



Eric Sandberg

# Studying Crime in Fiction

An Introduction

ROUTLEDGE



# Studying Crime in Fiction

The primary aim of *Studying Crime in Fiction: An Introduction* is to introduce the emerging cross-disciplinary area of study that combines the fields of crime fiction studies and criminology. The study of crime fiction as a genre has a long history within literary studies, and is becoming increasingly prominent in twenty-first-century scholarship. Less attention, however, has been paid to the ways in which elements of criminology, or the systematic study of crime and criminal behaviour from a wide range of perspectives, have influenced the production and reception of crime narratives. Similarly, not enough attention has been paid to the ways in which crime fiction as a genre can inform and enliven the study of criminology. Written largely for undergraduate and graduate students, but also for scholars of crime fiction and criminology interested in thinking across disciplinary boundaries, *Studying Crime in Fiction: An Introduction* provides full coverage of the backgrounds of the related fields of crime fiction studies and criminology, and explores the many ways they are reciprocally illuminating.

The four main chapters in Section 1 (Orient You) familiarize readers with the history and contours of the broad fields within which *Studying Crime in Fiction: An Introduction* operates. It introduces the history of crime and criminology, as well the history of crime fiction and the academic field dedicated to its study. In its final chapter it looks at the ways these areas of study can be conceptually interrelated. Section 2 of the book (Equip You) is dedicated to examining aspects of criminological theory in relation to various forms of crime fiction. It highlights a range of the most relevant theories, paradigms, and problematics of criminology that appear in, shed light on, or can be effectively illuminated through reference to crime fiction. Its five chapters deal with the definition of crime; explanations for crime and criminal behaviour; investigations into crime; the experience of crime; and, finally, punishments for crime. All of these areas are examined alongside examples of crime fiction drawn from across the genre's history. Section 3 (Enable You) presents six case studies. Each

of these reads a work of crime fiction alongside one or more criminological approaches. Each case study is supplemented with a set of questions addressing issues central to the study of crime in fiction.

**Eric Sandberg** completed his PhD at the University of Edinburgh, and has held positions at universities in Turkey, Japan, and Finland. He is currently Associate Professor at City University of Hong Kong, and also holds a docentship at the University of Oulu, Finland. His research interests range from modernism to the contemporary novel, with a particular focus on crime fiction, adaptation, and nostalgia studies. He has written and edited six books, and his work has appeared in numerous edited collections and journals.

# Studying Crime in Fiction

## An Introduction

Eric Sandberg

Designed cover image: © Getty

First published 2024  
by Routledge  
605 Third Avenue, New York, NY 10158

and by Routledge  
4 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

© 2024 Eric Sandberg

The right of Eric Sandberg to be identified as author of this work has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

ISBN: 978-0-367-74210-2 (hbk)  
ISBN: 978-0-367-74209-6 (pbk)  
ISBN: 978-1-003-15658-1 (ebk)

DOI: 10.4324/9781003156581

Typeset in Sabon  
by Newgen Publishing UK

# Contents

<i>Acknowledgements</i>	<i>vii</i>
<b>Introduction</b>	<b>1</b>
<b>SECTION 1</b>	
<b>Orient You</b>	<b>7</b>
1 A History of Crime	9
2 A History of Criminology	21
3 A History of Crime Fiction	36
4 A History of Crime Fiction Studies	52
5 The Criminology of Crime Fiction	64
<b>SECTION 2</b>	
<b>Equip You</b>	<b>75</b>
6 Defining Crime	77
7 Explaining Crime	91
8 Investigating Crime	104

9 Experiencing Crime	122
10 Punishing Crime	133
<b>SECTION 3</b>	
<b>Enable You</b>	<b>147</b>
Case Study 1 Arthur Conan Doyle's <i>The Sign of Four</i> — Imperial Crimes	149
Case Study 2 Agatha Christie's <i>Crooked House</i> —Family Crimes	154
Case Study 3 Walter Mosley's <i>Devil in a Blue Dress</i> —Racial Crimes	159
Case Study 4 Maj Sjöwall and Per Wahlöö's <i>The Man on the Balcony</i> —Social Crimes	164
Case Study 5 Neal Stephenson's <i>Zodiac</i> —Environmental Crimes	169
Case Study 6 Natsuo Kirino's <i>Out</i> —Gendered Crimes	175
 <i>Bibliography</i>	 180
<i>Index</i>	199

