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Hanging the Servant Girl to Hunting the Ripper: The Victorian Birth of the True Crime Genre

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Hanging the Servant Girl to Hunting the Ripper:
The Victorian Birth of the True Crime Genre

(TITLE)

BY
Jonathan G. Brown

THESIS
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YEAR

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Hanging the Servant Girl to Hunting the Ripper:  
The Victorian Birth of the True Crime Genre Set  

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ABSTRACT

More definitive answers about the creation and form of the modern True Crime genre narrative can be found by exploring, not the creators of True Crime narratives, but by following reader expectations and examining the social situation from which True Crime narratives were able to arise. Theorists in the genre field such as Lloyd Bitzer Carolyn Miller and Amy Devitt have introduced and refined the view of genre as a social action. In this view, genre does not come about as a set of rules imposed upon types of literature to bring order, but as a societally accepted creation constructed to respond to a recurring situation or as Bitzer calls it, a social “exigency.” The elements of a genre, further, come about through resultant reader, not creator, expectations. When genre is created through social action, it is often in the form of loose sets of genre having a nexus of commonality.

This thesis argues that though the term would not be coined until decades later and a continent away, the True Crime genre and the core characteristics that comprise it can be found in pre-Victorian and Victorian England, coming about as a social response to a confluence of circumstances that occurred for the first time in human history: unprecedented freedom, literacy, and access to literature accompanied by concerns about newer, more complex crimes.

This is shown as primary True Crime non-fiction elements, followed through several case studies herein, appear and develop through the nineteenth century. These elements include the use of classical and modern persuasive rhetorical theory, an interactive element of public participation, a broader external question that engages the public in a wider conversation.
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Thanks also to committee member Dr. John Moore for providing what turned out to be a number of key ideas about my approach to the subject matter, and for keeping my writing from wandering too far off into the weeds.
DEDICATION

In memory of Dr. Andrew John Kay: wanderer, adventurer, amateur philosopher, man of honor and endless curiosity, a Victorian gentleman born in the wrong century.
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INTRODUCTION

One of the greatest surprises to this author when researching the nineteenth-century and True Crime narratives (and a reason for this thesis) is that, while many use the term “True Crime,” there is little in the way of a formal definition or defined parameters. Ray Surette may come as close as anyone to an accepted modern definition of the genre of “True Crime” when he describes it as a “non-fiction literary and film genre in which the author examines an actual crime and details the actions of real people” (92). However, while this definition describes surface features of the True Crime genres, it does little to clarify what common characteristics True Crime genre set has, other than the obvious ones of non-fiction writing and a crime to write about. Such general definitions do not provide a framework for determining what falls within this genre or set of genres, or how such a line should be drawn. Accordingly, a primary purpose of this thesis is to attempt to create and apply a framework that will aid in working with what theorist Amy Devitt would call the “genre set” of TrueCrime narratives.

In Writing Genres, Amy Devitt explains that a genre set is “the set of genres that exists within a particular ‘sphere of activity’ or group” and that genre sets “operate within activity systems to promote the objectives of the activity system” (54-55). Development of a group through social action (such as the group that interacts with True Crime narrative) parallels the development of these sets, or as Devitt puts it, “[t]he genre set develops as the group develops, still serving the group’s needs” (54). Further, according to Devitt, the use of genre sets by a group to accomplish its purposes not only occurs, but is the societal
norm: “Rarely does a group accomplish all its purposes with a single genre” (54). As will be seen, nineteenth-century English society used newspaper articles, editorials, pamphlets, letters, novels, plays, and more to address their exigent circumstances for True Crime narrative through the use of genre sets.

Most modern readers would probably agree that taking part in nationally riveting and much-talked about stories like the O.J. Simpson or Charles Manson murders via media forms such as books and movies qualify as part of the True Crime set of genres, while few would argue that passing single accounts of a crime in a local newspaper (that is mostly forgotten within a few days) do. What are the differences between these that lead to such conclusions?

There is little framework for exploring questions such as when or where True Crime narratives, as the associated genre set we would recognize today, began or more importantly, why it began. Such a parameter for what is of the True Crime genre set can be difficult to draw with precision. Does the genre begin with what may be the original crime story: the Biblical tale of Cain slaying his brother Abel? In his famous Discipline and Punish, Michel Foucault notes that medieval monarchs began displaying pamphlets naming an offender, describing their crime, and the punishment (usually a hanging) to be meted out. These pamphlets served as both theater ticket and warning: an invitation to the masses to attend the punishment and be entertained, and a warning to obey. The pamphlets did not discuss evidence or the accused in any detail, nor did they attempt to persuade, anticipate, or invite public involvement in any meaningful way (Foucault 7-8). Were these pamphlets part of the True Crime genre set?
In the eighteenth century, descriptions of crimes published explicitly for entertainment value, such as The Newgate Calendars, begin to appear. Perhaps the True Crime genre set began there. More recently, if we were to date the term True Crime strictly to the use of the term in written media, it appears in one of the more widely circulated pulp crime magazines starting in the 1930s. Truman Capote’s *In Cold Blood* (1965), the first text to treat perpetrators and victims as characters in a true novelistic style, has been considered by some to have launched the True Crime set of genres (Schmid).

This thesis’ examination of the rhetorical exigency of the True Crime genre set, as well as its examination of the characteristics of True Crime narrative, will explore the idea that the genre did not begin with a medieval hanging, in Capote’s quiet farmhouse in Kansas, nor within the pages of a Bible in a nightstand at that farmhouse, but in a bustling London over a century earlier and 4,000 miles away from that farmhouse.

LITERATURE REVIEW

The focus and examination of True Crime narratives must begin with what it is—an integrated set of genres. To see the creation of True Crime non-fiction as a genre set, it is worth looking at how genres are created generally and seek points of specific applicability. Rhetorical genre theory provides tools that, as this thesis will demonstrate, can teach us about the creation and nature of the True Crime genre set.
As Irene Clark explains in "A Genre Approach to Writing Assignments," the form and conventions of a given text align with what Clark describes as the rhetorical purpose of that text so that each component of the text contributes to the fulfillment of its rhetorical purpose (Clark). If these concepts are applied to the genre set of True Crime, several characteristics of True Crime texts are worth noting as this discussion proceeds. True Crime narrative, at its heart, is the examination and writing of a crime, almost always murder. True Crime genres differ from most others in that rather than building up towards the final climactic event, the murder, True Crime narratives almost always begin with the murder. Though the murder is typically at or near the end of the story for the participants, particularly for the victim, the initial discovery of the murder marks the beginning for those seeking to know or to construct a narrative about what happened and why.

From the murder, True Crime narrative typically follows state actors, such as investigators, prosecutors, and/or judges, through the arc of the investigation and, possibly, through prosecution and sentencing. Influences on the process, both internal and external, are usually followed and may happen in real time as the True Crime narrative unfolds. Typically, the story of the murder and the participants—victim(s), perpetrators, and witnesses—unfolds through this process and the participants are treated as characters about whom more and more is revealed through the narration (Levinson 1019–21).

What now needs to be considered is from where these genre forms and characteristics come. What makes True Crime narrative different from other
genres and genre sets, and why? Following culturally agreed-upon reader expectations and an examination of social situations allows us to trace the conditions under which True Crime narrative was able to rise. Lloyd Bitzer in his groundbreaking essay, “The Rhetorical Situation,” argues that a genre is not simply a set of conventions or characteristics imposed upon a situation, but a response to a social exigency that demands its creation. Bitzer describes exigency as a problem that can be modified or addressed through discourse. He explains that circumstances do not arise from the genres that create them, but quite the other way around. For Bitzer, genres arise as a “complex of persons, events, objects, and relations” presenting an “exigence” or necessity (5–6). In other words, genres tend to arise in response to specific situations, problems, or issues that prompt rhetorical actors to write or speak of them, rather than from the creation of arbitrary categories of situations. As Bitzer says, "In every rhetorical situation there will be at least one controlling exigence which functions as the organizing principle: [the exigence] specifies the audience to be addressed and the change to be effected" (emphasis added) (6).

In “Genre as Social Action,” Carolyn R. Miller builds on this idea that imposed parameters do not determine what a genre accomplishes, but the opposite: that the purpose(s) a genre is created to accomplish determines the parameters of the genre. Miller argues, in other words, that the situation and actions to be taken define the parameters of form. Miller says “that a rhetorically sound definition of genre must be centered not on the substance or the form of discourse but on the action it is used to accomplish” (emphasis added) (151).
Miller further notes that what genre users want accomplished define their actions, so that action "must involve situation and motive" (151). Harkening to Bitzer and the expansive nature of rhetoric as described by Kenneth Burke, which will be discussed below, Miller argues that the focus in understanding genre should stay on the social motive and actions of the audience, not on "materialist scene elements" that empower external, objective elements of situation (156). In Miller's view, genres and the exigencies that lead to them arise due to the social action of a given society to respond to a specific need of that society.

Genre, thus, is created through the recurrence of the same or similar situation(s) and the recognition by the potential audience of change agents bringing about a new set of genre conventions for dealing effectively with the recurring situation. Motive, in this case the nineteenth-century English public's motive of wanting to understand crime and be sure justice was being done in their midst, "becomes a conventional social purpose, or exigence, within the recurrent situation" (Miller 162). When a situation of necessity appears, motive for change arises and change agents "determine" imposition of genre onto a situation by finding commonalities, similarities, or analogies among situations. Once these commonalities of situation are identified, a recurrence is identified and genre characteristics can be built upon the type of situation to handle recurrences of the situation. While the exact same specific situation may not recur, similar situations can be integrated within a genre framework: "What recurs is not a material situation (a real, objective, factual event) but our construal of a type," such as the recurring situation of the true crime narrative (Miller 157).
Amy Devitt's work on non-literary journals usefully illustrates Miller's concept of genre as a social creation and shows the relationship between genre and purpose when Devitt defines genre not as a static set of rules existing beyond our experience, but as a collective social action of those working with a text, the social action responding to a recurring situation. In “Integrating Rhetorical and Literary Theories of Genre,” Devitt states that “people use genres to do things in the world (social action and purpose) and that these ways of acting become typified through occurring under what is perceived as recurring circumstances” (698).

In “Intertextuality in Tax Accounting: Generic, Referential, and Functional,” Devitt examines the genre characteristics of forms used by accountants within their profession, such as transmittal letters, tax protest forms, engagement letters, lists of items to be placed on forms, and blanks indicating where dollar figures are to go. As Devitt points out, the needs of accounting drove the creation and characteristics of the accounting form genre (Devitt “Intertextuality” 338–9).

Returning to Miller’s argument, because exigence exists outside the creators of a genre or the materials used within the genre, the determination of genre is likely to not relate to a speaker or writer's intention but to the social motive that arises (158). When applied to Devitt's analysis of accountant form genre, the primary motive for creating the genre and forms within was to achieve the social goal of being able to process taxes and other financial transactions in an efficient, mutually understood way. The social or group need was primary, not the desires of any individual, including those individuals who created the forms.
Just as the social needs were primary, so too was an eventual social or group agreement as to these characteristics so that they would be mutually understood, recurrence after recurrence, by both the rhetorical actors creating texts (in this case financial forms and documents) and the audience(s) of the texts.

Miller also notes that the creation of genre is not generalized, but is a reaction to a situation at a particular time and place: “To base a classification of discourse upon [...] exigence understood as social motive, is to base it upon the typical joint rhetorical actions available at a given point in history and culture” (158). After a genre is created, though, social motives can and do change over time. This, in Miller’s view, explains the rise, alterations, and sometimes disappearances of genres. Miller argues that as genre is defined largely through recurring social actions, genres are fluid, “an open class with new members evolving, old ones decaying” (153).

Thus, for example, the pamphlets of the monarchs informing the citizens of an upcoming execution, as Foucault notes, were once very popular and rivaled any other entertainment for the masses. However, with both the end of public executions and rise of other information outlets like newspapers, there was no longer any need for the genre of royal pamphlets; the pamphlets disappeared entirely once the social need dissipated. In like fashion, True Crime as a distinct set of genres began with newspapers, but through the fluidity Miller spoke of, the narrative moved on to other forms such as plays, books, and in more contemporary times cinema and documentaries.
THE CRITICAL CHARACTERISTICS OF THE TRUE CRIME GENRE SET

To identify the social need that led to the creation of the True Crime genre set, it is useful to identify the primary elements of the True Crime genre set as defined by a modern audience and work backward to when these definitions began to appear. A look at the well-established True Crime genre set of today reveals several such genre characteristics typically present. For purposes of this thesis, a True Crime narrative is defined as True Crime readers would typically understand it: as a distinct case or set of connected cases and its coverage and treatment through time. This thesis argues that these characteristics are, as Bitzer explains, not rules arbitrarily placed upon True Crime narrative but tacitly, culturally agreed-upon characteristics that arose to address specific exigencies of the genre, and that an exploration of the exigencies resulting in these elements indicates that True Crime as a genre set was created just shortly before and during the Victorian era in England. The True Crime genre set was not created because the people of this time and place “thought of” creating such a set of genres, but because this was the first time and place the appropriate circumstances for creating it all came together to create an exigency.

Using Miller’s tenet that a genre is social action as mutually defined by users and rhetorical actors of that genre, several important characteristics of the True Crime genre set become clear:

1. Classical persuasive rhetoric
2. Contemporary persuasive rhetoric
3. An interactive element, wherein the audience becomes an important, if often silent, character or player in the narrative.
4. An external question that engages the audience in a wider conversation.

It is outside the scope of this thesis but is worth noting that narratives of the True Crime genre set tend to share other interesting characteristics as well. These include, e.g., intertextuality of the narrative from one literary form to another, and a reverse narrative order (as previously touched upon) wherein the climactic event (most often a murder) occurs first and the narrative moves forward in time and backward through events leading up to the climactic event.

