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The Perils of Certain English Prisoners: Charles Dickens, Wilkie Collins, and the Limits of Colonial Government

ALEX TICKELL

Charles Dickens's attitudes toward British colonialism and its supposedly civilizing mission are often explained by present-day critics through reference to the strangely ambivalent presentation of empire in his novels: both as a zone of redemptive economic possibility, for characters compromised by crime or character-flaws like Mr. Micawber in *David Copperfield* (1849–50), and, conversely, as a space in which liberal energies for reform are dissipated in useless acts of "telescopic philanthropy" such as Mrs. Jellyby's Borrioboola-Gha project in *Bleak House* (1852–53). Dickens's apparent uncertainty in his fiction over the liberal-philanthropic rhetoric of empire is uneasily complemented by the more virulent and seemingly much more racist views evident in his journalism and letters. In his well-known 1853 article "The Noble Savage," in which he describes various London shows such as A. T. Caldecott's exhibition of "Zulu

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Kaffirs," which featured live tableaux of "native" life, Dickens appears to endorse, wholeheartedly, the racial prejudices of his time. Employing a ferocious hyperbole, he ridicules the romantic notion of the inherent nobility or dignity of non-Europeans, and calls for a civilizing (and potentially genocidal) eradication of them as part of the colonial project: "I call a savage a something highly desirable to be civilised off the face of the earth"; "if we have anything to learn from the Noble Savage, it is what to avoid. His virtues are a fable; his happiness is a delusion; his nobility, nonsense."[1] In the very next sentence, however, Dickens seems to temper his rage somewhat and adds, equivocally: "We have no greater justification for being cruel to the miserable object [the savage], than for being cruel to a WILLIAM SHAKSPEARE or an ISAAC NEWTON" ("The Noble Savage," p. 339). The qualifying sentence brings an intriguing self-consciousness to the piece, and hints that the denunciation of savagery might not be as straightforward as it first appears. Indeed, throughout the article Dickens's argument develops via a broadly similar mode of comparative implication, so that in describing tribal customs practiced in the metropolitan heart of empire he is able to condemn savagery while also hinting that nineteenth-century civilized manners may not have developed, morally, very far beyond their savage origins. In the passage quoted above, the very warning not to be cruel to "the savage," patronizing as it is, hints that civilization might have a capacity for violence that equals or even surpasses that of supposedly uncivilized peoples.

Contemporary critics have tended to pass over these moments of uneasy irony, and have responded to nonfiction works like "The Noble Savage" by variously condemning or excusing Dickens's apparent bigotry.[2] Thus, in his readings of nineteenth-century fiction and colonialism, Patrick Brantlinger underlines Dickens's apparent racism and remarks on his "genocidal

[1] Charles Dickens, "The Noble Savage," *Household Words*, 7 (1853), 337, 339. I would like to thank Jonathan Grossman and the anonymous academic readers for their helpful suggestions on the redrafting of this essay.

[2] See Lillian Nayder, rev. of *Dickens and Empire: Discourses of Class, Race and Colonialism in the Works of Charles Dickens*, by Grace Moore, *Victorian Studies*, 48 (2006), 331–33.

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attitudes" toward non-Europeans,[3] and critics of his social vision, such as Myron Magnet, suggest that an *other* Dickens exists beyond the socially concerned public figure, a Dickens who could easily contemplate the eradication of whole peoples.[4] In contrast, Michael Slater claims that Dickens's "racist" statements are aberrations or distortions of his real views,[5] and Grace Moore reads works like "The Noble Savage" as an ironic response by its author to abolitionists such as Lord Denman who had been critical of his writing.[6] Yet another angle on Dickens's views on race is explored by Kate Flint in her critical estimation that the non-European cultural Others who appear in Dickens's writing are "less a subject in themselves than agents utilized within other debates: a complex form of incorporation."[7] The critical strategy of reading race as an indicator of other issues is further developed by Lillian Nayder in her searching study of Dickens's collaborative fictions, when she emphasizes the displacement function of his racial themes and argues that they reflect the author's metropolitan anxieties about class and social upheaval.[8]

In the pages that follow I want to return to this debate, not so much to contribute to either side of it as to redirect it toward different ends: evaluating Dickens's views on European civilization, and specifically his response to the British empire under threat, as an indicator of his wider ideas about government and the limitations of its colonial forms. Through an examination of one of his most pointedly colonial short fictions, *The Perils of Certain English Prisoners, and Their Treasure in Women, Children, Silver, and Jewels* (1857), coauthored with Wilkie

[3] Brantlinger, *Rule of Darkness: British Literature and Imperialism, 1830–1914* (Ithaca: Cornell Univ. Press, 1988), p. 126.

[4] See Magnet, *Dickens and the Social Order* (Philadelphia: Univ. of Pennsylvania Press, 1985), p. 1.

[5] See Slater's introduction to "The Noble Savage" essay in Charles Dickens, *"Gone Astray" and Other Papers from "Household Words," 1851–59*, ed. Michael Slater, vol 3 of *The Dent Uniform Edition of Dickens' Journalism* (London: Dent, 1996), pp. 141–43.

[6] See Moore, *Dickens and Empire: Discourses of Class, Race and Colonialism in the Works of Charles Dickens* (Aldershot: Ashgate, 2004), p. 65.

[7] Flint, "Dickens and the Native American," in *Dickens and the Children of Empire*, ed. Wendy S. Jacobson (Houndmills: Palgrave, 2000), p. 103.

[8] See Nayder, *Unequal Partners: Charles Dickens, Wilkie Collins and Victorian Authorship* (Ithaca: Cornell Univ. Press, 2002).

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Collins,[9] I suggest that Dickens and Collins's collaborative depiction of colonial rule in crisis throws into question the nature of what Sudipta Sen has called "distant sovereignty," especially where this type of government betrays the same obfuscating liberal tendencies as the over-bureaucratized metropolitan institutional targets of Dickens's satire.[10] In *The Perils of Certain English Prisoners*, these themes are modulated through the image of the contract, or promise, and I argue below that, as exported governmental social contracts fail, or are seen to be a sham, a concomitant crisis of colonial authority is resolved through a sharper delineation of who or what can be included (and violently excluded) as political life, and a compensating recourse to other feudal-hierarchical social formations, especially a revived medievalism. In conclusion, I make some tentative connections between the "political-contractual" preoccupations of *The Perils* and emerging theories of colonial government in the decades after the 1857 uprising.

Setting aside the critical questions about the sincerity of Dickens's remarks on race reviewed above, it is evident that his statements on racial difference became more extreme in instances when "savages" refused the civilizing ambitions of British colonial rule. If colonialism's progressive liberal mandate was a questionable good when balanced against the more immediate reforms needed in Victorian society, then the supposed ingratitude, or even violent resistance, of "natives" against Europeans was something that Dickens found difficult to countenance. Two events in the mid nineteenth century brought these feelings into sharp focus: the rebellion or so-called "Mutiny" that threatened to end British rule in India in the summer of 1857, and a popular uprising in the district of Morant Bay in Jamaica in 1865. In the latter case, the colonial Governor of Jamaica, Edward Eyre, had suppressed the insurgency with exceptional ferocity, and under his orders

[9] All references are to [Charles Dickens and Wilkie Collins], *The Perils of Certain English Prisoners, and Their Treasure in Women, Children, Silver, and Jewels*, *Household Words* (Extra Christmas Number, 7 December 1857), pp. 1–36; hereafter cited in the text as *The Perils*.

[10] See Sudipta Sen, *Distant Sovereignty: National Imperialism and the Origins of British India* (New York: Routledge, 2002).

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numerous African Caribbean residents had been executed without trial.[11] Leading British intellectuals of the day, including Dickens, were subsequently drawn into a very public controversy over the legality of Eyre's actions. Liberal detractors like Charles Darwin, J. S. Mill, and Thomas Henry Huxley quickly formed a Jamaica Committee to demand an investigation into Eyre's scandalous conduct; in response, Thomas Carlyle, John Ruskin, Alfred Tennyson, and Dickens, among others, set up the Governor Eyre Defence League and supported Eyre's actions as the legitimate protection of the island's European population.