# Acknowledgements

This project was initiated by Professor Emeritus Fiona Peters of Bath Spa University, and acknowledgment of this fact is due. I of course bear responsibility for the final product; any errors or missteps are mine alone. I am grateful to Bryony Reece at Routledge for her support and patience, and to Hilary Wun who offered very useful research assistance. Ffion Davies has been a valuable interlocutor with regards to all aspects of crime fiction. Dr Simon Harrison of City University of Hong Kong has offered a model of intellectual curiosity and ambition, and even more importantly friendship, during the writing of this book. The same could be said of many of the academics around the world I have met and worked with over the past years, but I would like to mention Drs Lena Ahlin and Maria Frej of Kristianstad University, Drs Carlos Uxo Gonzalez, Stewart King, and Barbara Pezzotti of Monash University, Dr Rune Graulund of the University of Southern Denmark, Dr Collen Kennedy-Karpat of Bilkent University, Professor Thomas Leitch of the University of Delaware, and Professor Niklas Salmose of Linnaeus University, all of whom have been enormously helpful, and have made being an academic something closer to the dream of a scholarly community than would otherwise have been the case. I would also like to acknowledge the invaluable support throughout my career of the late Professor Laura Marcus of Oxford University. Finally, Johanna Sandberg has not only kept me on track when I wandered or wondered or procrastinated, and provided invaluable editorial assistance, but has also been, along with *The World's Greatest Detectives*, my reading companion and my life companion—but what's the difference?





**Taylor & Francis**

Taylor & Francis Group

<http://taylorandfrancis.com>

# Introduction

On a lonely moor in England, a husband and wife masquerading as brother and sister scheme to frighten a man to death and inherit his estate by painting a huge dog's mouth with phosphorus to simulate an ancient legend; their plot is foiled by an eccentric genius and his loyal if dim-witted partner. On a train travelling between Istanbul and London, a man is killed by 12 people in revenge for the kidnapping and murder of a young child many years before; the crime is solved by a Belgian detective with prodigious mustachios coincidentally travelling in the same carriage. In interwar Los Angeles, a private eye is hired by a wealthy old man to deal with a clumsy blackmail attempt; a convoluted string of murders ensues, leading the gumshoe back to the family mansion, and to his client's daughter, who has killed her sister's husband because he refused to sleep with her. In 1980s America, a woman is kidnapped by a man who wants to make a suit out of her skin; a young FBI agent develops a rapport with an imprisoned cannibalistic serial killer, and with his help cracks the case. In twenty-first-century Sweden, a disgraced journalist and a young, tattooed hacker team up to find a missing girl; they uncover a multi-generation history of abuse, torture, and serial murder in a family of wealthy industrialists. All of these stories will be familiar to many readers of crime fiction. Arthur Conan Doyle's *The Hound of the Baskervilles* (1902), Agatha Christie's *Murder on the Orient Express* (1934), Raymond Chandler's *The Big Sleep* (1939), Thomas Harris' *The Silence of the Lambs* (1988), and Stieg Larsson's *The Girl with the Dragon Tattoo* (2005) are all popular examples of a popular genre, and even in the truncated versions of their plots offered here they are readily recognizable.

But what do these novels, and the tales of crime and investigation they offer the reader, have in common? Their settings and characters are diverse, as are their formal structures. They all centre on or around a criminal act, but they do so in very different ways, perhaps because they are representatives of a number of different subgenres. There is no reason, we

## 2 *Introduction*

might think, that an English Golden Age detective novel should have much in common with an early twenty-first century Scandinavian crime thriller, or a classic nineteenth-century mystery with a late twentieth-century American crime novel. But one thing these works share, despite their many differences, is their fictionality. These are stories that are openly implausible, relying on plots that may not be literally fantastic (although at times they certainly approach that condition), but are certainly unlikely. They make, in other words, little if any pretence of being realistic. People are murdered on trains in the real world, but they are not murdered by groups of irate citizens carrying out elaborate forms of vigilante justice.