Returning again to Devitt and Miller's explanations of genre as a social action with social motives, these True Crime genre set characteristics are ultimately defined, not by rules, but by social expectations of those who participate in, create, and consume the True Crime genre set. Three case studies are used in this thesis to show how these characteristics arose and became defined through social expectations and actions in nineteenth-century England.

1. True Crime genre set literature has at least an element of classical persuasive rhetorical theory.

Though the use of rhetoric as persuasion is ancient, the work of defining and explaining persuasive rhetoric arguably begins with Aristotle, who called it “the faculty of observing in any given case the available means of persuasion” (Aristotle). The use of rhetoric purely to persuade as to a specific point, usually as part of a zero-sum argument with a defined winner and loser, has come to be known as “Classical Rhetoric.” Aristotle saw rhetoric in terms of an application of argument aimed at persuasion (Aristotle). True Crime narrative—because of an
exigency of persuading the reader, and often, the citizenry—has at least an element of, and is sometimes dominated by, application of classical persuasive rhetoric to the story.

Classical persuasive rhetoric is easily seen in the True Crime genre set. Classical persuasive rhetoric is, in fact, largely seen as the rhetoric of fields such as politics and law where persuasive argumentation is a critical part (Sprague 50). Classical persuasive rhetoric is used, at the very least, when (as will be shown herein) the guilt or innocence of a suspect of a crime is being debated between two respective sides. It is also used when any one of a number of suspects or types of suspects, is guilty. As an example, the True Crime book *Helter Skelter* by Vincent Bugliosi, the prosecutor who successfully convicted Charles Manson and his “family,” piles facts and arguments upon each other in an extensive use of classical persuasive rhetoric to lay out his case to the readership and persuade it of the defendants’ guilt.

2. True Crime genre set literature has at least an element of contemporary persuasive rhetorical theory.

While classical rhetoric seeks to persuade an audience of a specific belief, a more expansive type of rhetoric embraced by contemporary persuasive rhetorical theory is typically present as well. The debate about what is or is not “rhetoric” has gone on from Aristotle to the present day. Moving past a “argument only” theory of rhetoric, some contemporary scholars view persuasive rhetoric as encompassing multiple aspects of culture beyond the classic persuasive
battleground realms like law and politics, and to include other areas such things as art, social sciences, and history.

This view of “contemporary rhetorical theory” is, in a way, not contemporary or modern at all. It is a view that dates back to Aristotle’s opponents, the Sophists. Sophists, like recent rhetoricians, tended to believe that persuasive rhetoric could be effectively applied to any topic (Sprague 50). Kenneth Burke argues that the scope of rhetoric is broader than explicitly argumentative persuasion, and is really centered on creating identification of shared interests and areas of commonality. In this view, persuasion happens less with logic than through a created feeling of commonality between the audience and actor (Burke 19–26).

James Boyd White, following Burke’s lead, broadens the definition of persuasive rhetoric further, arguing that language and its users influence each other simultaneously so that the use of language is rhetorical in and of itself. According to White, even a fiction author is trying to persuade in that the author is constructing a world and persuading the reader to share or “buy into” this world (3–8). J.K. Rowling uses persuasive rhetoric by persuading her readers to suspend disbelief when it comes to the world of Harry Potter and Hogwarts. Along this line, Richard M. Weaver argues that rhetoric, rather than involving static methods of persuasion, is actually a reflection of the worldview of the actor and an attempt to draw the audience into that worldview (1352–3).

When Charles Dickens wrote “The Detective Police,” relating several stories about cases from the London Metropolitan police department that make
this arguably one of the first True Crime works, he uses persuasive rhetoric to advocate for the police. Dickens, though, did more than this. He also pulls the reader into the world of the police and serves as a guide to the reader through the investigation of several crimes. As will be seen in discussions of the nineteenth-century case studies, the rhetoric of the writings about these crimes likewise attempts to pull readers into the respective worlds of the writers, and to see with through the eyes of the narrators. Through White and Weaver’s work, readers can be shown, and may believe in, the writer’s view of the time, the place, the people, and even their particular narrative of the crime.

Returning to the more contemporary example of Helter Skelter, Bugliosi in addition to fact and argument creates both a re-constructed narrative of events and a probable motive (an attempt to begin a race war that Manson called “Helter Skelter”) to bring the audience into the story of the “Manson Family” and persuade the audience of the truth of this narrative.

3. True Crime genre set literature has an interactive element, wherein the audience becomes an important character or player in the story.

In “The Rhetorical Stance,” Wayne Booth describes part of successfully employing rhetorical means as addressing the need to find a proper balance “between the available arguments about the subject itself, the interests and peculiarities of the audience, and the voice, the implied character, of the speaker” (141) As Booth declares, the audience is key in this balance, as the purpose of the speaker finding a proper balance is to find the best way to reach the audience (139–45). Without an audience, there is little point to rhetoric or
creating a balance. True Crime narrative relies upon both primary types of persuasive rhetoric because it has an element of interaction with its audience. The True Crime narrative rhetorical actor is trying to persuade an audience in some way. Without this outside audience and the possibility of audience action or agency, there is no need to persuade.

As will be seen, as the rhetorical actors unfolded a narrative, the public increasingly could act upon agents involved in the story such as police and prosecutors, to change the story itself in real time. Thus a feedback loop—the press reacting to events in the case with its coverage, the public reacting to the coverage, and actors within the case reacting to public pressure from the public’s notice and reaction—was often created between the audience, the rhetorical actors, and participants themselves.

4. True Crime genre set literature has an external question that engages the audience in a wider conversation.

The True Crime genre set typically embraces more far-reaching questions than simply who did a crime or why. While “who did it” can be an engrossing question in a difficult or splashy case such as the Whitechapel murders of 1888, it is difficult to see, were these the only question of interest, how any further writing of a matter could progress, or hold any interest, after the killer is unveiled. If there were no remaining questions after Ted Bundy and Jeffrey Dahmer were caught, why would anyone persist in writing about either of these matters? Even in an unsolved matter such as “Jack the Ripper,” why would interest persist past the point (early in the 20th century) at which it would be clear that “The Ripper”
must be dead? The short answer is that not only does True Crime narrative typically involve at least one important question that reaches beyond the case itself, it is unlikely such a matter would enter the True Crime genre set without such a question for the public to discuss.

As common experience shows, most crimes, no matter how terrible, eventually disappear and do not make an impression past their newspaper coverage. The murderer is caught, questions are answered, the case is closed, and the public forgets. Some crimes, though, have staying power; they horrified contemporaries and haunt succeeding generations. Typically, these narratives that transcend do not occur with crimes for which all is known, but with those crimes that leave questions unanswered, that capture that elusive but important creature: the public imagination.

As will be shown, it is the struggle and the need by journalists, playwrights, authors, and society to answer the unanswered questions of high-profile cases that often gives their coverage a rocky, conflict-laden birth. Through the public taking social actions such as expressing curiosity, speculating, and debating, stories are propelled into the True Crime genre set and across time. While the initial question in True Crime works tended to be the classic “Whodunit,” other questions have arisen, often branching into psychological and far-reaching social issues. All three of the nineteenth-century crimes examined illustrate this important commonality: they either leave important questions unanswered or answered unsatisfactorily. This commonality holds even though the crimes were committed across different eras—early-, mid-, and late-
nineteenth-century. The crimes and their treatments also tended to touch on implicit national concerns such as the new shift in class relations brought about by industrialization, mobility of the lower class, and loyalty by paycheck that helped raise the crimes to national consciousness. The answers to these larger questions, in the end, are left for rhetorical actors and an anxious public to work out.

NINETEENTH-CENTURY ENGLAND AND THE RISE OF EXIGENCE

A confluence of circumstances occurred in nineteenth-century England that had literally never happened before in all of human history. Because of industrialization, print material became cheaper and thus more readily available than ever before. The number and circulation of newspapers and other print media grew rapidly (Dalziel 4). Though pamphlets and informational publications of limited production had been around at least as early as the 16th century, it was in the 18th century that newspapers began to be formed, and throughout the 19th century that they flourished (Lake 213; Andrews 354).

Along with widely available print materials, an accompanying high percentage of the middle and even lowest classes of England became literate. The result was that the dissemination of information through print exploded as never before (Dalziel 4). As Brake, et al. note in Nineteenth-Century Media and the Construction of Identities, “The print boom in the early nineteenth century had a tremendous impact on the way knowledge was conceptualized (55). David Richter, in a related discussion about True Crime, also points to these trends in
In addition to increased literacy and access to print media, the mass-urbanization movement of England through the 19th century, as Worthington points out, made investigating and prosecuting crime more challenging, which, in turn, raised awareness and questions among the public concerning how crimes were investigated and punished. When England primarily comprised small villages lacking privacy, the solution to a serious crime was often obvious. Worthington notes that crime became more involved than "a simple matter of discovery, confession and punishment. ... Accounts of crime became more complex; a complexity which responded more and more to the nineteenth century society in which they were produced" (2). Because of this increased complexity, readers' interests began to shift, not simply to the type of urban crime they could more readily relate to, but from straightforward accounts of crime offered by the Newgate printings and towards the motive and reality of the perpetrators (Worthington 3). The pervasiveness of narratives recounting actual crimes in the forms of broadsides and newspaper coverage gave citizens of every class the opportunity to read about, crimes. As Worthington notes, for a penny, the purchaser of the broadside could "[p]articipate in the melodrama of a crime and punishment ... made all the more sensational by the connection to reality" (10).
As printing technologies were making information more readily available to the public, forensics and police investigative techniques were also advancing. These two trends intersected, beginning in early Victorian England. Ronald Thomas in *Detective Fiction and the Rise of Forensic Science*, discusses the relationship between the development of forensic science and the rise of crime fiction during the nineteenth century, and he notes the sudden rise of a ‘body of knowledge—literary, legal, scientific political—at critical moments” in Victorian England (5–6). The introduction of forensics and science into police investigation would be, going forward, an increasingly important aspect of persuasive rhetoric about crime.

The reality of the new processes of crime investigation, along with the increasing complexity of crimes being investigated, created a situation in which the convergence of the trends created an exigency in which it became necessary to persuade a more-informed public that a crime was properly investigated, and the correct perpetrator caught. As will be seen, the state, more and more, felt pressure to persuade the public to its view that the punishments meted out for crimes were just. Journalists and other writers also felt a need to persuade the public to gain readership. The state and press were both compelled to move the public to their views through the use of persuasive rhetoric. The public increasingly became more than a passive receiver of information, transforming during the century, as per Booth, into a character of sorts that had to be considered within each rhetorical stance by the rhetorical actor.
The power of the press to sway public opinion became politically important. While it is difficult to say exactly when the anonymous presence known as “public opinion” affected a case, or how much, as there was no polling and little in the way of direct indicators, the case studies will show likely indirect indicators that public opinion and pressure were eventually strong enough to affect such matters as who worked on a case, whether officials were fired, or even who would gain a seat in Parliament. The press, then, became a crucial part in the development of a circular social necessity comprising the public, public servants, and those who influenced public opinion. The need to persuade the public about a state matter like a criminal proceeding represents a marked turning point in that persuasion of the audience of the guilt of the accused, based on underlying evidence, had to be part of the underlying rhetorical stance taken by state actors.

INTRODUCTION OF CASE STUDIES

While this thesis points to a set of confluent circumstances and explores the connection between their resulting exigency and simultaneously emerging characteristics of True Crime as a complete genre set, it is not possible to simply point to a single case or moment in time, and state with authority that this is “the day the True Crime genre set began.” Rather, this process was a subtle and gradual one. As Carolyn Miller’s theory of genre as social action says that genre characteristics emerge by recurrence and eventual social agreement, this process is necessarily not instantaneous (151-67).
What this study can demonstrate, through a rhetorical framework, is the arc of implementation of the characteristics of True Crime as a genre set through social action after the social exigencies that create a necessity for such a genre set come about. This is done by looking at three representative high-profile True Crime cases of the pre- and Victorian era. These cases fall immediately before, at the middle, and near the end of the Victorian era, respectively, so the development of characteristics through the period can be traced:

1. The Eliza Fenning attempted murder trial (1815)
2. The Saville Kent murder (1860)
3. The Whitechapel murders (1888)

This thesis follows the rhetorical patterns and characteristics as they emerge during the cases, the nature and role of the audience, the examination of larger questions, and the advancement of the True Crime narrative as seen in each case. These crimes are placed in a cultural context to understand the crimes, the suspects, and the attitudes and motivations, and most importantly the relationships between the writers who wrote about them, the public that read about them, and the state actors that investigated and prosecuted them.
CHAPTER 1
CASE STUDY 1: THE ELIZA FENNING CASE

1. BACKGROUND—THE DOSED DUMPLINGS?

To discuss the relationships between True Crime genre set characteristics and each of the case studies, it is helpful, in fact necessary, to discuss the background of the respective cases, including the (alleged) crime, prosecution and conclusion, and results.\[1\]

Tuesday, March 21, 1815 seemed, until about 3:00 p.m., a normal day at the household of Robert and Charlotte Turner on Chancery Lane in London. Robert was a Law stationer, a respectable, thoroughly middle-class profession. Robert’s father, Orlibar, had come to dine that day with Robert and Charlotte. Elizabeth (Eliza) Fenning, the Turner’s live-in cook, prepared what was a fairly typical meal of rump steak, potatoes, and dumplings for lunch. The household had several servants. Eliza was an attractive 20-year-old girl who worked as a cook and housemaid. The household also included another maid, Sarah Peer, and two male apprentices.