It was, however, in response to the earlier 1857 "Mutiny," an uprising led by Indian soldiers of the East India Company's armies that quickly spread across North India, that Dickens's views on colonialism (and the violence it supported) were most strikingly expressed. From July of that year the time-lagged news from the subcontinent brought horrifying reports of atrocities committed against British families by rebel soldiers, or *sepoys*. These formulaic stories circulated during the "crisis months" of the conflict (July to November 1857) and consisted of rumored accounts of European women and children killed by Indian soldiers in various centers of the rebellion, embellished with lurid and often grotesque details of torture, mutilation, and rape. Reprinted in the Calcutta and London newspapers, the atrocity narratives transformed the rebellion from an act of armed political resistance into a violent sexual crime against European women. As critics of the colonial narratives of the rebellion such as Jenny Sharpe have argued, the development of a schematized Mutiny "rape-script," as a component of the atrocity stories, helped preserve colonial authority by displacing attention from threatened male bodies and thus played a crucial role in the discursive management of the crisis.[12]

As a shocking derangement of the protocols of nineteenth-century warfare, and a sacrilegious assault on European colonial families, the alleged atrocities were met with widespread

[11] See R. W. Kostal, *A Jurisprudence of Power: Victorian Empire and the Rule of Law* (New York: Oxford Univ. Press, 2005).

[12] See Sharpe, *Allegories of Empire: The Figure of Woman in the Colonial Text* (Minneapolis: Univ. of Minnesota Press, 1993), p. 67.

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outrage and calls for vengeance both in India and at home. At public meetings across Britain, MPs and clergymen demanded the severest justice and recommended that whole cities be razed to the ground in retribution. In an often-quoted letter to the banking heiress Angela Burdett Coutts, Dickens echoed these sentiments, stating that there could be no conceivable justification for the uprising in India, much less the cruelties inflicted against English women and children, and calling for the summary extermination of the whole "Oriental race":

> And I wish I were Commander in Chief in India. The first thing I would do to strike that Oriental race with amazement (not in the least regarding them as if they lived in the Strand, London, or at Camden town) should be to proclaim to them, in their language, that I considered my holding that appointment by the leave of God, to mean that I should do my utmost to exterminate the Race upon whom the stain of the late cruelties rested; and that I begged them to do me the favor to observe that I was there for that purpose and no other, and was now proceeding, with all convenient dispatch and merciful swiftness of execution, to blot it out of mankind and raze it off the face of the Earth.[13]

Dickens's personal comments on the events of 1857 should not, perhaps, be taken too seriously: his letters to "ABC" were often composed with a note of whimsical, flirtatious hyperbole, and the scourging tone of his pronouncements about "the late cruelties" in India may have been partly ironic. Yet there is no mistaking his endorsement of a popular outrage at the news from India, or his anger toward the colonial Governor-General, Lord Canning, who had become deeply unpopular for recommending mercy toward Indian rebels during the suppression of the uprising. Moreover, like many of his British readers, Dickens had a personal connection with the events in the subcontinent (his son Walter, an East India Company cadet, sailed for India in July, and later served in the colonial army), and it would have been difficult for Dickens to remain impervious to a conflict in which his own family would soon be involved.

[13] Charles Dickens, letter to Angela Burdett Coutts, 4 October 1857, in *The Letters of Charles Dickens*, ed. Madeline House and Graham Storey, et al., 12 vols. (Oxford: Clarendon Press, 1965–2002), VIII, 459.

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The notable feature of Dickens's letter, once the reader gets past its apparently exterminating ambitions, is the parenthetical comment that qualifies his wished-for commanding authority over the "Oriental race." Here Dickens suggests that colonial rule has failed to protect European lives in India because of the mistaken assumption that the juridical-political rights of "savages" are the same as those of "civilized" gentlemen residing in the Strand or at Camden Town. The complex problems raised by legislating in the colonies had already been addressed in the 1830s in tracts such as Jeremy Bentham's "Essays on the Influence of Time and Place in Matters of Legislation," and, as far as universal freedoms were concerned, the campaign for slave emancipation in the 1830s and 1840s had made basic human liberties part of a public debate. Dickens supported emancipation and condemned slavery—his deep horror of slavery pervades the penultimate chapter of *American Notes* (1842)—yet, as Grace Moore argues, "for a Victorian, support for the emancipation of North American slaves was by no means incompatible with strong opinions on the [political and moral] inferiority of non-white peoples" (*Dickens and Empire*, p. 43). Certainly, in later life Dickens made his feelings about the political aspirations of African Americans more explicit when he dismissed the idea of giving freed slaves the vote as "a melancholy absurdity."[14]

It should not be assumed that just because Dickens posited substantive civilizational differences between gentlemen in the Strand or Camden and the rebelling "Oriental race" in India, he necessarily believed that the rights of political representation should be extended to all British subjects at home. As Michael Goldberg notes, in later life Dickens shared Thomas Carlyle's skepticism about a full democratic franchise and intimated that "representative government is become altogether a failure with us."[15] As some of his later public statements show,

[14] Charles Dickens, letter to John Forster, [30 January 1868], in *The Letters of Charles Dickens*, XII, 27.

[15] Charles Dickens, letter to John Forster, 30 September 1855, in John Forster, *The Life of Charles Dickens*, 13th ed., 3 vols. (London: Chapman and Hall, 1873–74), III, 459–60. Quoted in Michael Goldberg, "From Bentham to Carlyle: Dickens' Political Development," *Journal of the History of Ideas*, 33 (1972), 65.

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however, this failure could be attributed to a poorly representative or self-serving executive body as much as it indicated an inherent limitation in the participatory scope of democracy. In a speech on his political beliefs after the 1867 Reform Act, Dickens had stated: "My faith in the people governing is, on the whole, infinitesimal; my faith in the People governed is, on the whole, illimitable" (Forster, *Life of Charles Dickens*, III, 463). The speech caused some confusion because his audience was unaware of the capitalization of "People" in the second instance, and afterward Dickens corrected himself by concurring with the historian H. T. Buckle that legislators should always be the "mere servants of the people, to whose wishes they are bound to give a public and legal sanction."[16] In Dickens's responses to anticolonial insurgency these subtleties largely disappeared, but, as we shall see, doubts about the ethical costs of unrepresentative government persisted, even in his most sensational music-hall visions of colonial revenge and reconquest.

Dickens clearly found the idea of comparing indigenous people from the empire's margins with Englishmen in the metropolitan center (as he had done in the "Noble Savage" article) compelling, because he used the device again in his response to Governor Eyre's actions during the 1865 Jamaica controversy. Dismissing liberal disquiet over the African Caribbean victims of Eyre's reprisals at Morant Bay, he complained of being "badgered about [Jamaicans,] New Zealanders and Hottentots, as if they were identical with men in clean shirts at Camberwell, and were to be bound by pen and ink accordingly."[17] Yet here Dickens makes an important qualification to his earlier "genocidal" refusal of a political commonality between Europeans and rebellious Indians. The point of his later complaint is not *only* that some of his readers might (misguidedly) think that Jamaicans, native New Zealanders, and Hottentots are essentially the same as (white male) Londoners; the fundamental issue is that they cannot be "bound by pen and ink"—bound, essentially through the claims or legal obligations of a written

[16] Sarah Winter, *The Pleasures of Memory: Learning to Read with Charles Dickens* (New York: Fordham Univ. Press, 2011), p. 253.

[17] Charles Dickens, letter to W.W.F. de Cerjat, 30 November 1865, in *The Letters of Charles Dickens*, XI, 116.

