



RETRIBUTION AND THE CRIMINAL'S RIGHT FOR REHABILITATION IN ARTHUR CONAN DOYLE'S SHERLOCK HOLMES STORIES

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ABSTRACT

Numerous researches have been done on Doyle's stories and most of them focus on the investigation of crime. The researchers are often blinded by the radiance of Sherlock Holmes that the criminal's point of view has been less treated. In this law bound society, a lawbreaker is branded as a criminal and is retributed. However, the rehabilitation of the criminal is possible in many cases. When a crime happens, the legal system hurries more to capture the criminals and punish them rather than to consider their emotional imbalance or emotional illness that made them commit the offense. Like illness in the body, the criminal impulses are illness in the mind. They should properly be treated and cured. It is true that the nefarious act of the criminals affects the social harmony, irreparably sometimes, but their right to lead a decent life is undeniable. The root of the criminality is to be identified and addressed properly.

Keywords: Crime, Justice, Social Order vs Legal Order, Human Rights

Introduction

There is no common opinion among the experts on the definitions of crime. Scholars have agreed that the definition varies from person to person, culture to culture and country to country. Referring to the subjective nature of crime and its control, Henry and Lanier suggest in their book *What is Crime?: Controversies Over the Nature of Crime and what to Do about it*, "What counts as crime at one place and time, culture, or location may not be considered as crime at another time, in another culture, or even across the street!"(7). Doyle's criminals are from various layers of the society and represent their time well. Doyle handles the criminals in an objective way and does not present any analysis. The perpetrators of crime in the stories are mostly losers by failing to handle their harmful emotions. The justice system represented in Sherlock Holmes's stories is

multilayered and multidimensional. The perceptions of justice differ from police to detective. The only aim of the police is to arrest the criminal and to produce him or her in front of legal justice system. However, a detective may insist on his own retribution or allow the criminal to escape the punishment depending on the level of innocence.

Sherlock Holmes – The Harbinger of Justice

When Sherlock Holmes was introduced in 1887, London was a den of criminals; people's confidence on the police was low due to the scandal at Scotland Yard. London was a city of prosperity and modernity as well as of obscurity and deterioration of moral values; the city was based on conflicts of interests in love, wealth, honour and all other peculiarities of human nature. Doyle introduced his scientific detective in time to reap the benefits. Ever since Holmes's first appearance in Beaton's *Christmas Annual* in 1887, there is no

decline for Sherlock Holmes. Lehan says in his *Realism and Naturalism: The Novel in the Age of Transition*:

Sherlock Holmes embodies the system that he comes to protect. He is the man of reason, of science, of technology; he is from the upper class and was educated at Oxford; he eventually becomes rich; and he frequents best city clubs and other haunts of the gentleman. (84)

He always exhibits his due respect for human rights and is willing to render a chance to the criminal to mend himself.

Retribution and the Right for Rehabilitation

In Doyle's stories, social order is always preferred to legal order. Holmes allows the criminal to escape in many of his stories when he feels that forgiveness will be better than punishment. He upholds his due respect for human rights in "The Blue carbuncle". He allows the thief to pass after confirming his clean heart and says, "I suppose that I am commuting a felony, but it is just possible that I am saving a soul" (Doyle 1: 396). Holmes is emotionally balanced enough to understand that impulsive crimes are different from organized crimes. He meets the key points of Emotional Intelligence proposed by Daniel Goleman, an American psychologist and Emotional Intelligence trainer. His definition is related to four different EI constituents: Self-Awareness, Self-Management, Social Awareness, and Relationship Management (2). EI is a combination of some complex psychological factors and it determines a person's success rate in his life. Holmes heralds all these traits of EI as a single human being, though fictitious. He is not emotionless or 'logical thinking machine'.

