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The Politics of Crime Stories

By GREGORY BRAZEAL

*Review of **Unwilling Executioner: Crime Fiction and the State**, by Andrew Pepper*

New York, NY: Oxford University Press, 2016

The language of morality pervades criminal law. Punishment is sometimes justified by the argument that criminal defendants, unlike defendants in private lawsuits, have committed grave offenses against the values of the community. The prosecutor has a duty, above all, to “seek justice.” To determine guilt and punishment, judges in black robes preside over elaborate verbal rituals that routinely involve the invocation of innocence, retribution, and mercy.

As the backlash against racialized mass incarceration and militarized policing has grown in the United States, however, the moral valence of the criminal law has begun to waver. Attention has increasingly been drawn to the uncomfortable similarities between “criminal justice” and what might, in other contexts, be seen as injustice, illegality, or even crime.

Ordinarily, for example, if a group of people trapped another person in a cage and held the person in a cage every day for many years, we might assume that the confined person was the victim of a great injustice perpetrated by his captors. If the person were mentally ill and held in a cage without human contact, we might want to go a step further and call the confinement torture. But if a person is held in a cage as a result of a crime, the apparent injustice reveals itself to be, instead, a routine expression of criminal justice, and the apparent torture becomes a legally permissible form of discipline for violation of the rules of confinement.

Similarly, if a person were forced to engage in manual labor without payment, we might ordinarily be tempted to refer to this as slavery. Yet when newly arrived prisoners are forced to pick cotton at Angola, a former plantation in Louisiana that is now the home of the largest prison in the United States, their forced labor is an example not of an injustice, but of criminal justice.

Or consider a negotiation in which the first party holds the second party in a cage and promises to release the second party once the second party has agreed to the terms of the first party’s contract. If the second party capitulated and signed, ordinarily a court would refuse to enforce the contract because it was obviously coerced. Yet every day in the United States, judges solemnly approve the validity of thousands of misdemeanor guilty pleas in which defendants were forced to choose between remaining in a cage until trial, or pleading guilty and being released with “time served.” More generally, the vast majority of the millions of plea agreements accepted and enforced by courts every year are made under threats that would be considered coercive in most other contexts.

The most obvious example of the two faces of criminal law in the United States may be capital punishment. We ordinarily view the deliberate killing of another human being as murder. But when we kill someone as punishment for a crime, provided the proper procedures were followed, the result is not murder, but the realization of criminal justice. Or perhaps the better analogy is human

sacrifice, a comparison suggested by the execution chamber at Angola, where the lethal injection gurney resembles a cross.

If one of the functions of literature is to defamiliarize what has become familiar to us, to dislodge our habitual understandings and allow us to see the world from a new and sometimes critical perspective, then the world of criminal justice would seem to provide abundant materials for literary reinvention. The genre of crime fiction, from Agatha Christie to Raymond Chandler to Gillian Flynn, has long been one of the most popular narrative genres. To what extent has crime fiction served to defamiliarize the everyday injustices of criminal justice?

Andrew Pepper's *Unwilling Executioner: Crime Fiction and the State* offers a global tour of the development of crime fiction over the last three centuries, with a focus on the political orientations of specific writers and works. Pepper's book has an impressive scope, ranging from works by Daniel Defoe and John Gay in the early eighteenth century, to classic detective stories by Émile Gaboriau and Arthur Conan Doyle in the nineteenth century, to contemporary works by crime writers including Lauren Beukes, Don Winslow, and China Miéville—not to mention excursions into Japanese, Italian, and Swedish crime fiction.

Along the way, Pepper draws to light intriguing connections between crime stories in different places and times. The reader learns, for example, about the remarkable literary legacy of Jonathan Wild, a famous criminal in 1720s London. By the early eighteenth century, the traditional English system of criminal law enforcement based on amateur constables and watchmen had broken down, but professional police forces did not yet exist. Instead, a thriving market for “thief-takers” developed. Thief-takers received rewards from crime victims and sometimes from the state for recovering stolen property and capturing criminals.

In a time of growing urbanization and lawlessness, Wild presented himself as “Thief-Taker General of Great Britain” based on his extensive network of spies and informers. But it eventually emerged that Wild's success in locating stolen property resulted in part from the fact that he was himself directing a gang of thieves. He was executed in 1725. Even before his execution, the contrarian poet Bernard Mandeville had written on Wild's career, recognizing that the public harms resulting from Wild's selfish pursuit of profit posed a challenge to Mandeville's vision of publicly beneficial vices in *The Fable of the Bees*.