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promise—in the same way as their European counterparts. Thus, for Dickens, essential civilizational and political difference is predicated on, and reinforced by, the ability to enter into contractual agreements, and, in order to reflect on the implications of this idea for *The Perils of Certain English Prisoners*, it is necessary to review contract-theories of government more closely.



The classic seventeenth-century formulation of a contract theory of government was developed in Thomas Hobbes's *Leviathan* (1651) and modified in John Locke's *Two Treatises of Government* (1690). The well-established primary concern of both of these works is the organizational origin of sovereignty, and both texts, in different ways, explore the question of what makes people who have formerly existed in a "state of nature" consent to government and enter into a collective compact with a sovereign. For both thinkers the compact or contract is thus a philosophical hypothesis rather than an actual document that can be located in some early moment of human history.[18] In Hobbes's famously unpleasant vision of humanity's natural state, in which resources are scarce and life is "solitary, poore, nasty, brutish and short," humans will elect a strong sovereign to safeguard themselves against conflict that arises from their own greed and fear.[19] Alternatively, Locke allows that the state of nature might be a relatively benign condition, and he initially does not envisage the kind of conflict predicated by Hobbes; yet he, too, sees the contractual election of a sovereign as essential once society has started to engage in commerce and is in need of complex legal adjudication. In contrast to this English political-philosophical tradition, Jean-Jacques Rousseau's influential work *The Social Contract* (1762) envisaged the social contract as an expression of a popular sovereignty (thus paving the way for French revolutionary interpretation of his thought). Rousseau's singular

[18] See Jonathan Wolff, *An Introduction to Political Philosophy* (New York: Oxford Univ. Press, 1996).

[19] Thomas Hobbes, *Leviathan*, ed. Richard E. Flathman and David Johnston (London: W. W. Norton, 1997), p. 70.

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relevance in this paper is due both to his contribution to contract theory, with its republican permutations, and to his representation of the state of nature not as a negative beginning, but as a positive condition corrupted by later societal developments. Rousseau is thus credited, among others, with a significant role in the development of a discourse of "noble savagery"; indeed, in Rousseau's view, while it was impossible for people to return to a state of nature, it was "something of a matter of regret" that humanity had "grown civilized" (Wolff, *Introduction to Political Philosophy*, p. 27).

A major intellectual legacy of contract theory as it developed in the seventeenth and eighteenth centuries was that it enabled the rise of liberalism as a political creed. Reflecting on legal cognates of the social contract, Irene Tucker suggests that the social contract is nothing less than the mark of liberalism's "discursive originality"—"the social contract generally [being] read as asserting the power of the individual to order his social and political relations against the pressure of inherited social status and the divine right of kings." Further, "By conventional readings of the social contract . . . , liberal subjects are first and foremost *agents*—abstract bearers of a will whose particular historical circumstances reveal something about who they are not because they enable or constrain what such a subject can do, but because they have been chosen by that subject."[20] I will presently address the critical implications of developments in contract law for an understanding of nineteenth-century fiction; my immediate aim here, however, is to contrast the contract theory tradition in political philosophy summarized above with a much more recent revisionist interpretation of the basis of sovereignty in the work of the Italian philosopher Giorgio Agamben.

In his *Homo Sacer: Sovereign Power and Bare Life* (1998), Agamben argues that sovereignty originates not in the social contract, but in the sovereign's ability to decide on the exception; in other words, the sovereign's power to suspend the law in emergencies. Thus, for Agamben, the sovereign's functional

[20] Irene Tucker, "What Maisie Promised: Realism, Liberalism and the Ends of Contract," *Yale Journal of Criticism*, 11 (1998), 336.

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counterpart is not the citizen-subject who participates in the political process (as in contract theory), but the *homo sacer* or "sacred man," a figure who represents the extreme loss of political protections afforded by subject-status and is, in fact, vulnerable to violence from anyone and can be killed indiscriminately. While the *homo sacer* is never a representative of "political life" (what Aristotle called *bios*), neither is he or she indicative of "natural life" (or an Aristotelian *zoe*); rather, the *homo sacer* is an indeterminate figure who blurs the distinction between man and animal, and is divested of political protection—becoming, as a result, *nuda vita* or "bare life." A particularly striking incarnation of "bare life" in Agamben's writing is the medieval figure of the wolf-man or werewolf, who epitomizes the condition of being "banned" or radically excluded from the *polis*. As Agamben argues, "the life of the [wolf-like] bandit . . . is not a piece of animal nature without any relation to law and the city. It is, rather, a threshold of indistinction and of passage between animal and man, *physis* and *nomos*, exclusion and inclusion."[21] Here Agamben subtly reenvisages Hobbes's model of a bestial state of nature in *Leviathan* in which "man is wolf to men," which traditionally *precedes* the social contract, by revising it to describe a state that is the constant possibility of sovereignty: "the state of nature is not a real epoch chronologically prior to the foundation of the City," Agamben argues, "but a principle internal to the City, which appears at the moment the City is considered *tanquam dissoluta*, 'as if it were dissolved'" (*Homo Sacer* p. 105). Crucially, Agamben also sees the sovereign, in his or her indeterminate political relations with the *homo sacer*, as always potentially oppressive: "just as sovereign power's first and immediate referent is . . . the life that may be killed but not sacrificed [*homo sacer*], . . . so in the person of the sovereign, the werewolf, the wolf-man of man, dwells permanently in the city" (*Homo Sacer*, p. 107)

This may all seem of questionable relevance to Dickens's writing, but I think it illuminates his political themes, especially when they involve the stark racial exclusions noted above. Like

[21] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford Univ. Press, 1998), p. 105.

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many post-Romantic writers and intellectuals, Dickens found it hard to dismiss the hypothetical precontractual "state of nature" outright, because in it humans, like children or "idiots," might enjoy a kind of innocence (Magnet, *Dickens and the Social Order*, p. 77). More frequently, however, when Dickens imagines popular insurrections and "exceptional" threats to the state, notably in *Barnaby Rudge* (1841) and *A Tale of Two Cities* (1859), the breakdown of law unleashes a "civil savagery" in which people forget their social-contractual obligations of mutual care and revert to the sort of natural state that Hobbes called a "Warre, where every man is Enemy to every man" (*Leviathan*, p. 70). In these instances, insurrectionist characters become bestial, showing what humanity reverts to without the contractual controls of civilization. We have seen already that Dickens was, nevertheless, also keenly alive to the ways in which "civilized" socially contracted government could, itself, become "wolfish" and corrupt. For Dickens, argues Myron Magnet, "the necessary *public* authority erected by men to guarantee the social contract has an inherent tendency to resolve itself into nothing more than the violence at its disposal. It thus perpetually presents the threat of becoming as savage as the savagery it was instituted to civilize" (*Dickens and the Social Order*, p. 6). Even so, Dickens never went as far as to imagine that any of the public authorities he satirized could be completely replaced,[22] and his cautiousness extended to an acceptance of a sense of tacit "contractual" consent between British subjects and their sovereign.

In Dickens's representations of non-European societies, however, the idea of the social contract (and contractual political promises in general) is much more questionable. His ambivalence is exacerbated by the historical fact that *actual* paper contracts and mandates had been used in a number of colonies as the dubious diplomatic means of obtaining trading concessions and territorial rights. In India, Robert Clive's securing of a Mughal *Diwani* mandate gained the British revenue-collection

[22] As George Orwell recognized, "every attack Dickens makes upon society," every damning call for reform, seemed to demand "a change of [moral] spirit rather than a change of [political] structure" (Orwell, "Charles Dickens" [1939], in *The Penguin Essays of George Orwell* [Harmondsworth: Penguin, 1984], p. 47).

