Athens Journal of Law - Volume 7, Issue 2, April 2021 – Pages 233-252

Jekyll, Hyde and the Victorian Construction of Criminal Working-Class Masculinities

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Violent crime has long been associated with ideas of insane and/or intrinsically dangerous masculinities in the global north. Victorian Gothic literature, generated during a period when positivist discourse around dangerousness, madness and crime was gaining in authority and coherence, provides particularly useful insights into the narratives underpinning these associations. This paper focuses on the Strange Case of Dr Jekyll and Mr Hyde (1886), which, being a work of cautionary horror written during an era of powerful cultural fascination with violent urban crime is particularly rich in such discourse. A range of methodological tools borrowed from literary criticism, legal studies and discourse analysis turn Stevenson's novella into a penetrative lens to examine the anxieties of 19th century medico-legal thinking. The many layers of the Jekyll-Hyde binary are analysed along a series of other relevant binaries that characterise many Victorian narratives around crime: reason against insanity, normativity against deviance, and respectable bourgeois masculinities against uncontrollable working-class masculinities, whose savage sexuality poses a threat to social order. Contextualised historically as part of the wider fin de siècle preoccupation with degeneration theory, as well as legally, having followed a long series of legislative and policing moves to control the disconcerting underclasses amassing in urban spaces, the Strange Case of Dr Jekyll and Mr Hyde arises as a uniquely informative testament of the profound contradictions of a terrified post-Industrial Revolution Europe – what Moretti (1982) would call a dialectic of fear. Narratives such as the ones unfurling in the Strange Case are not, however, taken as mere reflections of the activities and anxieties of the Victorian medico-legal apparatus. Rather, this paper finds that the tensions permeating the novella constitute elements of a wider narrative construct whose main achievement was the validation and naturalisation of a deeply rigid social taxonomy, justifying the exertion of social and legal control upon populations inscribed as monstrous and Other.

Keywords: *Law and Literature, Criminology, Victorian Studies, Masculinities, Legal Psychiatry*

Introduction

The Law and Literature Movement often focuses on two discrete elements of the interdisciplinary connection between law and literature, namely law in

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https://doi.org/10.30958/ajl.7-2-6 doi=10.30958/ajl.7-2-6

literature and law as literature; and *The Strange Case of Dr Jekyll and Mr Hyde*[1] does indeed delve into subjects of legal interest in even the narrowest sense, making for a tempting text. Not only does its first sentence consist of the detailed description of a practicing lawyer, it grapples with areas of enduring legal controversy, such as the tensions between constructions of criminal responsibility and moral evaluations[2], providing fertile soil for a study of issues of law as depicted in fiction.

However, the present paper proposes a slightly different approach, looking not so much at the place of law in Stevenson's novella, but at *Jekyll and Hyde* as a morsel of a wider narrative construct whose role was to legitimise new or evolving forms of social and legal control. To that end, the novella will be used as a penetrative lens into the emerging medico-legal and criminological narratives that influenced it and that it, in turn, contributed to, to reveal how Victorian criminal law was not formulated to be applied to pre-existing discursive subjects, but rather accompanied the process of constructing these subjects, and criminalizing the tensions of the Victorian socio-economic order in need of regulation.

If one considers Pashukanis' understanding of law not as an autonomous system of meanings or arbiter of justice, but rather, much like the aforementioned discourse that accompanies it, a largely derivative superstructure protecting and validating processes of state-making and accumulation of capital[3], then the Victorian era emerges as a particularly enlightening period to turn one's attention to. To clarify, such a viewpoint does not amount to espousing a form of crude legal instrumentalism, whereby law is to be perceived as no more than a tool of dominant social actors. Rather, law's own internal dynamics are indeed recognised; but so is its function as a mechanism that ultimately serves to operate a variety of transformations required for the smooth functioning of the capitalist system of production and the state, such as the transformation of human beings into right- and responsibility-bearing citizens[4]. To this, an additional function must be adjoined: the absorption, reproduction and indeed naturalisation of the hegemonic cultural narratives that permit in turn the reproduction of the socio-economic order, in a ceaseless reflexive relationship. Put in Althusserian terms, law is not merely a repressive state apparatus, but also an ideological one[5]. Therefore, in the wake of the Industrial Revolution, when Victorian England saw the makings of much of what evolved into contemporary state systems and socio-economic structures, it saw also the first blossoming of much of the discourse, legal and otherwise, that arose to accompany and legitimise them.

Stevenson was no stranger to such discourse. Though he did not ultimately follow a legal profession, he studied law for several years and passed the Scottish Bar in 1875, largely as a compromise with a traditional Presbyterian family that disapproved of his bohemian sensitivities. His personal familiarity with emerging

[1]Stevenson (1886), hereafter *Jekyll and Hyde*. Furthermore, all quotes without citation will hereafter be quotes from this text.
[2]Lacey (2010).
[3]Pashukanis (1924).
[4]Balbus (1977).
[5]Althusser (1970).

criminological and medico-legal narratives that centre on fears of a so-called criminal underclass and concerns around degeneration permeates *Jekyll and Hyde*, and his preoccupation with duality is tightly tied to the binaries that underpin the validity of contemporary criminal law.