It may seem tautological to point out the fictionality of crime fiction, but it is an important point for two main reasons. First, as Lucie Armitt argues in her study of fantasy proper, there is a clear and well-established hierarchy at work in the literary world: 'realism is certainly the type of fictional writing adopted most readily by the canon, seen as most fitting for serious or weighty subject matter'.<sup>1</sup> Crime fiction's lack of apparent connection to the real world, its overt fictionality, is part of the reason that it has long been relegated to the less prestigious corners of the literary world as a genre 'capable of offering entertainment, excitement, and even intellectual stimulation, but [...] separate from, and subordinate to, mainstream literary fiction'.<sup>2</sup> In terms of criticism, the idea of realism has frequently been used to justify crime fiction, as when W. H. Auden writes of Raymond Chandler that he 'is interested in writing, not detective stories, but serious studies of a criminal milieu [...] and his powerful but extremely depressing books should be read and judged, not as escape literature, but as works of art'.<sup>3</sup> The closer a work of crime fiction is to reality, in other words, the closer it is to literature. The veracity of this statement is, to put it mildly, doubtful, but it does reflect a widespread and persistent attitude towards the genre as a whole. Crime fiction is in many cases, and even in many of its forms, simply not realistic enough to matter.

The second reason that crime fiction's fictionality is important is that its lack of verisimilitude and facticity would seem to separate the genre from other discourses on crime, and specifically from the discourses of criminology. This is a field that draws inspiration from a wide range of very different contributing disciplines, including biology, cultural studies, education, forensics, history, politics, philosophy, psychology, sociology, and law.<sup>4</sup> While this is indeed a diverse set of specialities, they are all (with the possible and partial exception of cultural studies) directed towards reality and the understanding of the real world of real people in real places dealing with real problems. It might seem, then, that this book, based as it is on the conjunction of factual and fictional responses to crime, is likely to face a substantial problem in reconciling these fundamentally different approaches. I hope that the book itself will be able to allay this

concern by indicating some of the ways our two longest lasting and most influential discourses on crime, criminology and crime fiction, can indeed be read alongside each other in ways that are interesting, engaging, and enlightening.

A great deal of work has already been done in this field, with scholars very effectively making the case for integrating the study of crime fiction and mainstream forms of criminology. Rafe McGregor, for example, contends in his recent monograph *Critical Criminology and Literary Criticism* that crime fiction (or what he calls ‘criminological fiction’) offers at least three main forms of ‘criminological knowledge’: ‘phenomenological (representing what certain experiences are like), counterfactual (representing possible but non-existent situations), and mimetic (representing everyday reality in detail and with accuracy)’. All three of these forms of knowledge, McGregor argues, are in effect ‘data that explains the causes of crime or harm and that can be used to improve policies, procedures, and practices aimed at the reduction of crime or harm’.<sup>5</sup> Crime fiction, in this view, has a role to play alongside traditional sources of criminological information (such as crime statistics, victim interviews, or public surveys) in providing valuable data to the criminological investigator. Similarly, in *Criminology, Deviance, and the Silver Screen: The Fictional Reality and the Criminological Imagination*, Jon Frauley makes the case for using fictional narratives (in his case, Hollywood cinema) as part of a ‘craft-enterprise’ approach to criminological theorizing: ‘fictional worlds offer contained social realities that can be used to exemplify abstract concepts and can also operate as empirical referents to which our concepts and theories can be applied’.<sup>6</sup> This means that fiction can help to both clarify criminological concepts and to illustrate how these ideas can contribute to understanding crime.<sup>7</sup> Both of these approaches can be placed in the context of what can be described as cultural, critical, or creative criminology. These approaches ‘supplement the often sterile and scientific view of criminology—constantly searching for correlations, causality and background forces—with a more creative, cultural and critical or *Verstehen*-oriented [empathic] approach looking for human meaning-making, creativity, cultural processes and critical understandings’.<sup>8</sup> In other words, reading crime fiction can help develop a new, or at least improved, version of criminology.

