Magazine* for 1895 where the presence of detectives at society gatherings is noted. Aylmer reports that he could 'safely assert that these "professionals" were certainly not the least gentlemanlike in manners or costumes of the guests assembled', quoted in H. Shpayer-Makon 'From Menace to Celebrity: The English Police Detective and the Press, c. 1842-1914' (2010) 83 *Historical Research* 672 at p.688.

<sup>36</sup> Published in 1875. The links between financial speculation and the more traditionally 'rakish' fault of gambling are apparent throughout the novel. See also, eg, Charles Reade and Dion Boucicault's *Foul Play* of 1866 for a more traditionally pecuniary offence. Reade is interesting on crime and class. In *The Autobiography of a Thief* of 1858 Reade ironically points to the difference between 'respectable' fraudsters and the 'cracksman or swell mobsman' ((my edition is London: Chatto and Windus, 1890, pp 7-8). This condemnation of prevailing commercial morality sometimes finds itself being discussed by 'criminologists', see e.g. J.W. Horsley *How Criminals are Made and Prevented: A Retrospect of Forty Years* (London: Fisher Unwin, 1913) Ch.3.

Rowland, above n 7, makes much, in his linking of Raffles and Oscar Wilde, of the interesting choice of pseudonym, Maturin, used by Raffles in exile. Maturin was the name of Wilde's relative who had written the classic Gothic tale *Melmoth the Wanderer* in 1820 and Wilde had used the name 'Melmoth' during his own exile after his prison sentence. Trollope's villain's name also invokes this earlier dangerous outsider. The cover of *The Illustrated Police News* of April 20<sup>th</sup> 1895 (reproduced in M. Ashley *Taking Liberties: The Struggle for Britain's Freedoms and Rights* (London: British Library, 2008) p.93) leads with two 'properly' high status cases, that of Oscar Wilde and Jabez Spencer Balfour. Wilde's case is well-known, Balfour was an MP and fraudster, whose *My Prison Life* (London: Chapman and Hall, 1907) is an important memoir of penal servitude.

The link with Wilde is suggestive in ways which will not be pursued here. Narrowly it raises questions about the nature of the relationship between Raffles and Bunny (this is no overwrought post-Freudian reading, for the stories are explicit on the complexity of Bunny's emotions in relation to Raffles). More broadly the stories may be seen against a background of a *fin de siècle* crisis of masculinity, which involves the undermining of the role of the 'gentleman', of the kind argued for in A. Smith *Victorian Demons: Medicine Masculinity and the Gothic at the fin de siècle* (Manchester: MUP, 2004)

Authors of fiction knew this and this is why Hornung's creation causes such a stir, his transgression is against conventions of crime novels as well as criminology. Edward Bulwer Lytton had written novels about crime earlier in the century and in one of these, *Paul Clifford*, his protagonist had been, to some extent 'well-born'. But the question of his 'real' class is one of the points of mystery and complexity within the text as a whole. In any event Clifford is a highwayman, a type of criminal in whom elements of romanticism and style are almost assured in fictional depiction. More significant is Lytton's rejection, through one of his characters in the novel, of the idea for which Raffles comes to stand: 'I have no idea of a gentleman turning cracksman'.<sup>37</sup> It is true that one of Hornung's reviewers asserted a familiarity with that very idea dating back to the 1882 stage play *The Silver King* (interestingly revived on the stage in 1899), but the analogy is unconvincing. The malefactor in that drama, Capt Herbert Skinner, 'The Spider', admittedly dresses immaculately but is through and through a professional burglar, just a very successful one. His aspirational 'villa in Bromley', staffed by chosen criminals and the haunt of others of the same kind, is a considerable distance, physically and symbolically, from the flat in the Albany.<sup>38</sup> Whilst I cannot by any means claim an exhaustive knowledge of Victorian fiction I am aware of only one 'gentleman burglar' who pre-dates Raffles. He appears in a novel of 1883 by the largely-forgotten Welsh author Amy Dillwyn whose reservations, even insecurity, about introducing such a character are telling in themselves:

That a man should be a gentleman, and yet stoop to commit burglary, will, doubtless, seem to many people an absurd and impossible idea. Yet since there have been known gentlemen swindlers, gentlemen murderers, and gentlemen card-cheats in real life, it can scarcely be considered an unwarrantable stretch of imagination for a novelist to suppose it possible also for such a person as a gentleman burglar to exist – more especially when he is not represented as making burglary a profession, but only as having resorted to it on an exceptional occasion, and under great stress of circumstances<sup>39</sup>.