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privileges in Bengal, Bihar, and Orissa while still preserving the illusion of a putative Mughal sovereignty,[23] and in the Americas colonists made various binding land-purchase contracts with Native American leaders in order to secure territory. On his American tour of 1842 Dickens had seen eighteenth-century treaties made with Delaware, Iroquois, and Susquehannock tribal leaders at Harrisburg, and had wondered sadly in a letter "how many times the credulous Big Turtle, or trusting Little Hatchet, had put his mark to treaties which were falsely read to him; and had signed away, he knew not what, until it went and cast him loose upon the new possessors of the land, a savage indeed."[24] This passing comment stands as an important qualification for an analysis of Dickens's views on the contract as a mechanism of colonial rule, and shows that he was fully aware that the act of signing a founding territorial contract had the capacity not only to enfranchise but also to dupe and dispossess its signatories.

Nevertheless, Dickens also clearly found the idea of a colonial government, based on a quasi-constitutional contract, highly problematic because it seemed to compromise the rights and protections of *Europeans* abroad, rather than their "native" counterparts. As the following pages will show, his skepticism about the colonial contract was reserved, chiefly, for moments in which colonial government appeared to fail, or betrayed itself as nothing more than a bureaucratic sham. In these instances, Dickens's ethnocentric faith in tacit social consent gives way to a model of government that is much more like Agamben's sense of sovereignty as a decisive power to delimit political life, irrespective of any contractual arrangement. In Dickens's world-view, the superiority of (European) civilization over (non-European) savagery, especially *in extremis*, trumped any possible claim that colonized people might make to political consideration. This does not mean, however, that the social

[23] See Stanley Wolpert, *A New History of India*, 5th ed. (New York: Oxford Univ. Press, 1997), p. 186.

[24] Charles Dickens, *American Notes*, quoted in Flint, "Dickens and the Native American," p. 96. In a 28 March 1862 letter to John Forster, Dickens wrote of the "poor Indians," and continued: "You know my small respect for our house of commons. These local legislatures [in their dealings with native Americans] are too insufferably apish of mighty legislation, to be seen without bile" (*The Letters of Charles Dickens*, III, 168–69).

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contract completely disappears as a political ideal in Dickens's literary depiction of anticolonial insurgency; rather, it remains as an ethical problem, a stubborn symbol of the potentially scandalous nature of colonial violence and a warning of the dangers of transposing a supposedly universal European governmental logic to other parts of the world.[25]

The three-part narrative of *The Perils of Certain English Prisoners*, published as the extra Christmas number of *Household Words* (of which Dickens contributed the first and third chapter-sections, and Collins the second), was written in the closing months of the 1857 Rebellion, and had been planned in order "to commemorate the foremost of the great English qualities shewn in India, without . . . making any vulgar association with real events or calamities."[26] Dickens and Collins's strategy for avoiding what they saw as the prurient vulgarity of many contemporary Mutiny atrocity narratives was to set their short story in the Caribbean *circa* 1744, transplanting stock devices of Mutiny accounts and historiography (siege narratives, fugitive escape plots, and the dramatic appearance of a relief force) to the fictitious colonial island of "Silver-Store" off the coast of Honduras, and replacing the Indian mutineers with a band of marauding pirates intent on stealing the treasure kept on the island.

The first chapter-section of *The Perils of Certain English Prisoners*, "The Island of Silver-Store," is narrated by a lowly British marine, Gill Davis, who has arrived on the navy ship *Christopher Columbus* to protect the island, and the story is distinctive, initially, because of its hero's class resentments. Encountering Silver-Store's cosseted colonial inhabitants, Gill, one of Dickens's archetypal foundling-protagonists, reflects bitterly: "Here you are . . . good scholars and good livers; . . . able . . . to do what you like; and much you care for a poor, ignorant Private in the

[25] See Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, Mass.: Belknap Press of Harvard Univ. Press, 2006).

[26] Charles Dickens, letter to Lavinia Jane Quin Watson, 7 December 1857, in *The Letters of Charles Dickens*, VIII, 487.

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Royal Marines! Yet it's hard, too, I think, that you should have all the half-pence, and I all the kicks; you all the smooth, and I all the rough; you all the oil, and I all the vinegar" (*The Perils*, p. 3). Soon after Gill and his platoon arrive on the island, their ship is scuttled with the connivance of a treacherous pilot named "Christian George King" (who is referred to throughout the story as a "Sambo," or mixed-race descendant of African and Native American parents), and most of the marines are lured away to try to capture several pirate ships that have been seen anchored further up the coast. Only Gill and a few noncommissioned soldiers are left to guard the colonial community, which includes the Captain's beautiful sister, Miss Marion Maryon. Without warning, the pirates, a multiethnic, multiracial band described as the "scum of all nations" (p. 33), who count Dutch, Maltese, Greeks, "Sambos," and "Convict Englishmen" among their number (p. 12), attack the colonial settlement and force the residents to barricade themselves in a fortified compound with their treasure. During the subsequent siege Gill revises his negative opinion of the aristocratic colonial civilians, who prove themselves to be "cool and resolute" under fire, and the vaguely Chartist resentments that have been brewing among the soldiers are all resolved in the camaraderie of colonial warfare.

In the succeeding middle chapter, "The Prison in the Woods," written by Collins, and reminiscent of South American travel-narratives such as John Lloyd Stephens's *Incidents of Travel in Central America* (1839),[27] Gill and the colonists are taken hostage by the flamboyant Portuguese pirate leader, Pedro Mendez, known as "the Don," who transports them to the mainland, makes them endure forced marches through tropical jungles, and imprisons them in the ruins of a Mayan city. The captives eventually escape by drugging the pirates' food and making their getaway down a nearby river on makeshift rafts. In the final chapter, "The Rafts on the River," written by Dickens, the British fugitives are saved a few days later by a relief force of marines led by the gallant Captain Carton (a model for Sydney Carton in *A Tale of Two Cities*), who is engaged

[27] See Nayder, *Unequal Partners*, p. 123n.

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to Miss Maryon. Carton shoots and kills the duplicitous Christian George King, who has been following the party and spying on them from the jungle, and escorts the colonists to safety. The pirates are later all killed or imprisoned, the treasure is recovered, and *The Perils of Certain English Prisoners* ends, years later, with Gill employed as a valued retainer on the Carton country estate, his oral narrative (the narrative of *The Perils* itself) being transcribed by his beloved Marion, who is now Lady Carton. Acknowledging Jeremy Tambling's succinct analysis, we soon realize that "Gill Davis is no Robin Hood to this Maid Marion" because in *The Perils* "class identities are fixed and annihilate adventurers."[28]

The redemptive process through which the defense of a colonial outstation transforms Gill from an angry dissenter into a faithful servant of the aristocracy is the key to the text's commemorative mechanism, and might be read, adapting Dickens's satire on mission philanthropy, as an instance of a positively "telescopic" counter-insurgency. Obliquely, in *The Perils of Certain English Prisoners*, the 1857 Rebellion thus forms a diversionary conduit for working-class radicalism, and, as Lillian Nayder argues, "provides [Dickens] with a means of transforming socially subversive feelings of class injury and *ressentiment* into a socially quiescent racism."[29] Nayder concurs with Collins's biographers that *The Perils* betrays its authors' political differences in its varying treatment of these themes: the racial emphasis of Dickens's political fable giving way to more ambivalent correspondences between working-class characters, native Central Americans, and "Sambos" in Collins's middle chapter.[30] Here, stereotypes are redefined; the narrative tone becomes tragicomic, and key characters, like the pirate captain, become more complex. More pertinently, in these sections it is possible to see that alongside the potentially socially reintegrative effects of colonial violence, *The Perils*

[28] Tambling, *Dickens, Violence and the Modern State: Dreams of the Scaffold* (Houndmills: Macmillan, 1995), p. 189.

[29] Nayder, "Class Consciousness and the Indian Mutiny in Dickens's 'The Perils of Certain English Prisoners,'" *Studies in English Literature, 1500–1900*, 32 (1992), 692.

[30] See Nayder, *Unequal Partners*, p. 122; and Moore, *Dickens and Empire*, p. 123.

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incorporates a detailed and inherently conflicted commentary on the contract as the basis of government.