This book is very much part of the movement towards a more culturally inclined criminology, introducing and exploring the ways reading crime fiction can shape and re-shape our thinking about criminal transgression, policing, justice and injustice, punishment and deterrence, and so on. But the process of illumination is, or should be, reciprocal. By this I mean that we should be able to understand crime fiction better by reading it alongside criminological theory. This is a genre of fiction that developed, after all, in

#### 4 Introduction

an intimate relationship with real-world judicial structures. Consider the fact that the memoirs of Eugène Vidocq, a criminal-turned-policeman who played a key role in founding the criminal investigation bureau of the Paris police force (the *Sûreté*), were among the most popular and influential crime texts of the nineteenth century. These memoirs were presented to the reading public as factual, but this characterization is dubious. Vidocq himself quickly appeared in fictional guise in the work of other writers, such as Honoré de Balzac's Vautrin, who appears in several novels in *La Comédie humaine* (1830–1856), and Émile Gaboriau's Monsieur Lecoq, who was in turn an inspiration for Arthur Conan Doyle's Sherlock Holmes. Even today, some two centuries after crime fiction began to develop as a separate and readily identifiable genre, its relationship to the real world of crime, investigation, and punishment remains close. One notable recent example is David Simon's landmark television series *The Wire* (2002–2008), which was based on his own work as a Baltimore journalist on the crime beat, and on his writing partner Ed Burns' 20 years of experience as a Baltimore police officer.

To achieve its goal of introducing and extending this cross-disciplinary conversation, this book is presented in three main sections. The first, labelled 'Orient You', is introductory in intent. It offers a broad historical context, including chapters on the history of crime as a phenomenon, and criminology as a discipline that studies that phenomenon, as well as chapters on crime fiction as a literary genre, and crime fiction studies as a discipline that studies that genre. The section concludes with a chapter examining the linkages between the two fields. The second section of the book, 'Equip You', is intended to help develop an effective conceptual tool kit for thinking about criminology and crime fiction. It focuses on five separate areas in which criminology and crime fiction overlap in important ways: these chapters deal with the definition, motivation, investigation, experience, and punishment of crime. Each chapter draws on a relevant body of criminological theory and refers to a diverse range of crime fiction texts. Finally, the third section of the book, 'Enable You', offers six case studies, each focusing on a particular crime fiction text and reading it in relation to one or more criminological approaches. The goal of this section is to demonstrate how criminological readings of crime fiction can work.

Each of the case studies in the third part of the book concludes with a brief reflection on areas for further thought, study, and research, but I hope that *Studying Crime in Fiction: An Introduction* will as a whole perform a similar function. The whole set of questions that circulate around criminality, be they about the definition of criminal behaviour in relation to social and legal norms or broader economic structures, or explanations for crime's persistence across time and place, or debates over the best ways to reduce crime and its impact, are becoming more, not less, important

as we move further into the twenty-first century. Similarly, crime is occupying an ever-greater cultural space, as it remains dominant in older forms of cultural production like the novel, and as it spreads into newer media like streaming television and video games. This fascination, this obsession, with crime is unlikely to diminish soon. There is abundant evidence that we live in a world under extraordinary environmental, economic, political, and cultural stress. These are problems that feed into not just crime itself, but into our definitions and responses to it. The better we are able to think about crime with all the tools at our disposal, including both the factual and the fictional, the better we will be able to face these challenges.

## Notes

- 1 Lucie Armitt, *Fantasy Fiction: An Introduction* (New York: Continuum, 2005), 1.
- 2 Eric Sandberg, "Contemporary Crime Fiction, Cultural Prestige, and the Literary Field." *Crime Fiction Studies* 1, no. 1 (2020), 5.
- 3 W. H. Auden, "The Guilty Vicarage: Notes on the Detective Story, by an Addict." *Harpers* (May 1948), 408.
- 4 Rob White, "Criminology," in *The Wiley-Blackwell Encyclopedia of Social Theory*, edited by Bryan S. Turner (Oxford: Wiley Blackwell, 2017), 1.
- 5 Rafe McGregor, *Critical Criminology and Literary Criticism* (Bristol: Bristol University Press, 2021), 5.
- 6 Jon Frauley, *Criminology, Deviance, and the Silver Screen: The Fictional Reality and the Criminological Imagination* (New York: Palgrave Macmillan, 2010), 2.
- 7 *Ibid.*, 13.
- 8 Michael Hviid Jacobsen, "Towards the Poetics of Crime: Contours of a Cultural, Critical and Creative Criminology," in *The Poetics of Crime: Understanding and Researching Crime and Deviance Through Creative Sources*, edited by Michael Hviid Jacobsen (Farnham: Ashgate, 2014), 3.



