



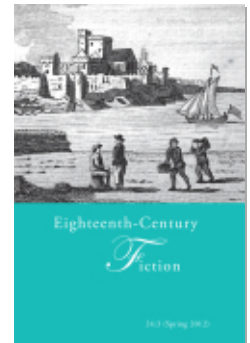
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“Extraordinary and dangerous powers”: Prisons, Police, and Literature in Godwin’s *Caleb Williams*

Quentin Bailey

abstract

In the novel *Caleb Williams*, William Godwin focuses on how “the spirit and character of government intrudes itself into every rank of society” with petitions, resolutions, and parliamentary bills that sought to address the perceived increase in lawlessness in England in the years after the American Revolution. I argue in this article that Godwin’s attention to the inhumane rigours of incarceration, his concerns about the development of a shadowy new police force that existed outside the traditional bounds of magisterial oversight, and his anxieties about the increasingly important role of literature in shaping popular attitudes towards suspected criminals grew out of broader discussions about the penal and police reforms that William Pitt’s government introduced in the years after the 1780 Gordon Riots. The public debates about the extent of these new powers may have shaped the focus and tone of Godwin’s novel as much as the government’s suppression of radical dissent in the 1790s.



Crimes will be less frequent, in proportion as the code of laws is more universally read.—Marquis de Beccaria, *An Essay on Crimes and Punishments*

The pursuit commenced against the supposed offender is the *posse comitatus*, the armed force of the whole, drawn out in such portions as may be judged necessary; and when seven millions of men have got one poor, unassisted individual in their power, they are then at leisure to torture or to kill him, and to make his agonies a spectacle to glut their ferocity.—William Godwin, *An Enquiry Concerning Political Justice*

IN A 1786 petition to George III, the Lord Mayor and the aldermen of London drew attention to the “rapid and alarming increase of crimes and depredations in this city and its neighbourhoods.”¹ By

¹ “Petition of the Lord Mayor and Aldermen of London, Concerning the Punishment of Felons, Presented to his Majesty on Wednesday, March 12, 1786,” in section 2, “Public Papers,” of *The New Annual Register* (London: G.G.J.

their estimate, the number of days occupied by criminal trials at the Old Bailey had increased by 60 per cent since mid-century, from 34 days per annum in the 1750s to 55 days per annum in the 1780s. They suspected that this increase was the result of a disruption to the transportation system (transportation had effectively come to an end in 1776 with the Revolution in the American colonies), and they calculated that “there must now remain within the kingdom, either at large, or in different prisons, at least four thousand persons who, in the judgment of the law, were proper to have been sent out of it” (69). The solution, they argued, lay in a greater number of executions and the establishment of a new system of transportation.² Across the country, in Yorkshire’s West Riding, the “principal inhabitants” met a month after the presentation of the London petition to establish a “county police” for the “better purpose of detecting felons, cheats, vagrants, night-walkers, night-poachers, and pawn-brokers.” They instituted a ten-point plan to control these perceived threats, resolving to suppress brothels, reduce the number of public houses, and appoint “proper constables,” whose duty it would be to increase the general level of surveillance in the county, especially in the time of “horse-races, fairs, feasts, markets, or other public meetings” when they were to be “particularly vigilant.” It was anticipated that “every liberal

and J. Robinson, 1787), 69. References are to this edition. The first epigraph at the beginning of this article is from Marquis de Beccaria, *An Essay on Crimes and Punishments* (Glasgow: Robert Urie, 1770), 28. The second epigraph is from William Godwin, *An Enquiry Concerning Political Justice*, ed. Mark Philp (London: William Pickering, 1993), 375. References are to this edition, cited as *PJ*.

² England’s penal policy had, since 1718, relied on transportation to remove large numbers of convicted felons from the country at an almost negligible cost, but the American Revolution precipitated a crisis. Prison governors and magistrates came up with ad hoc solutions to the overcrowding: some felons were released under the condition that they would make their own way to the North American colonies, while others were allowed to join the army or to sign up as apprentices, and some, it appears, were simply freed. See J.M. Beattie, *Crime and the Courts in England 1660–1800* (Oxford: Clarendon Press, 1986), 655–66. A year after the aldermen’s petition, in 1787, the Botany Bay colony was opened, but its distance from England and the lack of an established economy within which the labour of the convicts could be usefully accommodated (unlike the North American colonies) meant that Botany Bay was not a large-scale solution to the problem of crime. Another government solution was a series of Penitentiary Acts that initiated a flurry of competitions and designs for new prisons, including, as I discuss later, Jeremy Bentham’s panopticon.

gratification" would be offered to those who were particularly active in apprehending and prosecuting criminals.³

These petitions and meetings were part of a widespread pre-occupation with the rising crime rate in late eighteenth-century England that shaped the focus and tone of William Godwin's *Caleb Williams*. Martin Madan's complaint in 1785 that England was the most dangerous nation in Europe, where "we cannot travel the roads, or sleep in our houses, or turn our cattle into our fields, without the most imminent danger of thieves and robbers," was a widely held judgment, which, whatever its factual accuracy, certainly felt true to London's inhabitants and visitors and shaped public policy across the country.⁴ In the same year, for instance, as part of a campaign to crack down on "disorderly and ill-governed ale-houses" and "dissolute and abandoned wretches of both sexes," MP William Mainwaring complained that "no one lies down to rest, without apprehension that his house may be broken open, his property taken from him, or his person attacked, before he arises" and called for a more active and vigorous enforcement of the penal statutes.⁵ Such pronouncements were not new—Horace Walpole had famously remarked in 1751 that "one is forced to travel, even at noon, as if one is going into battle"—but their frequency increased, especially in the years following the 1780 Gordon Riots, which, as Clive Emsley notes, brought a "new level of awareness and concern about popular disorder."⁶

³ "Resolutions Respecting a County Police," in section 2, "Public Papers," of *The New Annual Register* (London: G.G.J. and J. Robinson, 1787), 70–72.

⁴ Martin Madan, *Thoughts on Executive Justice, with Respect to Our Criminal Laws* (London: J. Dodsley, 1785), 4–5. Whether crime was increasing quite as rapidly as the London aldermen, the Yorkshire justices, and most other commentators believed is a matter of some dispute among historians studying the eighteenth century. Crime-related statistics from the period are scarce, and fragmentary where they do exist. While cases of murder and highway robbery appear to have been reasonably well recorded, the vast array of petty offences that consumed the time of magistrates and justices, and would give evidence of a general increase in crime, have gone largely unreported. See David Taylor, *Crime, Policing and Punishment in England, 1750–1914* (Basingstoke: Macmillan, 1998), 20–31; and J.J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (London: Penguin, 1972), 272–73.

⁵ William Mainwaring, *An Address to the Grand Jury of the County of Middlesex* (London: H. Reynell, 1785), 4, 15, 3.

