

Book Notes

Common Sinners and Moral Monsters: The Killer in American Culture

Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination*. Cambridge: Harvard University Press, 1998. Pp. xiv, 322. \$29.95.

Murder narratives have long been an important part of American culture. When the citizens of Ipswich, Massachusetts, hanged Esther Rogers in 1701 for smothering her newborn infant, a printed account of her crime and punishment circulated through the town.¹ When twelve-year-old Hannah Ocuish confessed to killing six-year-old Eunice Bolles in 1786, a written report of the incident swirled through New London, Connecticut.² Half a century later, when a New York jury acquitted Richard Robinson of murdering the beautiful and notorious prostitute Helen Jewett, printers churned

1. See JOHN ROGERS, *DEATH THE CERTAIN WAGES OF SIN TO THE IMPENITENT* (Boston, B. Green & J. Allen 1701), cited in KAREN HALTTUNEN, *MURDER MOST FOUL: THE KILLER AND THE AMERICAN GOTHIC IMAGINATION* 253 n.1 (1998).

2. See HENRY CHANNING, *GOD ADMONISHING HIS PEOPLE OF THEIR DUTY, AS PARENTS AND MASTERS* (New London, T. Green 1786), cited in HALTTUNEN, *supra* note 1, at 276 n.1.

out a succession of pamphlets recounting the details of her bloody death.³

Karen Halttunen's lively and engaging *Murder Most Foul: The Killer and the American Gothic Imagination*⁴ examines hundreds of such narratives published between the late seventeenth and mid-nineteenth centuries. Juxtaposing sacred and secular texts, the book charts a crucial transformation in the popular perception of killers. According to Halttunen, Americans initially viewed murder as a sign of universal human depravity. A deeply religious people, they thought of killers as "common sinners" and reacted to them with compassion and concern.⁵ In the late eighteenth and early nineteenth centuries, however, Americans came to view human nature as essentially good and capable of self-control. To protect this liberal Enlightenment faith in human nature, they reconceptualized killers as "moral monsters" and recoiled from them in horror and fear.⁶ Skillfully weaving together religious, legal, and literary history, Halttunen develops provocative interpretations of extraordinarily rich sources. Unfortunately, however, she tends to exaggerate the extent to which Americans agreed on the meaning of murder. She gives us a fascinating but flawed analysis of popular responses to evil.

Halttunen begins her study with an examination of execution sermons published in late seventeenth-century New England. Preached by clerics shortly before convicted criminals were put to death, and circulated widely thereafter in printed form, these sermons were a crucial part of early New England's execution ritual. In Halttunen's view, the clergy eagerly seized the opportunity that the sermons presented to shape the public reaction to deadly crime. Steeped in the doctrine of original sin, clerics believed that all crimes sprang from the same source: universal human depravity. In their view, killers were simply "moral representative[s] of all of sinful humanity."⁷ In their sermons, therefore, they urged spectators and readers to empathize with killers and to recognize in them their own potential for sin. They strategically focused attention on the state of

3. See MURDER MOST FOUL! A SYNOPSIS OF SPEECHES OF OGDEN HOFFMAN, THOMAS PHENIX, HUGH MAXWELL, JUDGE EDWARDS, & C. ON THE TRIAL OF ROBINSON, FOR THE MURDER OF ELLEN JEWETT (New York, R.H. Elton 1836), cited in HALTTUNEN, *supra* note 1, at 305 n.63; THE LIFE OF ELLEN JEWETT (New York, No. 70 Bowery 1836), cited in HALTTUNEN, *supra* note 1, at 301 n.22; THE LIVES OF HELEN JEWETT, AND RICHARD P. ROBINSON (New York, 1849), cited in HALTTUNEN, *supra* note 1, at 301 n.22; TRIAL OF RICHARD P. ROBINSON BEFORE THE COURT OF OYER & TERMINER ON THE 2D OF JUNE, 1836, FOR THE MURDER OF ELLEN JEWETT, ON THE NIGHT OF THE 9TH OF APRIL, 1836 (New York, 1836), cited in HALTTUNEN, *supra* note 1, at 272 n.29.