In the year of Wild's execution, an account of his life appeared that was probably written by Daniel Defoe. Then, three years later, John Gay's *The Beggar's Opera* debuted in London, featuring a thief-catcher named Peachum who is partly based on Wild. Gay's satirical opera would go on to inspire Bertolt Brecht's *The Threepenny Opera* two centuries later.

And Defoe is not the only progenitor of the English novel who wrote a book based on the life of Jonathan Wild. In 1743, Henry Fielding published *The Life of Mr. Jonathan Wild the Great*. Fielding, incidentally, also served as a London magistrate and created the “Bow Street Runners,” a group of former constables employed to arrest criminals. To the extent that the Bow Street Runners were a predecessor of Robert Peel's Metropolitan Police, and the latter influenced the creation of professional police forces in the United States, the NYPD turns out to have an unexpected genealogical connection to the author of *Shamela* and *Tom Jones*.

Long after Wild's death, his moral and legal ambivalence continued to echo through the history of crime fiction. Edgar Allen Poe's “tales of ratiocination,” which are sometimes seen as the first detective stories, may have been inspired in part by the memoirs of Eugène-François Vidocq, a prison escapee who went on to become a pioneering criminologist and the founder of the first private detective agency. The protagonist of Poe's tales, Auguste Dupin, in turn influenced Émile Gaboriau's creation of Inspector Lecoq—a figure who, along with Dupin, served as inspiration for Arthur Conan

Doyle's Sherlock Holmes. In a testament to the remarkable endurance of Wild's celebrity, Pepper notes that an 1860 London theatrical production based on Vidocq's life described him as "THE FRENCH JONATHAN WILD."

As the preceding paragraphs suggest, Pepper's book succeeds in showing that the crime genre can productively be read as "world literature" in the sense associated with David Damrosch. The works that Pepper analyzes are part of a network of transnational influences that continues into the present day.

But it is hard not to feel that Pepper's political analyses of individual works of crime fiction in many cases represent a missed opportunity. For a book that is dedicated to analyzing the political orientation of various works of crime fiction, there is remarkably little focus in *Unwilling Executioner* on the politics of criminal justice itself. It would have been fascinating to read an analysis of how crime fiction has responded to the countless variations in criminal law, policing, and punishment in different jurisdictions over the last three hundred years, especially because the changes in the institutions and practices of criminal justice have been so profound during this period. It would also have been fascinating to read a work that grappled more directly with how crime fiction has responded to varying cultural understandings of the purposes of law enforcement and criminal punishment.

Although the introduction to *Unwilling Executioner* suggests that such questions may play a central role in the book, in practice the primary focus is elsewhere. It is revealing that *Unwilling Executioner* contains relatively few references to scholarship on the history of crime, policing, and punishment over the last three centuries. Despite presenting its central proposition as the thesis "that the development of crime fiction as a genre is bound up with the consolidation of the modern, bureaucratic state" (1), *Unwilling Executioner* also contains surprisingly few references to scholarship on the history of state development and the growth of private and public bureaucracies.

Instead, three of the four writers with the most entries in the list of secondary sources are Karl Marx, Michel Foucault, and Walter Benjamin. When Pepper investigates a work's political orientation, he is most often concerned with whether the work is "Marxist" or "liberal" in its view of the "relationship between capital and the state" (14). The answer is, almost always, that each work is ambivalent between the two orientations. Often the ambivalence consists of little more than the recognition that state enforcement of the criminal law is necessary for public security but not entirely effective or free from class bias.

Thus, *Unwilling Executioner* is a book about the politics of crime fiction, but its political focus is not on criminal justice. Rather, the book's main interest is how various works of crime fiction express a tension between "radical" or "Marxist" and "conservative" or "liberal" views of markets and the state. Like a diligent detective who always finds his suspect, the author succeeds in locating this general tension in each of the works of crime fiction that he studies. Unfortunately, it is hard to say that the exercise sheds much light on markets, the state, or criminal justice.

From the perspective of legal scholarship, it was especially disappointing to find little recognition of the fact that even the "laissez-faire" markets of the later nineteenth century were the product of legal rules chosen and enforced by the state. *Unwilling Executioner* seems to accept the libertarian or classical liberal illusion that markets somehow exist apart from the state, spontaneously emerging as a kind of natural order. To take one early example, the book refers to "the ever closer interpenetration of government and capitalism in the 1920s and 1930s" (13). Yet long before the 1920s, "capitalism" was constituted from the ground up by "government" laws including the laws of property, contracts, and torts, not to mention monetary policy, corporate law, and indeed criminal law. There is no "capitalism" without "government," that is, without the state and its market-structuring laws. Changes that took place in the early twentieth century are better understood

simply as changes in the state's legal rules and institutions. A lack of attention to the foundational role of legal institutions in constituting markets is not uncommon in Marxist scholarship, possibly because Marx himself presented law more as the effect of class conflict than as the cause of classes.