Dinner proceeded as usual—until the dumplings were eaten. Shortly afterward, the whole family suffered through severe stomach pains and vomiting. In the kitchen, Eliza and an apprentice, Roger Gadsden (both of whom had also eaten some of the dumplings), were also violently sick. John Marshall, a nearby doctor, was called for and eventually, everyone made a full recovery. This might have been the end of the matter, but Orlibar Turner found the timing suspicious. As he later testified, he began to suspect they had been poisoned, partly
because a packet of arsenic in a desk drawer, commonly kept for killing household vermin, had gone missing.

The next morning, Orlibar Turner and Mr. Marshall examined the dish the dumplings had been made in. They claimed they saw a whitish sediment powder in the pan; this substance had kept the yeast from rising, and when they put Dr. Marshall's knife in contact with the substance, the knife corroded and turned black (Hempel). Dr. Marshall claimed that the change in his knife was consistent with the presence of arsenic. Others testified that Eliza not only prepared the meal, but she was alone in the kitchen during preparation. Eliza was arrested the next day and charged with four counts of attempted murder.

The evidence presented against Eliza at trial was circumstantial and, as was common at the time, rather indirect. Charlotte Turner testified that she had found Eliza one night in the room of two of the apprentices in a partly dressed state and had reprimanded her. This incident, the crown argued, had driven Eliza to take her vengeance on the family. Dr. Marshall testified the symptoms he treated were consistent with arsenic poisoning, but also stated that Eliza was ill as well and showing the same symptoms. Dr. Marshall gave his testimony about his knife test for arsenic, but there was not a reliable way to test for arsenic until more than 20 years later. Another point made against Eliza was that she had not come to the aid of Charlotte, her mistress, when Charlotte became ill.

As weak as the prosecution's case was, Eliza's defence was weaker. At this time, there was no such thing as counsel for a defendant. Eliza was left to call a few character witnesses and swear to the judge, "My lord, I am truly
innocent of all the charges, as God is my witness; I am innocent, indeed I am.” After only a few minutes’ deliberation, the jury found Eliza Fenning guilty of the counts of attempted murder and she was sentenced to death.

There was sharp upset and division over Fenning’s sentence, the public seemingly not much happier with it than Fenning herself. Various appeals were made for clemency, but they were all rejected. On July 26, 2015, thousands of people thronged to Newgate to witness the execution. But the public did not seek, as Foucault noted they usually did, vengeance or entertainment. Most were there to show support for Eliza (Hempel). Before she was executed, she swore her innocence a final time.

2. DISCUSSION

Classical Persuasive Rhetoric

If one were seeking a narrative in which one can see the convergence of circumstances creating a social exigency and resultant nascent rhetorical characteristics of True Crime narrative begin to form, then Eliza Fenning’s story offers a particularly compelling example.

From the beginning, the question of Eliza Fenning’s guilt was controversial. The media and the public were polarized into groups largely based on class that either supported or condemned her. It seems likely, based on historical precedent, that at a previous time, the state’s trial, determination of a defendant’s guilt, and execution would have been the end of the matter. As can be seen by the court’s perfunctory handling of Fenning’s case and sentence (at
least until the matter became more public), the court thought little of sentencing a servant to death based on little more than an accusation by an employer. As discussed later within this thesis, nineteenth-century upper classes had a good deal of anxiety about their servants’ intentions. What made the Fenning case different—what had changed—was not the type of accusation, state investigation, or prosecution, but the public’s ability through new media to become informed about, and involve in, the case.

This case was kept alive by emerging media technology in the form of newspapers and other mass-print media, and new rhetorical and narrative approaches to gaining readership. A rhetorical battle over her guilt began. Beginning a pattern that would continue shortly as the Victorian Era began, the newspapers chose sides and a months-long bid to sway public opinion began. The Fenning case became one of the first “wars of opinion” to be waged by the newly-developing newspapers (Flanders 184). The rhetoric used by those covering the story sought to utilize not simply affirmative statements of guilt or innocence, but persuasive logic and physical facts to argue for the answer to the questions of whether Fenning had committed the crime or, indeed, if a poisoning had even happened.

The prominent paper of the day that targeted a middle and upper-class readership, *The London Observer*, argued for Fenning’s guilt. Not surprisingly, so generally did the government-subsidized *Morning Post*. *The London Examiner* was more evenly divided and featured letters and articles on both sides of the
question. Meanwhile, William Hone's *Traveller*, a radical paper seeking popular attention, fought tirelessly to persuade the public of Fenning's innocence.

Papers arguing for her guilt tended to point to an alleged motive of her bitterness and Fenning's access to arsenic and the food. They also tended to appeal to middle-class anxieties about their lower-class servants. One article in *The Examiner* declared that the evidence at trial of poisoning was clear enough that it "did to common sense attach guilt." It went on to couple this evidence with what it called "[Fenning's] falsehood that 'she never went to the drawer containing the wastepaper' [where the arsenic was stored]" arguing, logically enough, that if she had lied about being near the arsenic, her reason for lying likely had to do with the arsenic itself ("Case of Eliza Fenning" 20 Aug. 1815). Yet another article in the *Examiner* pointed out that Sarah Peer, a fellow servant in the Turner home, had sworn "I was not in the kitchen when the dough was made," which was supposed to show that only Fenning had access to the dumplings. Yet the article also noted that since Peer had bought the milk from which the dumplings were made, so she had had at least as much chance to taint what was served as Fenning ("Eliza Fenning" 17 Sept. 1815).

The papers arguing for Fenning's innocence, on the other hand, tended to point out logical inconsistencies with the case against her. Though there were several papers on Fenning's side, William Hone's *Traveller* stands out as a pioneer. Judith Flanders goes into a good amount of detail about William Hone and the *Traveller*'s fight. William Hone had started the *Traveller* newspaper that very year and under Hone, it began campaigning. In fact, several papers involved
in the fight had only been founded within a few years before Fenning’s arrest (Flanders 184-6). Accordingly, had the case occurred only a few years before, it is unlikely any rhetorical battle would have occurred for the simple reasons that the print media with any capacity or will to discuss the case simply did not yet exist, making it nearly certain the matter could not have made any contribution to the social exigency of crime (Flanders 184).

The Examiner, comparing her case to that of a poisoner who had been rightfully convicted, argued that “[Fenning] has not procured the weapon,” there was “not a tittle of evidence” that Fenning had ever “meddled with the arsenic, or had had arsenic in her possession,” and everyone in the household had at least as much access to the arsenic as she had ("Case of Eliza Fenning" 27 Aug. 1815).

Another article in The Examiner quoted the prosecutor, who had condemned Fenning, for not rendering aid to her employers, stating “If poison had been given even to a dog, one would suppose that common humanity would have prompted us to assist it in its agonies: here is the case of a master and mistress being both poisoned, and no assistance was offered” ("Eliza Fenning" 12 Nov. 1815). Another article, though, rebutted this by creating a logical counterargument through an early version of an analysis of evidence. The testimony was examined and the paper recorded how many dumplings each party ate relative to Fenning. Concluding that she had actually eaten more than any of the Turners, the piece concluded “[t]he following statement proves that
Eliza Fenning was herself poisoned and sick....and therefore that she was unable to be of any assistance to them” (“A Friend to the Poor”).

Some anti-Fenning papers analyzed the evidence and testimony as well, but to support the opposite conclusion. The London Courier, to support the Crown’s point of view of guilt, reviewed the testimony of the Turners, from the time Orlibar “was induced to dine” with his family past the point where everyone became “violently ill” and Fenning herself became “seized with similar sickness” to persuade its audience (“Poisoning” 8).

Articles about Fenning, though using logic to persuade, did rely on pathos as well. The Observer depicted Fenning as an unhinged woman. The accounts said Fenning had allegedly attempted to poison a previous employer and had tried to slit the throat of a woman (Flanders 192). As can be imagined, these statements, if found to be true, would have destroyed her public support.

After The Observer refused to take an advertisement of a pamphlet arguing Fenning’s innocence, and, in the Examiner’s view, presented only evidence of her guilt, The Examiner published an article deriding The Observer for “[E]xercise of illicit power ... which by such conduct and by the misrepresentations and falsehoods of its barefaced fabrications of the late Eliza Fenning has practiced...a scandalous imposition on the public” (“Eliza Fenning” 22 Oct. 1815). While newspapers in cases discussed elsewhere in this thesis may disagree, they rarely question the veracity and motives of papers expressing opposing views as sometimes happens in this case.
Opinion and fact became blurred as the fight went on. An Observer article, for example, printed a rumor that Fenning was expelled from school at the age of 12 for “lying and lewd talk” (“Eliza Fenning—Hanged”). This “fact,” even had it been true, could only have elicited an unfavourable emotional response from readers. As The Observer ran a series of such articles seeking to conclusively show Fenning’s guilt, they included other “facts”, such as that her father and mother were both born in Ireland and most damning of all were “both Roman Catholic” (Flanders 188). Personal attacks on people other than Fenning were common as well. An attack on Dr. Marshall began, “By what strange fatuity does [Dr. Marshall] persuade himself that anything from him can eradicate the erroneous opinions on this topic?” (“Eliza Fenning,” 1815 01 Oct. 1815).

The pro-Fenning papers, to win the argument, did something rarely done at the time: questioning the testimony of the middle-class “victims” in favour of the lower-class “perpetrator.” The typical template—that someone of a lesser class, in this case the servant girl, must have done it—found itself tossed into this new rhetorical situation of physical evidence, provable logic, and a social need to believe that justice was truly done. The prosecutor’s conclusion that, in times past, would have quickly settled the whole affair quickly became unconvincing.

The Traveller presented other clear reasons for doubts over Fenning’s guilt that also relied upon making arguments based upon physical evidence. Hone argued that Dr. Marshall’s conclusions had to be wrong since arsenic did not turn metal black, nor did it prevent yeast rising. Hone also noted that the quantities of arsenic allegedly found in the dumpling pan would “have been
enough to kill outright an entire village" making it unlikely every "victim" would have survived ("Eliza Fenning--A Wrongful Hanging"). Though the Traveller lost the fight to prevent Fenning’s execution, Hone’s investigation continued to foster nagging doubts about the conviction for years to come. Charles Dickens even publicly commented on the case over 50 years later in 1867: “I never was more convinced of anything in my life than the girl's innocence” ("Eliza Fenning--A Wrongful Hanging").

**Interactivity and External Questions**

Generally, public interactivity in the Fenning case was weak, did not influence the direction of the case, and was after the fact. However, what is important to note here is not that the characteristic of public interactivity was relatively weak or late but that because of the use of persuasive rhetoric about the case public interactivity begins to be seen.

As Fenning had been arrested and convicted within a week, most writing about the case begins after this point, at which time altering course would have been very difficult. Since she was executed within only four months of sentence, even a good deal of the writing and argument occurs after this, a strong indicator that the discussion about the case was about far more than the fate of Fenning herself ("Eliza Fenning—hanged"). For example, John Watkins did not publish his book until later in 1815, but Fenning’s execution did not stop his work.

Because the state actors in the matter had virtually executed Fenning before much of the public persuasion even began to take place, Booth's rhetorical balance between rhetorical actor, content and audience does not get a
chance to occur. However, though public interactivity with the case proceedings is relatively low, the public does begin to show begin to interact with the case and use it to bring indirect pressure.

When a crowd of people rallied at Newgate in July 26, they were not there in their previously role as assigned by the state, as witnesses, cheerleaders and entertainment-seekers (Foucault 7–8). The crowd of thousands was, instead, there to show support for Fenning (Hempel). It was too late for the crowd to do anything to save Fenning, but it gathered nonetheless taking social action in support of a convicted criminal awaiting execution, marking a change from the public’s traditional role (Hempel).

The public (or at least the lower class part of it) was making it clear that having heard the persuasive rhetoric of both sides, they believed Fenning to be innocent. There to begin to be seen markers of the public participation in the Fenning case. The continuing newspaper battle, had begun a cycle of public influence. The coverage raised enough doubts about Fenning’s guilt that some public pressure began to be felt in governmental circles (Hempel). This pressure resulted in the matter being appealed by petition to the home secretary, though the petition was eventually denied (“Eliza Fenning – Hanged”).

The coverage of the case also sparked real-time amateur-detective and journalistic work that, in turn, further influenced public opinion. For example, Judith Flanders notes that Watkins, who was a civilian and writer, became interested in the case upon reading about it (362). The rise of print availability and the battle over her guilt had then resulted in Watkins’ exposure to Fenning’s
trial which prompted him to write about his view of the case in his long essay, which then persuaded a broader swath of the public of her innocence (362). After reading about the matter in the newspapers, particularly *The Examiner*, Watkins decided to get involved. He obtained Fenning's trial transcript and used that to investigate and report the matter in his long pamphlet: "The Important Results of an Elaborate Investigation into the Case of Elizabeth Fenning."

Watkins, an amateur sleuth, conducted what could be called the first piece of investigative journalism when he published the results of his inquiries. As part of his investigation, he also engaged in an early form of forensic analysis, taking advantage of new technology and reliance upon science to further his inquiries (Hempel). Watkins was motivated to make his own investigation almost 30 years before London hired its first police detectives because he was driven by what he saw as logical deficiencies of the case and the evident need for social action. Watkins conducted interviews and ran tests, raising serious doubts, starting with challenging what had seemed the most obviously true assertion: that there had been a crime at all.

Watkins took an innovative approach by testing the underlying assumptions of the state and trying to refute them, point by point. While he found *The Examiner* receptive to his work, *The Observer*, refused to carry it even though Watkins was willing to place his findings there as a paid advertisement. Watkins' work was truly pioneering in both detective work and journalism since he did something common now, but unheard of then. He pulled original source documents and conducted research into them, even using the trial transcript itself
to highlight inconsistencies, questions or items that were not logical (Flanders 188; Hempel).