⁶ Horace Walpole, cited in William Connor Sydney, *England and the English in the Eighteenth Century* (London: Ward and Downey, 1891), 1:73. Clive Emsley, *Crime and Society in England 1750–1900*, 2nd ed. (London and New York: Longman, 1987), 36.

In response to these concerns over public safety and the rising crime rate, William Pitt introduced the 1785 London and Westminster Police Bill that proposed the most significant changes to the structure of law enforcement since the 1285 Statute of Winchester had formalized the relationship between justices of the peace and constables. The Police Bill sought to establish a system of stipendiary magistrates under the jurisdiction of three police commissioners, who would have responsibility for the whole metropolitan region. This bill marked, as several commentators noted, a sea-change in the approach to crime, offering a comprehensive system of “*vigilance* and *prevention*” rather than the “short-sighted policy of hanging ... and that of transportation.”⁷ The Police Bill was eventually withdrawn under pressure from the politicians running the City of London, who objected to the infringements on the city’s traditional independence; but a less ambitious version, the Middlesex Justices Bill passed in 1792, expanded the operations of Bow Street to Middlesex and established stipendiary magistrates and paid constables.⁸

The protests against the new police that derailed Pitt’s 1785 Bill owed something to a longstanding prejudice against the French police, but the more pressing objection was to the principles of a bill that, in the words of the Lord Mayor of London, sought to establish “in defiance of chartered rights ... a system of police altogether new and arbitrary in the extreme, creating, without necessity, new officers, invested with extraordinary and dangerous powers, enforced by heavy penalties, and expressly exempted from those checks, and that responsibility, which the wisdom of the law has hitherto thought necessary to accompany every extraordinary power.”⁹ The extent to which any new police

⁷ [Inhabitant of Westminster], *Defence of the Police Bill: In Answer to a Charge Delivered by W. Mainwaring* (London: John Stockdale, 1786), iii.

⁸ Though withdrawn in England, the 1785 Bill was successfully introduced in Dublin the following year, to widespread acclaim from the governing class and regular coverage in the London press. In Dublin, Peel encountered the new system of police during his tour of duty as Chief Secretary of Ireland, 1812–18. As Emsley notes of the London Police that Peel established in 1829, “the uniform, the discipline, and the organisation of the new force suggest that Peel had imported into London many of the policing policies developed in Ireland to deal with civil disorder” (25).

⁹ *Journal of the House of Commons*, vol. 40, 112, cited in Charles Reith, *The Police Idea: Its History and Evolution in England in the Eighteenth Century and After* (London: Oxford University Press, 1938), 94.

force would need "extraordinary and dangerous" powers to ensure its success was also of concern to Samuel Romilly, who argued against "a system of power in officers to be appointed by the crown": "those very powers, rendering the persons who possessed them the objects of suspicion, and perhaps of public detestation, would make other and still more extraordinary powers necessary, till all precautions, all the restraints, and the severities of the most jealous tyranny were one by one established."¹⁰

This concern with the "penetration of state apparatus into the everyday lives of individuals" is, as James Thompson notes, at the centre of Godwin's *Caleb Williams*, with its analysis of the mechanisms by which Falkland is able to monitor and control Caleb's life. Certainly, this preoccupation of the novel is attributable in part to the government campaign in the 1790s against the radical movement.¹¹ In particular, as Marilyn Butler points out, the third volume of the novel conveys "the mood of the beleaguered intellectual minority, the frustration, bitterness and fear of marked men, conscious of their own rectitude, who had become singled out as 'constructive' traitors, criminals and outcasts."¹² But I have dwelt, in this opening section, on the petitions, bills, and writings of the 1780s in order to emphasize the extent to which Godwin's anxieties about what he might have termed the "extraordinary and dangerous powers" and "jealous tyranny" of the state were as much part of an established discourse about lawlessness and public order as they were a response to the oppression of Jacobin sympathizers in the 1790s.

The concerns expressed by Romilly and others in the 1780s about the extension of state power provided a ready-made framework within which the radicals of the 1790s could articulate their own anxieties. The kind of governmental tyranny evoked, for instance, by the hero of Robert Bage's *Hermesprong; or, Man as He Is Not* (1792)—"Is then the state of this kingdom so deplorable that magistrates think it their duty to act upon a may-be? Or

¹⁰ Samuel Romilly (writing as "Citizen of London"), *Observations on a Late Publication Intituled "Thoughts on Executive Justice"* (London: T. Cadell and R. Faulder, 1786), 101–3.

¹¹ James Thompson, "Surveillance in William Godwin's *Caleb Williams*," in *Gothic Fictions: Prohibition/Transgression*, ed. Kenneth W. Graham (New York: AMS Press, 1989), 192.

¹² Marilyn Butler, "Godwin, Burke, and *Caleb Williams*," *Essays in Criticism* 32, no. 3 (1982): 252.

suppose it so, are suspicions so raised, are alarms so high, that actions, which candour and justice might equally as well attribute to laudable intentions, shall be so interpreted by malignity, as to become the pretence for depriving an innocent man of his freedom?"¹³—was similarly feared by the London aldermen of 1785, who objected to a bill that "under colour of correcting abuses, overturned the forms established by the wisdom of our ancestors for the regular administration of justice." As the aldermen noted, this was a "subversion of the chartered rights of the greatest city in the world, and the constitutional liberties of above a million of his majesty's subjects."¹⁴ *Caleb Williams*, written during a period in which these "constitutional liberties" were all but suspended, shares with the London aldermen—but not, it must be said, with Butler's "beleaguered intellectual minority"—a concern that this "subversion of ... chartered rights" was not simply a temporary solution to an emergency situation, but the permanent condition of an increasingly intrusive state.

Caleb Williams is intensely interested in the practical ways in which this "subversion" takes place—in how "the spirit and character of the government," as Godwin puts it in the suppressed preface to the novel, "intrudes itself into every rank of society."¹⁵ The police and penal reforms of the 1780s and 1790s, which sought to replace what Romilly identified as the "mass of jarring and inconsistent laws" of the Bloody Code with a system more appropriate to "this enlightened, and, as it is called, this philosophical age," were central to Godwin's understanding that "the subject of punishment is perhaps the most fundamental in the science of politics" and shaped his depictions of human relationships in the novel.¹⁶ James Thompson rightly suggests that a major concern of Godwin in this book is "with his sense of the changing function and power of the state," but Thompson's assertion that this has "less to do with the present repression by government, or with the actual brutality of prison conditions" downplays Godwin's engagement with the new technologies

¹³ Robert Bage, *Hermesprung*, ed. Vaughan Wilkins (New York: Library Publishers, 1951), 225.

¹⁴ *New Annual Register* 1785 (London, 1786), 1:140.