The idea of duality serves as the primary framework through which *Jekyll and Hyde* not only examines, but also likens and connects, numerous pairs of oppositional concepts: good and evil in a more abstract sense, and perhaps more pertinently normativity and deviance/degeneration, bourgeois society and the criminal underclass, permissible masculinity and impermissible masculinity, reason and insanity, innocence and guilt. The boundaries of these binaries in *Jekyll and Hyde* present striking parallels with medico-legal discourse and, in certain cases, legislation contemporary to Stevenson. Yet, it would be too simplistic to presume them merely generated by legal discourse. More so, perhaps, these binaries serve as aspects of the complicated and sometimes contradictory ideological grounds upon which Victorian criminal law claimed some of its legitimacy. They spring forth from a potent admixture between some form of sensitive humanism, with an increasingly anxious and at times malicious need for more sophisticated social control, a desire for a form of 'public hygiene' in the backdrop of a *fin de siècle* obsession with 'criminality as a constant menace to the social body'[6]. Under such a light, *Jekyll and Hyde* emerges not only a text about duality, but a narrative about taxonomy and division, the necessity of veiling them with the authority of law, and the terrible dangers of daring to disrupt them.

External Divisions, Internal Divisions

Law requires recipients of law: human beings abstracted, made into legal subjects. One of the manners through which human beings are in such a way transformed, is, according to Foucault, division. 'The subject is either divided inside him or divided from others. This process objectivises him. Examples are the mad and the sane, the sick and the healthy, the criminals and the "good boys."'[7] In *Jekyll and Hyde*, the process of division is front and centre. A first reading seems to show Jekyll, through scientific progress in the advent of modernity, split into a subject who is sane, respectable, lawful, bourgeois and one who is mad, criminal, uncouth, horrifying. The vast majority of theatrical and cinematic adaptations, too, seem to follow this schema of Jekyll as divided from Hyde, presenting a narrative of conflict between two discrete subjects, and unsurprisingly, this is also the reading that has been imprinted upon the collective cultural consciousness[8]. Though some have claimed that true internal division is not only impossible, but also unintelligible[9], its symbolism and its fiction remain ever alluring.

With a closer reading, however, Foucault's distinction between internal division and division from others fades; the contradictions of the wider system, the

[6]Foucault (1978).
[7]Foucault (1982).
[8]Schwarz (2013).
[9]Olson (2003).

taxonomies it creates to process them, the socio-economic and discursive divisions of Victorian England, are active in their entirety within the person, internalised on a molar level inside Jekyll. Jekyll is divided from Hyde, but Hyde is simultaneously internal to Jekyll, a dialectic relationship where the further a system attempts to expel a structural contradiction, the deeper it finds it burrowed anew.

The text is clear in that Jekyll is not merely one side of the Jekyll-Hyde binary; he also in fact contains it. Even before his scientific experiment, Jekyll confesses readily to some of the vices that would come to characterise Hyde ('I concealed my pleasures', 'I stood already committed to a profound duplicity of life', 'such irregularities I was guilty of', 'so profound a double-dealer', 'lower elements of my soul'), and when Hyde is created from within him, it is not a transformation that he is passively subjected to, but rather a choice he repeats with clear agency ('my new power tempted me') in order to conceal aspects of himself and desires that would not be expressed lest he would 'assume, like a thick cloak, that [the body] of Edward Hyde'. Though in certain passages, Jekyll tries to distance himself from Hyde, to speak of him in third person, during the unguarded moments of penning a confession, he fully accepts that he, the gentleman, the doctor, the respectable man, is also Hyde, the criminal, the Other ("[i]nto the details of the infamy at which I thus connived (for even now I can scarcely grant that I committed it**)** I have no design of entering [...]", "gloating on my crime").

Furthermore, Jekyll as only Jekyll, as a single side of the binary, Jekyll as other-than-Hyde, seems to be as artificial a construct as Hyde himself. Not only does Jekyll readily admit that he is performing this respectable role very intentionally ('my imperious desire to carry my head high, and wear a more than commonly grave countenance before the public') and that he, in truth, feels alienated within it ('[e]ven at that time, I had not yet conquered my aversion to the dryness of a life of study'), but when the time for consequences seems nigh, he knowingly utilises the privilege of his Jekyll-skin as a hiding place ('Jekyll was now my city of refuge; let but Hyde peep for an instance, and the hands of all men would be raised to take and slay him').

This observation, that Jekyll is not just one side of the coin to be protected from the other, but rather he is both that and the very coin itself, can be applied more widely, to permit a less reductive reading of Victorian law and criminological discourse. Before preceding in that direction, however, a closer analysis and a brief contextualisation of some of the paired yet oppositional concepts symbolised by the Jekyll-Hyde binary is useful.

Facets of an Anxious Europe

Bourgeois Jekyll, Criminal Hyde

Simon notes that the narrative construction of a binary between civilised society and a dangerous, criminal underclass was an incredibly important process that offered new language, signs and archetypes for 19th century discourses

seeking to justify asymmetries in forms of legal, social or economic control[10]. It might, then, be useful to start with this particular incarnation of the Jekyll-Hyde binary: polite society in opposition to the criminal underclasses.