It is perhaps unnecessary to draw attention to both the invocation of more familiar and 'acceptable' representations of 'gentlemen's' offences and the explicit distancing from the

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<sup>37</sup> E. Bulwer Lytton *Paul Clifford* of 1830 (London: Penguin, 2010 ed.) p.488. Lytton's taste for physiognomy in description of his criminals, here and particularly in *Eugene Aram*, first published in 1831, is notable.

<sup>38</sup> See *The Morning Post* 23/March/1899. *The Silver King* by H.A. Jones and H. Newman (London: French, 1907) was first performed on November 16<sup>th</sup> 1882. The origins of the villain's military title are not explained. Interestingly he shares his soubriquet with the affluent but fraudulent financier in W.P. Frith's series of paintings *The Race for Wealth* of 1880, on which see R.W. Ireland '“The Policeman and the Rail”: Crime and Punishment in the Paintings of W.P. Frith' (1997) 2 *Art, Antiquity and Law* 381 at 383.

<sup>39</sup> Amy Dillwyn *A Burglary or 'Unconscious Influence'* (1883) (Dinas Powys: Honno, 2009 ed) p.141. His name is William Sylvester, who is provided with a conveniently troubled past history.

conception of professional criminality which this passage underlines. The cricketer from the Albany is introduced with no such authorial hesitancy.

Yet Raffles is not, I think, designed to personify a direct challenge to contemporary criminological theory. Other fictional creations may be read in such a way with much more confidence. In France the Fantômas novels of Marcel Allain and Pierre Souvestre are, I have no doubt, written to stand in stark contrast to the prevailing doctrinal discourse, both positivist and sociological, of their time<sup>40</sup>. Later still Dorothy L. Sayers introduces a murdering determinist criminologist, the pointedly named Sir Julian Freke, in an apparent attempt to undermine the kind of ideas which he espouses<sup>41</sup>. But Raffles seems to have been created predominantly for literary reasons. It is true that in two stories from *A Thief in the Night*, 'The Criminologists' Club' and 'The Rest Cure' Raffles becomes involved with those who profess scientific knowledge of criminality. The first involves the cricketer's invitation by the criminologists<sup>42</sup> to discuss ideas of amateurism and professionalism; the second (perhaps the most remarkable story of all in some ways, with the elements of transvestism and disturbing violence) involves breaking into the house of a Prison Inspector whose library is a 'storehouse of criminology'. Whilst clearly Hornung is having fun with his victims here, it is probable that the Holmes and Watson parallel, rather than any idea of sustained criminological critique, which gave Hornung the idea for the character. But to acknowledge the fact that Hornung was probably not primarily intending his characters as an ironic commentary on the doctrines of criminology is not to concede that the impact of the latter on the world of the author and his readers is an irrelevance. Nor, for this objection has been put to me, is the stereotyping of the 'criminal class' something which comes naturally from lived experience rather than social science. I have argued that the insulation of many of Hornung's readers from engagement with the kind of people to whom journalism and fiction re-introduces them as typically criminal, is an important nineteenth century development. The world as understood in the late nineteenth century was informed, inter alia, by its new sciences. It is not Raffles's direct critique with the texts of criminology per se which makes him remarkable, it is the singularity of his figure within a world which those texts help (but only help, for the criminologists inflate their importance if they assume that theirs is the only discourse

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<sup>40</sup> See R.W. Ireland 'The Phantom at the Limits of Criminology' in I.A. Bell and G.Daldry (eds) *Watching the Detectives* (Basingstoke: Macmillan,1990) p.68.