¹⁵ William Godwin, *Caleb Williams*, ed. Pamela Clemit (London: William Pickering, 1992), 279. References are to this edition. The "Preface" was published in all subsequent lifetime editions.

¹⁶ Romilly, 15, 27; *PJ*, 367.

of power that the state developed in the closing years of the 1790s.¹⁷ Falkland, “a country squire of considerable opulence” (5) who had “drunk ... deeply of the fountain of chivalry” (11), might initially appear to be a throwback to the “patrician society” that E.P. Thompson identified in the years before the French Revolution, but Falkland’s adroit manipulation of the legal and penal systems marks him as part of that “system of police altogether new and arbitrary in the extreme” to which the London aldermen objected.¹⁸

In many ways, the novel relates the increasingly sophisticated methods by which the authorities control Caleb: after his flight from Falkland’s house, he is simply persuaded to return by a letter from Forester; after his escape from prison, he is pursued by constables; in London, the entire populace is against him. He has committed no crime, and yet is pursued relentlessly in the print media of the day—to whose salacious store of tales about highwaymen, murderers, and adventurous rogues he had added earlier in his stay in London—and by Jones, Falkland’s private police officer. This concern with the growing number of coercive techniques available to the government of the day—the increasing use of imprisonment; the expansion of the police force, especially in London; and the dissemination of (false) information in

¹⁷ James Thompson, 184.

¹⁸ For E.P. Thompson, the power of the gentry rested on “the paradox” that their “credibility ... as paternalists arose from the high visibility of certain of their functions [such as JPs], and the low visibility of others [rentholders].” E.P. Thompson, “Patrician Society, Plebian Culture,” *Journal of Social History* 7, no. 4 (1974): 389. Falkland’s dual role—as object of general veneration and organizer of a secret campaign against Caleb—can be read as a version of this “paradox”; but Godwin’s careful delineation of the techniques by which Falkland exercises his power—and, in particular, its contrast to Tyrrel’s more old-fashioned use of his position as landlord to bully Hawkins—suggests some of the ways in which, in the wake of the fears unleashed by the Gordon Riots and the French Revolution, the ruling class sought to renew and reshape its hold on power. This dual role is, furthermore, as John Barrell points out, an effect of the “language of sentiment” that “masks power with weakness, fear with tenderness, [and] hate with love”; but the mask, as Barrell notes, “is always transparent.” Barrell, *Imagining the King’s Death: Figurative Treason, Fantasies of Regicide 1793–1796* (Oxford: Oxford University Press, 2000), 85. Falkland, whose poetry is “carried ... home to the heart” (25) by Clare’s reading is also only too capable of revealing the power behind the mask, warning Caleb that he will “crush [him] in the end with the same indifference that [he] would any other little insect” (138). In *Caleb Williams*, Godwin examines the increasing complexity of this “mask” in light of the state’s new powers of social control.

the newspapers, pamphlets, and circulars—is at the centre of Godwin's novel with its scenes of imprisonment, the countrywide power of Falkland, and the newspaper story of Caleb Williams's adventures. An awareness of this larger context suggests a way in which the novel may be read as both an analysis of a particular era—that period in which, as Godwin puts it in the "Preface," a "sanguinary plot broke out against the liberties of Englishmen" (279–80)—and as a transcendent vision of state oppression.¹⁹

In particular, the almost nightmarish vision that *Caleb Williams* offers can be attributed to Godwin's fear that the literature he so valued in *Political Justice* as one of the most "powerful ... and salutary" engines for advancing "the human mind ... towards a state of perfection" (14) might be no more than the most effective of the government's new techniques for controlling crime and establishing obedience. In *Political Justice* he lauds the role of fiction, asserting that "there is indeed no species of composition, in which the seeds of a morality too perfect for our present improvements in science, may more reasonably be expected to discover themselves, than in the works of imagination" (101); in *Caleb Williams*, however, he confronts the possibility, as Garrett A. Sullivan notes, that "post-Revolutionary print culture" was not "an expanding set of practices to which writers of all classes have equal or near-equal access," but one that affirmed, by other means, the hegemony of the ruling class.²⁰ The peculiar vitality of these apprehensions, which Sullivan attributes to Godwin's struggle "with forms of textuality that do not contribute to a conversation between gentleman," was also the result of his meditation on the new technologies of power available to the ruling class.²¹

¹⁹ For the purposes of this article, I have concentrated on those forms of the criminal justice system—the new prisons, the police force, and the use of gazettes—that were the subjects of considerable discussion or innovation in the years before the French Revolution, but the novel's multiple stagings of hearings, trials, and the "mock tribunal[s]" (159) of the jails, as Nicholas M. Williams and Carl Fisher point out, are further markers of the novel's broad engagement with contemporary discussions about lawlessness and public safety. Williams, "The Subject of Detection: Legal Rhetoric and Subjectivity in *Caleb Williams*," *Eighteenth-Century Fiction* 9, no. 4 (1997): 479–96; and Fisher, "The Crowd and the Public in Godwin's *Caleb Williams*," in *Women, Revolution, and the Novels of the 1790s*, ed. Linda Lang-Peralta (East Lansing: Michigan State University Press, 1999), 47–67.

²⁰ Garrett A. Sullivan, "A Story To Be Hastily Gobbled Up': *Caleb Williams* and Print Culture," *Studies in Romanticism* 32, no. 3 (1993): 336.

²¹ Sullivan, 332.

This anxiety can be traced in *Caleb Williams*, with increasing complexity, in Godwin's attacks on the penal system, in his description of the relationship between Falkland and Jones, and in his treatment of the connections between literature and the police. Oliver Goldsmith, in 1760, argued that a government imposed laws on a people "apparently indeed to secure them from danger, but in reality, to confirm their captivity"; Godwin's novel explores the technologies by which this captivity was enacted and maintained, and discovers a world in which the Enlightenment rationalism so prized by its hero might be no more than an illusion constructed by those systems of surveillance and supervision that sought to control the lawlessness of late eighteenth-century England.²² The "ardent and determined" (140) mind that Caleb believes untameable is, it transpires, a fiction that neither truth nor sincerity can transform into reality.