Watkins was able to find and note a number of problems with the trial evidence. For example, Dr. Marshall did not arrive for about six hours after the family took ill, yet testified that symptoms he heard about only indirectly were consistent with arsenic poisoning. Watkins found that the judge in the case, who had commented on Fenning’s failure to go to Mrs. Turner’s aid, appeared to have forgotten that Miss Fenning was likely also sick. Watkins also pointed out that the prosecutor had not really proven the underlying offense: poisoning (Flanders 188).

Watkins also may have been among the first to conduct journalistic-style interviews to find, verify, and publish correct information as opposed to reflecting or opposing state opinion. In one instance, in response to printed accounts in the Observer that Fenning had allegedly tried to poison a recent employer and had tried to slit the throat of a woman, Watkins, rather than simply accepting rumor as fact, sought and interviewed relevant witnesses (Flanders 192). Watkins revealed that Fenning’s “poisoned” former employer wrote the letter not because he had been poisoned, but as a general show of support against Fenning. The woman whose throat Fenning had supposedly tried to cut said she had never met Fenning (Watkins 187). Watkins chased down another so-called attempted poisoning, only to find out the “poisoning” was an odd-looking batch of tea and the “victim” had no idea if Fenning was even employed by him at the time. In addition to Watkins’ work being the first investigative journalism, it likely also
resulted in the first case of someone catching a reporter making stories up
(Watkins 187–8).

Watkins' pamphlet also had the first systematic examination in the
emerging science of forensics. Working backward from the amount of arsenic
reported by Dr. Marshall, Watkins calculated the amount of arsenic that would
have been present in the dumplings. Watkins calculated that if the dumplings had
had the amount of reported arsenic, there would have been enough to kill
hundreds of people, yet as Watkins noted, everyone somehow survived. With
this calculation, Watkins concluded that, assuming there had been arsenic
present at all, it must have been a very small amount since nobody died as a
result of what was served in that meal. Given such a small amount, the arsenic
could have been sprinkled over the top of the dumplings, in which case any of
several people other than Eliza could have done it (Hempel; Watkins 190).
Importantly, Watkins also debunked a central “fact” of the prosecution’s case: Dr.
Marshall’s claim that his knife had been turned black by arsenic. Watkins
explained that arsenic would not have had that effect on metal (Hempel; Watkins
190-1).

Larger questions the Fenning case raised, and for the public to repeatedly
consider, included that of relative justice based upon class and what changes
should be made. From the beginning, it was clear the relative classes of the
accused and accuser played a much more important role in how the case
proceeded than the weight of evidence. Eliza Fenning was not only lower class,
but Irish lower class, whereas the Turner house, as it was described in the writing
pertaining to the case, seemed to epitomize the respectable middle-class English family home.

As Margaret Dalziel describes, in nineteenth-century English social structure class played a significant role in a number of matters, including crime literature and criminal trials. The middle class was defined by their “ability to live in a certain kind of house, keep a certain number of servants, and afford certain luxuries (Dalziel 137). The Turners’ employment of servants like Eliza was, in all likelihood, as much to confirm their “middle-class” status to society at large as to have necessary work performed (Dalziel 137–8). However, this dependence on wage labor meant that a good portion of the population felt a social pressure to share their homes with non-family members they often did not know (Dalziel 137–8).

Before industrialization, servant families had often been with upper-class families for hundreds of years, tied together by mutual bonds and loyalty. The characters of Gabriel Betteredge and the Verinders in Wilkie Collins’s The Moonstone (1868) provides an example of such typical intertwined families in the nineteenth century. With such binding gone, families often lived with servants they neither knew nor could be sure of the feelings or motives of. It is not difficult to understand how English families became increasingly uneasy and, in some cases perhaps, paranoid about the servants in their midst. The lower class—including servants like Eliza—were often feared to be, and were sometimes depicted as, harboring latent hostility against the upper classes (Dalziel138–9). Anthea Trodd explored this increasingly uneasy relationship as background for
Domestic Crime in the Victorian Novel. In it she goes so far as to say that servants were not only viewed with concern, but often were “suspected as fifth columnists” in both life and literature (Trod 2–3).

It can be seen how this view of the lower class played out in the treatment of Eliza (Dalziel 144). Had the relative classes of Fenning and her accusers been the same, it seems very unlikely she would have been found guilty, let alone executed. The newspapers against Fenning said as much, openly believing with little question the testimony of the middle-class witnesses while discounting or ignoring that of lower-class witnesses. For example, the London Courier and Gazette showed its immediate bias in favor of the middle class Turners with the title chosen for its feature article about the matter (“Poisoning” 8). In the article, it becomes clear the paper, as a number did at the time, has a preconceived narrative of the untrustworthy servant poisoning her innocent, middle-class employers, and proceeds to bang on and twist the facts to fit this narrative.

The paper finds it suspicious that “The prisoner [Fenning] made no enquiry, nor did she do anything to assist [Mrs. Turner].” To arrive at this suspicion, the paper, like the judge in her case, ignores all the reporting (some in its own pages) of Fenning becoming violently ill herself. Yet within sentences after ignoring the effects of Fanning eating the dumplings as well, the paper finds it suspicious that she “partook of the same dumplings, although she had had her dinner before.” The obvious implication of this phrasing is that Fenning cleverly poisoned herself with the same substance she’d given to the family to kill them, somehow being expert enough to know she would live through it (“Poisoning” 8).
Yet where Fenning's own testimony was greeted with suspicion, the middle-class surgeon/amateur sleuth was believed without question. "Mr. Marshall, a surgeon, proved his finding arsenic in the dish, and the alarming effects upon the family" ("Poisoning" 8). Yet in truth, the evidence no longer existed, and Marshall had proved nothing of the kind. However, the narrative of a competent family surgeon and deceitful servant fit the overall cultural narrative better than the wrongfully accused servant and incompetent middle-class bunglers who had gotten their facts wrong, so a large part of the press went out of its way to support the "untrustworthy servant" narrative. The Courier and Gazette admitted that the officer who'd arrested Fenning had found "nothing of a suspicious nature" on or near her, yet the paper glossed this over by printing, as fact, speculation that the poison must have been already hidden in the yeast since the officer "perceived a white sediment at the bottom, and that [Fenning] who was very sly and artful, might put it in the milk" ("Poisoning" 8).

The paper not only refused to entertain her side of the story, it referred to her as "the prisoner," rather than by her name. Such an action emphasised both her class and status as arrested for a crime, both of which would subtly have made her appear more likely to be guilty. The paper asked her no questions and unlike its treatment of the Turners, did not quote one word of hers from her trial ("Poisoning" 8). The Examiner, in its summary of the trial, seemed to quote every suspicious word against Fenning without question, including Turner's claims that Fenning "appeared extremely sullen" just before the "poisoning" and the "request was very frequently made "by Fenning to make dumplings" —the theory likely
being that Fenning had made the request to gain access to the food to poison it. And here, too, Fenning is referred to as “the prisoner” and not a word in her favor is mentioned, including her denial (“Trial of Eliza Fenning” 06 Aug. 1815).

These perceived attitudes of the lower classes resulted in two types of anxieties among the middle classes, both of which are seen playing out in later testimony or popular theorizing about Fenning’s guilt. The first was that the lower classes, with their aspirations to middle-class positions, might replace or usurp the middle class, individually or as a group. One popular proposed theory was that Charlotte Turner sought to be rid of Eliza because she feared that Eliza would have an affair with her husband and steal him away from her. Whether there was truth to this supposition or not, it is revealing of the view of the middle-class outlook that Eliza’s supporters believed that it might explain her fate.

The second type of anxiety was more direct and in this case, more applicable. There was concern that if the lower classes felt some level of hostility at the increased wealth of the middle class, this could result in members of the lower class using their positions of trust to harm people in the middle class. A concrete example justifying this type of anxiety had played out only about two decades earlier during the French Revolution. After the lower classes rose up, they seized many lands and other properties of the upper classes, then began a campaign of genocide that virtually exterminated the entire upper and royal class of France.

Nineteenth-century servants had some individual mobility and were able to move from employment situation to situation, but overall mobility out of their class
was another matter. Class was a closely held concept, particularly from the vantage of an upper class towards a lower class. Though a shift from a working class to middle or upper class, usually through hard work or virtue, for virtuous lower-class protagonists was the stuff of penny literature, this widely held attitude made real-life class mobility difficult to impossible (Dalziel 144). It is not hard to see how this situation could have caused some level in hostility within the lower class.

As Judith Flanders explains, “The idea of servants with malevolent intent was particularly frightening: Servants lived with a family ... knew everything about the family's lives, but the family rarely knew much about their servants” (183). The problem for servants like Eliza was that “a great deal be projected onto this blank” (Flanders 183). This fear is foregrounded in Charles Dickens's hugely popular *Bleak House*, arguably the first full-length novel containing a mystery. Tulkinghorn, a lawyer and a firm member of the middle class, is murdered by Hortense, a French maid who is a member of the servant class. This represented a common theme in Victorian English literature, wherein servants, particularly foreign servants like Eliza Fenning (who was Irish), were so often up to no good.

In fact, there were other real cases of arsenic poisoning—women poisoning their husbands and servants poisoning their employer families—so that these fears were not without foundation (Altick 253–7). The effects of these anxieties on the classes, as represented in Eliza Fenning’s case, were visible. When the family became sick, suspicion could have fallen upon anyone, or no
one, but it fell upon Fenning who, like Hortense in *Bleak House*, was a foreign servant—and so represented two unknown quantities for the family. This anxiety is important here because had there only been middle-class people present in the household, it is probable, given the fact pattern of accusation and belief, that the matter would have been written off as an odd occurrence rather than probable murder.

In Fenning’s case, the court was perfectly willing to accept testimony from middle-class witnesses with little question about their motives or the sources of their knowledge, all while any lower-class witnesses received a suspicious eye (Flanders 190). *The Morning Chronicle*, a middle-class paper, went so far as to state that an employer should be believed simply because they are an employer (Flanders 190). To emphasize this schism, it was predominantly lower-class citizens who showed up at Fenning’s execution to show their support (“Eliza Fenning—Hanged”).

**Contemporary Persuasive Rhetoric**

Public pursuit of the question of relative class justice that the case itself sparked and the additional genre characteristic of use of contemporary persuasive rhetoric come together after the case leaves the realm of newspaper coverage and enters later literary treatment.

A number of plays come to be written and performed, either based on the case or directly about it. Though the trope of the wrongly-accused servant girl probably began earlier than this, it is used as a strong common thread in all
these. In *The Maid and the Magpie*, a lower-class servant girl is falsely accused by her middle-class mistress of stealing a spoon. At the last minute, the spoon is found and the heroine, unlike poor Ms. Fenning, is saved (Flanders 200). *Dolly and the Rat* (published in 1823) features yet another lower-class servant wrongly accused by a middle-class employer; as in *The Maid and the Magpie*, the thief is discovered at the last minute so that rightness prevails. Other plays, such *The Maid, The Master and The Murderer* also feature lower class servants being wrongly accused and placed in danger by middle-class employers (Dibdin). Contemporary persuasive rhetoric not only pulls the reader into the world of the play, establishing a clear class narrative of justice they also provide an opportunity to win the Fenning case after the fact.

When plays moved on to the subject of Fenning herself, the theme of relative class justice played even more strongly. In *The Life and Death of Eliza Fenning!, The Personal Servant Girl, and Eliza Fenning: The Victim of Circumstance*, not only is Fenning innocent, but it turns out she was accused because of the machinations of her middle-class employers (Flanders 192). Wilkie Collins clearly saw class issues in the case and used the Fenning case in his 1857 argument for social change, “The Poisoned Meal.”

Eliza Fenning's case also raised broader questions about science and medicine. The case became a lightning rod in the fight for doctors to be better trained in the newly developing science of forensics. In 1815, a coroner was only required to be a professional man of some respectability. No other requirements existed (Flanders 192). Medical experts (such as they were) began to argue,
forcefully, that the Fenning case demonstrated that a coroner should have some level of medical training for the position. Within two decades, this requirement was put in place, no doubt leading to better forensic work, more reliable testimony, and unknown numbers of innocent lives saved (Flanders 192; Hempel).

For Gordon Smith, England’s first professor of forensics, the Fenning case was an important first step in arguing for better training. In a standard lecture, he argued the evidence in the Fenning case. He produced a knife that had been left in arsenic for 10 hours and another knife that had been left next to pickled walnuts. Interestingly, the knife left in the arsenic was untarnished, while the knife left near the pickled walnuts was actually blackened (as Dr. Marshall’s ‘arsenic testing’ knife had reportedly been blackened). Gordon and others used this demonstration to support their argument that better forensics than those used to convict Fenning were needed (Hempel).

The Fenning case sparked debate through the entire nineteenth century and remains important in the literary field of True Crime to this day. The Fenning case also raised questions in the field of law concerning capital punishment. The Traveler in particular began to raise questions about the appropriateness of Fenning’s execution for a crime in which nobody died.

Public pressure brought by this and other cases began to yield results. Between 1818 (shortly after Fenning’s execution) and 1861, a number of less serious crimes, a few darkly comical, began to be removed from the list of capital crimes. Sheep, cattle and horse stealing were first, followed by sacrilege, letter
stealing, and forgery and coining. Later, burglary and attempted murder were remove from the list (Harsten 66; “Eliza Fenning—Hanged”).

Throughout and after the trial, the beginning of the development and use of genre sets by rhetorical actors and the public to work through the newly-created exigency of True Crime narrative can be seen. Discussion of the case begins with newspaper reportage but moves on to pamphlets like Watkins’s. While this set continues to have the common nexus of the Fenning case, how the case is discussed and treated is not limited by genre. Plays and essays are among those genres that will eventually join the genre set of the Fenning trial.

