Crime and Culture

Amy Gilman Srebnick
and René Lévy

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Crime and Culture

An Historical Perspective

Edited by
AMY GILMAN SREBNICK
RENÉ LÉVY

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Herbert Reinke teaches criminology at the Bergische Universität Wuppertal (Germany). His research interests cover long-term trends of crime and criminal justice in Germany and the development of the German police. He has edited: '*...nur für die Sicherheit da...?' Zur Geschichte der Polizei im 19. Und 20. Jahrhundert* (Frankfurt-am-Main, 1993), and (with G. Fürmetz and K. Weinhauer) *Nachkriegspolizei. Sicherheit und Ordnung in Ost- und Westdeutschland 1945-1969* (Hamburg, 2001).

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Introduction

Crime and Culture: An Historical Perspective

The essays in this collection explore how the history of crime provides a way to study time, place, and culture. Using an international and interdisciplinary perspective to investigate the historical discourses of crime in Europe and the United States from the sixteenth to the late twentieth century, these original works provide new approaches to understanding the meaning of crime in modern western culture and underscore the new importance given to crime and criminal events in historical studies. Written by both well-known historians as well as younger scholars from France, England, the United States, Canada, Belgium, Hungary, Austria, and Germany, these essays reveal that there are important continuities in the history of crime and its representations in modern culture, despite particularities of time and place.

Scholarly interest in the history of crime has grown dramatically in recent years and because scholars associated with this work have relied on a broad social definition of crime, one that includes acts that are against the law as well as acts of social banditry and political rebellion, crime history has become a major aspect not only of social history, but also of cultural as well as legal studies. While the large volume of research in this area makes it difficult to categorize, several areas of investigation have tended to dominate the field: the study of crime, violence and punishment over time; the history of policing and state control; the history of the varieties of popular rebellion; and the history of criminology itself. In the last few years, work on sensational crimes and *causes célèbres* has become a significant part of this scholarship, providing a way of examining specific cultural moments or mentalities.[1]

The essays in this volume reflect new directions in the field: they stress the importance of an international perspective, interdisciplinarity (drawing especially upon history, sociology, anthropology, and legal studies), and openness to a wide range of theoretical perspectives. They illustrate how similar themes and topics cross national boundaries – the discourses of criminology, the realities of police corruption, the representations of crimes and criminals in popular media. Most importantly, however, the essays in this volume focus on the implications of a close reading (and sometimes

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1 Much of this work has been generated by the local and international conferences of the International Association for the History of Crime and Criminal Justice (IAHCCJ, founded in 1978; *http://www.h-net.org/~iahccj/*) and several groups that have been informally associated with it (in particular, the Social Science History Association in the US, and the European Social Science History Conference in Europe), as well as several other groups and journals, including the journal, *Crime, Histoire & Sociétés/Crime, History & Societies,* edited by René Lévy, and published in French and English by the IAHCCJ (Geneva, Librairie Droz).

a conscious or unconscious misreading) of texts and sources and they explore both representation and narrative as ways for understanding the complex social and power relationships and political implications that are the essence of crime history.

The authors included here analyze the texts not only for the information they yield, but also for the way they convey that information, for whom it was originally addressed, for what purpose it was intended, and how it was ultimately used. Consequently, they examine rhetoric, narrative, and even the politics of literary production (once the territory of literary critics and students of intellectual history) to inquire into the issues of popular rebellion, murder, and police corruption. The essays are concerned with at least two forms of texts: 1) the texts through which criminal events are made known, such as police records, trial narratives, newspapers, and novels; and 2) those which criminal events themselves produce, such as legislative documents and laws, as well as theories about the origins of crimes and criminals.

Some of the essays, such as those of Peter Becker, Mary Gibson and Herbert Reinke focus quite specifically on the discourses of criminology, discourses that both reflected and determined social and penal policy; others, such as those by René Lévy, Jean-Marc Berlière, Clive Emsley and Allen Steinberg focus specifically on the role of the police in very different contexts; still others by Xavier Rousseaux, Pascal Bastien, Mónika Mátay and György Csepeli, and Wilbur Miller examine the popular representations of crimes and criminals. Throughout all of these essays, the significance of crime is understood in its social context; the essays are concerned with how individuals, governments, and even cultures, project definitions of crime and criminality and how those definitions and their understood meanings in turn provide rationales for the policies of the state and the police. Another underlying theme concerns the significance of memory and the way the remembering of historical events is manipulated, sometimes deliberately, sometimes unconsciously, with the passage of time. And throughout all of these essays there is an ongoing concern with how the meaning of crimes and the definitions of what is criminal projects, reflects, and even transforms, power structures, politics, and the understanding of history itself.