In his opinion, solving the crime is more important than apprehending the criminal. However, in some cases, as in "The Speckled Band," Holmes chooses to pronounce stern judgment on the criminal when he feels that the criminal will be a threat to the harmony of the society. He willfully turns the snake upon its master and explains "I am no doubt indirectly responsible for Dr Grimesby Roylott's death, and I cannot say that it is likely to weigh very heavily upon my conscience" (Doyle 1: 422). The key quality of Sherlock Holmes stories,

which also forms the basis of Arthur Conan Doyle's life, is justice. In his stories, Doyle does not emphasize the human law; he rather speaks of a divine justice, which is beyond definition and never fails to take its own course. It is like a mythonarrative that teaches people about humanity, multilayered society, in-depth philosophy, spirituality, relationships, abstract concepts, and everyday life simultaneously. It is more complex in meaning, more multi-purpose and integral to the social fabric.

Doyle's world is better than the real world, where justice is established and the criminal is either punished or acquitted based on their level of criminality. To make the stories more realistic, Doyle does not completely rule out the existence of evil. Justice in Sherlockian universe does not advocate the removal of evil by the supernatural power within a wink of an eye. There evolves a natural struggle between good and evil and finally the balance is brought back by allowing the ineffable force of good to flourish. However, Sherlock Holmes stories are not fairy tales, where the incarnations of good fight back with the incarnations of evil. Doyle does not make Holmes, the champion of justice, to defeat the evil directly. He brings in the ordinary humanistic elements to uproot the villainy. In majority of the cases, Holmes works to prove an accused person's innocence and thus saving him or her from the injustice. In some cases, he lets the criminal free upon confirming the clean conscience of the culprit. The stories in which Holmes arrests the criminals or the criminals escape punishment are discussed first.

In *The Study in Scarlet*, the first published case of Sherlock Holmes, he is up against an unknown murderer, who is after his victims for revenge. Holmes finds out that the predator is Jefferson Hope, a London cab driver, who seeks revenge for the murder of his lost love, Lucy Ferrier and her father John Ferrier. Holmes analyses the murder room, takes measurements using a tape, collects clues, and studies surfaces with his renowned magnifying glass. In this way, he is far better than the police, who struggle to tie the odd ends together. After arresting Hope, Holmes allows him to tell his story, which describes the reasons for the brutal murders of Joseph Strangerson and Enoch Drebber. Holmes, unlike the agents of law, does not

hurry to execute the system of official justice against the criminals. He spares enough time to listen to their stories to decide the course of actions. He cares more for social order than for the legal order. He believes in poetic justice that states virtue should be rewarded and vice should be punished. He establishes himself as the harbinger of justice.

"The Red-Headed League" presents Holmes's adventure to unravel the mystery behind his client Wilson's strange and hurting professional experience in an organization called Red Headed League. He finds out the clever plan of Vincent Spaulding, the robber, who plans to rob a bank near the house of Wilson; but he keeps the information to himself and leaves Watson deeply perplexed. Watson is confused when Holmes taps the sidewalk and approaches Vincent Spaulding for directions. He has already solved the puzzle that Spaulding is digging an underground tunnel between Wilson's pawnshop and the bank by cleverly removing Wilson from his shop. Holmes confirms his suspicions by listening for hollows under the ground and examining Spaulding's trousers. Only after confirming the planned robbery, he arranges for the arrest of the criminal. Holmes is never hasty in his decisions and always gives enough time for the criminals to mend their ways.

The story, "The Five Orange Pips," describes one of the few failures faced by Holmes. Doyle deliberately makes Holmes play a losing game to increase his credibility among the readers. Holmes is not a superpower, who can solve all the cases in the wink of an eye. He is fallible and has weakness like all other human beings. However, he is a super intellect and a master of many arts. He is a voracious reader and only through hard work, he has accomplished his goals. In this story, he decides to protect his client John Openshaw from the clutches of an evil organization, KKK. Openshaw's uncle was prosperous plantation owner in America before he returned to England. He was killed mysteriously after receiving a warning note from KKK with five orange pips. John's father also suffers a similar fate. After the mysterious demise of both his uncle and father, John leads a careful life for two and a half years. However, the peace is short-lived. He receives a letter with five orange pips from KKK. He

approaches Holmes for help and Holmes promises so. Nevertheless, Openshaw is killed before Holmes takes charge. Holmes is 'depressed and shaken' and says:

That hurts my pride, Watson...It is a petty feeling, no doubt, but it hurts my pride. It becomes a personal matter with me now, and, if God send me health, I shall set my hand upon this gang. (Doyle 2: 134)