**Taylor & Francis**

Taylor & Francis Group

<http://taylorandfrancis.com>

Section 1

**Orient You**





**Taylor & Francis**

Taylor & Francis Group

<http://taylorandfrancis.com>

# 1 A History of Crime

In 1941, a 33,000-year-old calvaria—the upper portion of a human skull—was recovered from the Pesteria Cioclovina cave in Southern Transylvania. The Cioclovina calvaria, as this fragment is known, is one of the oldest directly dated and well-preserved remains of a modern human ever found in Europe; it is also our oldest evidence of what the forensic scientist Elena F. Kranioti and her colleagues Dan Grigorescu and Katerina Harvati (a geologist and a paleoanthropologist) call ‘fatal inter-personal violence among early Upper Paleolithic modern humans’.<sup>1</sup> The unlucky possessor of the Cioclovina calvaria was killed, the scientists’ examination suggests, ‘by a blow from a likely left-handed perpetrator facing the victim’ that may have been ‘a result of a one to one conflict or murder by one or more perpetrators’.<sup>2</sup> As the media were quick to note, this was the ultimate ‘cold case closed’,<sup>3</sup> providing direct evidence of a history of violence stretching far back into our past.

Yet describing the reconstructed event that led to the sudden and violent death of the Cioclovina man as murder raises important questions regarding the history of crime. While the evidence clearly indicates violence, there are many situations in which this would not be equated with crime in general or murder in particular. If, for example, the ‘blow with a round, bat-like object’<sup>4</sup> that felled the victim was delivered in self-defence, we would be discussing a case of justifiable homicide; if it was delivered under a sudden impulse arising from emotional or situational stress it might be considered manslaughter. If, however, it was delivered during a conflict between two groups of palaeolithic hunter-gatherers competing over access to scarce natural resources in a challenging environment, we might describe Cioclovina man as a casualty rather than a victim. When we kill on behalf of our social group, we are soldiers rather than murderers, and our violence results in honour not opprobrium. In a less likely (or even ahistorical) but nonetheless imaginatively useful scenario, the killers could have been Neanderthals (who may have survived in isolated pockets

in Europe until roughly 35,000 years ago) rather than *Homo sapiens*. In this case, the violence would be inter- rather than intra-species, and would no more be considered murder than would a modern human killing, for instance, another primate. And given the fact that the Neanderthal were at this time probably subject to exterminatory pressures from migrating *Homo sapiens*, in this scenario the killing of Cioclovina man could be seen as an act of heroic resistance, not just justifiable but necessary.

In any case, in a palaeolithic context the question of the criminality or otherwise of the killing would be anachronistic. William Golding's extraordinary work of imaginative fiction *The Inheritors* (1955) deals with a conflict between Neanderthals and *Homo sapiens*. The main characters, the Neanderthals Lok and Fa, are horrified when they discover that an encroaching band of 'the new people' have killed two members of their small band and kidnapped two others.<sup>5</sup> But they do not interpret this almost complete destruction of their family as a crime. It is just something that happens, horrible and terrifying, but no different from the many other dangers they face in their precarious existence.

All of this is of course speculative, but it is a useful reminder that a history of crime is not the same thing as a history of violence; while acts of violence have occurred, as Kranioti and her colleagues have demonstrated, for tens of thousands of years, and presumably much longer, these acts cannot be seen as crimes unless they are situated within a collective code of behaviour. The existence of crime, in other words, requires the existence of law. These laws may not be—indeed for most of human history were not—written down or formally codified. But they would certainly have existed: any group that did not have prohibitions intended to protect itself from the disruptive violence of individuals would not have lasted long in an environment that favoured group cohesion and collaboration. Anthropologists and legal historians point out that preliterate societies vary tremendously in terms of the social norms, behavioural codes, and disciplinary processes which prefigure our own judicial processes and institutions,<sup>6</sup> but all such societies have them.<sup>7</sup>