These essays seek to forge an approach to the history of crime which is quite consciously grounded in both social history, with its traditional attention to issues of class, race, gender, and ethnicity, and cultural studies, with its attention to the interpretation of texts, the importance of cultural patterns, layers of meaning, and the significance of multiple discourses. As such, they explore an important new turn in the history of crime and justice studies, one that reflects the new attention in historical studies directed to cultural meanings, to the history of memory, to the importance of narrative, and especially to the value of applying literary approaches to texts and language in conjunction with more traditional forms of historical analysis.

*

Crime and Culture: An Historical Perspective addresses, and is organized around, several major topics in crime history. The initial section, 'Crime and the Construction of Historical Narrative,' sets the tone, with essays that explore how crime history engages with historical texts – trial narratives, police reports, sources of popular culture (newspapers, novels, etc.) to construct analyses of criminal events. Amy Gilman Srebnick's introductory essay examines the intimate connection between history and

story as it emerges in reconstructions of crime. It includes a discussion of the fascination with the exploration of historical crimes in contemporary fiction, and a discussion of the implications of some contemporary theory for crime history; it concludes with the examination of one particular sensational crime in US history, the Gillette-Brown murder case of 1906, and its most important literary representation in Theodore Dreiser's 1925 novel, *An American Tragedy.*

The next section on 'Discourse and Narrative in Criminal Justice History' features the work of Peter Becker, Mary Gibson and Herbert Reinke, who focus on how representations of criminals defined the history of criminology and criminological science in Germany and Italy. Becker's essay focuses on the history of German criminology, specifically the texts produced by police, psychiatrists, prison wardens, anthropologists, and academics, from a Foucauldian perspective. This essay chronicles the narrative shift in this literature from early practitioners in the field to academics and 'experts' at the end of the nineteenth century. Ultimately, Becker concludes that two significant representations of criminals dominated late nineteenth-century criminology: 1) the notion of the criminal as a 'fallen man'; and 2) the notion of the criminal as a 'degenerate,' one who was beyond the reach of reformation. This dual notion of the criminal was, he argues, the product of social transformations associated with industrialization and the restructuring of the state at the end of the nineteenth century, and more specifically, with the shift from a liberal to an 'interventionist' state. Gibson shows how the Italian criminologist, Cesare Lombroso, a figure also discussed by Becker, created the field of 'Positivist Criminology' by codifying descriptive representations and statistical profiles, along with narrative accounts of criminals in order to define typologies of male and female offenders. Gibson describes a notorious female criminal as 'the old woman of vinegar,' a late eighteenth-century character believed to have helped several Palermo women murder their husbands with arsenic-laced vinegar; and also the prostitute and convicted murderer, Ernesta Bordoni. Working with the tools of cultural analysis, she shows how Lombroso and his disciples melded anatomical descriptions of such criminals (heavy wrinkles, for example) with narratives of their crimes to gain acceptance of their 'science' of criminal anthropology. Reinke looks at the work of one particular criminologist, Robert Heindl, to explore how his definitions of the 'professional criminal' were used during the Weimar, Nazi, and post-war periods in Germany. His argument shows surprising continuities of belief about criminal behavior and its origins over the course of the twentieth century.