Initially, Dickens's suspicions about exported forms of constitutional "contractual" government find their principal focus in Commissioner Pordage, the island's governmental representative. The dubious basis of Pordage's colonial sovereignty is described thus:

> Mr. Commissioner Pordage kept in a red and black japanned box, like a family lump-sugar box, some document or other which some Sambo chief or other had got drunk and spilt some ink over (as well as I could understand the matter), and by that means had given up lawful possession of the Island. Through having hold of this box, Mr. Pordage got his title of Commissioner. He was styled Consul, too, and spoke of himself as "Government." (*The Perils*, p. 5)

Dickens's mocking account of the transferral of sovereign powers from the Island's "Sambo" inhabitants inadvertently gestures toward actual colonial diplomatic strategies noted earlier. Of course, Dickens, in implying that the local chief has been tricked out of his land ownership rights, is now uninterested in whether "savages" *have* lawful rights or even if they conceptualize them differently, and has moved beyond the sympathy that can be glimpsed in his response to the treaties at Harrisburg; his satirical target is the official use of cheap "japanned box" parodies of contractual sovereignty that obscure colonialism's real prerogative—exceptional violence. Additionally, the dangerous assumption of native loyalty, bound by any such contract, is confounded by the treachery of Christian George King, who comes to resemble the notorious Indian rebel leader Nana Saheb in his apparent betrayal of his colonial masters. While Pordage's claim to sovereign government inheres in a sham pseudo-contract, and Gill's claim resides in his more "honest" identity as a British soldier-subject, Christian George King's counter-claim, as a "Sambo" insurgent, is lampooned in his name, a misappropriation of Britain's divinely appointed sovereign, King George the Second.[31]

[31] See Laura Callanan, *Deciphering Race: White Anxiety, Racial Conflict, and the Turn to Fiction in Mid-Victorian English Prose* (Columbus: Ohio State Univ. Press, 2006), p. 76.

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Dickens's commentary on the ironies and pretensions of colonial government continues in disagreements between the officious Pordage and more practically minded military or navy commanders such as the master of the *Christopher Columbus* (and brother of Gill's beloved mistress), Captain Maryon. Angered that the captain has not produced a written request for assistance, Pordage threatens to "take [the matter] up" with the government, and, putting on his Diplomatic coat (which has "a crown on the button" and thus represents his delegated sovereign powers), he dictates a report on "a bushel of large paper . . . , which cost more before it was done with, than ever could be calculated, and which only got done with after all, by being lost" (*The Perils*, p. 5). This colonial instance of Dickens's well-known crusade against "circumlocutory" bureaucracy carries echoes of long-standing tensions between the military and officialdom in the East India Company's territories, with Pordage recalling the caricature of the naive Calcutta civilian who is ignorant of the country and never ventures forth without "the Regulations in his right hand, the Company's charter in his left, and a quire of wire-wove foolscap before him."[32]

The topical Indian relevance of the narrative is signaled again in Pordage's insistence that "Government requires . . . treat[ing] the enemy with great delicacy, consideration, *clemency*, and forbearance" (*The Perils*, p. 8; emphasis added). Dickens's pointed reference to clemency here is an attack on the Governor-General (and later, Victoria's first Viceroy) in India, Lord Canning, who, having issued an emergency regulation empowering European soldiers and officials to try suspected mutineers during the uprising, then became alarmed at the ferocity of colonial reprisals and circulated a "clemency" order as guidelines on how his regulation should be carried out. William Oddie, in his analysis of *The Perils of Certain English Prisoners*, suggests that the story's circumlocutory emphases are also directed at additional failings and inefficiencies in Canning's administration, not least the allegation that an excessive

[32] John Malcolm, April 1822 letter, quoted in Douglas M. Peers, *Between Mars and Mammon: Colonial Armies and the Garrison State in India 1819–1835* (London: I. B. Tauris, 1995), p. 44.

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affinity for "red tape" had prevented decisive action against the rebels at the start of the uprising.[33] In contrast to the lampooning of Canning's government in Pordage's official civilian, the military characters in *The Perils* are all presented as heroes, and describe the pirates in the unforgiving idiom of the Mutiny atrocity narrative, characterizing them as "villains [who] . . . have despoiled our countrymen of their property, burnt their homes, barbarously murdered them and their little children, and worse than murdered their wives and daughters" (*The Perils*, p. 8). Indeed, responding to Pordage's demands, Captain Carton reiterates, almost word for word, the "genocidal" statement in Dickens's correspondence: "Believing that I hold my commission by the allowance of God, and not direct from the Devil, I shall certainly use it, with all avoidance of unnecessary suffering and with all merciful swiftness of execution, to exterminate these people from the face of the earth" (*The Perils*, p. 8).

What makes this violent exception to contractual government imaginable is the effective state of war that now exists on the island of Silver-Store (a state in which the law is traditionally silent);[34] it is also enabled by the process of dehumanizing—or rather, bestializing—the Other that occurs in Dickens's sections of *The Perils of Certain English Prisoners*. Thus, early in the narrative, Gill admits that he "never did like Natives, except in the form of oysters" (*The Perils*, p. 4), and the zoological analogies continue in descriptions of the pilot, Christian George King, who is presented alternately "trotting along the sand," "clucking" like a chicken, and "howl[ing] like a dog" (*The Perils*, p. 4). Christian George King is not, of course, an absolute Other; rather, he is like the anthropomorphized animal of the Victorian circus or popular show, or the indistinct figure caught between man and animal that Agamben sees as indicative of *bare life*. If the uneasy sentiments generated by metropolitan exhibitions of non-European "natives" informed Dickens's response to cultural difference in the early 1850s, then

[33] See William Oddie, "Dickens and the Indian Mutiny," *The Dickensian*, 68 (1972), 14.

[34] Cicero's maxim, *Inter arma enim silent leges* ("in armed struggle, the law is rendered silent"), provides the philosophical expression of this general suspension of the law during wartime.

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something of the carnivalesque function of displayed or caricatured ethnicity encodes "native" difference in his Mutiny story, as an identity that is liable, at any moment, to be excepted from political protection.

In the second chapter, by Collins, the vision of anticolonial insurgency developed in Dickens's initial section, as well as Dickens's support for a decisive colonial sovereign power able to suspend legal-constitutional norms, undergoes a subtle reconfiguration. Here the main anticolonial antagonist is no longer Christian George King but the pirate chief, Pedro Mendez, or "the Don." Initially, Collins's descriptions of the Don seem to repeat the bestializing idiom of his coauthor, and, after the pirates have taken the European siege survivors captive, the Don appears in the text as something like a Victorian organ-grinder's marmoset: "a little, active, weazen, monkey-faced man, dressed in the brightest colours" and adorned with gold chains and a "cravat and ruffles" (*The Perils*, p. 14). Yet the Don is ultimately a much more able usurper-figure than Christian George King, and Collins is quick to emphasize that he wields a highly effective quasi-sovereign power. As Gill recalls: "An uglier, meaner, weaker, man-monkey to look at, I never saw; and yet there was not one of his crew . . . who did not obey him as if he had been the *greatest monarch* in the world" (*The Perils*, p. 14; emphasis added).

The Don's authority suggests that Collins's characterization works as a covert rejoinder to aspects of Dickens's political fable. Exactly what, or whom, the Don might represent as a subversive monarchical power remains ambiguous, however. In fact, Collins appears to have taken considerable trouble to blur every possible comparative distinction in his representation of the pirates, who not only are superlative outlaws (thus confirming the connection between the "wolfish" sovereign and the *homo sacer* as bandit elaborated by Agamben), but also operate under the flag of a distinctive hybridity. The Don is European, but so dark-skinned that his presence collapses "whiteness" as a badge of European identity; he is overdecorated and effeminate, a "queered" figure or womanish man;[35] he is bestial but

[35] See Callanan, *Deciphering Race*, pp. 89–95.