Beyond arguing the question of Fenning’s guilt, persuasive Contemporary Rhetoric had its place as well. Writers working with the Fenning case, including journalists and later, playwrights, tried not only to persuade readers with facts, but also to pull them into their rhetorical comprehensive view of the matter. William Hone himself tried to create a rhetorical world in which the innocence of the accused is clear, publishing a play in which the audience is aware that a female servant is unjustly sentenced to death (Flanders 201). This was one of a proliferation of plays depicting the theme of unjustly accused servant girls. In the play, The Maid and the Magpye, a world is also created for the reader in which a servant maid is falsely accused by her mistress (Flanders 200). Dolly and the Rat was an anonymous burlesque show in which a servant girl, Dolly, is accused of theft.

A few decades later, the case is taken up in the arena of public opinion. As Flanders discusses, in The Life and Death of Eliza Fenning! The Personal
Servant Girl (1854) and Eliza Fenning: The Victim of Circumstance (1855), the narration undergoes changes in that Fenning is assumed to be innocent and the machinations of her wrongful conviction play out (Flanders 192; Townsend). While there no public opinion poll, that these plays were written, successful, and pro-Fenning are good indications that public was overall swayed toward her innocence. Through these works, the writers seemingly work out the public wish that Fenning had not been hanged.

Though the rhetorical effect of these works at altering assumptions regarding social class and crime cannot be quantified, there is indirect evidence these were being slowly altered. By the time Elizabeth Gough, another young servant girl, was accused of a much worse crime 45 years later, and upon relatively stronger evidence, most people, including the magistrates and investigators seeking a suspect, were far less willing to convict anyone to death strictly upon the testimony and speculation of a couple of middle-class people.

The primary characteristics of the True Crime genre set, while not yet in full force and working upon each other in real time, do show themselves here, in response to the social exigency of concern about a wrongful execution, and begin to be felt.
CHAPTER 2
CASE STUDY 2: THE ROAD HILL HOUSE MURDER

1. BACKGROUND – A MURDERED CHILD

A gentle summer morning sun rose at a Georgian home in a quiet Victorian town. It was June 30, 1860 in the village of Rode. The home, known as “Road House,” belonged to the Kents, a prosperous middle-class family of nine that had three live-in servants. The household comprised Samuel Kent, a government inspector, his second wife Mary and among their children, sixteen-year-old Constance and three-year-old Francis “Saville,” a well-liked, doted-upon toddler. All seemed well...at first.

Saville’s nursemaid, petite, attractive 22-year-old Elizabeth Gough, noticed around 7:15 am that Saville was not in his bed and began asking about him. Too soon, everybody realized that nobody knew Saville’s whereabouts. Mild concern turned to near-panic as the realization hit home: the child was missing. Sometime during the night, Saville Kent had been taken from his home without anyone but the perpetrator knowing.

Within hours, the worst outcome imaginable became reality. Saville’s small body was found in the vault of a privy on the property. The child, still dressed in his nightshirt and wrapped in a blanket, had knife wounds on his chest and hands. His throat was slashed so deeply, he was almost decapitated. There was no sign of blood in the house, and a drawing room window was found open despite the servants having closed it the night before. The household and then the surrounding community began to ask, “Who could do such a thing?” and soon, the whole country was asking the same thing.
The Investigation

The Saville Kent murder has been given its own unique place by arguably the first crime writer, Joseph Stapleton, in his *The Great Crime of 1860*. Though the Eliza Fenning case was well known, the murder of three-year-old Saville Kent (what would become known as “the Road Hill Murder”) struck a collective nerve that would have the nation speculating and fighting for years.

Unfortunately, the local Wiltshire constable, superintendent Foley (sharing a popular belief at the time), thought it impossible for a middle-class woman, such as one of the Kents, to have committed the crime. Accordingly, the Kent daughters were neither initially questioned nor were their living areas searched. The local Wiltshire constable initially suspected Elizabeth Gough, who did sleep in the same room as Saville and claimed to have heard nothing. On July 10, the police arrested Gough and brought her before a magistrate. Though many felt she had to be the guilty party, the magistrates found there was not enough evidence to hold her and Gough was released.

With a lack of progress in the case, local authorities called in Jack Whicher of Scotland Yard on July 15. In his efforts, Whicher was hindered more than helped by the local police force, but he did learn some things, including that the two older children, William and Constance Kent, did not receive the same attention or love from their parents as their younger siblings. His suspicions went almost immediately to Constance Kent, who seemed to have a great deal of resentment about her father’s remarriage to her stepmother, from which union
Saville was born. He learned, among other things, that Constance had acted suspiciously when laundry was being collected, possibly to cover up a missing, bloodstained nightdress. Whicher told the magistrates of his suspicions on July 20, and they directed him to arrest Constance. Though he had wanted more time to investigate, Whicher hoped the arrest would cause Constance to confess, but she held firm. Without hard evidence against her, Constance, like Gough, was released without trial for lack of evidence.

In her meticulously researched, best-selling True Crime account *The Suspicions of Mr. Whicher: A Shocking Murder and the Undoing of a Great Victorian Detective* (2008), Kate Summerscale demonstrates that Whicher had faced insurmountable difficulties in his investigation. Some of these challenges began with his late assignment to the case, the incompetence of the local constabulary and a lack of cooperation from the Kent household. Nevertheless, Whicher was much criticized and his reputation never fully recovered. Ironically, many of his initial suspicions were borne out in later hearings. Eventually, it was revealed—unbelievably enough—that local constables had found a bloody nightshirt stuffed in a utility room, but had not mentioned it because they had simply decided the blood was likely to be from menstruation. Then the nightshirt had disappeared and was never recovered.
Confession and Imprisonment

Five years later, Constance made a statement confessing her guilt to authorities. Kent confessed that she had waited until the family and servants were asleep, gone down to the drawing-room, opened the shutters and window, taken Saville from his room wrapped in a blanket, left the house and killed him in the privy with a razor stolen from her father. Her confession, though, was never fully believed. Summerscale convincingly argues that another theory considered at the time is more likely: that Constance Kent's confession had been meant to shield her brother William Kent, who had to have been involved either as perpetrator or accomplice.

2. DISCUSSION

Classical Persuasive Rhetoric and Contemporary Persuasive Rhetoric

As in the Eliza Fenning case, the primary contention during the Road Hill murder investigation was whether a young woman could be guilty of such a crime as she was accused of. One difference was that in the Road Hill case, there were at least two female suspects whose guilt was being contested. As in the later Whitechapel murders and the Fenning case before, everyone took a side. Newspapers, using rhetorical tools, fought and competed with each other to persuade their readers about answers to the questions of the case: what was “the truth,” what “facts” were relevant, and who had committed the crime.

Here, we see social action—widespread awareness, public opinion, sleuthing—again creating the exigency for a True Crime narrative approach. To
meet Wayne Booth’s “Rhetorical Stance” this time, though, proving the guilt of the accused based on logic and evidence that would persuade that public, also had to be incorporated into any party’s rhetorical stance. On a general level, argumentation from factual evidence and science-based forensics factored in the discussion from the beginning, much discussion touching upon who could have physically committed the murder, taking into account both how Saville was abducted and killed, the meaning of a blood-stained newspaper at the privy, whether a bloody nightshirt had been found, whether a nightshirt was missing and its size, and whether a dog barked (Summerscale 167–75).

As the rhetorical battle began, most papers sided with Constance Kent, believing Whicher was either wrong or had gone too far. For example, of the papers in the immediate area of Road House, the Trowbridge and North Wilts Advertiser, Frome Times, Bath Chronicle, and Bath Express supported Constance’s innocence, while the Wilts Journal and Law Times backed Whicher in asserting Constance’s guilt. The Western Daily Press described Whicher’s efforts as “energetic” and “ingenious” while the Bristol Daily Post was skeptical about Whicher’s success from the beginning (Summerscale 95).

Newspapers that argued for Constance’s innocence suggested other suspects. The Globe blamed William Nutt, a local man; The Frome Times argued that the culprit was Elizabeth Gough; the Bath Express argued that William Kent had done it acting alone; and the Bath Chronicle said Samuel Kent had done it. Meanwhile, the Morning Post had articles that discussed how just about anyone in the house might be guilty (Summerscale 169).
Papers arguing for her guilt tended to point to her probable motive and position within the house. The Law Times, nearly foretelling what Constance would say in her confession five years later, said "[t]he child was his mother's pet, and malice against his mother ... would be a motive neither impossible nor improbable..." (173).

To rebut the popular assumption that it was simply impossible that a young girl like Constance could have done any such crime, The Morning Post, opined "That it should be a child [who killed Saville] would be incredible if Eugenie Plummer [another child who had committed murder] had not taught us to what length the wicked precocity of some children will extend" (Flanders 123). The Somerset & Wilts Journal, subscribing to the view that William Kent was guilty as well as Constance, reported that William was made to use the servant's stairs. This proof of strained family relations served to support Mr. Whicher's proposed motive of deep sibling jealousy (Summerscale 123–4).

Unfortunately for Whicher, the wider public was persuaded of Constance Kent's innocence. The Frome Times came closest to capturing the prevailing mood when it wrote, "An officer who can play at hap-hazard with such an awful charge as that of willful murder, and can promise that which he must have known he could not perform, cannot expect to be looked on otherwise than with distrust" (175).

While newspaper rhetoric in the Fenning case had a passionate, heated feel, the coverage of the Road Hill Murder (despite also running along class lines) tended to convey an impression, if not an actuality, of objectivity. In terms
of Aristotle’s classic persuasive elements, appeals to logos were greater with the Road Hill case than with the Fenning case, while appeals to pathos were relatively less. The papers tended to commit to print the full testimony of parties at various inquests and hearings that surrounded the murder, particularly those involving Constance Kent in July 1860, Elizabeth Gough’s in October of that year, and Kent’s confession in 1865. After the reprinted testimony, articles typically shared opinion in the last paragraph or so, and typically grounded themselves within the testimony that had just been printed.iv

There are a couple of likely reasons for this change in tone. First, mass-circulation newspapers were only beginning during Fenning’s time, so a more “off-the-cuff” approach is to be expected. By the time of the Road Murder over 40 years later, newspapers had become a fixture with a more fixed methodology. A second reason can be attributed to the strengthening of libel laws necessitating more care and circumspection in reporting. In fact, Samuel Kent did sue the Globe for libel after it came too close to calling him the murderer (Flanders 169–70).

While the tone of coverage may have been more subdued than in the Fenning case, persuasive rhetoric was used every bit as much. The rhetoric first, and successfully, sought to persuade that the murderer had to be someone in the house. One article in the Daily News, examining the facts, stated what most everyone would agree on, noting that it would have taken “a cool, crafty designing person” with “an intimate knowledge” of family habits and the house (“The Mysterious Child Murder at Road” 14 Aug 1860).
From here, newspapers took a number of rhetorical stances, trying to persuade readers primarily that either Constance Kent or Elizabeth Gough had committed the murder, as well as pushing several ideas to solve the crime. A number argued for Constance Kent's innocence, but some did argue on behalf of Elizabeth Gough's. Those arguing for Gough tended to use appeals to logos, emphasizing the lack of evidence against her while criticizing the investigators for arresting her at all. *The City Press*, reporting that Gough was again arrested, noted, "[a]t present there does not appear to be the slightest circumstance to connect her with the dreadful deed...Pity that an innocent person should be allowed to suffer for the mistake [of the investigation]" ("Our Weekly Summary" 6 Oct. 1860). Another paper, the *Weekly Standard*, feeling that the upper-class Kents were being treated with undue favoritism, argued it a "miscarriage" that the members of the Kent family "have never been examined or cross examined" ("The Child Murder at Road" 5 Sept. 1860).

A number of theories and ideas were discussed. The *Daily News* dismissed a theory in another paper that "the murderer never returned to the house" because "the track would have been discoverable" since the ground was wet. *The Daily News* noted this "fact" could not be relied upon because it had not rained that night, so the ground was probably somewhat dry ("The Mysterious Child Murder at Road" 14 Aug. 1860). On August 2, the *Bath Chronicle* related a theory that had appeared in *The Star* that someone in the family had committed the murder because of somnambulism and suggested that the family be watched to reveal the unwitting culprit: "Most people know that with precision and care
sleepwalkers act” in unusual ways ("Magisterial Acquittal of Miss Constance Kent"). However, an opposing point of view in the same article stated that “a simple stab might, perhaps be given” in such a state but the steps were too elaborate for sleepwalking to hold up as an explanation for such a complex set of actions as those involved in this murder ("Magisterial Acquittal of Miss Constance Kent"). Another article suggested the murder could have been done with “a mowing machine or scythe” kept on the property and tried to persuade that these implements should be a re-examined. Another writer disputed this assertion, saying that a “scythe could not have produced the wounds found on the body” ("The Mysterious Murder at Road” 7 Nov. 1860; “The Reexamination at Trowbridge”).

Joseph Stapleton entered the fray with his interpretation of events in his work The Great Crime of 1860. Published a mere ten months after the murder, the book has some of the features of modern True Crime narrative in that it contained a lot of detail about the case, discussed suspects and the investigation, and was based on an interview with at least one participant, Samuel Kent. Interestingly, Stapleton’s argument, though largely dismissed at the time, correctly identified at least one of the perpetrators (Stapleton; Summerscale 220).