It seems pointless to criticize Marxist literary scholarship in 2021. The critiques were already familiar two decades ago. Since that time, the availability of stable teaching jobs in literature departments has dwindled even further. If a small band of beleaguered literature professors wishes to continue reading and citing Marx and Gramsci, rather than engaging more deeply with contemporary scholarship in history, law, or the empirical social sciences, it seems perverse to object.

Based on Pepper's citations to contemporary scholarship, there may even be a community of Marxist-inclined crime fiction scholars. For them, *Unwilling Executioner* will provide an invaluable historical analysis of the politics of global crime fiction. Readers who have doubts about Marx's inverted Hegelian critique of two-hundred-year-old economic writings may find less value in the book's ideological framework. But *Unwilling Executioner* can still serve as a useful resource for literary history. For example, although Pepper is more focused on ideological content than literary form, the book provokes valuable questions about the recurring narrative structures of the crime genre.

Why did the prototypical crime story of the modern era turn out to be the *detective* story? Stories about crime have existed since before there were states, and thus since before there were state-backed criminal laws. Today, "crime" is often defined in terms of the violation of such laws. But crime in a more general sense can be found in the earliest myths, as well as in two myths about the origins of cities: Romulus and Remus, and Cain and Abel. It is as though crime and the city have been bound together in the human imagination from the start.

The phrase "crime and punishment" captures the most general narrative structure of crime stories in the larger sense. The trouble that initiates the story is the crime, and punishment is the resolution. The typical trouble in a detective or mystery story, by contrast, is not only that a crime has taken place, but that the identity of the perpetrator or some other vital fact about the crime is unknown. The resolution often arrives when the detective, through the analysis of clues, solves the mystery by identifying the criminal or the missing facts.

Is it a coincidence that detective stories became the dominant form of fictional crime narrative during the rise of urbanization, when previously rural populations increasingly found themselves living in a world of strangers? Urban crime is far more likely than rural crime to involve a perpetrator who is unknown to the victim. The fantastical rationalistic feats of detectives like Dupin and Gaston Leroux's Rouletabille offer some of the same comforts as conspiracy theories, which provide the illusion that a self-reliant, clever individual can, without the help of officials or experts, unravel the mysteries of an otherwise bewilderingly complex modern world.

But this account of the rise of detective stories would not explain the peculiar deviance, eccentricity, or moral ambiguity of so many of the most celebrated fictional detectives. One can imagine an alternate history of crime fiction in which the typical fictional detective, whether private or public, might simply be an upstanding, straight-laced hero of conventional morality. Instead, we find the cynical, morally compromised detectives of hardboiled fiction, the scheming Horace Dorrington, and Sherlock Holmes with his cocaine habit. Why?

To be clear, *Unwilling Executioner* does not attempt to answer such questions. It is not concerned with tracing and explaining changes in the recurring narrative structures of the crime genre. The book's focus is on the ideological orientation of various specific works, and especially their perspectives on markets, capital, civil society, and the state. Unfortunately, as already noted, the book also has relatively little to say about the works' perspectives on the changing politics and institutions of criminal justice.

Literary scholarship would be well-equipped to contribute to our understanding of historical differences in the ideology of crime and punishment, in part because close attention to language and literary form can reveal subtleties, contradictions, ambiguities, and conflicting ways of thinking that sometimes receive too little attention in social scientific analyses. Can comparisons of U.S. and European crime fiction shed any light on why the culture of criminal justice in the United States has tended to be harsher than in Europe? Can the global development of crime fiction help us understand the apparently universal tendency, despite endless variations in material circumstances, to condemn subordinated minority groups in virtually every country as “criminals”?

But perhaps crime fiction, for whatever reason, simply has more to say about markets and the state than it does about cultural understandings of crime and punishment. If this is the case, then we might wonder why so many politically engaged crime stories have shown such a relative lack of interest in engaging politically with the everyday problems of criminal justice.

By concluding that most of the works of crime fiction that he analyzes are ambivalent between “Marxist” and “liberal” views of the state, Pepper suggests that these works exist in an at least partially critical relationship to present political injustices. He frequently draws attention to subversive representations of “capitalist” markets. While reading the analyses of the works of crime fiction in *Unwilling Executioner*, however, it is difficult not to be struck by how morally or politically unserious, or at least lacking in perspective, most of the works seem to be in their treatment of crime, policing, and punishment. These are works of fiction about crime, and they are ostensibly politically engaged, but they appear to have remarkably little to say about the politics of crime and the state’s response to it.