*"Cruel, inexorable policy of human affairs":
The Call for Prison Reform*

In *Political Justice* Godwin notes that "jails are to a proverb seminaries of vice" (403), and there are few more direct links between the philosophical work of 1793 and the novel of 1794 than the treatment of prisons—those "mansions," as Caleb notes ironically, whose "squalidness and filth" (158) are indescribable. His catalogue of their shortcomings—"their unwholesomeness, their filth, the tyranny of their governors, the misery of their inmates!" (161)—was indebted not only to Godwin's own visits to Newgate, but also to the work of John Howard, whose travels around England and Wales in the 1770s highlighted the deplorable conditions of many prisons and jails. In the wake of the American Revolution, Howard's work became particularly relevant, contributing—like the "Petition" of the Lord Mayor and aldermen of London—to a national debate about what to do with the convicts who could no longer be transported to the North American colonies. Howard, an advocate for the construction of more prisons, was concerned, in particular, with the prevalence of typhus in the old-style jails and proposed a number of remedies, centred on the isolation of prisoners and the location of the prisons, in order to overcome the spread of the

²² Oliver Goldsmith, *Collected Works*, ed. Arthur Friedman (Oxford: Clarendon Press, 1966), 2:328.

disease. He had good reasons for this concern: at the time of his investigations, as Howard notes, “many more [were] destroyed by [typhus], than were put to death by all the executions in the kingdom”²³—a scenario replicated in *Caleb Williams* with the account of the innocent soldier committed to prison for highway robbery who dies “on the evening of the very day on which the judges arrived, of a disease the consequence of his confinement” (170).

The threat of disease was not the only complaint levelled by penal reformers, and the extent of Godwin’s engagement with the literature of penal reform is evident from some of the minor details of Caleb’s incarceration. In 1771, for example, William Eden criticized the indiscriminate use of chains, pointing out that “a prisoner ought not at any time to be charged with fetters; unless the Gaoler be constrained to have recourse to them by the actual necessity of safe custody.”²⁴ His concerns were echoed by Howard, who reminded his readers that the 1728 Gaol Committee had condemned the practice, and by George O. Paul, who cited Hales and Blackstone to show that “the habitual use of fetters” in a prison “is illegal.”²⁵ In *Caleb Williams*, the “pain of the fetter” (175) on an injured leg is intolerable and makes Caleb fear that he will die of mortification, combining, as it were, the concern about disease with the complaints about the illegal use of fetters in an image that speaks directly to the debates about the need to balance security with humane treatment.

Caleb’s criticism of the length of time that a suspect could be held without trial as well as his indignation at the indiscriminate incarceration of hardened criminals and “others whom their ill fortune had rendered the victims of suspicion” (160) is similarly reminiscent of complaints levelled by Howard that “half the robberies committed in and about London are planned in the prisons by that dreadful assemblage of criminals and the number of idle people who visit them” (13) or the insistence by Jonas Hanway in 1775 on a “doctrine of separation under imprisonment, whether for great crimes, or little ones; before trials, or as a punishment

²³ John Howard, *State of the Prisons*, 2nd ed. (1777; Warrington: Eyres, 1780), 11.

²⁴ William Eden, *Principles of Penal Law* (London: B. White and T. Cadell, 1771), 168.

²⁵ George O. Paul, *Considerations on the Defects of Prisons, and Their Present System of Regulation* (London: T. Cadell, 1784), 13; see also Howard, 17.

after them.”²⁶ Godwin might not have followed Howard and Hanway in advocating solitary confinement as the logical consequence of this policy of separation and seclusion, finding it “uncommonly tyrannical and severe” (*PJ*, 404), but both *Political Justice* and *Caleb Williams* attest to the importance of the debates about penal conditions in Godwin’s understanding of the practical workings of state power and identify the extent to which these concerns, articulated in both his philosophic and fictional works, were part of an established discourse on penal and police reform that was not solely the “bitterness and fear of marked men.” The continued critique of the penal system in *St Leon*, published in December 1799, further suggests the broad scope of Godwin’s involvement in these debates.²⁷

Caleb’s incarceration is only one aspect—and perhaps the least interesting—of the novel’s “critique of institutional justice,” as Pamela Clemit terms it.²⁸ Godwin might well have recognized this, with Caleb begging the reader’s indulgence for his outbursts against the conditions of prisons: “The reader will forgive this digression from the immediate subject of my story. If it should be said these are general remarks, let it be remembered that they are the dear-bought result of experience ... These are not the declamations of a man desirous to be eloquent. I have felt the iron of slavery grating upon my soul” (162). It is, rather, in Jones’s pursuit and surveillance of Caleb, the part of the story Godwin identified in 1832 as the starting point of the novel, that the work gains the vital interest Hazlitt identified in *The Spirit of the Age*—“no one [who] ever read it could possibly forget it”—and that allowed Godwin to create that “balance between psychological interest and English Jacobin social criticism” that Gary Kelly describes as “the novel’s chief

²⁶ Jonas Hanway, *The Defects of Police* (London: J. Dodsley, and Brotherton and Sewell, 1775), xii.

²⁷ In *St Leon*, which almost presents a catalogue of different types of prisons, the concern is both with the poor conditions in prisons and the failure of the penal system to prepare prisoners for a return to society: “It is of the essence of coercive regulations, to expel, to imprison, and turn out of prison, the individuals it is thought proper to control, without any care as to the mischiefs they may suffer, and whether they perish under or survive the evil inflicted on them.” Godwin, *St Leon*, ed. Pamela Clemit (London: William Pickering, 1992), 86–87. References are to this edition.

²⁸ Pamela Clemit, *The Godwinian Novel: The Rational Fictions of Godwin, Brockden Brown, Mary Shelley* (Oxford: Clarendon Press, 1993), 56.

excellence.”²⁹ This “subjective nightmare of flight and pursuit” is, however, as tightly bound up in debates about the criminal justice system as the extended description of the jail.³⁰ In particular, it is in its treatment of the “extraordinary powers” of the proposed new police that *Caleb Williams* charts a path from what Daniela Garofalo calls “an overtly patriarchal to a more modern form of leadership in which masters find subtler means of maintaining the status quo.”³¹ These “subtler means,” I will argue in the concluding section of this essay, came to include fictional and non-fictional accounts of the lives of criminals, but their immediate occasion was the development of a police force that promised to eradicate crime through aggressive acts of surveillance and supervision.

“He cannot produce a great and notorious effect without some visible agency”: The Beginnings of a New Police

When Pierre Jean Grosley visited London, he was astonished to find it policed only “by old men chosen from the dregs of the people, who have no other arms but a lanthorn and a pole.”³² As I noted earlier, criticism of this system intensified substantially after the 1780 Gordon Riots, with many commentators calling for the establishment of a new police force that could increase the level of surveillance throughout the city and across the country. George Barrett, for instance, envisaged a nationwide network of “police clerks” charged with maintaining records of the residency and movements of every inhabitant.³³ Patrick Colquhoun, one of the leading proponents of police reform in the 1790s, similarly imagined a system of surveillance in which the most important duty of the new police constables would be to “certify the name, place of abode, and profession or trade of every stranger ... in their precinct” and recommended, to a Select

²⁹ William Hazlitt, *The Spirit of the Age*, in *The Complete Works*, ed. P.P. Howe (London and Toronto: J.M. Dent and Sons, 1932), 11:24. Gary Kelly, *The English Jacobin Novel, 1780–1850* (Oxford: Clarendon Press, 1976), 180.