Even after Constance confessed in 1865, putting the question of who committed the murder to rest (perhaps), there was a new debate over how she should be viewed and treated. Some papers condemned her as a murderess, but for someone who had killed a young child in cold blood, she aroused a surprising
amount of sympathy. A number of papers argued for a more sympathetic view. The *Daily Telegraph*, reflecting a popular feeling, argued that perhaps she was “mad instead of guilty.” Explained the *Saturday Review*, “The insane theory is the one that resolves all difficulties” (Summerscale 241–243).

In the Road Hill case, we see contemporary persuasive rhetoric, instead of separately and mostly after the fact, occurring along with classical persuasive rhetoric. The coverage, while primarily using classical rhetoric, sought not merely to persuade readers concerning the interpretation of evidence, but to pull the reader into the world of Road Hill and the crime. The press sought to look into and examine every detail of the world of Road House and the people within it. No detail was too small. The *Somerset and Wilts Journal* went so far as to sketch and release very detailed plans of Road Hill, including number of rooms and placement (Flanders 100). The *Bath Chronicle* attempted to do the same. Part of a typical description of the scene described “…a long passage, close to the kitchen which ends in a back door fastened by a latch, bolt and chain. Go through this and within three yards is the opening in the shrubbery leading to the closet in which the murder was committed” (“The Mysterious Child Murder at Road” 26 July 1860).

Servants and former servants were interviewed, yet even after the crime was solved, the perpetrator known, the press wanted to know more. The *News of the World* lamented, “We are but little enlightened” (Summerscale 260). The pasts of each member of the family, particularly Samuel and Constance, were researched and reported down to fine details, whether relevant or not. The family
was treated by newspapers (and much of the public who did not know the participants) not as people but as characters in a fictional world, to be discussed and speculated about. This treatment nearly anticipates the rise of detail-driven True Crime books like *In Cold Blood* (Capote).

**Public Interactivity and External Questions**

Public interaction with the reports on the Road Hill House Murder began almost immediately. Whereas in the Fenning case, public opinion was of severely limited application and scope, here, a number of indictors show it affected the investigation almost in real time and being more powerful. We see the True Crime genre set characteristics interacting and working upon each other in a way they had not in the Fenning case. Thus, for example, when the local police superintendent Foley was unable to solve the case quickly, the *Somerset and Wilts Journal* reflected public opinion and immediately demanded that "[T]he best detective talent in the country be engaged." Foley was removed from the case, and Jack Whicher was brought in from Scotland Yard (Summerscale 38).

It seemed the whole public got involved. As an article in the *Bath Chronicle* put it, "The public are crying aloud for vengeance on the murderer...many of them have converted themselves to detectives" to make suggestions and offer information ("Magisterial Acquittal of Miss Constance Kent"). Hundreds of people wrote to the newspapers and authorities with tips and ideas, a number of which were considered and responded to (Summerscale 88). As an entertaining aside, the *Bath Chronicle* featured a theory of a writer for *The
Star that an image of the killer might be revealed by examining Saville’s eyes. The Chronicle disagreed, but on the grounds that the last thing Saville Kent saw was likely not his killer (“Magisterial Acquittal of Miss Constance Kent”).

The most important impact of public interaction, though, may have been on Jack Whicher’s career. When Whicher presented his suspicions to the magistrates on July 20, he was reluctant to arrest Constance without more evidence. The magistrates, likely feeling public pressure, ordered Whicher to arrest Constance (“The Mysterious Child Murder at Road”). Since Whicher accused Constance Kent then failed to get her confession, much public opinion turned against him. One editorial titled “Who Committed the Road Murder?” expressed the popular opinion that Whicher was wrong, fooled by the real perpetrator (Summerscale 168). Within only a few weeks, the coverage even led to Whicher being denounced in Parliament. Whicher’s career took a blow it never recovered from. He was only assigned one homicide after this case, and a few years later, took early retirement.

In September 1860, public interaction can be seen influencing the direction of the case as, similarly to the Eliza Fenning case, public pressure resulted in a pair of petitions to the Home Secretary, organized by the Somerset and Wilts Journal and the Bath Express and their readers that resulted indirectly in a separate investigation by a Bath solicitor (182). As in the Eliza Fenning case, the resultant review did not change the direction of the case, but the point is that the action created by public interaction could have.
Public sympathy for Constance Kent intervened more firmly in how she was treated after the case was solved than before. Though Kent had been sentenced to death, and this would have been the sentence normally carried out, the public, appeared to have some sympathy for her that it would not typically have had for a child-murderer. After a number of such reports and articles of sympathy, Queen Victoria chose to commute Constance’s sentence to what would be a twenty-year term (Kyle 133).

The Eliza Fenning case raised questions concerning the impact of class status on credibility and the vulnerability of families within their own homes. The Road Hill murder case was, in a way, a continuation of these questions, although the differing conclusions may reflect shifts in public attitude from only 45 years before. Little had changed in the separation of classes since the Fenning case. The continuing deep divides between the lower-, middle-, and upper-class groups manifests in Robert Kerr’s 1864 study The Gentleman’s House: Or How to Plan English Residences from the Parsonage to the Palace, a book explaining the layout of a proper middle-class household. Kerr, in discussing the need for different entrances, exits, and as little contact as possible between a family and its servants, says “The family constitute one community; the servants another” (68).

In the mid-Victorian home, servants were, as in Fenning’s day, often seen as potentially inimical for the reasons described herein. It can be seen that a major reason Constance was not caught was that authorities found it much easier to blame or mistrust servants’ testimony than to believe a respectable
middle-class person, particularly a young lady, could be responsible for something as heinous as this murder. This explains why the servants were initially questioned but the Kent daughters were not, and why it was more widely believed that the lower class Gough lured Samuel Kent into a liaison and killed Saville to cover it up than that a daughter of the house might have committed the murder (Kyle 19). This first narrative fit already established beliefs about the relative dangers of the classes much better (Trodd 21).

The different treatment of classes by both the law and press, though not as pronounced or deadly as during the Fenning case, persists during the Road Murder investigation, as reflected by the rhetoric used towards the respective women. Articles reporting on the case typically referred to Kent as “the young lady,” “Constance,” or “Miss Kent” (“The Mysterious Child Murder at Road” 26 July 1860; “The Road Murder—Examination at Trowbridge” 27 April 1865).

The use of such terms by the press serve to convey a sense of familiarity with her that would have made her seem more sympathetic, while also conveying her station, which supposedly made her a less likely suspect. In contrast, the lower class suspect, Elizabeth Gough, was primarily referred to in terms of her job; she is identified as “the nursemaid” or as “Gough.” In one extensive report, for example, she was referred to as “the nursemaid” throughout (“The Mysterious Child Murder at Road” 14 Aug. 1860). Other papers did the same, and after her arrest referred to her simply as “the prisoner.” In some coverage, she was even referred to by title in the headline (“The Child Murder at Road: Apprehension and Examination of the Nursemaid”).

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For example, evidence that Constance may have distracted a servant to steal a nightgown from a laundry basket was largely dismissed. The Daily News wrote off Constance’s suspicious behavior to her being “much agitated and nervous” (“The Mysterious Child Murder at Road” 14 Aug. 1860). The Bath Chronicle went out of its way to ignore evidence about the nightgown: “It is considered that the facts attaching to the missing nightgown attach no suspicion to miss Constance” (“Magisterial Acquittal of Miss Constance Kent”). Yet the same paper insisted that “the strictest inquiries should be made with regard to the servants and persons out of doors” on the theory, with even less proof than the ‘missing nightgown theory,’ that there must have been, within the house, an accomplice, to a “miscreant” outside (“Magisterial Acquittal of Miss Constance Kent”).

A larger point cited as “evidence” against Elizabeth Gough by a number of papers was that she had known “the child was carried off in a blanket,” some even implying this as proof of a conspiracy by Gough with Samuel Kent (“The Mysterious Child Murder at Road;” 14 Aug. 1860; “The Mysterious Murder at Road” 16 Aug. 1860). As one paper justified the theory that her knowing about the child’s blanket was proof of guilt: “Could she know of it in any other way than by being conscious …that [the blanket] was taken away with the child?” (“The Child Murder at Road: Apprehension and Examination of the Nursemaid”). Another claimed the blanket discrepancy proved Gough was the murderer, saying “Though an accomplice may have been involved, that the child had been taken “by the connivance and tacit assent of the girl…there could be no doubt”
("The Child Murder at Road: Apprehension and Examination of the Nursemaid" 4 Oct. 1860; "The Mysterious Murder at Road" 16 Aug. 1860). All of this, of course, ignores that the natural way to carry a sleeping toddler away would be in the blanket he was sleeping in.

Where the papers were generally willing to give Constance Kent a pass on behavior that was suspicious, they tended, when it came to Elizabeth Gough, to go in the opposite direction. They read behaviors that under ordinary circumstances would be seen as part of her duties as portending her guilt. A typical report found it suspicious that Elizabeth Gough said she did not believe Constance had done it, wondering how Gough would know. Yet this was a perfectly likely reaction of a servant about her mistress. The paper also found it suspicious that Gough “merely said it was done by someone in the house” ("The Mysterious Child Murder at Road"). Yet the “report” did not explain what one in Gough’s position, if she had not known who committed the murder, was supposed to say. The same paper, as well as others, also found it suspicious that Gough had “given notice of her intention to quit” despite the fact that the housekeeper had also given notice at the same time ("The Mysterious Child Murder at Road").

Overall, the police, the press, and the public found it difficult to believe Constance’s guilt. As one paper summarized, “[T]he idea that a girl of 15 or 16 years of age could have committed a murder in the systematic and careful way in which this murder was accomplished is not generally believed” ("Magisterial Acquittal of Miss Constance Kent"). The subtext here is that there was no
difficulty believing a lower-class young person could commit such a crime, as it was no secret lower-class adolescents were routinely jailed and executed for such crimes. A number of papers condemned the fact that Constance was arrested at all. One article called her arrest “a persecution,” saying “[t]he manes of the murdered child are not to be appeased by the murder of his sister’s reputation” (“The Mysterious Child Murder at Road” 26 July 1860). Another article put it, “[t]he prevalent opinion among many is that Constance is not the murderess” (“The Road Murder—Examination at Trowbridge” 27 April 1865). The Frome Times went further, calling the arrest, “a most reprehensible course” (“The Child Murder: Arrest of Miss Constance Kent” 25 July 1860).

Despite being only a few years older than Constance Kent, Elizabeth Gough did not, for the most part, get anything like the lenient treatment and benefit of the doubt that Kent did. As most of the public believed a lower-class person more capable of crime, the selection of language typically used to describe Gough served to make it appear in reader’s minds that she was the more likely suspect.

A number of papers reported that “the inmates of the house had been searched,” one describing “some of them taking off the whole of their clothes” (“The Mysterious Child Murder at Road” 14 Aug. 1860). Clearly, this report considered the search adequate and complete. This provides an insight into the collective state of mind, as such articles collectively and conveniently overlook that only the servants were actually searched, clearly indicating a belief that the lower-class servants were the only people that needed searching.
Like Eliza Fenning, Gough was arrested and tried, but there were important differences worth noting, reflecting slow societal change. Unlike the case with Fenning, there was no doubt a crime had been committed, and there were legitimate questions about Gough’s conduct at the time. But unlike what occurred in the Fenning case, the circumstantial testimony of a few middle-class people was not enough to seal Gough’s fate. The investigation into Gough, further, was far more evidence-based than that into Fenning had been and when the evidence was not sufficient, Gough was released. Gough may not have been treated the same as a middle-class lady would have, but neither was she treated as a lower-class woman would have been only decades before.

These differences suggest an evolution on outlook towards the lower class that prevented the tragedy of the Fenning case from being repeated. The exigency of public persuasion and rhetorical battle for persuasion had gone from working subtle changes in following decades, to becoming a real-time moderating force emphasizing more careful consideration of evidence and reason.

As in the Fenning case, later literary treatments of the Road Hill murder provide a kind of “last word” for the public and as such, are likely indicators of eventual public sentiment, as well as a number of examples. They also provide further examples of the use of contemporary persuasive rhetoric. The use of elements as stories, or parts of stories, does not seek to persuade through face and logic, but through continuing narrative.
If the continuing trope of the wrongfully accused servant girl after the Fenning case indicates a public belief that she was wrongfully hung, later treatments of the Road Hill murder seem to indicate a desire to solve the whodunit puzzle in a way that both assures the public that such a crime is unlikely to happen to any of them, and finds a way to remove blame from the perpetrator so that a harsh punishment is not necessary.

The most important influence of the Road Hill Murder across texts may be its contribution to Wilkie Collins's 1868 novel, *The Moonstone*, acknowledged by many as the first detective novel and described by T.S. Eliot as the best of English detective novels (David 179). *The Moonstone* borrows a number of familiar elements from the crime, including a stained night shift, a canny outside investigatory in the form of Sgt. Cuff, and a servant girl whose motives are unclear (Gruner 127–45). After displaying the demise of a servant girl who, like Fenning and Elizabeth Gough, is wrongfully accused, the *Moonstone* adopts the popular theory of sleepwalking as a way of explaining the crime. In the book, Franklin Blake, it turns out, is the perpetrator, but since he is unaware of what he had done, he is absolved of guilt (Collins).

As an aside, Collins's novel, with its multiple narrators with their different theories and viewpoints, reflects the circumstances in the Road Hill case of diverse viewpoints such as journalists, investigators, magistrates, and readers proposing solutions with their letters. It also reflects public involvement in the evolution of the case, as different characters interact with the matter of the stolen Moonstone, continually changing the nature of the inquiry.
The case also contributed to the launch of the first female detectives in popular British Fiction when James Redding Ware, writing under the pseudonym Andrew Forrester Jr, wrote *The Female Detective* in 1864. Among the cases featured, “Child Found Dead: Murder or No Murder,” barely disguises its fictional reworking of the Road Hill murder (Bredesen 16–7). The story, like that of *The Moonstone*, hinges on the crime being committed by a sleepwalker. Here, a child is murdered but it was done by a somnambulant nursery maid unaware of her crime.