As shown in the previous section, Jekyll values being perceived as grave and accomplished in the public eye. He embodies, and furthermore desires to embody, a perfect representation of Victorian bourgeois masculinity; to occupy and safeguard the position of being 'well-known and highly considered'. His position in the highly class-divided society of *fin de siècle* London is made clear with an abundance of textual signs. The entrance to his house exudes 'a great air of wealth and comfort', his prestigious profession is repeatedly mentioned, he is described as living alone in a large property and comfortably able to afford the services of servants, lawyers, and more. The very title of the novella, *The Strange Case of Dr Jekyll and Mr Hyde*, includes the appropriate titles in order to explicitly communicate that Hyde is just some man, while Jekyll is respectable as well as accomplished.

As Crossick remarks, Victorian language and the narratives and stereotypes it spun played a key role in the emergence of powerful socio-economic and legal taxonomies, and even simple words such as 'respectable' or ''sinister' or 'gentile' or 'vermin' became entangled in an extremely powerful web of implications about class, and consequently moral character, profession, sexuality, and more[11]. Jekyll as much as Hyde is constantly showered with such loaded language, and as such deeply defined by their socio-economic class. For example, Jekyll is described as having a 'good name', being 'pink of the properties', 'celebrated', known for 'charities', having an 'honourable and distinguished future' – and much more explicitly, being born to a 'large fortune'.

A particularly telling element of the profoundly classed ways these characters are constructed even down to their contextual minutiae is the geographic positioning of Hyde and his safehouse in the 'dismal quarter of Soho'. Soho, once a relatively aristocratic neighbourhood, had, by the latter half of the 19th century, come to represent the very kind of degeneration Hyde himself is written to embody. According to Ransome, 'by the mid-19th century, all respectable families had moved away also, and prostitutes, music halls and small theatres had moved in'[12], and Soho's bad name only grew from there. At the time of the novella's penning, it had gained a strong association with prostitution, immigration, debauchery and the much hated French community of London, made even worse by the 1854 cholera outbreak of Broad street, which was readily blamed on the neighbourhood's moral bankruptcy, painting it as a danger to the social body[13]. It is a secret, ominous back door that leads from Jekyll's respectable house into the 'sinister' blocks of the 'dingy neighbourhood' where Hyde takes refuge; an ominous reminder of the dangers that lurk once one wanders away from polite society.

[10]Simon (1993).
[11]Crossick (1991).
[12]Ransome (1907).
[13]Pinot (1991).

Opposing Jekyll's bourgeoisie, Hyde is not primarily characterised as merely working-class, however - but rather as intrinsically criminal. This conflation is very unsurprising.

Lazos, examining a wide array of sources including Colquhoun, Thomas Malthus, Mayhew and others, shows how thoroughly convinced Victorian society was of some sinister link between poverty, moral destitution, and dangerousness[14]. European cities in the 19th century seemed to shiver with the fear of a terrible, bubbling, murderous underclass, advancing like a disease, seemingly ready to rise up and strangle polite society[15]. The ill-fated Paris Commune (1871), but also events such as the Hyde Park Demonstration (1866) and the Black Monday (1886) in England did nothing to alleviate growing bourgeois anxieties, and the narrative construction of a frightening underclass that is intrinsically, by birth, murderous and debauched made its way to medicine, anthropology, politics and law. An idea that had been gaining traction as early as 1868, when Sir Edward Sullivan was decrying the rise of an antisocial class, criminal by nature and averse to 'honest work'[16], became a cornerstone of Victorian criminology[17]. In this discursive context did the theory of degeneration blossom, whereby this alleged criminal class is understood as subhuman; a literal evolutionary regression, an urban parasite[18].

This naturalisation of class difference as some form of anthropological destiny was inexorably linked to new forms of social and legal control. The inherent criminal character of the underclasses made it not simply justified, but imperative to develop effective forms of repression. In the words of Lombroso, '[t]his discovery should not make us more compassionate toward born criminals (as some claim), but rather should shield us from pity, for these beasts are members of not our species but the species of bloodthirsty beasts'[19]. And Hyde is, indeed, a beast. He is repeatedly described to cause immediate, incomprehensible revulsion ('I never saw a man I so disliked, and yet I scarce know why'). His undignified figure and monstrous face betray his predestined inclination for crime. Nevertheless, nowhere is socio-economic class expressed as a conflict between civilised society and biological degeneration more obviously inscribed upon Jekyll and Hyde than in the comparison of their hands, a symbol of class as old as time: 'The hand of Henry Jekyll […] was professional in shape and size: it was large, firm, white and comely. But the hand which I now saw […] was lean, corded, and knuckly, of a dusky pallor and thickly shaded with a swarthy growth of hair. It was the hand of Edward Hyde'.

It should also be observed than in the passage above, as in most Victorian discourse around degeneration and crime, racialisation often plays a key role – even in the comparison between supposedly white subjects. Hyde, just like Lombroso's criminal, is shorter, hairier, and duskier. Hyde is undoubtedly a white

[14]Lazos (2011).
[15]Ransome (1907).
[16]Sullivan (1868).
[17]Davie (2003).
[18]Lankaster (1880).
[19]Lombroso (1871).

man, but his class denies him access to the full privileges of whiteness, for the criminal underclasses are coded as somehow too savage, too primitive for such a thing[20]. It is in part this same fervent desire to deny the dangerous underclasses full access to whiteness, to underline the allegedly biological truth of their Otherness that led Lombroso to conclude that their atavistic degeneracy must surely be linked to some form of racial mixing[21].