³⁰ Clemit, *The Godwinian Novel*, 57.

³¹ Daniela Garofalo, *Manly Leaders in Nineteenth-Century British Literature* (Albany: State University of New York Press, 2008), 37.

³² Pierre Jean Grosley, *A Tour to London; or, New Observations on England, and Its Inhabitants*, trans. Thomas Nugent (London: Lockyer Davis, 1772), 1:49.

³³ George Barrett, *An Essay Towards Establishing a System of Police, on Constitutional Principles* (London: G. and T. Wilkie, 1786), 8.

Parliamentary Committee, that lodging-houses be required to register the names of all travellers with the local magistrate.³⁴ Jones is just such a "police clerk," charged with maintaining a daily register of Caleb's activities, managing the responses of those with whom he has contact, and holding over his head the threat of further incarceration.

The 1792 Middlesex Justices Act, the successor to Pitt's 1785 Bill, established just such a mechanism, allowing constables, watchmen, or other interested parties to arrest "divers ill-disposed and suspected persons" and have them summarily imprisoned as "Rogues and Vagabonds." For Henry Dundas, who articulated the government's position, the legislation promised to save future offenders from the gallows by reforming them before they had the chance to commit crimes. Charles Fox, however, called it a "power pregnant with abuse" and argued that arrest on reputation alone was "against all the principles of criminal justice whatever—repugnant to the very essence of the law of England" in the debates on 23 May 1792; and another member of Parliament (Mr Powys) called "objectionable" this creation of a new category of "reputed thieves."³⁵ Such principles do not, however, concern the Justice before whom Caleb is brought after he tries to escape to Ireland. For him, as for supporters of the 1792 legislation, "it was clear [Caleb] was a vagabond and suspicious person," and the best course of action was to send him "to hard labour as a vagrant upon the strength of [his] appearance" (217). Under the terms of the 1792 Act, no specific action needed to be alleged before a man could be arrested and committed to a jail. Four years later, when the Act was extended for another five years, Lord William Russell complained that it had "conferred a power unknown to the Constitution, as, by the oath of a single individual, any man

³⁴ Patrick Colquhoun, *A Treatise on the Functions and Duties of a Constable* (London: W. Bulmer, 1803), xi.

³⁵ *The Parliamentary Register*, vol. 33 (London: John Stockdale, 1792), 53, 115 (Fox); 111 (Powys). Stanley Palmer has noted of the new police that the "great majority of arrests were of drunks, vagrants and disorderly characters, not serious criminals." Palmer, *Police and Protest in England and Ireland 1780–1850* (Cambridge: Cambridge University Press, 1988), 9; see also David Phillips, "A New Engine of Power and Authority": The Institutionalization of Law-Enforcement in England 1780–1830," in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. V.A.C. Gatrell, Bruce Lenman, and Geoffrey Parker (London: Europe Publications, 1980), 155–89, esp. 168–71.

in the kingdom might be taken up as a vagrant or pickpocket, and thus be exposed to all the horrors of imprisonment,” and another member of Parliament (Maurice Robinson) complained, in a thoroughly Godwinian analysis, that it sought to “extend the influence of the Crown” into all spheres of life.³⁶ Although the 1794 suspension of the Habeas Corpus Act has attracted more attention among literary scholars because of its impact on the political classes, clause 17 of the 1792 Act was a far more sustained assault on the laws of evidence, permitting the propertied classes to arrest and detain idle and disorderly persons for their general demeanour and habits. *Caleb Williams*, published two weeks after the suspension of the Habeas Corpus Act but begun in February 1793, a few months after the passage of the Middlesex Justices Act, depicts just such a world of arbitrary confinement and traces its consequences for a person “born of humble parents” (5).

In its depiction of Jones as the agent of this new power—who forces Caleb to internalize a sense of being watched and who thus modifies his behaviour much as Colquhoun imagined the activities of “the idle and depraved” could be controlled by the new systems of incarceration, supervision, and surveillance—the novel, as a number of critics have noted, dramatizes the dreams of the police reformers for the system of surveillance embodied in the panopticon, the model prison that Jeremy Bentham was contracted to build in London in the 1790s and that he recommended as the solution to many of England’s woes.³⁷ This by-now-famous plan, in which, as Michel Foucault argues, “a real subjection is born mechanically from a fictitious relation,” promised to create a new civil order on the basis of a system of

³⁶ *The Parliamentary Register*, vol. 44 (London: J. Debrett, 1796), 90, 91.

³⁷ Colquhoun, *A Treatise on the Police of the Metropolis*, 5th ed. (London, 1797), xi. In Bentham’s “Outline of a Work Entitled Pauper Management Improved,” published in the *Annals of Agriculture* for 1798, he argues for a networked series of workhouses across the country that would address problems created by vagrants, orphans, discharged soldiers, and paupers by providing—and enforcing—regular habits of industry. Pitt’s 1796 Poor Bill had a similar, though less ambitious, objective. Bentham further advocated the panopticon as an asylum for lunatics, which suggests a further connection to *Caleb Williams*—as Charles Rzepka notes, “Caleb becomes, in Godwin’s original version, a lunatic incarcerated in what amounts to an asylum administered by Falkland’s agents.” Rzepka, “Detection as Method: Reconstructing the Past in Godwin and Freud,” *Literature Compass* 2, no. 1 (2005): 8. This loss of a stable individuality was exactly what Godwin feared would be the result of the new penal and police systems.

perpetual observation.³⁸ The key principle in Bentham's design, of course, was that the prisoner should internalize the perspective of observation, until it became unnecessary for the warden to actually observe the prisoner. Caleb experiences this internalization as Jones pursues him around the country: "It was like what has been described of the eye of omniscience pursuing the guilty sinner ... the minutes in which I did not actually perceive him, were contaminated and blasted with the certain expectation of his speedy interference" (260). For Bentham, the ability of the panopticon to offer "a new mode of obtaining power of mind over mind" promised to replace the violence of the Bloody Code with a reasoned and proportional penal law, but for Godwin the "extraordinary powers" Pitt proposed in 1785 and gained, albeit in a slightly reduced form, in 1792 inaugurated the modern "policeman-state," as V.A.C. Gatrell calls it, and promised, with its system of "new officers" like the villainous Jones, not justice but, as Romilly puts it, the "severities of the most jealous tyranny."³⁹

Although Jones's transformation from thief to thief-taker has obvious ties to Henry Fielding's *Jonathan Wild*, Godwin's real concern in the novel is not with the corruption of the new police, but with its position as a system of social control parallel to, but independent of, the judiciary. This role, in which Jones is allied to the reclusive Falkland rather than to the magistrate Forester, replicates the role envisaged for the new police by the 1785 Bill and the 1792 Act, which severed the centuries-old relationship between magistrates and constables by confining the former "to the exercise of judicial functions only."⁴⁰ The move was intended to stop magistrates benefiting from the fees, fines, and bribes often associated with the constables, thief-takers, and trading justices of the period. This separation of powers, however, reversed a judicial and police system established for more than 500 years, and its benefits were far from obvious to

³⁸ Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan (1975; London: Penguin, 1977), 202. As Foucault argues, "the major effect of the Panopticon [was] to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power" (201).