<sup>41</sup> In *Whose Body?*, published in 1923. As for novels written to exemplify rather than disparage contemporary criminological doctrine the most celebrated is Émile Zola's Lombrosian *La Bête Humaine* of 1890.

<sup>42</sup> "The Criminologists, my dear Bunny, are too few for a local habitation, and too select to tell their name in Gath. They are merely so many solemn students of contemporary crime, who meet and dine periodically at each other's clubs or houses... They have got it into their heads", said he, "that the gladiatorial element is the curse of modern sport. They tremble especially for the professional gladiator. And they want to know whether my experience tallies with their theory" (Hornung *The Criminologists' Club*, 1905), p.324.

which forms an understanding of criminality) to create. Raffles is exceptional, and his exceptionalism gives his name the status of an archetype<sup>43</sup>. Yes, he is stylish and gifted. But he is also an amateur in a professional's world.

## Cricket

Similar issues of class permeate Raffles's legitimate activities, and here too they are important. Cricket was, of course, an important game in supplying the metaphors of 'fair play' and 'straight bats' which could guide young and old through the difficulties of real life, but it was by no means insulated from concern about social status. It might be objected that issues of class cannot be removed from any aspect of Victorian society, as we have seen that it permeates too the perceptions of criminality, but the point being made here is a rather more directed one. For the later nineteenth century saw the emergence of the professional cricketer, just as it saw the emergence of the idea of the professional criminal. The distinction, inscribed in the modes of address of cricketers (amateurs like A.J. Raffles are, in Victorian sporting nomenclature, accorded their "Mr" and initials, professionals are not), between (amateur) Gentlemen and (professional) Players was a crucial one in Victorian cricket. Admittedly some 'amateurs', like W.G. Grace himself, did very well out of the game financially, but the importance of the social distinction between those who played for sport and those who played for money remained<sup>44</sup>. While there were still many Gentlemen playing in the last days of Victoria, it nevertheless was becoming clear that the future of the game at the highest level lay elsewhere. Prince Ranjitsinhji, in a review of 'Cricket and the Victorian Era' in his *Jubilee Book of Cricket*, published in the same year as Raffles first sported his whites, was explicit on the point:

In this form, cricket could not possibly exist without professionals, for unless a considerable number of men devoted their entire time and energies to the game, it would be impossible to fill up the county teams with players possessing the requisite amount of skill. The small numbers of amateurs in first-class cricket is noticeable. It is the result of the fact that, though there are innumerable amateur players of a certain standard, there are only a few who have both the necessary leisure and the necessary skill for first-class cricket<sup>45</sup>.

Raffles is clearly possessed of that skill, but he resents being treated in the same way as a Player by those who outrank him socially. Just as in his burglary, his difference from the professionals

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<sup>43</sup> For his fictional successors see T. Binyon *Murder Will Out: The Detective in Fiction* (Oxford: OUP, 1990) pp 129-131.

<sup>44</sup> See K.A.P. Sandiford *Cricket and the Victorians* (Aldershot: Scholar Press, 1994), Ch. 5.

<sup>45</sup> K.S. Ranjitsinhji *The Jubilee Book of Cricket* (Edinburgh and London: Blackwood, 1898) pp.455-6.



who vie with him is absolutely central to the character's identity<sup>46</sup>. This remains the case even though, as he concedes, his means are limited. In the important adventure mentioned earlier, 'Gentlemen and Players', Raffles, having had a good day in the field for the Gentlemen, explains to Bunny why it is that he plans to commit burglary whilst invited to play cricket.

"With a pitch to help me, I'd have done something big; as it is three for forty-one, out of the four that fell, isn't a bad for a slow bowler on a plumb wicket against those fellows. But I felt venomous! Nothing riles me more than being asked about for my cricket as if I were a pro. myself"

"Then why on earth go?"