To Moretti, this contrast, the dialectic between Jekyll and Hyde, is thus a perfect mirror of the dialectic between capital and wage-labour, where the capital creates and ever needs a wretched overabundance of urban labour force, and yet also fears it and seeks to push it away: '[i]t is the same curse that afflicts Jekyll: "to put your good heart at rest, I will tell you one thing: the moment I choose, I can be rid of Mr Hyde." And yet it is Hyde who will become master of his master's life. The fear aroused by the monster, in other words, is the fear of one who is afraid of having 'produced his own gravediggers.'[22]

However, this can seem like an oversimplification that overlooks a variety of subtler elements in the novella, such as the fact that Jekyll had always also been Hyde to begin with, even before the division was made flesh. For that reason, it is necessary to acknowledge Hyde's more flexible role. He is at once an internal sense of desire and alienation disrupting the bourgeois individual, he is the criminal underclass that is loathed but needed and even, in an odd way, romanticised by the idle classes, and he is also a construct that allows so-called civilised society to reject any responsibility for violence, crime and degeneracy, to re-sanctify itself[23], attributing all that fascinates it but makes it uncomfortable to a terrible Other infiltrating their spaces.

Even further, argues Arata, Hyde's figure also incorporates a disdain for the aristocratic upper classes of pre-industrial England, the feudal status quo that the rise of a capitalist mode of production had had to in part demolish and delegitimise; '[i]n considering degenerationism as a class discourse, however, we need to look up as well as down. Both Lombroso and Nordau argue that degeneration was as endemic to a decadent aristocracy as to a troglodytic proletariat. And indeed, Hyde can be read as a figure of leisured dissipation. While his impulsiveness and savagery, his violent temper, and his appearance all mark Hyde as lower class and atavistic, his vices are clearly those of a monied gentleman.'[24] Arata's point is fair, and in adding it to the tally, one can only conclude that, ultimately, Hyde is constructed as something of a large trench coat; a veil underneath which the many and often contradictory threats to the smooth functioning of class relationships at the age of modernity lurked, ready to pounce upon a fragile sense of normalcy, and a socio-legal order struggling to retain its footing in the *fin de siècle* crisis.

[20]Green (2002).
[21]Davie (2003).
[22]Moretti (1983).
[23]Walker (2004).
[24]Arata (1996).

Psychiatrisation

The Victorian fear of monstrously other criminals and the spread of the theory of degeneration, touched in the section above, also served as points of entry for psychiatry to gradually inject itself into discursive spaces previously dominated by law alone. As Foucault notes, this was not a push merely motivated by the imperialistic desire for expansion on behalf of psychiatric experts[25]. Rather, it was part of a more general transformation in the form and function of different systems of control, interweaving into the more modern form of a medico-legal apparatus. It signaled the advent of an era during which a wide swarthy of phenomena previously understood in moral, social, religious or other terms came to be psychiatrised, and medical discourse became a prime instrument for the exertion of legal and political power, as well as an important companion to the maturation of the carceral system; the so-called golden age of psychiatry[26].

With such a process under way, a new link came to be chained to the chain of associations between poverty, moral character and criminality; that of insanity, or perhaps less restrictively and more accurately, of behaviour broadly perceived as mentally abnormal. In this facet, too, Hyde embodies the narrative of the Victorian criminal very effectively – he is a form of madness, a state of mind not only opposed but offensive to the ideals of sanity, reason, civility and restraint. It is no wonder that Stevenson's novella has been the object of repeated analyses within a psychiatric (or at times psychoanalytic) framework, at times touted as a striking narrative of dissociative identity disorder, or bipolar disorder[27], or even substance addiction[28]. Hyde's Otherness is written in terms that are extremely receptive to medicalisation ('unexpressed deformity', 'like a madman', 'abnormal and misbegotten in the very essence', 'I could hear his teeth grate', 'ape-like fury', 'cried out like a rat', etc.).

This figure of a criminal whose sudden and violent evil is seemingly inexplicable, the figure of Hyde, occupied a particularly meaningful position in Victorian psychiatry. Though the newly emboldened discipline turned its attention and discursive power to all sorts of dangerous disruptors of the normative ideals of the Victorian bourgeoisie, such as dissatisfied women, now labelled hysteric, or homosexual men, constructed as mentally diseased, no other figure produced quite the cultural rapture as monomania, 'a crime that is nothing but insanity, an insanity that is nothing but crime'[29].

In the view of Foucault, this notion of a madness that can cause a sudden, incomprehensible, dangerous explosion of pure evil without warning signs was crucial and transformative[30]. It not only seemed to prove the precious contribution of psychiatry in protecting the social body, promoted the necessity of its participation in the judicial apparatus, and validated its often cruel methods, but

[25]Foucault (1978).
[26]Unsworth (1993).
[27]Dell'Osso & Ketter (2015).
[28]Altschuler (2000).
[29]During (1988).
[30]Foucault (1978).

also brought about new ways to think about criminal responsibility, pushing the idea that though some people might not be properly responsible for their actions, and be guilty as such, they might still be so intrinsically dangerous that they would need to be permanently removed from society, further severing the link between moral consideration and the cold, managerial hand of law[31]. The Trial of Lunatics Act and its conception of the so-called criminal lunatic[32] is, perhaps, the best expression of these transformations.