³⁹ Jeremy Bentham, *Panopticon, Postscript: Part 1 & 2* (London: T. Payne, 1791), ii. See V.A.C. Gatrell, "Crime, Authority and the Policeman-State," in *The Cambridge Social History*, ed. F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), 3:243–310.

⁴⁰ T.A. Critchley, *A History of Police in England and Wales 900–1966* (London: Constable, 1967), 37.

everyone.⁴¹ Under the terms of the legislation, the constable was no longer the deputy to the justice of the peace, but became part of a separate, somewhat mysterious organization which focussed not only on the detection of crime, but also on its prevention. The consequences of these “extraordinary and dangerous powers” are traced in *Caleb Williams* as Falkland and Jones’s extra-legal interventions in Caleb’s life keep him, perpetually, in a state of existential limbo.⁴²

This becomes clearer when *Caleb Williams* is read in the light of William Wordsworth’s *The Borderers* (1796), a verse drama with which the novel shares certain structural and psychological similarities and which some scholars think was influenced by the novel.⁴³ In both works, a secret past informs the actions of the villain and drives him to seek in his victim an accomplice in guilt. Whereas in Wordsworth’s play the relationship between Rivers and Mortimer is direct, that between Falkland and Caleb is mediated by the shadowy figure of Jones. In *The Borderers*, the figures of Falkland and Jones are condensed into the character of Rivers who, as Duncan Wu notes, “is a kind of demonic visionary, charged with the task of drawing others into this power-crazed lawlessness.”⁴⁴ Rivers hopes, in the “absence of established Law and Government,” to establish a community of solitaries beyond the police and prison systems that supervise a person’s travels around England and Wales.⁴⁵ As *Caleb Williams* makes clear, however, Rivers’s revolutionary dream of throwing off “A tyranny / That

⁴¹ Additional measures for policing were certainly implemented in the period between the Statute of Winchester and the various reforms of the Romantic era; however, these measures tended to refine or specify the duties of the magistrates, justices of the peace, and constables, rather than altering their relationships.

⁴² This focus on the almost extra-governmental power offered to the ruling class by the new police allows Godwin to treat Falkland as both a rogue outsider (who clearly behaves in ways that contravene the laws of the land) and, allegorically, as a representative of the ruling class. This dual position inside and outside the state—echoed in Jones’s role as thief and thief-taker—is, it might be said, the crux of the objections to the new police force, which repeatedly emphasized its extraordinariness and exemption from traditional forms of oversight.

⁴³ For a discussion of these similarities, see Robert Osborn, introduction to *The Borderers* (1796), by William Wordsworth (Ithaca: Cornell University Press, 1982), esp. 31–33.

⁴⁴ Duncan Wu, *Wordsworth: An Inner Life* (Oxford: Blackwell, 2002), 89.

⁴⁵ Osborn, 814.

lives but by the torpid acquiescence / Of our emasculated souls, the tyranny / Of moralists and saints and lawgivers" will be no match for the new powers that the state was in the process of acquiring as it sought to control the rising crime rate and the growing political dissent.⁴⁶ And central to this new system of power—though Wordsworth, preferring a more romantic conception of individuality, could not see it—would be the figure of the shadowy police officer, former thief, and occasional thief-taker, whose activities were no longer constrained by magistrates and justices of the peace.

Bentham envisaged this new control to be centred in prisons and workhouses—and Foucault traced its generalized disciplinary effects through the institutions of penality, medicine, and education—but Godwin pictured a world in which these "extraordinary and dangerous powers ... exempted from those checks ... which the wisdom of the law has hitherto thought necessary" are managed within a very specific milieu: the intersection of police and literature.⁴⁷ The power that Jones comes to hold over Caleb in the final section of the novel is no longer the threat of execution, nor even that of police supervision, but the ability to mediate his relationship to society through literature: as soon as Caleb establishes himself in "an obscure market town in Wales" (254), Jones is able to destroy his peace by leaving on the kitchen table a copy of the "Wonderful and Surprising History of Caleb Williams" (257), in which Caleb's supposedly criminal past is detailed. Nor is this system of control limited to "police clerks," for Caleb himself becomes a participant in the system by which political consent is manufactured in the literature of the day. His tales of "Cartouche, Gusman d'Alfarache and other memorable worthies, whose career was terminated upon the gallows or the scaffold" (229) help to create an atmosphere in which criminal punishment is detached from its effects on individual people and translated into the realms of romance. By mystifying the legal processes of crime and punishment with larger-than-life characters and heroic speeches from the gallows, Caleb creates the environment in which the story of his own adventures can be deployed by Jones to encourage common people to betray him.

⁴⁶ William Wordsworth, *The Borderers* (1796), act 3, scene 5, lines 26–29.

⁴⁷ *Journal of the House of Commons*, vol. 40, 112, cited in Reith, 94.

*"This paper was the consummation of my misfortune":
Police and Literature*

In his *Treatise on the Police of the Metropolis*, Colquhoun notes that a major cause of the increasing levels of crime in the capital was "the want of an active principle calculated to concentrate and connect the whole police of the metropolis" and recommends the establishment of a Police Gazette.⁴⁸ This was, in the 1790s, a relatively new technique. Henry Fielding, in the early 1750s, recognized the use of such circulars and even initiated his own publication, the *Covent Garden Journal*, to disseminate descriptions of wanted felons in addition to placing reports in public newspapers—a practice continued by his half-brother, John Fielding, in the *Quarterly Pursuit of Criminals*, the *Weekly Pursuit*, and the *Extraordinary Pursuit*—but their hopes for the establishment of a nationwide system along these lines were largely unrealized until the 1790s, when concern about radical agitation acted as a catalyst to greater levels of co-ordination. It is, of course, by just such an artifice that Caleb Williams is captured after escaping from prison, fleeing to London, and attempting to disguise himself as a hunchback. Jones, his pursuer, prints a story, "The Most Wonderful and Surprising History," which describes Caleb and his various disguises, and concludes with the announcement of a reward of one hundred guineas for his arrest. In a passage that recalls Godwin's description of the "posse comitatus" in *Political Justice*, Caleb immediately realizes that this deployment of the print culture completely changes the relationship between the wanted "criminal" and the few police officers: "Disguise was no longer of use to me. A numerous class of individuals, through every department, almost every house of the metropolis, would be induced to look with a suspicious eye upon every stranger, especially every solitary stranger, that fell under their observation. The prize of one hundred guineas was held out to excite their cupidity, and sharpen their penetration. It was no longer Bow Street, it was a million of men in arms against me" (238). Caleb immediately makes plans to leave England, but is captured before he can do so: his landlord, Mr Spurrel, read the circular's account and alerted Jones. Caleb is recaptured and returned to prison to await trial and, he suspects, execution.