"To punish them, and – because we shall be jolly hard up, Bunny, before the season's over!"...

"...As a general rule nothing would induce me to abuse my position as a guest. I've never done it, Bunny. But in this case we're engaged like the waiters and the band, and by heaven we'll take our toll!..."<sup>47</sup>.

The sentiments here expressed suffice to explain why the option of himself turning professional, even when 'jolly hard up', was unacceptable to Raffles. There were examples of this happening in the Victorian game, but it seems to have attracted a sense of shame from the debased cricketer himself and, at best, pity from those around him. Grace's cousin, W.R. Gilbert, was obliged to take that step in 1886 and *Cricket* magazine recorded that the change in status involved 'no small amount of moral courage'. Yet Gilbert's shame did not end there, for he was caught stealing money from his team-mates' clothing in the changing room and sentenced to twenty-eight days' hard labour. The *Times* report of the case (which still affords him the ambiguous status of his initials) recorded his response as a willingness to accept a voluntary re-introduction of transportation:

**CHARGES OF THEFT.**- W.R. Gilbert, the Gloucestershire cricketer, was brought up at Cheltenham Police Court yesterday on two charges of theft at the East Gloucestershire Cricket Ground. Various sums having been missed by members, a policeman was concealed over the dressing room of the pavilion, and he saw Gilbert abstract a half sovereign from clothes belonging to Captain Willes. The prisoner also searched another

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<sup>46</sup> See also Lewis, above n 5, p.xii.

<sup>47</sup> 'Gentlemen and Players' (1899) pp 41-2.

coat and waistcoat. When accused of the theft he admitted his guilt, expressed sorrow, and said that if they would forgive him he would go to Australia<sup>48</sup>.

His name was removed, as far as was possible, from cricketing records. It is difficult to imagine that the cricket-obsessed Hornung was unaware of the scandal and its outcome. It is a morality tale the implications of which infuse the Raffles stories.

## **Life and Art**

In a changing world, where professionals increasingly threaten to edge out the amateur, Raffles is playing for very high stakes, for class-based conceptions of honour, as well as personal liberty are at risk. The non-fictional prison memoirs of both ‘gentlemen’ prisoners and those who came into contact with them at the end of the nineteenth and beginning of the twentieth centuries are enlightening as to the consequences of incarceration for persons of this class. It is clear then that social stratification remained operative within Convict Prisons as it did without, that even in a world in which we have argued that strangers become grouped together around the facts of criminal conviction, the older and more pervasive distinctions still exert a significant opposite pull. Arthur Griffiths in a chapter on ‘Gentlemen in Gaol’ in his well-known *Secrets of the Prison-House* revealingly refers to prisoners ‘of the non-criminal class, although sentenced as such’ and offers the observation that the experience of imprisonment is more severe on those ‘more delicately nurtured’. Whilst noting that technically the standard of treatment is the same for all prisoners, nonetheless he reveals that amongst fellow inmates the use of titles might still be employed<sup>49</sup>. Jabez Spencer Balfour hints that preferential treatment was allowed to a prisoner who had been a friend of a Cabinet minister, before going on to argue for an increased differentiation between offenders, ostensibly on the basis of extent of criminality (difference from the ‘caste’ of habituals) but in truth redolent of social background<sup>50</sup>. Yet as ‘W.B.N.’ [Lord William Nevill], conceded in the account which followed his imprisonment in 1898 for fraud, the sentence of penal servitude was not the end of his travails:

...I was under no illusions when I came out of prison in November, 1901. I knew that I had to bear what is by no means the lightest part of punishment to a man having once

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<sup>48</sup> *The Times* 8/June/1886. For details of the case see Rae, above n 2, pp.301-4. Gilbert in fact subsequently went to Canada, *ibid.* He is pictured in the 1877 Gloucestershire side in Sandiford, above n 44, Plate 2.

<sup>49</sup> A. Griffiths *Secrets of the Prison House* (London; Chapman and Hall, 1894), vol. 2, pp 76, 84.