One example of this sort of system is the concept of taboo. The term is of Polynesian origin, where it describes according to Franz Steiner's ground-breaking work, 'social mechanisms of obedience which have ritual significance' and 'specific and restrictive behaviour in dangerous situations'.<sup>8</sup> Taboo is thus intended to protect both individuals and society as a whole. Following James Cook's voyages in the Pacific (1768–1779), the term entered wider circulation, and has proved extremely useful in describing a range of pre-legal, socio-religious ritual prohibitions (although as Sigmund Freud points out in *Totem and Taboo* [1913], it has analogues in many other linguistic traditions).<sup>9</sup> Golding's *The Inheritors* is again illuminating here. The novel's last chapter focuses on the modern humans

(the inheritors of the title) in the aftermath of their encounter with the Neanderthal. Tuami, a young man, is enraged by the group's older leader Marlan, 'hating him' and planning to 'use the ivory-point' of his dagger.<sup>10</sup> But even to 'watch Marlan's face and intending to kill him was daunting', and Tuami quickly abandons his murderous plan.<sup>11</sup> This reluctance stems from neither ethical doubt nor personal fear, but from the fact that the leader's life is wrapped in a protective mantle of customary reverence; it is taboo. Should Tuami ever work up the nerve to carry out his attack, it would be better thought of as social and ritual transgression than as a palaeolithic crime. Taboos, as Freud notes, 'themselves impose their own prohibitions; they are differentiated from moral prohibitions by failing to be included in a system which declares abstinences in general to be necessary and gives reasons for this necessity'.<sup>12</sup>

### **Crime in the Ancient World**

In order to have crime proper, then, we need to have a system of laws. Our oldest extant legal codes emerge out of the Mesopotamian civilizations of the Middle East. The Code of Ur-Nammu, for example, is recorded on a fragmentary tablet (c. 2100 BCE) excavated from Nippur, a Sumerian city located in present-day Iraq. The five laws that remain legible are concerned with witchcraft, the recovery of escaped slaves, and physical harm,<sup>13</sup> with a focus on financial compensation. If a man breaks another man's foot, he must pay '10 shekels of silver', while a severed nose is worth roughly four times as much.<sup>14</sup> The much more famous Code of Hammurabi, carved on a 2.25-metre stone stele (c. 1754 BCE), contains 282 laws dealing with commercial, domestic, and civil behaviour, as well as crime.

Three key points emerge out of an examination of the Code of Hammurabi. First, it tells us by inference what criminal acts people committed in ancient Mesopotamia. The history of criminal law is, as it were, the visible shadow cast by an invisible history of crime. The eighth law in the code, for example, stipulates that

if a man has stolen an ox, or a sheep, or a donkey, or a pig, or a boat he shall pay thirty times its value if it belongs to a god or a temple and repay ten times its value if it belongs to a workman. If that thief does not have enough to pay he shall be killed.<sup>15</sup>

The existence of this law implies that the behaviour it proscribes was reasonably common, and even indicates the type of property most vulnerable to theft: domesticated animals and boats are both compact sites of highly portable value, which as the contemporary car thief can testify is an attractive combination. Second, the code is an explicit and detailed

assertion of the state's sole authority to regulate deviant behaviour; private revenge or feuding is supplanted by the state's formal vengeance. Third, penalties and punishments are both clearly defined and linked to the social position of the perpetrator and the victim. This was, as Mitchel P. Roth writes, 'a rich man's law'.<sup>16</sup> The epilogue of the code claims that it was created 'so that the mighty might not exploit the weak, and so that the orphan and the widow may be treated properly'.<sup>17</sup> This is all good and well, but proper treatment here depends on social hierarchy. The last of the laws, for example, defines the assertion of individual freedom as a crime: 'if the slave has stated to his master, "You are not my master," his master shall prove that it is his slave and cut off his ear'.<sup>18</sup>