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human, and he is strangely deathly and corpse-like, "mere skin and bone," yet at the same time highly active and possessed of an infernal energy. Moreover, recalling the antinomies of civilization and savagery problematized earlier, it becomes evident that though he is the practitioner of a savage violence, the Don *appears* eminently civilized: he wears finer clothes than any of the colonists of Silver-Store, and has a coat that rivals those of the "the dandies in the Mall in London" (*The Perils*, p. 14).

So much has been staked by postcolonial critics on the mimic-man or naturalized colonial as a figure of abstract, disruptive hybridity that I am reluctant to make similar claims here; instead, I think a more persuasive referent for the Don's hybridity can be found in the creolized Central American and South American political contexts of the narrative. These look back to the early-nineteenth-century constitutional histories of countries like Haiti, Gran Colombia, and Chile, which Collins gestures toward trans-historically in his characterization of the pirate chief, complicating the simpler binaries that structure English colonial identity in Dickens's first chapter. As David Armitage has shown, the nationalisms of the Americas found a powerful resource in the appropriated constitutional "social-contractual" declaration,[36] and it is especially telling, therefore, that Collins's tactical development of Dickens's governmental theme is manifested most pointedly in his reprising of the trope of the contract. Dickens's initial chapter, as we have seen, elaborates on the general failure of contracts, and thus seems to endorse an exceptional sovereign force. In contrast, Collins, instead of reiterating his coauthor's pointed critique of the colonial social contract, does something unexpected, by introducing other documents into the narrative that operate *like* contracts. Thus, in counterpoint to the sham "spilled-ink" mandate treasured by Commissioner Pordage, the second chapter opens with the Don drawing up a quasi-governmental document of his own—an elaborate ransom-note to the British authorities warning them that he will kill all of the English prisoners if his fellow-pirates are apprehended.

[36] See Armitage, "The Contagion of Sovereignty: Declarations of Independence since 1776," *South African Historical Journal*, 52 (2005), 1–18.

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It is worth examining in some detail the scene in which this second contract-document appears, in order to establish exactly how far Collins modifies the trope. On the beach the Don gathers his captives together and then forces Marion to identify herself and sign the ransom note, threatening to shoot the sailors and marines of the party if she refuses. Because Marion is a hostage who is compelled to sign, she is obviously not the ideal abstract signatory of the social contract that liberalism associates with free choice. Instead, she *must* sign or suffer the moral consequences of not protecting her fellow captives from the Don's violence. Thus, in their ratification, both contracts depend on coercion or deception and both exploit a constitutive inequality between the signatories; but where Dickens's writing tends to articulate general concerns about the universal viability of the contract, and questions the relative eligibility of the contracting parties, Collins makes much more disturbing inferences in his chapter about the foundational violence that enables such contracts in the first place.

The Don's ransom note is freighted with a heavy symbolism in the fact that he writes it, with an almost pantomimic flourish, on the back of one of the kneeling "Sambos," while Marion countersigns the document by leaning on Gill's chest. In both cases, the contract admits what might be termed a signatory erotics as part of its violence, since both are "written on the body," and the positioning of those involved in the signing points toward the hierarchical relationships "underwritten" by them. By inscribing the whole document on the naked back of one of "his" black servants, the Don not only reminds us of the European contractual ownership of actual slave bodies as property and a source of productive labor,[37] he also rehearses the dialectic of repulsion and attraction, disgust and desire, that Robert J. C. Young has found at the heart of nineteenth-century discourses of race and racial hybridity.[38] Apparently repelled by the smell of the man he is writing on, the Don pauses in the

[37] See Charles W. Mills, *The Racial Contract* (Ithaca: Cornell Univ. Press, 1997). Mills's work develops, along racial lines, Carole Pateman's important feminist insights into contract and gender (see Pateman, *The Sexual Contract* [Cambridge: Polity Press, 1988]).

[38] See Young, *Colonial Desire: Hybridity in Theory, Culture and Race* (London and New York: Routledge, 1995), p. 19.

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midst of his work to lay "a fine cambric handkerchief edged with lace" on the shoulders of his human "table" (*The Perils*, p. 14), thus both objectifying and adorning him.

It must be noted that Gill's illiteracy means that he takes no part in reading or countersigning the ransom note, even though he is reassured by Marion that there is still "none better" to protect her (*The Perils*, p. 15). Instead he is "written-upon," and the fact that Gill occupies the same position as the Don's slave-servant, and is willing to sacrifice his life if Marion does not sign, has led some critics to interpret the scene as an oblique, radical statement on their common oppression,[39] and the scene can certainly be read as a sharp covert statement about the limited "constitutional" freedoms of working-class British subjects. On the surface, however, the narrative itself works hard to deny this inference by emphasizing Gill's deep volitional devotion for his mistress. Recalling the incident, Gill states: "even in the midst of that frightful situation, I felt, for a few moments, a sensation of happiness while Miss Maryon's hand was holding the paper on my breast, and while her lips were telling me that there was a secret between us" (*The Perils*, p. 16). Here again the eroticizing connection of writer and written-upon is unmistakable; Marion and Gill are bound by a conspiratorial intimacy, an ecstatic "sensation" implied in the heightened syntactical proximity of "holding" hand, breast, and lips, all arranged around the signed document.

The political force of the Don's ransom note is thrown into relief, as I will suggest presently, by other preemptive promises and pledges made in the narrative. What needs to be reemphasized here is the way in which the Don's document opens out the limited possibilities of the figure of the contract as it appears in Dickens's chapter: highlighting a colonial contractual violence while simultaneously registering how the concept of contractual sovereignty had spread outward from Europe in the eighteenth century to be coopted by creole nationalisms elsewhere.[40] Arguably, Collins's treatment of the contract in his

[39] See Nayder, *Unequal Partners*, p. 122.

[40] The classic essay on the self-ratifying paradoxes of documents such as the American Declaration of Independence is Jacques Derrida, "Declarations of Independence," *New Political Science*, 15 (Summer 1986), 7–15.

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chapter operates like the constitutional counterpart to the ambiguous comparisons between civilization and savagery, noted at the start of this paper, in Dickens's "Noble Savage" article. There, comparison admits troubling points of similarity and slippage in a supposedly fixed civilizational hierarchy; in *The Perils of Certain English Prisoners*, the doubled contract or counter-contract recalls Benedict Anderson's "spectre of comparisons,"[41] a concept-term that describes the way in which supposedly familiar European political categories became the basis for oppressive governmental modes overseas, but were also liable to be decontextualized, wrenched out of their settings and refashioned in the colonial contact zone.



A further governmental issue soon becomes apparent across the uneven collaborative weld of *The Perils of Certain English Prisoners*, and this concerns the wider permutations of the contract as a form of legal promise. Just before she signs the Don's ransom document, and while Pedro Mendez is still holding a pistol to Gill's head, Marion questions the document's authority: "Whether I sign, or whether I do not sign," she admits, "we are still in the hands of God, and the future which His wisdom has appointed will not the less surely come" (*The Perils*, p. 16). The reader is clearly meant to recall at this point that Gill has already made a fatal promise to Marion in the first chapter, where he pledges to kill her to protect her honor if the pirates capture them. In the earlier scene, Marion says to Gill: "I trust you so much, and have such great confidence in you, that I want you to make me a promise . . . . That if we are defeated, and you are absolutely sure of my being taken, you will kill me" (*The Perils*, p. 10). In counterposing the pledge that Gill makes to Marion with the less "legitimate" contracts examined above, Collins appears to switch back, momentarily, into accordance with the joint commemorative mandate of *The Perils* (rehearsing, in the process, the conventional modes of

[41] See Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World* (London and New York: Verso, 1998).

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the Mutiny novel), by allowing the English prisoners to retain some dubious symbolic sense of agency in the certainty of their mutually agreed suicide. The suicide pact is understood, rather strangely, as a deferral to divine Christian providence, but it also operates here, exceptionally, rather like the "allowance of God" that enables Captain Carton to override any legal-constitutional consideration for his enemy.