This embrace of the popular trope of a sleepwalking culprit by writers like Collins and Ware, like the state satisfying the public’s desire for leniency toward Constance after she confessed, appears to operate as a way to give the public what it wants: a way to resolve the crime without having to assign blame or punish anyone harshly. Further, to a public concerned about such things happening in their own families, this trope offers an explanation so unlikely to befall anyone else that the public reading it need not face any undue anxiety about the safety of their own homes.

As can be seen, the creation of a genre set, seen in the Fenning case, continues and expands with the Road Hill murder as the genre set gains even more range. What begins as a struggle between newspapers, playing out with articles and letters, expands into multiple genres concerning the case, including sensation novels and detective fiction. With the inclusion of early detective fiction that establishes a number of tropes, this genre set will have an important literary influence past the nineteenth century.
CHAPTER 3

CASE STUDY 3: THE WHITECHAPEL MURDERS

1. BACKGROUND—GROUND ZERO OF SERIAL KILLERS

A horrible and sickening sight then presented itself. The poor woman lay on her back on the bed, entirely naked. Her throat was cut from ear to ear, right down to the spinal column. The ears and nose had been cut clean off. The breasts had also been cleanly cut off and placed on a table which was by the side of the bed. The stomach and abdomen had been ripped open, while the face was slashed about, so that the features of the poor creature were beyond all recognition. The kidneys and heart had also been removed from the body, and placed on the table by the side of the breasts. The liver had likewise been removed, and laid on the right thigh. The lower portion of the body and the uterus had been cut out, and these appeared to be missing ("Another Whitechapel Murder" 1).

The high level of graphic content of this account from the London Times (more graphic than anything appearing in either of the previous cases studied) reveals that by the time of the Ripper, coverage had, in a way, fully matured from the emotional editorials in the Fenning case into a graphic style, a style holding little back, that a true crime audience would likely recognize today, in the way that more contemporary True Crime books like Helter Skelter and The Stranger Beside Me are likewise graphic and do not hold back. Overall, coverage moves to a more sensationalistic style than that of the previous case studies, with more emphasis in highlighting specific gruesome details. How far the press went in its efforts to maintain and hype the Ripper story is still argued to this day.

The series of murders that would come to be known as “The Whitechapel Murders” comprise possibly as many as eleven murders committed around the East End of London, mostly in the Whitechapel area, around the fall of 1888. At least five of these murders, between August 31 and November 9, 1888—Mary
Ann Nichols, Annie Chapman, Elizabeth Stride, Catherine Eddowes, and Mary Jane Kelly (described above)—are nearly universally believed to have been committed by a single serial killer: a killer who came to be known as "Jack the Ripper."

All of the victims were, or were believed to be, prostitutes and their bodies were found mostly from 1:00am – 5:00am. The infamous Whitechapel area, already notorious for excessive violence, and robbery, was considered by many the most dangerous part of the city. Many people who lived here did so in poverty and homelessness, and resorting to prostitution just to have a place to stay for the night is common.

Murders were far from unknown in the area. Yet these murders put the whole area on edge—the entire city in fear. Even in an area where violence was common, the viciousness of several of these murders stood out. Women's throats were slashed. Their organs were hacked out and displayed forming a gruesome tableau.

The killings caused both intense public terror and interest. The killer acquired the moniker "Jack the Ripper." "The Ripper" would be the first serial killer publicized and followed by the public in the rising outlets of media such as newspapers. Despite intense police efforts and several prime suspects, he would also not be caught, confounding the London Metropolitan police before the entire world. Yet unlike the Road Hill murder, of which there was later some resolution, there would be no such resolution. The cases remain officially unsolved.
2. DISCUSSION

Classical and Contemporary Persuasive Rhetoric

The use by writers of classical persuasive rhetoric to both persuade and to bring readers into the rhetorical world of the writer began immediately, raged throughout the murders, and has never really stopped. As soon as the murders began, the newspapers engaged in their now-more-established True Crime narrative style, beginning with the murders, proposing suspects, and examining clues.

The Whitechapel Murders mark an important moment in the treatment of crime by journalists. As FBI profiler John Douglas explained in his bestseller, The Cases that Haunt us, Jack the Ripper was not the first serial killer, but this case was the first in which the type of murders and evolving media came together to create an unparalleled international media event. As Douglas puts it, “In the dark realm of serial killers, [Jack the Ripper] is ground zero” (1). This is partly because the explosion in newspapers, an explosion that had begun around the time of the Fenning case, had continued, becoming unprecedented in human history (Begg 208). On top of this, in response to reader demand for crime coverage, popular magazines such as “The Illustrated Police News” were also being published (Baddeley & Woods 20, 52).

In response to the circumstances of the Jack the Ripper case, the use of persuasive rhetoric takes on a slightly different character. During the Fenning and Road Hill cases, the primary rhetorical battle had centered around the innocence or guilt of one, or at most a few, possible suspects of a specific crime
During the Whitechapel Murders, because there was no specific suspect, theorizing and amateur sleuthing was a more wide-open affair with various writers, investigators and the public seeking to persuade others in multiple directions as to numerous possibilities.

There was, and is still, controversy over practically every element of this case. There is controversy over the seemingly basic point of how many Jack the Ripper murders there were – how many of the eleven Whitechapel murders were committed by this killer. Alice McKenzie was murdered July 17, 1889, her left carotid artery severed. Examining pathologists, Thomas Bond and George Bagster Phillips, disagreed about whether she was a Ripper victim. Later writers are also divided between those who thought it was the Ripper and those who thought it the work of a copycat killer (Evans & Rumbelow 209; Marriott 195).

When Frances Coles was murdered on February 13, 1891, her throat also cut, James Thomas Sadler was arrested, but released for lack of evidence (Evans & Rumbelow 218–22; Evans & Skinner 551–68).

While during the Fenning and Road Hill cases, certain actions of an investigation were criticized, the investigation itself did not tend to have public participation while it was ongoing. This barrier was smashed, if it had not been already, during this case. The press and an increasingly upset public became more involved in details of the case, even making suggestions about how the police should be conducting their investigation.

Another point of disagreement, given the seeming impunity with which the killer struck and disappeared, was whether the investigation was being taken
seriously enough. Some of the public felt that the police were not putting enough effort into the matter, possibly because the murders were in the East End and the victims were prostitutes. Writing with some prescience about this widespread feeling, the London Times predicted "It is possible that [home secretary] Mr. Matthews and [police commissioner] Sir Charles Warren will not escape some sweeping censure in Parliament" ("Another Whitechapel Murder" 1). This editorial, unlike some others, went on to blame not the police, but unrealistic expectations of the police. "Of all forms of superstition, few are more abject than the notion that anything, no matter what, can be done by a Government Department" ("Another Whitechapel Murder" 1).

The London Evening News, in its summary of the public mood, said "[T]he people of the East end are again becoming angry, first, because the police are unable to protect them, and, second, because the Government does not offer a reward for the discovery of the murderer" ("The Whitechapel Horrors" 2). The police were often criticized for not immediately offering a reward (which they would eventually did). In such a letter to the London Times on October 2, 1888, reflecting this criticism, Henry White, Magistrate of Middlesex offered his opinion that "the best way to detect crime of a heinous character is to offer at once a large and substantial reward" ("The Murders at the East End" 1).

A good deal of criticism went further than disagreement, to questioning the investigation. Some writers attempted to persuade that the police were acting incompetently while others defended their conduct. At the Whitechapel District Board of Works meeting, Mr. Catmur, a board member said "The marvellous
inefficiency of the police in the detection of crime was forcibly shown in the fact that a murder [Catherine Eddowes] was committed in the very same block as that containing Mitre-square,” an area virtually surrounded by police” (“Whitechapel District Board of Works Meeting” 1). The London Times, however, noted the police presence near the murder site in their defense, saying “Many adverse remarks have been made concerning the want of vigilance on the part of the police... Five minutes after the discovery of the murder in Mitre-square, the two officers referred to heard of it, and the neighbourhood was at once searched by them” (“The Murders at the East End” 1).

Others like Samuel Barnett, writing in the East End News, also argued for support of the police. “The acts of a madman are not matters for horror, and his escape is not sufficient reason for wholesale condemnation of the police. (“What is to be Done?” 1). The East End News, after the resignation of Chief Commissioner Warren, argued that even if the police had not caught The Ripper, the police were succeeding because “Crime is unmistakably on the decrease, and although London draws its population from all parts of the world, and from all classes of society, it comes out better than most, if not all, provincial towns and districts” (“Crime in London” 1).

Advocating yet another view, some writers found the police’s inability to catch the killer to be, not a statement about police incompetence, but about the Ripper’s cleverness. Said an article in the London Times, “The murders, so cunningly continued, are carried out with a completeness which altogether baffles investigators” (“Another Whitechapel Murder” 1). This view may have indirectly
defended the police, but it could not help but also increase the stature of the murderer, increasing both fear and circulation.

Without investigative results, a number of theories were presented and advocated for. As the *London Times* accurately described on November 10, "When evidence is not to be had, theories abound. ("Another Whitechapel Murder" 1). And abound, they did, with multiple reporters, writers and members of the public trying to persuade that theirs was the right one.

A number of papers and writers put forth a theory that the killer was a cattle butcher. A typical article explaining the theory appears in the *London Times*:

"[T]here are the same indications of dexterity, if not anatomical skill, such as would be possessed only by one accustomed to handle a knife. ...it was noted as a curious fact that they occurred about the end of the week, and this and other circumstances suggested the theory that the assassin ... came ... in one of the cattle boats which weekly call here" ("The Murders at East End" 1)

This theory, more developed, was again presented by a different writer to the *London Times* on November 10 ("Another Whitechapel Murder" 1).

An editorial in the *London Times* by Edgar Sheppard, M.D., though, sought to refute the popular idea that The Ripper was extremely clever or part of a group, saying "I cannot help thinking that these Whitechapel murders point to one individual, and that individual insane. Not necessarily an escaped, or even as yet recognised, lunatic" ("Another Whitechapel Murder" 1).

Even who should or should not be a suspect was open to debate. One of the still unresolved controversies surrounding the murders was whether they were committed by an Englishman or a foreigner. As Cindy Smith explained in
her introduction to *Curse Upon Mitre Square*, the residents of London had a very
difficult time, from the beginning, thinking it possible that one of their own
countrymen could be responsible for such depraved crimes. Whoever the
murderer was, the one thing most of England eventually agrees on was that it
had to be someone else: an "other" that was not one of them (vii-viii).

Accordingly, writers and publishers shifted their explanations and
scenarios, with little other reason, to outside populations such as foreigners and
Jews (Smith vii-viii). As Smith also explains, this is also where the police,
similarly persuaded, focused much of the investigative effort. Given how terrible
the Victorian readership considered the murders, "[I]t may almost have seemed
more logical to posit that a malign supernatural agency lay behind the killings"
(viii).

The theory that the murderer was a Jew was persistent. The Vienna
correspondent of the *London Times*, trying to make what he considered an
obvious connection, explained that "attention may be called to a crime of an
exactly similar kind... A Galician Jew named Ritter was accused in 1884 of
having murdered and mutilated a Christian woman in a village near Cracow. The
mutilation was like that perpetrated on the body of the woman" ("The
Murders at the East End" 1). Hermann Adler of the Office of the Chief Rabbi, responded
decisively, "I can assert, without hesitation, that in no Jewish book is such a
barbarity even hinted at. Nor is there any record in the criminal annals of any
country of a Jew having been convicted of such a terrible atrocity" (Adler 1).
Others sought to rule out extremely unlikely theories they were concerned might catch on. To dispel one popular theory, physician Sir James Risdon Bennett gave an interview to one newspaper to explain that "My purpose in writing to the Times the other day was simply to demonstrate the absurdity of the theory that the crimes were being committed for the purpose of supplying an American physiologist with uteruses" ("The Mitre Square Murder" 3).

There were disputes about matters not directly related to the murderer as well. One hotly contested issue was whether more lighting in the area would have prevented the crimes. This was raised at the Whitechapel District Board of Works Meeting, one member asking "Was not the Board itself to blame for not providing sufficient light in courts and alleys? In Hobson's-court, in Mile End New Town, for instance, there had been no light at all for a month ("Whitechapel District Board of Works Meeting" 1). A letter to the London Times echoed this sentiment, saying "If every street were well lighted, and every court and alley were brilliantly lighted, deeds of darkness would be diminished and morality promoted" ("The East End Murders" 1).

Elements of contemporary persuasive rhetoric appear most strongly in this story, as reporters and others were able to do a remarkable job of bringing readers into the world of the murders, accessing and revealing an amount of investigative information most would find astonishing today. While little was known of the Fenning case until after her trial, stories about the Ripper crimes are replete with detail (clearly gained virtually in real time from police at the murders), as shown by the quote at the opening of this chapter. The reporting
became more detail-ridden and graphic, with description of the crimes themselves moving to the fore.

The *London Evening News*, reporting on the murder of Elizabeth Stride, the first of "The Double Event," was able to report that "In her right hand were tightly clasped some grapes, and in her left she held a number of sweetmeats. The same paper also possessed enough detail to report that "The cut in the woman's neck ... is not from ear to ear. The knife seems to have been stabbed in deeply at the left side to reach the external carotid, and to have emerged at the carotid on the right side. The superficial length of the wound is from three-and-a-half to four inches" ("The Whitechapel Horrors" 1). Reporting on the second murder, that of Eddowes in Mitre Square, was similarly detailed, leaving the reader with little need to imagine the scene. "All the viscera were cut out, and the lower part of the abdomen lifted up bodily towards the breast... In addition to these fearful injuries a portion of the right ear was also cut off, and the nose was slashed half-way through. The face was also slashed and cut about in the most brutal fashion, and a portion of the intestines was also placed on the neck ("The Mitre Square Murder" 3).