The section, 'The Reconstruction of Events in Police and Criminal Justice History,' shows the mutability of interpretations of events involving the police, and how events can be reconstructed to serve immediate political needs and interests. This section includes four essays about the police in London, New York, and Paris, all of which use internal police documents as well as legislative records to develop arguments about the way internal police affairs were controlled and explained to defuse public criticism and, in some cases, to solidify, political power. Clive Emsley, in the first of these, discusses how widespread police corruption was transformed into a case of one man 'on the take.' This essay begins with a detailed discussion of a particular case, that of George Goddard, a former Station Sergeant of the Metropolitan Police sentenced (in 1929) at the Old Bailey to eighteen months hard labor. From here the essay broadens out to set the case in its context; it assesses other

disciplinary cases in the Metropolitan Police and in Goddard's division which included the principle 'vice' district in London between the wars. The essay discusses how this and other cases were reported and the response of the Commissioner of the Police to press reports. In conclusion, the essay reflects on the consequences of the official and semi-official discourse for systemic problems within police forces such as London's Metropolitan Police when men are encouraged to unite and enjoy a strong *esprit de corps*, at the same time as confronting highly profitable vice. In the next essay, Allen Steinberg examines the Becker-Rosenthal murder case in Gilded Age New York to show how a case of murder and endemic police corruption were re-invented to serve the political agenda of reformist politicians. His paper challenges the traditional interpretation about the reform of criminal law enforcement in Progressive New York (and elsewhere) and, in light of the Becker-Rosenthal case, offers an alternative interpretation to show the growth of a new kind of pro-penal state conservatism that adopted many of the most unseemly and disturbing features that has sometimes been called American 'popular' justice. Steinberg's paper also draws some interesting parallels with Becker's on late nineteenth-century criminology.

In his detailed study of the Paris police, Jean-Marc Berlière reveals how the post World War II French government reinvented the Paris police of the Vichy period as agents of resistance. He compares and contrasts the different memories of these events: the official memories (those of the State, the Police, the unions), with those of the actors (police agents) and the victims (communists, Jews) and concludes with acknowledging the uncomfortable position of the historian called upon to tell it *like it was* in an era haunted by the *duty* to remember. René Lévy brings this section up to the modern period by tracing events that resulted in new laws in the 1990s about drug trafficking in France and by showing how those laws reflected a power struggle between ministries in the French government. Originating from a scandal involving illegal undercover actions by customs officers, these events illustrate the common tendency to change the law to match police practices rather than the reverse. In this case, however, the Ministry of Justice successfully bargained an amnesty for the sued officers in exchange for increased control on undercover operations by police and customs agencies. Unfortunately, the courts enforced the new laws in a way that considerably weakened these new safeguards.

The final section, 'Representations of Crimes and Criminals,' focuses on issues of cultural, political, and literary representation in the history of crime, and illustrates how both crimes and criminals assume complex meanings within different historical and interpretive frameworks. This section includes two essays on the late eighteenth century: the first, by Pascal Bastien, discusses the different representations of a sensational murder in late eighteenth-century Paris; the second, by Xavier Rousseaux, considers *lieu de mémoire* and the different interpretations of a revolt by Belgian peasants against the French Republic. Bastien, writing about the execution of Antoine-François Derues, explores how the public discourse about the crime can be used to understand the dialogues of power and the use of penal rhetoric in the decades before the French Revolution. Using an array of previously unavailable documents, Rousseaux shows how the understanding of the revolt in the former Austrian Netherlands and the Principality of Liège, annexed by the French in 1798, became inseparable from the context in which the memory of the events themselves were produced. Thus, the revolt was alternately understood as a 'rebel uprising,' the

Belgian Vendée, the *Boerenkrijg*, or the *Kleppelkrick,* depending on the region and its political constructs. These essays about France and Belgium are followed by an innovative piece by the Hungarian team of Mónika Mátay and György Csepeli that explores the changing conceptions of a remarkably enduring figure, the Hungarian *betyár* or highwayman, from the early nineteenth to the late twentieth century. Mátay and Csepeli follow the history of this illusive character and his various representations, placing them in their historical contexts. And finally, Wilbur Miller's essay, 'From Cap Collier to Nick Carter,' examines the changing figure of the detective in the very popular 'Dime' novels of the late nineteenth-century United States. His exploration of works featuring characters like 'Nick Carter, the Young Detective' or 'Old Sleuth,' discusses the nature of the audience for these popular thrillers and shows how these stories reflect a changing economy and society, as well as changing perceptions of detectives, the city, and even of criminality itself.