<sup>50</sup> Balfour, above n 36, pp 358, 365, 369.

been in the position that I had been in – the loss of friends, and the cold contempt of those who had once been amongst my most intimate acquaintances<sup>51</sup>.

But the fictional Raffles does not have to experience the humiliation of incarceration and ostracism of real life. Having cheated death at the end of *The Amateur Cracksman* he faces it heroically in the South African war at the end of *The Black Mask*<sup>52</sup> Yet his future is assured and in a remarkable paradox Hornung's creation, having initially excited because of his deviation from criminal stereotype, soon becomes accepted as a stereotype in his own right. The reasons for this are elusive. On the one hand it may be that the infinite variety of criminal actors was bound to outstrip the initial crude classification which had manufactured the original 'professional' or 'habitual' offender. Popular journalism could easily replace one cartoon image with another, indeed the first reference I have come across to 'Raffles in Real Life' is indeed to a cartoon, in 1906.<sup>53</sup> The American author (and onetime convict) O. Henry, whose early intervention shows the appeal of the caricature even in the rather different social milieu across the Atlantic, shows how quickly as well as how widely the stereotype could become entrenched. Having considered the burglar who is 'a degenerate of the lowest type' Henry invokes his antithesis, distinguished principally by his neckline. 'The other well-known type is the burglar who wears a collar. He is always referred to as a Raffles in real life. He is invariably a gentleman by daylight, breakfasting in a dress suit, and posing as a paperhanger, while after dark he plies his nefarious occupation of burglary'<sup>54</sup>.

Another possible reason for the invocation of the Raffles character may have been the desire for self-publicity and an attempt to raise the exploits of rather base (and, if the term may be employed 'professional') criminality into something rather more. The fear that Hornung's creation might serve to glamorize crime was one that was voiced early, the concern voiced in the *Country Life Illustrated* of 1899 was that it was not respectable readers who were in jeopardy, but their social inferiors.<sup>55</sup> H.L. Adam, writing his study of crime in 1908, suggests that the apparent

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<sup>51</sup> 'W.B.N.' *Penal Servitude* (London: Heinemann, 1903) p.305. Nevill's authorship of the text may be traced from details of his offence, on which see eg the Leader which followed his conviction, *The Times* 16/February/1898.

<sup>52</sup> On which see Orwell, above n 4, p.214. Britain's perceived poor performance in the Boer War was of course of some criminological significance in itself, sparking an investigation into degeneracy in the British population, the *Inter-Departmental Committee on Physical Deterioration* (1904) on which see D. Pick *Faces of Degeneration* (Cambridge: CUP, 1989) pp. 185-6.

<sup>53</sup> *Penny Illustrated Paper* 13/October/1906. Interestingly, in view of Henry's observations *infra*, the reference is to a 'fashionable fad' in America.

<sup>54</sup> O. Henry 'Makes the Whole World Kin', (1911) in *The Complete Works of O. Henry* (Garden City NY: Doubleday, Page, 1927) p.660 For Henry's criminal background (as W.S. Porter) see H.B. Franklin *The Victim as Criminal and Artist: Literature from the American Prison* (New York: OUP, 1978) pp 150-1.

<sup>55</sup> 'Sold for a penny, and placed in the hands of poor little gutter-snipes, the adventures of the renowned cricketer, A.J. Raffles, turned cracksman, might not be altogether edifying', *Country Life Illustrated* 29/April/1899.

gentrification of the cracksman is an emergent phenomenon: ‘In fact, burglary is becoming a really refined occupation, associated as it frequently is with kid gloves, evening dress and scented cigarettes’, though, tellingly (and perhaps ‘realistically’), his fictional model seems to be the wealthy professional villain of *The Silver King* rather than the impoverished gentry amateur.<sup>56</sup>