Though the cruder conceptions of this alleged illness started falling out of favour during the final third of the 19th century, the idea that rose to occupy monomania's empty throne, that of moral insanity, retained many of the same functions, furthering even the conflation of insanity and crime. Maudsley, whose influence during that era was immense, described the morally insane as such: 'The social fabric is held together by moral laws; but we have here a being who, by reason of his insensibility to them, is practically outlawed from the social domain'[33]. Though he is one of the most measured among his peers, and did also clarify that crime in and of itself should not be deemed a sufficient symptom to diagnose some form of mental malady[34], his definition of moral insanity as a non-conformity to dominant norms of right and wrong was so vague that it 'threatened to swallow up most of crime'[35]. And as insanity was reaching out to swallow crime, so, too, did notions of the criminal underclass bleed into notions of insanity or mental defectiveness. In Maudsley's eyes '[h]abitual criminals are a class of beings [...] of distinctly weak intellect [...] they abound among vagrants', and are characterised by an "inability to apply themselves to steady and systematic work', but, in addition to that, are 'a class of people who, congenitally destitute of moral sense, have not the sensibilities to feel'[36].

To physicians who espoused the theory of degeneration, moral insanity and other failures of reason were without question linked to the evolutionary regression of the underclasses and the evils of urban overcrowding. 'In the mental development of these degenerates, we meet the same irregularity as we have observed in their physical growth' observed Nordau, later underlining that these wretched underclasses seemed to be characterised by an 'inability to resist any impulse to a deed'[37].

Hyde is also written thus – as a creature of crazed impulse. It can be argued that Hyde fits right in with this narrative of monomania and the notion of an explosive, unreasonable evil unleashed upon civilised society, especially since the novella offers very little concrete motive for his murderous acts. Nevertheless, the fact that (as shown in section 1) Hyde is not merely the opposite of Jekyll, but rather the reflection of both external and internal divisions that Jekyll is made to navigate, offers more nuance. It is not in fact Hyde that is a mad monomaniac, but rather he is Jekyll's madness, and in that he fits in perfectly with the newer, more

[31]Foucault (1978).
[32]Trial of Lunatics Act 1883.
[33]Maudsley (1879).
[34]Ibid.
[35]Malatesti & McMillan (2010).
[36]Maudsley (1885).
[37]Nordau (1895).

refined concept of moral insanity. Jekyll, though he should know better, cannot resist his desire to break the rules of right and wrong in order to pursue his most base impulses, and, victim to this disease of his moral fibre brings disaster by tearing holes into the boundaries of class, civility and reason.

Utterson the lawyer, a voice of order and reason through the viewpoint of which much of the plot of *Jeykyll and Hyde* is revealed, in wondering what could possibly be ailing Jekyll so and force him to associate with vile underclassmen, observes that the doctor 'was wild when he was young; a long time ago to be sure; but in the law of God there is no statute of limitations. Ay, it must be that; the ghost of some old sin, the cancer of some concealed disgrace, punishment coming, pede claudo'. It is blackmail, seemingly, that the lawyer suspects. But in designating Hyde as a cancer, an illness bursting from inside out, brought about by moral weakness, Utterson's cautionary words resonate very strongly with *fin de siècle* anxiety around disintegrating hierarchies and failing morals. To that narrative, however, Stevenson, through Utterson, adds a further addendum: that, as will be analysed in section 3, this moral defect must be faced with punishment, and the authority of law.

Disruptive Sexuality, Disrupted Masculinity

As observed above, Victorian preoccupation with crime and the rise of an uncontrollable, beastly underclass was steeped in notions of morality. Predictably, discourse around moral character and class difference also touched upon, sometimes explicitly but more often implicitly, matters of sexuality and gender roles. Where there is moral panic, these usual suspects are never far.

In studying *Jekyll and Hyde*, one would be quick to note the curious absence of any major female character, and the complete sexlessness of Jekyll's life, not only unmarried despite his advancing age, but also unwilling to discuss or ruminate on any such matter. Though this is not entirely rare in Victorian horror fiction, it is not entirely common either, as much of it is suffused with if not directly sexual themes like Stoker's *Dracula*, then at least overtones of romantic melancholy and vague longing. Not so in *Jekyll and Hyde*, where the story seems to unfold between a small group of old boys, with the very few female presences, such as the cook or the girl that Hyde 'tramples', remaining entirely unnamed and relegated mostly to a role of passive reactions.

In the setting of 'dismal' Soho this rule is partially broken; women seem active and present. That fact, however, is mostly utilised as an additional sign of Soho's moral depravity and its lower-class character. Hyde's landlady, the only property-owning woman in the novella, is described as repulsive and seemingly evil. Soho's status as a monstrous neighbourhood suitable for the monstrous Hyde is further consolidated by the implication of prostitution, such as when Utterson's notices 'many women of many different nationalities passing out, key in hand', while Jekyll, in his confession letter, recalls that 'once a woman spoke to him, offering, I think, a box of lights. He smote her in the face, and she fled.' Shuo and Dan argue that this latter passage not only alludes to solicitation, but furthermore to the punishment of such a shameless display of female sexuality: 'since Jekyll

remembers all the other particulars of his day as Hyde, why is he unsure what the woman offered Hyde? A woman who walks the streets late at night asking men if they need a light is offering quite another type of box. And Jekyll knows it. Jekyll does not want to admit that the violence of Hyde's response is directed against female sexuality'[38].