*

Acknowledgments

The essays in this volume were derived from a series of papers presented at the conference, 'Crime and Culture: Texts and Contexts,' held in Florence (Italy) in May 2001, sponsored by the *International Association for the History of Crime and Criminal Justice* (IAHCCJ), and supported by the *Fondation des Treilles* (Paris, France), and the *Centre de recherches sociologiques sur le droit et les institutions pénales* (CESDIP, Guyancourt, France), with the help of the *Fondation de la Maison des Sciences de l'Homme* (Paris, France), the Department of History and Civilization of the *European University Institute* (Florence, Italy), and the *Centro di Studi CISL* (Florence, Italy). We particularly wish to thank Maurice Aymard, Peter Becker, and Clive Emsley for their help in organizing this conference, and Isabelle Passegué, Bessie Leconte, Walter Srebnick, and Lisa Hacken for their help in preparing this volume. The intellectual spirit of the 2001 conference in Florence, and the conversations it generated about the history of crime discourse, provided the basis for this collection. As a result, this volume has really been an international effort and we are grateful to friends and colleagues on both sides of the Atlantic for making it possible.

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PART I
CRIME AND THE CONSTRUCTION OF HISTORICAL NARRATIVE

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Chapter 1

Does the Representation Fit the Crime? Some Thoughts on Writing Crime History as Cultural Text[1]

Amy Gilman Srebnick

In the past ten years scholarly work on the history of crime has focused on several related topics: the history of specific, even celebrated, criminal events and their cultural meaning, the changing perceptions of crime and criminals over time, the relationship between crime and the development of mass culture. In American studies much of this work has focused on the nineteenth century, particularly on murders or presumed murders, and on crimes set in metropolitan cities. These studies have used crime history not as an end in itself, but as a window into issues and themes in the history of society, culture, and politics.[2]

Interestingly, in U.S. history, at least, many of these works were not originally intended as studies either in the history of crime or of criminology. Unlike notable work in English and Continental history, they were not self-consciously about long-term trends in the history of crime or punishment, about policing or even social control; rarely were they intended as explorations of changing attitudes about social polity. Indeed, with the exception of works that focused on issues of slavery, race, and Southern history, they studied the history of culture and explored issues such as the history of sexuality and gender, the history of urban culture, or even the transformations of literary forms. And while the possibilities of this new connection were exciting for historians like myself, who unexpectedly found themselves attached to a new (for us) sub-discipline of the history of crime and justice, it was also clear

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[1] I wish to thank Carole Turbin, Bill Miller, and especially Walter Srebnick for reading earlier versions of this essay.

[2] In U.S. history relevant works include: Daniel Cohen, *Pillars of Salt: The Transformation of American Crime Literature, 1674-1860*, New York, 1992; Patricia Cline Cohen, *The Murder of Helen Jewett: the Life and Death of a Prostitute in New York*, New York, 1998; Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination*, Cambridge, 1998; Paul Johnson and Sean Wilentz, *The Kingdom of Matthias: The Story of Sex and Salvation in 19th-Century America*, New York, 1994; Simon Shama, *Dead Certainties (Unwanted Speculations)*, New York, 1991; Amy Gilman Srebnick, *The Mysterious Death of Mary Rogers: Sex and Culture in Nineteenth-Century New York*, New York, 1995; Andrea Tucher, *Forth and Scum: Truth, Beauty, Goodness, and the Ax Murder in America's First Mass Medium*, Chapel Hill, 1998.

that our approach was somewhat different from the already established work in the history of crime that tended to focus on police history, crime rates, and criminology.[3]

Whether this latest scholarship focused on specific events, on the construction of the criminal, or on the genesis of particular patterns of legal or criminal behavior, it shared several working assumptions which gave it definition: 1) It accepted the notion that crimes, as well as criminals, were essentially social and historical constructs; 2) It depended for evidence and analysis on the close reading of texts (usually, but not necessarily literary texts, including police reports, depositions and trial narratives as well as newspaper accounts and ephemeral literature); 3) It adopted many of the techniques of more traditional literary analysis, taking what the theorist and historian Dominick LaCapra has identified as a 'literary turn' in order to understand these same texts; 4) It often regarded what had previously been seen as literary topics (the development of genres and forms of representation – the newspaper, the execution sermon, the sentimental novel) as both historical and literary constructs; and 5) It employed several assumptions of cultural theory and analysis: the reciprocity of high and low cultural forms, the importance of discourse, and the moveable wall between imaginative works and non *belles lettres*, language-based texts; it acknowledged the importance of ideology and power; and it was concerned with ideology and the modes of cultural production. In these cultural areas it drew quite consciously from the works of Walter Benjamin, Michel Foucault, and Raymond Williams. In a sense, these new works in 'crime' and cultural history (produced on both sides of the Atlantic) were the historian's (postmodern) version of what literary scholars had defined rather awkwardly as the 'New Historicism.'[4]