Perhaps the most interesting attempt to arrogate the manners of the Albany to a real life of crime lies in the unambiguously titled *Raffles in Real Life*, the autobiography of ‘Gentleman George’ Smithson published in 1930.<sup>57</sup> Despite the wonderful photograph of the author (who also used the name ‘William Weatherill’) wearing a top hat and insouciantly lighting a cigarette (a Sullivan?), Smithson’s claim to Raffles’s title has less to do with his own character and more with that of his victims. His own background is vouchsafed in the review of his book compiled by ‘C Division’ for the Home Office, which is found at the head of Smithson’s Home Office file: ‘It is to be noted that Smithson came of respectable Parents. He worked for his father who appears to have been in a good way of business as a nurseryman...’.<sup>58</sup> For Smithson, a man with a considerable record of conviction and custody, Hornung’s character seems to have been grafted on as an ex post facto aspirational model. Leaving Dartmoor Smithson has himself reflects:

Here I was at the gate that led to freedom, Convict 342, George Smithson, alias Gentleman George, being released on ticket-of-leave after serving eight years’ penal servitude for a series of crimes that had induced the Press to dub me the King of Cracksmen... What an ignominious ending to the ambitious ideas that had filled my mind when I set out on the perilous career of a modern Raffles<sup>59</sup>.

As O. Henry’s contribution suggests, Raffles’s name could be invoked outside the smartness of the Albany and the country houses of the shires. Despite having, to some extent, an analogue in Arsène Lupin, the creation of Maurice LeBlanc, his name was to be found in the literature of true crime in France also<sup>60</sup>. Stanley Scott (the absolute veracity of whose narratives is perhaps not beyond question) in *The Human Side of Crook and Convict Life* introduces the Continental (but still cricket-playing!) master criminal ‘Count P-’ who again represents the antithesis of Raffles’s amateurism, but, again, invokes his name: ‘He upholds the English Raffles as a far more natural type of gentleman cracksman than the French Lupin, for the reason that his exploits are simpler;

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<sup>56</sup> H.L. Adam *The Story of Crime: From the Cradle to the Grave* (London: Collins?, n.d.) see pp. 218, 219.

<sup>57</sup> *Raffles in Real Life: The Confessions of George Smithson alias “Gentleman George”* (London: Hutchinson, n.d.).

<sup>58</sup> The National Archives HO144/11473. Smithson’s assorted petitions within this file are as entertaining as his book.

<sup>59</sup> Smithson, above n 57, pp 13, 15.

<sup>60</sup> For the links between Lupin (who appeared in 1905), Raffles and Sherlock Holmes see D. Drake ‘Crime Fiction at the Date of the Exhibition: the Case of Sherlock Holmes and Arsène Lupin’ in (2009) 2 *Synergies Royaume-Uni et Irlande* p.105.

simplicity being, in Count P-'s opinion, the essence of successful criminal *coups*<sup>61</sup>. Perhaps more reliable is Georges Du Parq's tale, which also introduces its romantic 'hero', the 'kissing cracksman' Armand Lecoque, active in 1927 and 1928, by reference to Lupin and (twice) to Raffles<sup>62</sup>. Over the years the very English, upper middle class, very amateur, unique Raffles has become attached to distant, lower middle class, 'professional' offenders, as a convenient shorthand for a degree of daring and, possibly, possession of a decent suit.

It is pertinent to refer briefly to the treatment of criminality by those of high social status in later criminological discourse, although that is an area upon which I can lay claim to only limited knowledge. The 'discovery' of 'white collar crime' by Edwin Sutherland in the 1940s is, in the context of our discussion above, rather entertainingly constructed, relying as it does for its imaginative potency on an item of clothing (Raffles would of course have talked of the white tie rather than the white collar, but the semiotics of dress depend upon similar cultural markers). It also, like nineteenth-century literary paradigms, by including an occupational dimension to such offending, again has the paradoxical effect of polarising the offences such as fraud as a 'gentleman's' crime and violence as the preserve of the street ruffian<sup>63</sup>. Also interesting in this respect is the important, but rather differently focussed, article by Matza and Sykes in 1961 which suggested that criminality amongst juvenile offenders might resemble the value system of a 'leisure class', and the delinquent as 'a sort of soured sportsman'<sup>64</sup>. Here, it might be thought, is Raffles not subverted, but inverted; his class, like the criminals whose methods he copies, alike squeezed by the norms of the expanding middle. Raffles might have smiled at the 'sportsman' reference for, subconsciously no doubt, it invokes the very figure he personifies. The much-read (and not only in Britain) cracksman, it might almost be suggested, seems not only to have drawn attention to the possibility of a different type of criminal, but also to have added colour to later criminological investigation.