At the time that Dickens and Collins were writing *The Perils of Certain English Prisoners*, the legal understanding of the binding power of the contracts was undergoing a profound change. On one hand, the industrial, infrastructural, and commercial complexities of mid-century Britain meant that the contract was beginning to become the rationalized model for human relationships: for instance, the legal understanding of marriage was redefined in the very year of *The Perils* by the Matrimonial Causes Act (1857), which allowed divorce cases to be tried under civil law, effectively transforming marriage from a sacrament to a contract and making divorce more available to the public (this legislation is, perhaps, a further context of the pledges described above). Publishing contracts were key to Dickens's success as a professional writer, and he used them himself to bind contemporaries like Collins into agreements as contributors to *Household Words* (contracts that routinely dispossessed "his" authors of their rights to be recognized as the authors of their own narratives). More broadly, in a number of influential legal rulings during this period, the meaning of contract in jurisprudence shifted from an emphasis on mutual understanding that the contracting parties had promised to fulfill the abstract terms of the contract to a sense that contractual obligation derived from the possible future "reliance" or "benefit" that either party might experience through the existence of the contract. In short, courts found that they could no longer assume that parties to a contract had all necessary information accessible to them, and increasingly took into account the initial contextual understandings of those involved in contractual agreements.[42]

[42] See P. S. Atiyah, *The Rise and Fall of Freedom of Contract* (Oxford: Clarendon Press, 1979). The idea of a shift toward "reliance" and "benefit" notions of contractual

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The literary ramifications of these developments have been explored extensively by Irene Tucker, who argues that both the contract and the realist novel are marked by a common tension over liberal *agency*: the contract presupposes a liberal freedom of choice and expected benefit, which is then belied by its binding contractual function—to hold its signatories to particular outcomes. Similarly, the realist novel balances the fictional illusion of volition and agency in its characters against the fact that they are, nevertheless, bound by the imperatives of probability. For Tucker, while the realist novel traditionally organized itself so as to stabilize just these contradictions manifested by the supposedly volitional liberal contracting subject,[43] by the last decade of the nineteenth century authors like Henry James were tracing a much more complex engagement with the idea of the freedom inherent in liberal choice. Analyzing James's *What Maisie Knew* (1897), with its plot of a child-ward forced to choose her guardian in a divorce case and act like the classic adult liberal promissory subject, Tucker argues: "Both the new [legal] model of contractual obligation and James's novel show that the subject's conditions, historical and material, severely limit his or her ability to be a traditional 'liberal' agent" (*A Probable State* p. 133). *The Perils of Certain English Prisoners*, while published considerably earlier, and sharing little else with James's novel, gestures toward similar ambiguities, and here too the certainties of the liberal fiction of free choice have also started to give way to a troubling uncertainty over the contexts of contractual agreement. In both texts, contracts proliferate; in both, race becomes the marker of a promissory ambiguity; in both, "People can no longer be held to their promises because they have nothing in common to promise, because they have no common set of interests, or even common language, from which to create relations of mutuality or exchange" (*A Probable State*, pp. 138–39).

obligation is key to Irene Tucker's reading of contract law (see Tucker, *A Probable State: The Novel, the Contract, and the Jews* [Chicago: Univ. of Chicago Press, 2000], p. 130). See also Melissa J. Ganz, "Binding the Will: George Eliot and the Practice of Promising," *ELH*, 75 (2008), 567–68.

[43] See *A Probable State*, p. 139.

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One singular effect of the new mid-nineteenth-century legal stress on a "reliance and benefit" concept of the contract, in which obligation was located not in the act of promising but in the actual effects of the promise, was, notes Tucker, the way in which it seemed initially like "a throwback to an era even before the reign of the promissory contract, an era in which . . . agreements were understood to articulate existing social relations rather than to offer a means of transcending them" (*A Probable State*, p. 130). The new legal dispensation did in fact allow for a contingency in the means by which contractual consent was arrived at, but its appearance, as a kind of recourse to a pre-contractual pledge, is telling. Most significantly, it throws into relief the larger (albeit inherently conflicted) political strategy of Dickens and Collins's Christmas narrative, in which the dangerous ambiguity we have identified in the theme of the contract thus far is contained by an earlier model of social compact: the promise of chivalric devotion.

A carefully refashioned Victorian chivalry must, in fact, be acknowledged as the driving discursive motor of *The Perils of Certain English Prisoners* as a "commemorative" text. Gill can never hope to marry Marion, but through chivalrous service, which sanctions patriarchal violence against her to preserve her honor, he is at least allowed the masculine role of her protector. Indeed, when he is rewarded for his loyalty later, he remains true to his chivalric role, refusing an offer of money, and preferring instead to accept a ring that Marion gives him as a token of her appreciation:

> She took a ring from her finger, and put it in my hand . . . . while she said these words:
>
> "The brave gentlemen of old . . . took such gifts from ladies, and did all their good actions for the givers' sakes. If you will do yours for mine, I shall think with pride that I continue to have some share in the life of a gallant and generous man." (*The Perils*, p. 36)

In Gary Dyer's view, the paradoxical logic of chivalry as it is construed in early-nineteenth-century fiction by authors like Walter Scott is that it "authorizes giving [European] men nearly total power while expecting that they will use that power

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contrary to their own interests."[44] Just as Gill is expected to reject the money offered to him as a reward for his services after the adventures on the mainland, the dictates of chivalry mean that he will also defer the possible personal advantages of the insurrection in favor of faithful service. Indeed, in a striking contrast to the much more critical depictions of the landed aristocracy presented elsewhere in Dickens's work (the Christmas stories generally traded in a much more nostalgic, politically quiescent social vision), Gill ends his career, and his narrative, in supremely feudal circumstances, as the happy retainer on a country estate.

Confirming his reputation as an expert mediator of popular sentiment, Dickens's use of chivalry as a social value chimed perfectly in this instance with the wider representation of the rebellion: colonial conflict in India had often been described in terms of the romance,[45] and many contemporary Victorian commentators glorified the counterinsurgency of 1857 as a latter-day crusade. Moreover, in the literature and historiography of the "Mutiny," notes Christopher Herbert, chivalry was also cited as a key differentiator between colonizer and colonized. Evaluating contemporary colonial histories such as G. O. Trevelyan's highly influential *Cawnpore* (1865), Herbert points out that in contrasting British conduct with the alleged atrocities perpetrated by Indian soldiers against European women, Trevelyan interpreted the patriarchal idealization of women as the sign of an essential cultural superiority: "We who live among the records and associations of chivalry still make it our pride to regard women as goddesses."[46] Trevelyan's brand of chivalry is a colonial variant of the nostalgic medievalism that pervaded mid-Victorian aesthetics and shaped the honor-codes of the public school system,[47] and later in the century it would

[44] Dyer, "Irresolute Ravishers and the Sexual Economy of Chivalry in the Romantic Novel," *Nineteenth-Century Literature*, 55 (2000–2001), 350.

[45] See, for instance, John William Kaye, "The Romance of Indian Warfare," *North British Review*, 12 (1849), 193–224.

[46] G. O. Trevelyan, *Cawnpore*, quoted in Christopher Herbert, *War of No Pity: The Indian Mutiny and Victorian Trauma* (Princeton: Princeton Univ. Press, 2008), p. 185.

[47] See Mark Girouard, *The Return to Camelot: Chivalry and the English Gentleman* (New Haven: Yale Univ. Press, 1981). See also Alice Chandler, *A Dream of Order: The Medieval Ideal in Nineteenth-Century English Literature* (London; Routledge and Kegan Paul, 1971).

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become the idiom of an aggressively militarist imperialism, transforming the colonial civil service into a version of an exclusive, knightly order.