To find any sense of the injustice inherent in this sort of legally mandated hierarchical violence, we must look not to legal codes but to literature. In the *Epic of Gilgamesh*, which has survived in a version that is traditionally attributed to the Babylonian scribe Sîn-liqe-unninni (c. 1200–1100 BCE), we find the ancient city-state of Uruk (in approximately 2750 BCE) ruled over by the semi-divine King Gilgamesh. Gilgamesh is an impressive figure, 'surpassing all other kings, heroic in stature',<sup>19</sup> but he is also a tyrant who 'harries' the 'young men of Uruk without warrant' (likely meaning he uses them for forced labour) and 'lets no girl go free to her *bride[groom]*' (emphasis and brackets in original).<sup>20</sup> While Gilgamesh tells his officers, very much in the spirit of the Hammurabic Code, to 'judge the lawsuit of the weak',<sup>21</sup> he is himself above the law. However, his adventures with his companion Enkidu, during which they slay Humbaba, guardian of the forest, and the Bull of Heaven, are transgressive, and are divinely punished by Enkidu's death. This loss, and Gilgamesh's subsequent failed quest for immortality, can be read as asserting the existence of a sort of natural, universal law that applies to all people, no matter where they are located in the social order.

This discussion of crime and punishment on the banks of the Euphrates may seem excessively detailed. But Mesopotamian legal concepts had a lasting influence throughout the Near East, ancient Greece and Rome, and, eventually, much of the Western world.<sup>22</sup> In broad terms, we can describe the Code of Hammurabi as a prototypical statement of the law that can stand in for other well-known ancient attempts to formalize the boundaries governing the behaviour of individuals in society, like the Mosaic decalogue, a proto-legal document that prohibits specified behaviour without assigning specific penalties (c. 1500–1200 BCE); the Athenian Code of Draco, the severity of which has left us the term 'draconian' (621–620 BCE); and the Roman Law of the Twelve Tables, which dealt with a wide set of behaviours including familial and economic relations (449 BCE). The last of these was supplanted by the Emperor Justinian's *Corpus Juris Civilis* (529–534 CE), a vast and elaborate complex of laws which has

had a powerful influence throughout Europe from the Middle Ages into the modern era, and (via colonization) on the world as a whole.<sup>23</sup>

Like the Hammurabic Code, all of these sets of laws offer an indication of what a given society viewed as mandatory, permissible, and impermissible forms of behaviour, and thus by inference the many ways people transgressed these boundaries. The Code of Draco, for example, prohibited murder, but distinguished between premeditated, unpremeditated, and justifiable homicide.<sup>24</sup> The Twelve Tables stipulated financial recompense for lesser offences such as theft, but capital punishment for the incitement of a public enemy, while also attempting to regulate personal behaviour by, for example, banning marriage between members of different social classes.<sup>25</sup>

It is again to literature, however, that we must look for an imaginative expansion on, and response to, the cold tablets of the law; literature tells us not just what crime was, but how it was experienced, felt, and framed within a broader context. Sophocles' *Oedipus the King* (c. 429 BCE), for example, offers a sustained meditation on its protagonist's impulsive violence, exactly the type of behaviour ancient codes of law were concerned to regulate and channel into the hands of the state. By failing to control his rage during what was essentially a traffic dispute, Oedipus unleashes a sequence of events including patricide and incest that ultimately has grave consequences for himself and his whole community. Sophocles' *Antigone* (c. 441 BCE), on the other hand, deals with the misapplication of centralized legal authority. When Oedipus' daughter defies her uncle King Creon's command that her brother's corpse be left unburied as a punishment for his rebellion, she knowingly breaks an unjust and tyrannical law. Her subsequent death once more leads to serious consequences, in this case for Creon and his family. These two plays illustrate the Scylla and Charybdis of criminal law: it is necessary for any civilization above a certain developmental threshold to control violence and other forms of injustice that endanger the community, yet it is always in danger of becoming itself a force for injustice.

### **Crime in the Middle Ages**

In a European context, the collapse of the Roman Empire and the advent of the Germanic kingdoms led to fundamental changes in conceptions of crime and legal procedures. The sixth-century CE Frankish Salic or Salian law, for example, was much less interested in family law, inheritance, and marriage than in establishing a set rate of fines for a wide range of often violent offenses.<sup>26</sup> In this it is not too distant in spirit from the Code of Hammurabi; also familiar is the graded scale of payments based on the social status of the victim of a crime. The *wergild*, or 'price of a man', was fixed at 200 pence for the murder of free man, but triple that for