This coupling of criminal violence and sexual repression makes another subtle appearance. The first of Hyde's crimes to be made known to the reader, a physical assault against a young girl, is written in language that, by Victorian standards, seems particularly suggestive: 'the man trampled calmly over the child's body and left her screaming on the ground'. Along with the suspicious vagueness of the 'irregularities' and 'concealed pleasures' Jekyll admits to be tempted by, and the acknowledgement that wearing Hyde's skin permitted him to 'set aside restraints', it's unsurprising that even at the time of the novella's publication, many readers interpreted Hyde's urges as primarily sexual. Hyde, the morally defective underclassman, holds, in his repertoire of things that repulse but also fascinate so-called civilised society, not only murder, but also an unrestrained and even violent sexuality – a new link on the now long chain of discursive associations.

In addition to this, it is worth noting the possibility of certain homoerotic implications. Though sodomy had been outlawed for a good two centuries already[39], in 1885 an amendment act set an even stricter standard for the criminalisation of homoerotic activity, under the notoriously vague definition of 'gross indecency with male persons'[40]. The effect of this legislative change was a sort of homophobic witch-hunt. Weston notes that the relevant legal article became 'commonly referred to as the 'Blackmail Charter'' and that '[b]ecause of the harsh punishments endured by those found guilty and the great fear that gay men lived in, it allowed people to blackmail those who they knew, or even suspected, were gay. Blackmail happened often, between acquaintances, family and even lovers […] the basis of more than half of the prosecutions throughout the nineteenth century'[41]. In such a context, Utterson's concern over an ominous, young, working-class man that seems to be coming and going from his friend's house at strange hours, to whom Jekyll confesses to have 'taken a very great interest' and who does not 'stay to dine', along with his suspicion of blackmail, take a whole new meaning. And not, perhaps, so much a stretch when Utterson, in describing his fears of a blackmailing scheme, described Hyde as 'like a thief to Harry's [Henry Jekyll's] bedside'.

In many ways, it seems an irony that though in the Victorian bourgeoisie homosociality was the absolute rule (and Stevenson describes gentility as 'a company of all intelligent, reputable men'), homoeroticism was interpreted as a terrible danger to the social order; the line not to be crossed. And so again Hyde appears to embody a fear of disruption, disobedience personalised.

But though Hyde does, indeed, threaten Jekyll's reputable sexuality with his suspicious night visits and his strolls into the sexually disinhibited depths of Soho,

[38]Shuo & Dan (2012).
[39]Buggery Act 1553.
[40]Criminal Law Amendment Act, 1885
[41]Weston (2014).

I must argue that this is not his primary function. Linehan, too, maintains that Hyde is not written, at least primarily, as a means through which Jekyll can experience sexual deviance, though that seems to be an element of it, but rather an expression of Jekyll's self-alienation and his unstable sense of identity, and she mentions that Stevenson, as can be gleaned from his letters, was not pleased with how much his contemporary readership boiled Hyde's nature down to a matter of sexual drive[42].

Hyde, perhaps more pertinently, challenges the very type of masculinity Jekyll is set to embody. Though certain readings perceive this as a radical, liberating challenge towards the constraints of a patriarchal set of gender roles[43], according to Cohen, the novella rather expresses 'fears about the failure of masculinity as a coherent subject position' and 'literalises a struggle between normative and transgressive embodiments of late nineteenth-century English masculinity'[44]. He argues that, threatened from a multitude of sources, from organised working-class movements to Irish movements, tribulations in the colonies and dissatisfied women, bourgeois white masculinity's position as the truly default, natural way of embodying a human was in a desperate battle to reassert itself[45].

This is a convincing position that gains further meaning when put in the context of sections 2.1 and 2.2, tying in with the type of discursive environment created by the theory of degeneration, and influenced by the intense class conflicts and economic turbulences that characterised that era. Hyde, physically strong, unrelentingly sexual, savage, mad, without mercy and a standard bearer for the wretched underclasses, is here to tear down the hegemony of the Platonic philosopher-king masculinity of Jekyll. But this hegemonic masculinity, encapsulated not just in Jekyll but also in the other bourgeois gentlemen of the novella (whose professions as scientists, lawyers, doctors is not emphasised by coincidence) has a truly powerful weapon at its disposal. It is the social group that gets to construct dominant discourse and dispense ideology.

'The taxonomic regimes of medicine, law, anthropology, ethics, criminology... as the creators of such systems bourgeoisie men were able to create binaries of functional and dysfunctional, healthy and unhealthy; ultimately, good and evil', remarks Mycroft, and 'the "what" in the equation often seems to have been whatever is different from their own accepted lifestyles: sexually or socially empowered women, the degenerate men amongst the sub-human working class, or worse yet the degenerate men *not* of the working class – all could conveniently be recognised, diagnosed and dismissed by men appealing to their professional authority'[46]. Even though Hyde wins in Stevenson's novella, subsuming Jekyll into himself and assuming the hegemony of their masculine binary, on a discursive level he is defeated, as the entire novella is posed as a potent and effective cautionary narrative against everything he represents. Ultimately, he is only ever

[42]Linehan (2003).
[43]Sandison (1996).
[44]Cohen (2003).
[45]Ibid.
[46] Mycroft (2010).

permitted to inhabit the tainted categories assigned to him – troglodytic, evil, and monstrous.