Of course Dickens may also have had more personal reasons for turning to a chivalric devotional ideal in *The Perils of Certain English Prisoners*, as its composition coincided with his estrangement from his wife, Catherine, and his growing extramarital affections for a young actress, Ellen Ternan. Commenting biographically on Dickens's "ferocious" response to the 1857 Rebellion, Peter Ackroyd suggests that his rage against the mutineers "blended easily with his private discontents" and was in fact a veiled expression of his marital frustrations.[48] This said, as a component of the festive message of Dickens's "Mutiny" Christmas story, chivalry is more important for what it says about the redundancy of a colonial model of government based on putative consent, and for the way it is used to reassert obligation, duty, and hierarchical authority as political values. Although neither Dickens nor Collins could have foreseen it, the turn to chivalry as a political gambit in *The Perils* presaged significant changes in the British colonial attitude toward India; to conclude my discussion, therefore, I want to look forward to the colonial governments of the post-1857 period to gauge the onward development of official discourses of obligation and sovereignty.



The major governmental change in India after 1857 was the transferral of colonial administration from the East India Company to a more direct Crown rule. This was marked officially by Queen Victoria's Proclamation of crown sovereignty on 1 November 1858, which appeared to promote conciliation and presage an increasing recognition of Indians as political subjects, and it was welcomed initially as a "Magna Carta" by Indian political leaders. The proclamation spoke to the suspected causes of the rebellion by voicing the Queen's unwillingness to "impose our [religious] convictions on any of

[48] Peter Ackroyd, *Dickens* (London: Sinclair-Stevenson, 1990), p. 799.

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our subjects," and promised Indians the same protections as "all our other subjects," adding that "all shall alike enjoy the equal and impartial protection of the law."[49] Yet even as it seemed to offer Indians a rudimentary bill of rights, assuring them a share of administrative power, the proclamation also reinforced British sovereignty as part of a "symbolic-cultural constitution"[50] and called Indians to "bear true allegiance" to the Crown (Dutt, *Economic History of India*, p. 232). Indeed, the "constitutional" promises of the 1858 Proclamation were nullified, many Indians believed, by Victoria's subsequent imperial instatement as the Empress of India in 1877. By this time it had become evident that colonial governmental priorities had shifted away from reform and the inclusive preparation of Indians for self-rule toward a more guarded noninterventionist political position. What seemed most important to the British now was the preservation of India's traditional cultural and religious institutions under the aegis of a robust colonial executive. Further, the revival of medieval styles of sovereignty redefined the colonial subject not as a bearer of constitutional rights but as a figure whose political existence depended on his or her loyalty.

The substantive redefinition of the nature and idiom of colonial rule in this period found support in the work of one of the nineteenth century's foremost legal scholars, Henry Sumner Maine. It is doubtful whether Dickens was ever conversant with Maine's work, and Maine only really became well known after the 1857 Rebellion. Maine's thought, however, has a direct bearing on some of the presiding themes of this paper, and shows how Dickens's fictional misgivings about colonial contracts found distant echoes in colonial policy. Maine's central contribution to legal history and "comparative jurisprudence" in works such as *Ancient Law* (1861) was to argue that modern European society had developed from a condition of

[49] "Proclamation by the Queen in Council to the Princes, Chiefs, and People of India," quoted in Romesh Dutt, *The Economic History of India in the Victorian Age*, 6th ed. (London: Kegan Paul, Trench, Trübner & Co., 1920), p. 233.

[50] Bernard S. Cohn, "Representing Authority in Victorian India," in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge Univ. Press, 1983), p. 179.

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status to *contract*; in other words, from a condition in which the strongest organizing social bonds were kinship and associated honor codes, to a more impersonal individualism based on legal ownership. As a former legislator in India, Maine regarded contemporary South-Asian society as analogous to a European medieval past, and he consistently stressed the force of tradition and group identity among Indian agrarian communities when compared with the supposedly more progressive liberal individualism of Europeans. His focus on the custom-bound village as an unchanging political unit of Indian society had an important discursive advantage too, since it explained the 1857 Rebellion as a cognitive failure by colonial administrators, who, in their reforming zeal, had underestimated the profound importance of caste for Indians.[51]

In policy terms Maine's ideas bolstered an "authoritarian liberalism" that deemphasized egalitarianism as a component of liberal thought, celebrated a strong paternalist government, and thus "made morally respectable that which the events of the Mutiny had made politically expedient."[52] Its strongest representative was a close friend of Maine's: the judge and legal scholar James Fitzjames Stephen, who succeeded Maine as law member on the Colonial Council from 1869 to 1872 and undertook the revision of the Indian Penal Code.[53] Stephen believed that Britain's greatest gift to India was an efficient justice system, but his views did not necessarily admit the legal equality of colonizer and colonized. Indeed, his uncompromising brand of liberalism is in evidence in his later statements about the folly of assuming that colonizer and colonized were (or could easily become) political equals. For Stephen, responding to a later crisis in 1883 precipitated by recommendations that Indian magistrates should be allowed to try Europeans, colonialism represented an absolute form of rule, and this was a political reality that needed to be faced squarely by the colonizer:

[51] See Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton: Princeton Univ. Press, 2010), p. 50.

[52] Thomas R. Metcalf, *The Aftermath of Revolt: India, 1857–1870* (Princeton: Princeton Univ. Press, 1964), p. 317.

[53] See James A. Colaiaco, *James Fitzjames Stephen and the Crisis of Victorian Thought* (Basingstoke: Macmillan, 1983), p. 103.

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> . . . the British Government of India . . . . is essentially an absolute Government, founded, not on consent, but on conquest. It does not represent the native principles of life or of government . . . . It represents a belligerent civilization, and no anomaly can be so striking or so dangerous as its administration by men who, being at the head of a Government founded upon conquest, implying at every point the superiority of the conquering race, of their ideas, their institutions, their opinions, and their principles, . . . shrink from the open, uncompromising, straightforward assertion of it, seek to apologize for their own position, and refuse, from whatever cause, to uphold and support it.[54]

Dickens eventually tempered his more extreme views about the 1857 Rebellion (possibly as a result of his respect for the even-handed reporting on the conflict by the famous war correspondent W. H. Russell), but, had he lived longer, he would probably have been sympathetic to Stephen's authoritarian liberal agenda on colonial government.[55] A more important speculative question, one that Collins's contribution to *The Perils of Certain English Prisoners* poses so insistently, is whether Dickens's commemoration of the violence of imperial counter-insurgency admits much more troubling reflections about liberalism (and its contractual expressions) as a supposedly emancipatory governmental logic.

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ABSTRACT

Alex Tickell, "*The Perils of Certain English Prisoners*: Charles Dickens, Wilkie Collins, and the Limits of Colonial Government" (pp. 457–489)

This essay considers the theme of the contract as a metonym for failed government in Charles Dickens's and Wilkie Collins's collaborative Christmas story *The Perils of Certain English Prisoners* (1857), written to commemorate the Indian "Mutiny." Building on critical studies by Myron Magnet, Grace Moore, and Lillian Nayder, and reviewing relevant contract theories of government in political philosophy, my analysis traces the proliferating tropes of the contract in this unusual narrative and suggests that as well as

[54] J[ames] F[itzjames] Stephen, "Indian Criminal Procedure," *The Times*, 1 March 1883, p. 8.

[55] For an in-depth consideration of the role of liberalism in colonial government see Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: Univ. of Chicago Press, 1999).

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presenting a topical satire on circumlocutory colonial bureaucracy, these figures also encode Dickens's suspicions about the sustainability of liberal forms of colonial rule. While noting further contexts for the contract-theme in *The Perils of Certain English Prisoners*, my paper goes on to suggest that, in replacing social-contractual and "constitutional" identities with bonds of chivalric loyalty, the text inadvertently anticipates important changes in the idiom of colonial rule in India in the post-"Mutiny" period.

Keywords: Charles Dickens; Wilkie Collins; *The Perils of Certain English Prisoners*; Indian Mutiny; colonialism

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