Because this kind of historical analysis depended so essentially upon the interpretation of texts, it is not surprising that theoretical questions about the use of narrative – the reliability of narrative accounts and the interpretation of texts generally – also made so many of us particularly sensitive to the debates over truth and objectivity that were simultaneously raging within the profession; here I am referring to what Peter Novick, drawing upon questions raised most provocatively by Hayden White, defined several years ago as the 'Objectivity Question.'[5] The proble-

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[3] Other recent work in U.S. history specifically defined as crime history include: Eric Monkkonen, *Murder in New York City*, Berkeley, 2001, and Roger Lane, *Murder in America: A History*, Columbus, 1997.

[4] In English History one of the first to treat crime and culture with a 'literary turn' was Judy Walkowitz in *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, Chicago, 1992. Several more recent studies in English History have treated crime from a broad cultural perspective, most notably Victor Gatrell's *The Hanging Tree: Execution and the English People 1770-1868*, Oxford, 1994, which investigates the problem of social and cultural sensibility (and the history of emotions) in the wake of England's 'Bloody Penal Code.' For an excellent discussion of historical analysis and literary studies in English literature see: Martin Wiener, 'Treating 'Historical' Sources as Literary Texts: Literary Historicism and Modern British History,' *Journal of Modern History*, 1998, 70, pp. 619-638.

[5] Peter Novick: *That Nobel Dream: The Objectivity Question and the American Historical Profession*, Cambridge, 1988; Hayden White, 'The Fictions of Factual Representation,' and other essays in *The Tropics of Discourse: Essays in Cultural Criticism*, Baltimore, 1985 (1978), and *The Content of the Form: Narrative Discourse and Historical Representation*, Baltimore, 1987. The literature on

matics of deciphering point of view and subjectivity in archival sources and of accounting for polyphonic voices and interpretations was, from the start, critical to our work. Moreover, the process of writing crime history, of creating our own narratives about crimes and criminal events, raised certain unusual historiographic questions.

Seen from this perspective, the history of crime became increasingly bound to a set of theoretical and methodological questions about narrative history that are at the center of the already widely acknowledged debates over historical method and interpretation. Three recent publications, A.S. Byatt's, *On Histories and Stories*, Dominick LaCapra's, *History and Reading*, and Carlo Ginsburg's *Rhetoric, Narrative and Proof*, address, from different perspectives, the two interrelated issues in historical studies that I have already alluded to: 1) the nature of historical truth and its adjunct – 'the objectivity question,' and 2) the interpretation of sources by the application of methods of literary analysis and theory (these two issues are quite obviously related since both implicitly are concerned with the reading of historical texts and the ways in which we, as historians, arrive at our conclusions about the past). And, since these two conjoined issues are at the heart of the focus of this collection of essays, I would like to address some of this recent work, and suggest how the perspectives of Byatt, LaCapra and Ginsburg help to raise and illuminate questions about writing the history of crime. My purpose here is not to summarize the recent discussions about either the relationship of literary and cultural theory to historical analysis, or the currently very intense and, I think, quite complex debates about the objectivity of historical narrative and analysis, but rather to problematize these issues more specifically in terms of writing crime history. My hope here is simply to open the door a crack, and then, by briefly examining a celebrated case in U.S. history, to suggest the relevance of this recent work to understanding how representations of crimes in historical studies serve as prisms for understanding past cultures.[6]

On Reading, Narrative, and History

A.S. Byatt's essays, *On Histories and Stories*, address the connection between history and literature from the perspective of a fiction writer and literary critic. In this collection Byatt explores the way fiction writers use historical events, and even 'real' historical individuals, as the subjects of contemporary fiction. At issue here is not the use of history in fiction in the traditional sense – as devices to provide setting and detail for fictive or imaginative tales – but rather a much more self-conscious use of the historical event or individual, or even the historical moment, as vehicles for fictive narratives. Byatt's specific subject is the recent explosion in historical novels – the

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this topic is extensive; for a good summary of some of these debates see Robert F. Berkhofer, Jr., *Beyond the Great Story: History as Text and Discourse*, Cambridge, 1995.