The master detective avows revenge and finds out the murderers, who sail in the ship Lone Star. He sends five orange pips to Captain Caulhoun, but the ship sinks in the middle of the journey due to a hurricane. Doyle describes:

There is ever a flaw, however, in the best laid of human plans, and the murderers of John Openshaw were never to receive the orange pips which would show them that another, as cunning and as resolute as themselves, was upon their track. Very long and very severe were the equinoctial gales that year. We waited long for news of the Lone Star of Savannah, but none ever reached us. We did at last hear that somewhere far out in the Atlantic a shattered stern-post of a boat was seen swinging in the trough of a wave, with the letters "L. S." carved upon it, and that is all which we shall ever know of the fate of the Lone Star. (Doyle 1: 350).

The nature has meted out the justice to assist Holmes.

The story "The Adventure of the Resident Patient" carries Holmes's clear opinions on justice though he plays a minimal role in identifying the criminals. It is a story of a bank robber Sutton, who poses as a resident patient in Dr. Percy Trevelyan. He resides under the false name Blessington and he is alarmed by the arrival of two Russians. He is afraid of his safety and carries a gun always. Holmes interferes in the case and finds out Blessington has a secret behind his mysterious acts. He feels that Blessington has lied and he has an unexplained relationship with the Russians. Holmes gives up the case; but Blessington's sudden death brings him back. He digs out Blessington's past and learns that Blessington was originally Sutton, a bank robber,

who exposes four of his accomplices. One being hanged, the three are released after serving their sentence. They find Sutton and hang him for revenge. Holmes says:

Well, my dear sir, knowing the vindictive character of his old associates, he (Sutton) was trying to hide his own identity from everybody as long as he could. His secret was a shameful one, and he could not bring himself to divulge it. However, wretch as he was, he was still living under the shield of British law, and I have no doubt, Inspector, that you will see that, though that shield may fail to guard, the sword of justice is still there to avenge. (Doyle 2: 687)

The murderers escape and the Scotland Yard fall short in arresting them. It is believed that the three die when the ship *Norah Creina* sinks off Oporto. With this story, Doyle once again proves that legal justice is not alone in dealing with the wrongdoers and natural justice is there to help the downfall of the criminals.

"The Adventure of the Blue Carbuncle" is a popular story that records Holmes's deep concern for social order. James Ryder, a hotel attendant, is a criminal, who has stolen a valuable stone out of sudden temptation. He hides the gem in the bill of a goose and loses it. Holmes comes across the stone by chance and starts his trail. Being immature, Ryder is utterly confused over the loss of his loot and wanders all over the town. Holmes identifies him and takes him to his room for enquiry. Ryder admits his guilt and surrenders himself under the mercy of Holmes. Finding Ryder completely exhausted and bewildered, Holmes lets him go free. Doyle describes the scene:

"After all, Watson," said Holmes, reaching up his hand for his clay pipe, "I am not retained by the police to supply their deficiencies. If Horner were in danger it would be another thing; but this fellow will not appear against him, and the case must collapse. I suppose that I am commuting a felony, but it is just possible that I am saving a soul. This fellow will not go wrong again; he is too terribly frightened. Send him to jail now, and you make him a jail-

bird for life. Besides, it is the season of forgiveness. Chance has put in our way a most singular and whimsical problem, and its solution is its own reward." (Doyle 1: 396)

He is aware that his decision is against the law, but it is in favour of humanity.

Conclusion

Doyle makes Holmes establish the legal order either by arresting the criminals or by helping the police save the crime victims. Being a highly conscientious and intelligent person, Doyle also expresses his belief over the social order by allowing Holmes to let some criminals go free if they are found to be good at heart. Holmes is not a police officer, who is bound to his duties and thus pays less attention to his conscience. However, Holmes is a private detective, who is not liable to anyone. Before exposing the culprits, he weighs the merits and demerits and takes the decision accordingly. In solving the crimes, as Christopher Clausen says in "Sherlock Holmes, Order, and the Late-Victorian Mind," Holmes not only establishes justice, but he "single-handedly defends an entire social order whose relatively fortunate members feel it to be deeply threatened by forces that only he is capable of overcoming" (112).

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