⁴⁸ Colquhoun, *A Treatise on the Police of the Metropolis*, 27.

It is of some relevance, therefore, that Caleb tried first to write “a paper in the style of Addison’s Spectators” (229). Although he has some success with this, he finds that he distrusts his “resources in the way of moral disquisition”—presumably because the lofty moralism of his youth has been reformed by his experiences in prison and in hiding—and he turns to tales of crime: “by a fatality for which I do not well know how to account, my thoughts frequently led me to the histories of celebrated robbers” (229). In this new, post-Addison society, the fictional fates of these robbers, whose experiences parallel the real-life experiences of Caleb, become intermingled with his own: the divide between imaginative and non-fictional prose, between reading and living, becomes confused, and it is the figures of authority that profit most from this confusion. Indeed, as Jonathan Grossman points out, “the contemporary genre of criminal biography” helps “form the invisible walls of a conceptual prison.”⁴⁹ Caleb, who produced tales of crime and punishment in order to earn some money, finds that he has helped prepare the ground for his own arrest by habituating the public to a romantic conception of criminality that divorces pain and suffering from the actual lived experience of the “criminal”; he has, in a sense, taught the public to view real-life crime as a sub-genre of fictional narratives about heroic criminals—to the point that Mr Spurrel, who professed affection for Caleb previously, can come to “betray [him] into the gore-dripping fangs of the law” (240) for one hundred guineas.

Accounts of criminal behaviour were written before the middle of the eighteenth century, of course, but it is worth highlighting the extent to which the magistrates of London increasingly utilized the deployment of non-fictional narratives of crime—modelled on the fictionalized accounts of crime—to augment the power of their office. Henry Fielding’s position as the first paid Bow Street magistrate, writer of criminal narratives, and pioneer of the *Covent Garden Journal* is a powerful image of the relation between police and literature that I am exploring here. In Henry Fielding’s *Amelia* and *Tom Jones*, the revelation of the truth about the main character is the basis for social redemption and the re-establishment of order, but in *Caleb Williams* no amount of clarification resolves the hero’s dilemma. The disclosures about

⁴⁹ Jonathan Grossman, *The Art of Alibi: English Law Courts and the Novel* (Baltimore: Johns Hopkins University Press, 2002), 46.

Amelia's sister's machinations or Tom's birthright restore the characters to their rightful place (despite a number of moral failings, particularly in *Amelia*); by contrast, every effort that Caleb makes at clarification is rewritten by Falkland and his agents to suit their own purposes—to the point that, ultimately, Caleb chooses to write a memoir condemning himself: “I record the praises bestowed on me by Falkland, not because I deserve them, but because they serve to aggravate the baseness of my cruelty ... I have been his murderer” (276). The “system of police altogether new and arbitrary” has created a society in which innocent people assume guilt and take on the responsibility for publicizing it; Caleb, taken into Falkland's home as a “secretary” (6), has indeed learned to write the story that his master wants. Taught the value of a gallows confession by his brief career as a criminal biographer, Caleb concludes his account with the admission that he was Falkland's “murderer” and, in a moment that consolidates his subservient position, resolves to “think only” of his master in the future (276).⁵⁰ His final analysis of the reasons for Falkland's behaviour—“thou imbibedst the poison of chivalry with thy earliest youth” (277)—suggests a simple solution to the difficulties detailed in the novel, but its awkwardly elevated language and evocation of an outdated social system identify its woeful inadequacy and the extent to which Caleb has become, unknowingly, an agent of the state. The problem, Caleb asserts in the face of all his preceding experiences, is not the unequal class relations between masters and servants, or even the “extraordinary

⁵⁰ As Williams succinctly details, there are two broad assessments of the published ending (480–84). For some, the manuscript ending is a more honest and more radical depiction of things as they were in the 1790s; for others, the published version, as Clemit puts it, “offers a counter-proposition to this cycle of revolution and tyranny, replacing Caleb's rebellious zeal with a no less revolutionary change of heart” (*The Godwinian Novel*, 64). Williams complicates this dichotomy by pointing to the “rhetoric of sincerity” (482) on which both schools of thought rely; in terms of the reading I offer here, Caleb's final appearance (in the published version) establishes his position as an obedient subject—and thus highlights the novel's concern with the growing power of the state to compel compliance. In the manuscript ending, Caleb ends the novel as an almost incoherent prisoner. His rebellion has certainly been contained—as the radical movement was—but, unlike the darker, published ending, Caleb has not become a functionary of the state, publicizing his own guilt. For a reading that similarly sees both endings as negative, but reaches somewhat different conclusions from my own about the historical specificity of Godwin's analysis, see Sue Chaplin, *The Gothic and the Rule of Law, 1764–1820* (Basingstoke: Palgrave Macmillan, 2007), 137–40.

and dangerous powers" available to the rulers, but the "phantom of departed honour" (277).

For David S. Hogsette, "the true terror in this Gothic novel is self-imposed surveillance and linguistic imprisonment," but, as this final scene makes clear, the novel is also deeply troubled by the ways in which this imprisonment is established and then naturalized to the point that it seems "self-imposed."⁵¹ What emerges in fictional form in *Caleb Williams* is a concern with manufactured consent that also permeates the argument in *Political Justice* against the institution of positive law, which, according to Godwin, reduced "men ... so successfully ... to a common standard ... that in most countries they are capable of little more than like parrots repeating each other" (76). Although Godwin was primarily concerned with the theoretical consequences of standardized systems of law in *Political Justice*—"countries, exposed to the perpetual interference of decrees instead of arguments, exhibit within their boundaries the mere phantoms of men" (75)—his analysis in *Caleb Williams* is animated by a meditation on the practical powers of the state and explores how this phantom-like status is actually achieved. As Nicolle Jordan points out, *Caleb Williams* identifies "the process by which public opinion stymies individual integrity and leads to the gross miscarriage of justice," and it is important to emphasize the extent to which this "opinion" is, according to Godwin's novel, carefully constructed by the rulers of the land through the judicious use of prisons, police forces, and fictional accounts of criminal lives.⁵²

Caleb, whose experiences in prison and on the run have led him to accuse himself, becomes, by the end of the novel, exactly the kind of "parrot" envisaged by Godwin in *Political Justice*. And he cannot escape from this condition, no matter how many explanations he offers for his behaviour. As Jones reminds him when he is contemplating leaving the country: "You are a prisoner at present, and I believe all your life will remain so ... As long as you think proper, you are a prisoner within the rules; and the rules with which the soft-hearted squire indulges you are

⁵¹ David S. Hogsette, "Textual Surveillance, Social Codes, and Sublime Voices: The Tyranny of Narrative in *Caleb Williams* and *Wieland*," *Romanticism on the Net* 38–39 (May–August 2005): paragraph 4.