Hyde is the Disease, is Law the Cure?

Having been dragged into the territories of literary analysis and Victorian studies, one might be inclined to ask what, if anything, does this exercise have to do with law? A lot, in truth.

In Stevenson's novella, law occupies a powerful position. The novella's innovative structure presents it less as conventional gothic horror and more as modernist mystery fiction – *The Strange Case of Dr Jekyll and Mr Hyde* is not merely a case as in a set of occurrences, but a case as in an investigation. In many ways, the novella reads as a police file: there are chapters named 'incidents', letters included as evidence, and a section named 'Henry Jekyll's full statement of the case'. And it is the lawyer, Mr Utterson, who is assigned the role of the detective, receiving also some the most affectionate descriptions Stevenson has to offer: 'dreary yet loveable', 'a lover of the sane and customary sides of life', 'modest', 'reputable' and 'austere with himself'. Nevertheless, though he is given one of the most realistic, grounded personalities in Stevenson's text, his personhood is often erased when he is called to carry out the functions of law, whereby he is only described by profession; to defend normativity ('[a] very good rule, too' said the lawyer'), gather information ('the amount of information that the lawyer carried back with him'), judge people ('the lawyer […] could see what manner of man he had to deal with'), and more. As an embodiment of law itself, Utterson is cold and a little emotionally stunted, admittedly, but also a beacon of reason and order amid circumstances of fear and madness.

This position of law as a force of sanity and stability, as the apparatus capable of regulating the sinister threats to the social body, the system of production and the mechanisms of the state, thereby saving the day, was (and still is) a very common sentiment. In fact, even those who wish to actually disrupt the socio-economic order often look to law as a means to that end. According to Douzinas, 'modernity can be described as the era of nomophilia'[47].

It is entirely predictable, then, that during a period of such instability and paradigm shifts as the second half of the 19th century, law would be one of the primary mechanisms called to save society from degeneration and the atavistic underclasses. After all, according to the theoretical framework of Balbus, restoring order, protecting organisational integrity and defending the legitimacy of an economic and political system by veiling the exertion power in 'formal legal rationality' is what law, especially criminal law, prioritises[48]. But law is not merely repressive – is it also ideological, and the formal legal rationality it employs is a discourse in flux, ever capable of adapting to different historical circumstances, and ever hand-in-hand with the dominant discourse generated from other powerful mechanisms it stands allied with.

[47]Douzinas (2005).
[48]Balbus (1973).

Legislation such the New Poor Law[49] as well as the Vagrancy Act[50] had already been in effect since the first half of the century, of course, zealously guarding the boundaries between socio-economic classes, and attempting to force discipline to the underclasses through workhouses, restrictions in the use of urban space, medical control over the poor and other similar measures. In the words of Johnson, 'The law […] both embodied and justified middle-class views about the latent fecklessness and immorality of manual workers and the latent industry and honesty of property-owning classes'[51]. Still, these laws had not proved capable of regulating the rising tensions and conflict in the increasingly overcrowded capital, where the situation was becoming increasingly volatile and the population increasingly disillusioned, decrying the terrible living conditions and losing faith in modernity[52].

This was not a problem that a mere increase in repression could solve. In fact, there were more than a few pieces of legislation that can be seen in part as concessions, such as the three Reform Acts that extended voting rights to wider portions of the population[53] - though even then some think differently on the matter, such as Chesterton, who notes that 'It was never granted in reply to pressure from awakened sections of the democracy [...] The Great Reform Bill was passed in order to seal an alliance between the landed aristocrats and the rich manufacturers of the north (an alliance that rules us still); and the chief object of that alliance was to prevent the English populace getting any political power in the general excitement after the French Revolution.'[54] It is often under such conditions that law seems to lean more upon the ideological functions of the discourse it absorbs and generates, rather than the bare power of the judicial apparatus.

Even though, as has been noted throughout, it is simplistic to draw unilateral causal relationships, it is nonetheless no coincidence that out of the many complaints and fears of London's population, it was talk of crime that came to dominate newspapers, pamphlets, theatres and fiction (with the rise of the Victorian *Penny Dreadfuls*). This lifting of public scrutiny from the legal regulation of economic life and social power, and the focus, instead, on law as a protector from terrible harm, was suspiciously convenient. As Hyde allowed the bourgeoisie to re-sanctify itself, to expulse inherent contradictions of the wider system into the figure of a terrible criminal enemy, so did the Victorian obsession with degeneration and crime turn popular dissatisfaction from suffering and poverty to the suffering and the poor, now constructed as an inherently criminal class, a new subject for criminal law to regulate.

To paint over Hyde (and all the Hydes of London) with the hefty brush of criminalisation, where every other aspect of him becomes concealed under the label of congenital criminal insanity, permits the successful rebranding of class tensions and political upheaval as matters of criminal policy and public hygiene.