6 A.S. Byatt, *On Histories and Stories: Selected Essays*, Cambridge, 2000; Dominick LaCapra, *History and Reading: Tocqueville, Foucault, French Studies*, Toronto, 2000; and Carlo Ginsburg, *History, Rhetoric, and Proof: The Menahem Stern Jerusalem Lectures*, Hannover-London, 1999. An even more recent work on this subject is: Mark C. Carnes, (ed.), *Novel/History: Historians and Novelists Confront America's Past (And Each Other)*, New York, 2001.

works of Graham Swift, Pat Barker, or Peter Ackroyd, to name just a few in English letters.

Byatt, who has written many novels with specific and dense historical detail, is also a biographer who approaches historical subjects with great care – hence she approaches the relationship between history (and histories) and stories with knowledge and respect for the issues. As she notes at the outset, the 'renaissance of the historical novel has coincided with a complex self-consciousness about the writing of history itself.'[7] Referring to the contemporary discussions inspired by Hayden White and others about narrative, subjectivity, and modes of interpretation in historical studies, Byatt is particularly sensitive not only to the multiple uses of history and historical events as subjects for imaginative writing, but also to the uses of the past more generally. Why, she asks, is there this 'renaissance,' in historical novels? She answers this question in several ways: 1) it is a response to the simple power, what she calls the 'narrative energy,' of the past; 2) it stems from a desire to recreate the histories and, presumably, actual narratives of those on the social margins – slaves, for example, as in Toni Morrison's *Beloved*, a novel about infanticide; and 3) in the case of war novels, it indicates the ways in which wars, in particular, make possible the subtle manipulation of biological or linear time and allow either for the exploration of the self as an essential modernist theme, or for the investigation of the fragmentation of that same self in a post-modern context.[8]

Byatt takes this issue a step further because she is also curious about what she identifies as the 'slippage between personal histories and social or national histories,' and how both novelists and historians have chosen to meld history and fiction.[9] Norman Mailer's *Armies of the Night* – a book divided into the two sections 'History as a Novel' and 'The Novel as History' – is still one of the classic examples of this genre. More recently, Pat Barker's *Regeneration* trilogy about World War I illustrates this phenomenon quite clearly: Barker uses the 'real' characters of the poet Siegfried Sasoon and the psychologist W.H.R. Rivers in her novel *Regeneration*, but she has them interact with a purely 'fictive' character, Billy Prior.[10] The historian Simon Schama uses the real and the imagined freely in *Dead Certainties*, a work about the celebrated murder of George Parkman at Harvard University in 1849. And a host of other recent works do the same, for example, Alexandra LaPierre's *Artemesia*, a new novel about art, crime (rape), and law in Renaissance Italy, or the works of Thomas Pynchon, as well as many other well researched works of fiction. Even Michael Frayn's play, *Copenhagen,* set off a series of debates about his interpretation of the famous 1941 meeting between Neils Bohr and Werner Heisenberg.[11] All of these works are extremely well

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7 Byatt, *On Histories and Stories*, p. 9.

8 This latter issue, the problem of cognitive disjuncture offered by wars or catastrophic events is similarly addressed in LaCapra's exploration of the historical writing of Tocqueville and Foucault; the former writing in the shadow of the French Revolution, the latter in the shadow of the Nazi holocaust and World War II.

9 See especially Byatt's chapter, 'True Stories and the Facts in Fiction,' *On Histories and Stories*, pp. 91-122.

10 Barker, *Regeneration*; *The Eye in the Door*, *The Ghost Road*; Byatt, *On Histories and Stories*, p. 30.

11 Simon Schama, *Dead Certainties (Unwarranted Speculations)*, New York, 1991. Alexandra Lapierre's *Artemesia, A Novel*, New York, 1998, contains extensive scholarly notes; Michael Frayn's *Copenhagen* (1998) contains a lengthy historiographic essay in the American edition,