## Conclusion

It is a characteristic of academic writing to make exaggerated claims for its own significance. So is there really anything of importance in the exploits of an admittedly rather striking fictional

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<sup>61</sup> S.Scott *The Human Side of Crook and Convict Life* (London: Hurst and Blackett, n.d.) p.197. Scott likes the idea of the criminal as sportsman, e.g. 'The more intelligent crook is generally a sportsman and recognises and appreciates this quality even in his natural enemy', p.103.

<sup>62</sup> G.Du Parq *Secrets of the French Police* (London: Jarrolds, 1934), 204 et seq. 'I interviewed the young lady who had been forced to sup with Raffles, and she became almost lyrical when I asked her to give me some details of his behaviour. It appeared that he was young and charming' (p.205).

<sup>63</sup> See, eg, K.Williams *Textbook on Criminology* (6<sup>th</sup> ed, Oxford, OUP, 2008) pp 56 et seq. Though note also the earlier observations of Horsley, above note 36.

<sup>64</sup> D.Matza and G.S.Sykes "Juvenile Delinquency and Subterranean Values" (1961) 26 *American Sociological Review* p712 at 718-9. Note also the language above at note 61.

criminal, invented by a man with a nod to his more famous brother-in-law (who has tellingly been credited with the creation of the ‘professional amateur’ detective<sup>65</sup>) and a passion for cricket? I think that there may be, but it depends on nothing so direct as a belief that the work is a conscious and direct critique of criminological theory. This latter is, however, not insignificant. We have seen that statistically-informed, nineteenth century discussions of crime tended to create abstractions of criminality, classes of offender. In its ‘scientific’ form such a way of thinking promotes the discourse of criminology. Though this ‘discipline’ was, in the nineteenth century contested and multi-vocal, it had created and proceeded to investigate the notion of a ‘criminal class’. Raffles was a striking (and to an extent worrying<sup>66</sup>) character because he did not fit in to this typology. I do not propose that Hornung’s readers ‘believed’ in Raffles in any way beyond that in which fiction normally serves to suspend disbelief. But the idea of writing from the individual criminal’s perspective, which happens too in journalistic biography, undermines, of necessity, the assumption of the lack of individuality within that mass: the criminal is re-introduced to the reader. And criminality is a complex issue, more complex than abstraction and typology can allow. Raffles becomes, and over a century later remains, an archetype because he stood apart from what the burglar was expected to be like. These expectations are, however, not ‘natural’; they belong to a world in which they are socially constructed. Raffles not only excitingly challenges that social construction but perhaps even hints at a darker and more disturbing truth. ‘Gentlemen’ do sometimes commit crime, offenders are on occasion witty, stylish and even have an interest in cricket. It is a truth that we as readers are still sometimes as surprised to confront as were the Victorians. Criminologists, despite their now-obligatory nod to that truth, are still, to an extent, selective in the type of offence and the type of offender which they typically choose to study. Perhaps the top hat and the smoke from a Sullivan still work their own, beguiling magic.

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<sup>65</sup> See Binyon, above n 43, pp 6-7, M. Cox *Victorian Detective Stories* (Oxford: OUP,1992) p.xx.

<sup>66</sup> See the critical reception revealed in Rowlands, above n 7, Ch.10, although by no means all contemporary reviewers found any cause for alarm in the stories.