After the murder of George Floyd by a police officer in Minneapolis in the summer of 2020, the protests across the United States, and the backlash to those protests, offered a stark reminder that concerns about violence are central to the politics of criminal justice. These concerns, once they become salient, have the potential to displace virtually all other political priorities.

It is possible to imagine literary works about crime, policing, and punishment that grappled in a morally serious way with the routine brutality and oppressive inequalities that have characterized criminal justice over the last three hundred years. Yet the works of “politically committed crime fiction” (187) surveyed in *Unwilling Executioner* have relatively little to say about these political injustices, or at least little that is specific or new. In Pepper’s readings, the works have various critical things to say about capitalism, big business, labor markets, and economic precarity, but little that is original or interesting to add about how these issues relate to the politics of criminal legislation, policing, prosecution, courts, or incarceration.

This is especially unfortunate because even today, it is certainly possible to create a Marxist account of criminal justice that can provoke and inform even non-Marxist readers. Ruth Wilson Gilmore’s deeply researched *Golden Gulag: Surplus, Crisis, and Opposition in Globalizing California* is a recent example. The works of crime fiction surveyed in *Unwilling Executioner*, by contrast, seem to offer no basis for a productive reconceptualization of the politics and practices of criminal justice either from a “Marxist” or a “liberal” perspective.

Instead, the ostensibly politically engaged crime fiction in *Unwilling Executioner* seems more interested in sensationalistic adventures and the occasional plunge into voyeuristic sadism. As the book’s survey of crime fiction approaches the present day, the works become increasingly bloody and prone to baroque descriptions of torture, but they remain no less detached from serious engagement with the everyday injustices of crime, policing, and punishment in various jurisdictions around the world.

It goes without saying that there are actual atrocities taking place today, for example, in prisons in Alabama, and that similar atrocities have been taking place with varying frequency for as long as there have been prisons. The United States and other countries continue to struggle with underpolicing and overpolicing, discriminatory justice, and all the effects of failures to end residential segregation, or to fund adequate mental health care, substance abuse treatment, or any number of other public goods.

But none of these features of contemporary societies appear to be the focus of the recent works of crime fiction in *Unwilling Executioner*, which instead offer the presumably bored reader lurid fantasias about the commodified dismembering of corpses in Japan, or the obscene crimes of an artist-murderer in post-industrial Detroit. Instead of approaching violence as a political problem, the “politically committed” contemporary crime fiction described in *Unwilling Executioner* seems to use violence primarily as a metaphor for “capitalism.” In Lauren Beukes’s novel about Detroit, for example, “the dreams which...drive artist Clayton Broom to commit unspeakable acts of violence (e.g. he murders and then cuts in half an eleven-year-old boy and then melds the torso with the lower half of a deer) are implicated in the circulation of capital,” that is, what the Marxist theorist David Harvey “calls ‘a process in which money is perpetually sent in search of more money’” (230).

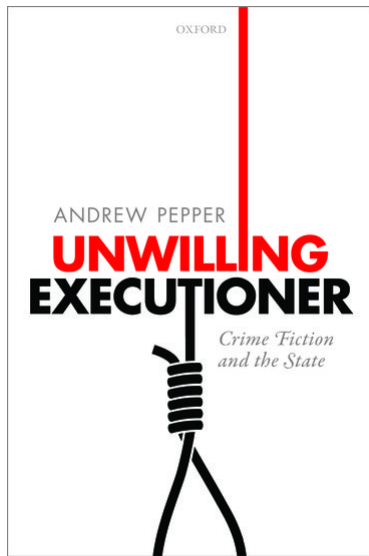
Setting aside the political orientations of such works, we might ask: what are their likely political effects? If the aim of such works is to use repulsive violence to shock the reader into a greater appreciation of Marxism, success seems unlikely. In fact, if works dedicated to the vivid elaboration of outrageous acts of physical cruelty have any political effect, in the United States at least, the most plausible result would probably be to heighten the reader’s fear of violence, and thus to contribute to political support for aggressive policing and harsh punishment. Just as local television news broadcasts contributed to the punitive politics of the tough-on-crime era by bringing nightly accounts of violent victimization into viewers’ homes, popular fictional thrillers about outlandish crimes, if they have any political effect at all, probably tend to enhance rather than reduce panic about crime.

Of course, radical critique can take many forms, and it is unlikely that crime fiction has any significant political effect one way or the other. But it is at least worth considering the possibility that the “politics” of a genre that dwells with such devotion on stories of serial killers, bizarre unsolved crimes, and grotesque acts of cruelty, might in effect be more authoritarian than emancipatory.

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