⁵² Nicolle Jordan, "The Promise and Frustration of Plebian Public Opinion in *Caleb Williams*," *Eighteenth-Century Fiction* 19, no. 3 (2007): 244.

all England, Scotland and Wales. But you are not to go out of these climates" (265). Within the boundaries of the state, Caleb is both a prisoner and a free man. He can believe himself "ardent and determined" (140), but he is no more than a parrot, repeating the accusations that Jones and Falkland have taught him and accepting that he must "endure the penalty of [his] crime" (276). In *St Leon*, Godwin articulates a vision of endless incarceration, with the Magistrate of Constance noting: "We never put a man to death but on his own confession. We simply condemn him to perpetual imprisonment, or until he makes a declaration of his guilt" (184). In *Caleb Williams*, however, the hero is a "prisoner within the rules ... [of] England, Scotland and Wales" (265): the condition of penalty extends across the country—and Caleb, who comes to accept and publicize his subservient position, is the very model of the reformed prisoner.

In this focus on the ever-increasing power of the state to manufacture consent among the public—either through incarceration, surveillance, or literature—the novel, I have argued, charts in specific ways the response of the Pitt administration to those "defects of power and knowledge" (531) that, for writers such as William Paley, justified the indiscriminate nature of the Bloody Code with its more than two hundred capital statutes.⁵³ For Paley, these "defects" could be contrasted with God's omniscience and omnipotence; Godwin's Falkland, however, with his spies and his ability to manipulate the legal system, comes close to sharing these abilities. So pervasive is his power that Caleb imagines he must

⁵³ William Paley, *Principles of Moral and Political Philosophy* (London: R. Faulder, 1785), 531. I have chosen, in this article, to focus on the new aspects of state power that Godwin, and others, identified in the 1780s and 1790s, but the novel's criticism of the excesses of the Bloody Code constitute another important aspect of Godwin's analysis of the contemporary criminal justice and penal systems. The debates with Captain Raymond, for example, and the labourer's comment in *Caleb Williams* that "some folks must be hanged to keep the wheels of our state folks a-going" (210) replicate, ironically, the views of the likes of Paley, who argued that an innocent person who is executed should consider himself as "falling for his country" (553). As Keith John Michael Smith points out, however, Paley's arguments were exceptional: "the machinations of Paley and Madan aside, overwhelmingly penal theorists in the second half of the eighteenth century saw the absence of clearly structured and accessible criminal laws along with proportionality of punishments as a state of affairs in need of statutory alleviation." Smith, *Lawyers, Legislators, and Theorists: Developments in English Criminal Jurisprudence 1800–1957* (Oxford: Oxford University Press, 1998), 30. It is the "structure" and "proportionality" that are under discussion in Godwin's work.

"like those invisible personages who are supposed from time to time to interfere in human affairs, ride in the whirlwind, shroud himself in clouds and impenetrable darkness, and scatter destruction upon the earth from his secret habitation" (256). As we come to see in *Caleb Williams*, the obvious powers of the state—the police and the penal system—are only the visible tip of the "extraordinary powers" available to the regime in an increasingly literate public realm. The prisons from which Caleb escapes and the constables whom he has to outwit are only the outward signs of a pervasive system of social control; the real power lies in the ability of those in control—in this case, Falkland—to manufacture consent among the populace through a sophisticated and integrated use of prisons, police, and literature.

In a moment that anticipates the decline of the Bloody Code in the years after the establishment of the modern system of prisons and police, Jones bemoans the lack of a capital penalty for Caleb—"if I had the ordering of these things, it should go with you in another fashion" (265)—but, as the novel repeatedly makes clear, Falkland's constant surveillance of and occasional intervention in Caleb's life serve the more sophisticated purpose of controlling possible miscreants, while simultaneously establishing his own legitimacy and kindness. The fear voiced by the radical student Turl in Thomas Holcroft's *The Adventures of Hugh Trevor: A Novel* that positive laws will only "habituate and reconcile the mind to injustice, by stamping injustice with public approbation" is mercilessly revisited in *Caleb Williams* as it analyses the mechanisms by which such public approbation is given to the laws of the land.⁵⁴ Each apparently benevolent intervention in Caleb's life—providing him with money, organizing a different trial date so that Forester would miss it—increases the general veneration for Falkland while simultaneously increasing his hold over Caleb. As Monika Fludernik points out, Falkland's ability to rewrite the evidence to his own purposes ensures that "Caleb comes to feel like a spectator at the trial of an unfamiliar *alter ego*."⁵⁵ "The Most Wonderful and Surprising History," in other words, serves to establish Caleb's guilt at the same time that it confirms Falkland's innocence.

⁵⁴ Thomas Holcroft, *Hugh Trevor*, ed. Seamus Deane (London: Oxford University Press, 1973), 254.

⁵⁵ Monika Fludernik, "Spectacle, Theatre, and Sympathy in *Caleb Williams*," *Eighteenth-Century Fiction* 14, no. 1 (2001): 13–14.

By the end of the novel, the transformation of Caleb from an “ardent and determined” intellect into a mere phantom, which is managed and controlled by these new systems of social surveillance and occasional incarceration, is complete. As he writes in the final lines, “I began these memoirs with the idea of vindicating my own character. I have now no character that I wish to vindicate” (277)—an admission of defeat that is yet more powerfully evoked in the book’s original ending: “I am a stone—a GRAVE-STONE!—an obelisk to tell you, HERE LIES WHAT WAS ONCE A MAN!” (340). The transformation envisaged in *Political Justice*—of men into “the mere phantoms of men” (75)—is achieved in the novel as Caleb comes into contact with the power of Falkland and his agent Jones. Though Caleb is never convicted of the alleged crime of stealing from Falkland, the short bouts of incarceration, the occasional appearance before a magistrate, and the constant surveillance reduce him to a mere parrot, guilty of that “torpid acquiescence” that Rivers detects in those who live under “the tyranny / Of moralists and saints and lawgivers.”⁵⁶ As Falkland asks Caleb, “do you think you are out of the reach of my power, because a court of justice has acquitted you?” (247). The answer, of course, is “no,” and the novel relentlessly demonstrates the pervasiveness of the “mysterious and undefined” (250) power that the state was in the process of constructing in the 1790s in order to ensure its control of the populace. It is, we might say, less about *Things As They Are*, than things as Godwin imagined they would be once the new “policeman-state” was firmly established.

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⁵⁶ Wordsworth, *The Borderers*, act 3, scene 5, lines 27, 28–29.