[49]Poor Law Amendment Act, 1834.
[50]Vagrancy Act, 1824.
[51]Johnson (1993).
[52]For example see London Congregational Unit (1883).
[53]Reform Act of 1832, Reform Act of 1867, Reform Act of 1884
[54]Chesterton (1917).

All forms of transgression are but one transgression: crime. 'Who is the enemy who has devastated this land? It is a mysterious enemy, unknown to history; his name is: the criminal'[55] proclaims Victorian discourse.

For a textual parallel, though at the time Utterson, the lawyer, held no proof of Hyde's criminal activity, his feelings towards the (in all ways legal and in accordance to form) will through which Jekyll declared Hyde his sole heir were intensely negative: '[t]he will was holograph, for Mr. Utterson […] had refused to lend the least assistance in the making of it', 'the lawyer's eyesore', 'it offended him both as a lawyer and as a lover of the sane and customary sides of life', 'indignation', 'detestable', 'obnoxious paper', 'I thought it was madness […] and now I begin to fear it is disgrace', 'startling clauses of the will', 'I never saw a man so distressed as you were by my will' . Seeing as Jekyll was otherwise without family, this could seem puzzling if the novella did not so explicitly provide the answer. Utterson resents Hyde's role in Jekyll's will before he's even met him because Hyde is an intruder. Hyde, in potentially inheriting Jekyll's large fortune, proves socio-economic taxonomy to be permeable, and dares to enter gentility though his name is unknown, his lineage untraced, and his reputation shadowy: 'it was already bad enough when the name was but a name of which he could learn no more…', laments Utterson. And yet, in retrospect, with Hyde shown to be criminal monster, the deeply classist lamentations of Utterson and his open disgust seem, instead, like the common sense of a sensible man with sixth sense for evil.

So successful was that ideological construct, that same open disgust towards the very same figure of an intrinsically criminal, savage, morally defective underclassman, a Hyde in all but name, can be heard discussed even within Victorian Parliament. In debating a new Vagrancy Act in 1898, the Home Secretary spoke in length of 'rogues and vagabonds' as 'enemies of society' and 'bullies', dangerous degenerates joined with 'men who lived by the disgraceful earnings of the women whom they consorted with and controlled', and of the need to punish indecent exposure as a means to protect social morals from the advent of libertines[56]. Even the MPs who did oppose the Act did not fundamentally challenge the narrative it was built upon – they merely sought to approach it with a little more empathy, a humanist concern that it might be too much 'for some poor insane wretch to be flogged'[57]. No one questioned that poverty, crime and squalor were, indeed, somehow inherently embodied in a category of monstrous humans, like rats carrying a Plague; they only dared suggest it might not be entirely their fault.

But fault was not a particularly popular consideration during the *fin de siècle* crisis, where morality was a matter of genetics and class. As mentioned in 2.2, psychiatry had played a crucial role in its decreased relevance. Psychiatric discourse, hard at work with the creation of new, convincing, frightening stereotypes to legitimise the enforcement of fresh taxonomies, offered entirely new ways to interpret deviant behaviour. The invention of diagnoses such as kleptomania and exhibitionism removed all social elements from a series of

[55]Garofalo (1887) in Foucault (1978).
[56]Ridley (1898).
[57]Pickersgill (1898).

disruptive actions, naturalizing them into the general degenerationist discourse as occurrences of biologically triggered crime, dragging a large number of criminal trials from an assessment of guilt to an assessment of risk. The M'Naghten rules[58], crucial as they were to English forensic psychiatry, mattered somewhat less when incarceration was decided not with regard to liability, but with regard to danger. A man with a monstrous Hyde inside of him cannot be permitted to roam society, even though he might be pitiable and himself a victim of sorts; the medico-legal apparatus must ultimately cleanse the social body of this horror.

Conclusion

In the final analysis, though *Jekyll and Hyde* has often been touted as a study of multiple dualities, reason and madness, gentility and the dangerous underclasses, good and evil, it is less a study and more a cautionary tale warning against breaking the law; the law here being not legislation in a narrow sense, but the hegemonic categories inscribed upon bodies by Victorian taxonomic regimes, like psychiatry, anthropology or legal discourse, as well as their state-empowered enforcement. Like Vagrancy legislation or the amendment to the Buggery Act, the novella suggests that you be satisfied in your own place, encourages you to appreciate the norm for the good thing it is, to not transgress – a lesson by an author who, disillusioned and regretful of his own youthful fascination with a way of life below his station, turned from bohemian socialist to devoted Conservative[59]. Let Hyde take but one breath, the narrative suggests, and he shall certainly overpower us all.

In many ways, this re-writing of socio-economic positions as an essential division of human nature itself, a thing both undeniably true and also in dire need of forceful regulation lest it brings about the end of civilised society, was an incredibly effective narrative. It flowered into an ideology that helped safeguard the rigid structures and categories of the English socio-economic system and, to this day, discreetly slithers its way into Parliament and Courts, in discussions of welfare law, immigration policy or the regulation of substance use. And if this should leave us with a lesson to heed, it is not to underestimate the sometimes sinister potential of a good, catchy story sufficiently repeated, especially when the socio-legal order finds itself pressed to deploy the subtler tendrils of its regulatory power.

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[58]*M'Naghten* [1843] UKHL J16 House of Lords

[59]Stevenson (1877).

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