Such graphic rhetoric, while often couched in terms of providing information to the reader, is clearly present to excite and gain the reader's interest. While enough of the Fenning incident and Road Hill Murder are shared to acquaint readers with the case, there was a line concerning the level of detail that the press was not willing to cross. Here, the line virtually vanishes. It seems
likely that this focus on atmospheric and evocative details contributed to the public’s anxious mood.

However, there was also a good amount of investigative detail and analysis to keep the public up to date as well. The London Times, within a few days of Mary Kelly’s murder, was able to ascertain and print Kelly’s movements at the end of the night in some detail, including letting the readers know that she had likely been with her murderer in Commercial Street at around 11:30 and the killer probably induced her to take him home without indulging in more drink. She went to her home, and she may have been “heard singing the refrain of a popular song as late as 1 o’clock yesterday morning” (“Another Whitechapel Murder” 1).

The London Times, in a similar move to the Road Hill coverage, even published complete transcripts from the coroner’s inquiries of the murders to place the readers at the scene. In an inquiry by coroner Wynne E. Baxter into the murder of Elizabeth Stride, the following is a sample of an exchange that appeared in the paper

The CORONER. - Did you notice the quantity of blood about?  
Witness. - The blood ran in the direction of the house from the neck of the woman. I should say there were quite two quarts of blood on the ground. The body was lying about one foot from the wall. In the yard were a few paving stones, which were very irregularly fixed (“The Murders at the East End” 1)

**Interactivity and External Questions**

The Ripper case not only had the element of interactivity, but was arguably one of the most interactive cases of all time, public participation and public pressure affecting everything from the personnel investigating the case,
the amount and type of police efforts put into the investigation, to the name given to the killer.

The public, or select members, helped create the Jack the Ripper personae. In addition to the overwhelming publicity from conventional newspaper accounts, Jack the Ripper (or someone seeking more publicity for Jack the Ripper) used the then-modern media in new ways to maximize the horror (Armijo, Guess & Jinzo 30). “A majority of that exposure can be largely attributed to the Ripper’s written communications, letters in particular, and their seemingly crafted newsworthiness” (31). The killer was un-named for nearly a month and as far as is known, never made an attempt to name himself.

Then on September 27 and October 1, 1888, respectively, someone claiming to be the killer sent a letter and then a post card to the press. The person sending the letter and post card signed himself “Jack the Ripper.” Something about the moniker caught fire with the public and stuck (Evans & Rumbelow 137; Evans & Skinner, 16–8). These were followed by an even more disturbing letter sent on October 16, which included half a kidney preserved in alcohol (Evans and Rumbelow 170). It is now widely believed that while the October 16 letter (which was signed “From Hell” and not with a name) may have been sent by the murderer, the letter and post card were most likely sent by someone following the story, probably a member of the press (Begg 208).

Between the murders and their intense coverage, an increasingly anxious and concerned public placed more and more intense pressure on public officials and the police to solve the case. Responding to this pressure, the Metropolitan
Police invested vast manpower into solving the killings, interviewing literally thousands of people, investigating hundreds and detaining about 80 (Begg 205; Evans & Skinner 125).

The public, in what ways it could, joined the investigation as well. A letter to the *London Times* recommended that “[A]ll the police boots should be furnished with a noiseless sole and heel, of India rubber or other material, to prevent the sound of their measured tread being heard at night, which would enable them to get close to a criminal before he would be aware of their approach” (Thomson, L.R.). Another recommendation, scientifically advanced for its day, noted “There is a possibility of identifying the blood print on the letter with the thumb that made it, because the surface markings on no two thumbs are alike, and this a low power used in a microscope could reveal” (“The Murders at the East End” 1). Another letter advised “It would be well if a couple or so of trained bloodhounds ... were kept for a time at one of the police head-quarters ready for immediate use in case their services should be called for” (“The Murders at the East End” 1).

When police efforts to catch the murderer did not pan out, the public, not out of ideas but out of patience, applied pressure that resulted in the resignation of Chief Commissioner of Police Sir Charles Warren, the defeat of Home Secretary Henry Matthews in that year’s election, and possibly the retirement of Chief Inspector Frederick Abberline a few years later in 1892 (Evans & Rumbelow 223; Evans & Skinner 655).
Not only did the public participate in the investigation itself, the public also used the case as an interactive platform to demand reforms in the poverty-ridden East End. Almost immediately, the public saw a connection (or an opportunity) between the Whitechapel Murders and the terrible conditions in the East End. John Brewer's *Curse Upon Mitre Square*, though ostensibly a horror gothic novel, provided what one expert described as, "a nice window into the times" (Smith i). It did so by going off track from its (admittedly thin) plot to discuss, the conditions of the East End at great length. This is a reflection of the reality that as much as readers in the East End were concerned about the murderer in their midst, they were at least as concerned about their daily living conditions.

Brewer describes the Whitechapel road, not just as a thoroughfare, but as "a sort of portal to the filth and squalor of the East" (41). Mitre Square attempts to tie the conditions of the East End to the murders, making the case that the East End was so cursed into wretchedness, it was not merely a convenient place for depraved murder, but the inevitable incubator of it (Brewer 38-9). *Mitre Square* was among the first in a long line of publications to draw this connection. Others in the media also made the case that the conditions in the East End and its grisly murders had to be related. As one writer said, "It is an acknowledged fact that wherever overcrowding exists it is the origin of all evil. Crime, misery, filth, and degradation are the outcome" (Bruce 1).

As an example, several writers in the *London Times* made comments similar to this one: if the government moved "to suppress disorderly houses, to cleanse and widen the streets, to pave and light the courts and alleys, the chief
external conditions which favour murder will have been removed ...” (Haggard; “Whitechapel: To the Editor”).

Accordingly, the Whitechapel Murders raised, in addition to the eternally vexing question of the identity of the killer, the external question, hotly debated in public, about how, or how much, to address the squalid conditions in the East End. The spotlight on the murders from these collective publications galvanized public attention onto the East End and focused attention to the living conditions within. The deluge of publication publicity “[A]llowed the public, particularly educated upper class individuals, to view the extreme levels of social corruption in the East End while consuming their daily dose of bloody editorial” (Armijo, Guess & Jinzo 31-32).

Many eyes in the West End of London opened to problems in the East End, and the keen interest was not all out of altruism. These conditions were bad enough that a pair of riots had broken out in 1886 and 1887 (Haggard). The Whitechapel murders and their surrounding publicity helped bring the danger home to the West End resident that if nothing were done, the residents of the East could become a threat. “The Whitechapel murderer represented the callousness, brutality, destructiveness, and malicious cruelty that the West had most reason to fear” (Haggard). As Haggard states, there were many calls for reform of the living conditions in east London. Because of the attention, many charities’ efforts moved into the East End and Parliament passed a number of reforms which slowly improved condition.
George Bernard Shaw may have summarized the effect of the Ripper on the East End best when, commenting on the sudden interest that had been generated in the plight of the poor of the East End, he famously said “Whilst we conventional Social Democrats were wasting our time on education, agitation and organisation, some independent genius has taken the matter in hand, and by simply murdering and disembowelling ... women, converted the proprietary press” (Shaw). Shaw's remark, while tongue in cheek, also demonstrated the cynical truth that while social rhetoric of helping the poor had gained little interest, the same appeal, when tied to a series of murders, suddenly gained notice and influence. If rhetoric over the Ripper is considered as a set of scattered searchlights, jumping from one theory to another, some wobbling with uncertainty, others piercing a single spot and refusing to move, these searchlights, particularly those asking the question “What conditions allow this maniac in our midst to kill with impunity within a modern city?”—shone enough light for conditions about the East End, to be revealed—even if the lights never quite shine on the murderer himself.

With no clearly identified suspects, it becomes more difficult to apply later media treatments of the case as a gauge of public thinking. However, trends do emerge hinting at public interest in two things: solving the case and naming and assigning blame to an “other.” Within weeks of the first murder, the first “Jack the Ripper” novel, The Curse Upon Mitre Square by John Brewer, was actually written as the murders were happening and was published between the third and fourth murders (Smith v). As has already been discussed, the English public, in a
way similar to the expression of belief that a middle class girl could not have committed a murder at Road House, did not want to think it possible that one of their own, and Englishman, had committed murders so gruesome.

*Mitre Square* delivers. When it proposes the ghost of an insane catholic priest as the murderer, *Mitre Square* not only offers a solution to the crimes (albeit not a very serious one), it casts the first of many non-Englishman “others” in the role as the murderer (Brewer). Two decades after the “Ripper Murders,” Marie Belloc Lowndres’s novel *The Lodger* (1911), offers its own explanation and seeks to persuade the reader of what it considered a realistic solution (a drifter).

Since these early treatments literally hundreds, if not thousands, of books have been written attempting to solve the crimes; proposing alternative theories and suspects. The list of suspects proposed in these books reads much like a “Who’s Who” of late Victorian England, including Dr. William Gull, the Queen’s physician, Prince Albert Victor (“Who Was Jack the Ripper) and in a true twist, Chief Inspector Frederick Abberline of Scotland Yard who had been head of the investigation (“Is this Jack?”).

Jack the Ripper may be the most “othered” murder suspect of all time. In the 1979 film *Time after Time*, the murderer is proposed as a time traveler whom H.G. Wells must hunt down. The murderer appears in an episode of *Dr. Who* as another entity and even an episode of *Star Trek* which depicts Jack as an alien with a lust for murder (“Jack the Ripper”).

What began as a series of sensational newspaper accounts has grown into one of the most widely-ranging genre sets possible. The Jack the Ripper
murders has gone from the telegraph to television, novels to movies, and true crime books to documentaries. Where the Road Hill murder genre set is influential even today, the Jack the Ripper genre set is active and growing even larger every year.

While the killer is ultimately not revealed, what is revealed is that the Jack the Ripper narrative shows the characteristics of the True Crime genre set, not nascent or growing, but in full maturity and on full display, laying groundwork for the modern genre as we understand it.
EPILOGUE

By applying theories, from critics like Bitzer, Miller and Devitt that reveal social action and genre exigency as crucial in the creation of genre, we can see how the combination of circumstances and social action results in a social exigency from which the True Crime narratives were able to arise in nineteenth-century England. Identifying and following the elements entwined with the development of the True Crime genre set — classical and modern elements of rhetorical appeals and persuasion, an interactive element of public participation, and a broader external question that engages the public in a wider conversation — gives us a window through which we can view key points of its development. We can view the violent birth encapsulated by the Eliza Fenning trial, through its development during the Road Hill murder, and its rise to maturation during the Jack the Ripper murders. We can follow the genre as it assumes the traits that make it an unsparing genre of horror, exploration and debate—traits we see reflected in contemporary works like the Making of a Murderer, and The People v. O.J. Simpson.
REFERENCES CITED


Queens College. Web. 21 May 2016.


A notable exception is David Richter's article, *True Crime in Nineteenth-Century Literature*. In it, Richter seeks to classify True Crime literature into three groups, depending on the form of media: factual reportage, literary essays, and novels. According to Richter's breakdown, True Crime as a genre begins around the 17th century with the appearance of these modes. However, this classification, while useful, does not wrestle with the question of what constitutes True Crime genre, its parameters, or what should or should not properly be classified within the three modes.

Background information about the Fenning case (Chapter 1) is readily available. Here, several sources have been chosen, including the articles "Eliza Fenning – Hanged for Attempted Murder" from 2009, "Eliza Fenning" (from the British Executions website, "Eliza Fenning--A Wrongful Hanging", and Sandra Hempel's "Eliza Fenning: The Case of the Poisoned Dumplings" from 2013). Additional information about the case also appears in *The Invention of Murder: How the Victorians Reveled in Death and Detection and Created Modern Crime* by Judith Flanders (182).

Background information about the Road Hill Murder case is readily available. Here, several sources have been chosen for this information. An excellent primary source has been Kate Summerscale’s well-researched True Crime book about the Road Hill Murder, *The Suspicions of Mr. Whicher: A Shocking Murder and the Undoing of a Great Victorian Detective*, specifically pages 22-23, 115, 169, 183-188, 256-257. Other helpful sources included the articles "The Child Murder at Road—Examination of Elizabeth Gough" from The Weekly Standard; "The Mysterious Child Murder at Road" 26 July 1860 appearing in The Bath Chronicle; "The Road Hill Murder 1860" by Terri Silcock; and Geoffrey Wansell’s "The First Whodunnit: How the Murder of a Three-Year-Old Boy Gave Us the Fictional Detectives We Know Today." Additional information about the case also appears at page 93 of Noeline Kyle’s "A Greater Guilt: Constance Emilie Kent and the Road Murder."

For several articles that display these tendencies, see "The Mysterious Child Murder Near Frome" in *The Daily News*, July 28, 1860 at page 13; "Magisterial Acquittal of Miss Constance Kent" in *The Bath Chronicle*, August 2, 1860 at page 3; The Child Murder at Road—Examination of Elizabeth Gough" in *The Weekly Standard*, October 2, 1860, at page 6; and "The Road Murder—Examination at Trowbridge" in *The Bath Chronicle*, April 27, 1865 at page 5.

Background information about the Whitechapel Murders is more readily available than that of practically any other case in recorded history. Here, two sources are turned to: *The Ultimate Jack the Ripper Sourcebook: An Illustrated Encyclopedia* by Steward Evans and Keith Skinner, particularly pages 339-340 and Thomas Grose's *Jack the Ripper Revisited*.