4. HALTTUNEN, *supra* note 1.

5. See *id.* at 4, 13-32.

6. See *id.* at 5, 35-59.

7. *Id.* at 9.

killers' souls, while alluding only briefly to the violent actions that threatened to place these criminals in a separate category of transgressors. At the same time, clerics demonstrated the importance of confession and repentance in the struggle against eternal death. They shaped killers' stories into "triumphant narrative[s] of spiritual transcendence,"⁸ and held up repentant murderers as models for more ordinary sinners to emulate. In their execution sermons, in short, clerics scripted dramas of "exemplary sinner[s] standing before compassionate spectators who joined with [them] in a collective struggle against sin."⁹

According to Halttunen, spectators and readers played along with this script. As the "only regular means of public communication in colonial New England," she contends, "the sermon was a powerful force in shaping that culture's values and sense of corporate purpose."¹⁰ As printed texts, too, the sermons "wielded great authority . . ."¹¹ In her view, the men and women who listened to and read these narratives responded to them precisely as the clergy directed: with an outpouring of sympathy and concern for convicted murderers. Through their sermons, then, clerics succeeded in establishing a strong bond of moral identification between condemned killers and the rest of the community.¹²

Halttunen argues, however, that in the late eighteenth and early nineteenth centuries new narratives began to shape a very different response to murder. Specifically, a variety of secular accounts—including trial reports, journalistic narratives, poems, and criminal autobiographies—replaced sacred ones, as lawyers, printers, poets, hack writers, and even murderers seized the task of crafting crime stories from the clergy.¹³ In Halttunen's view, trial reports quickly became the most popular of these narratives. By the first decades of the nineteenth century, she contends, their volume so swelled that they swamped all other forms of criminal literature, demonstrating "the historical triumph of the legal discourse of murder over the theological."¹⁴

According to Halttunen, this new literature drew upon two conventions that infused the period's popular Gothic fiction: horror and mystery.¹⁵ Unlike execution sermons, these "Gothic" murder

8. *Id.* at 8.

9. *Id.* at 23.

10. *Id.* at 12.

11. *Id.*

12. *See id.* at 14.

13. *See id.* at 36-37.

14. *Id.* at 36.

15. *See id.* at 3. Halttunen does not clarify the lines of influence that existed between Gothic murder narratives and Gothic fiction. She initially asserts that "the delineation of the

narratives explicitly instructed readers to experience horror in the face of the crime. They used inflated language and graphic descriptions of violence to evoke this response.¹⁶ Also in sharp contrast to the clergy's sacred stories, the new narratives added an element of mystery to murder. Influenced by the structure of the adversarial criminal trial, they presented incomplete, fragmented, and chronologically confused stories.¹⁷ Long before Edgar Allan Poe's "invention" of detective fiction in 1841, Halttunen contends, nonfictional crime literature presented murder as a problem to be solved.¹⁸ Not surprisingly, the major effect of the transition from a religious to a legal discourse of murder was "moral uncertainty about the nature of the crime and the assignment of guilt."¹⁹

Halttunen emphasizes, however, that these narratives did not function as a degraded pursuit of sensation for its own sake.²⁰ Rather, they enabled Americans to come to terms with radical human evil and yet still retain an Enlightenment faith in the inherent goodness of mankind. The Gothic murderer, like the villain in Gothic fiction, was "first and last a moral monster, between whom and the normal majority yawned an impassable gulf."²¹ Readers were instructed to shrink from this monster with a horror that "confirmed their own 'normalcy' in the face of the morally alien" and with a sense of mystery that "testified to their own inability even to conceive of such an aberrant act."²² By highlighting the meaninglessness and mystery of murder, Gothic narratives protected the liberal Enlightenment view of human nature as essentially good, rational, and capable of self-control.²³

As Halttunen insightfully suggests, however, Gothic narratives

murderer [in the non-fictional literature] *paralleled* the treatment of the villain in the popular Gothic fiction that was sweeping the Anglo-American book market at that period." *Id.* at 47 (emphasis added). Yet, later on, she contends that these conventions "were drawn from Gothic fiction." *Id.* at 116. I construe her argument to be that there was a mutual exchange of ideas and conventions between these fictional and non-fictional texts.

16. *See id.* at 3, 49-59.

17. *See id.* at 94-101.

18. *See id.* at 107-10. Halttunen's analysis of the relationship between Gothic murder narratives and detective fiction is much more precise than her analysis of the relationship between Gothic murder narratives and Gothic fiction. In Halttunen's view, the detective story emerged, at least, in part, as a fantasized solution to the problem of moral uncertainty in the world of true crime—as an attempt to recreate the "sacred masterplot" of the late seventeenth century execution sermon. *See id.* at 38, 131. Halttunen identifies a clear line of descent from the "providential eye" of the execution sermon to the omniscient "private eye" of 19th-century detective fiction. *See id.* at 132. In her view, late eighteenth-century murder narratives thus anticipated and, in fact, influenced the development of the detective story.

19. *Id.* at 97.

20. *See id.* at 3.

21. *Id.* at 5.

22. *Id.*

23. *See id.* at 3-4, 59, 234-35, 239-40.

undermined readers' comfortable sense of distance from deadly violence even as they worked to create it. In the late eighteenth and early nineteenth centuries, she explains, humanitarian reformers ushered in a revolution in sensibility by proclaiming pain to be intolerable and death repulsive. In the process, they gave rise to a "pornography of violence" that fed a taste for human suffering at the same time that it confirmed the guilt attached to that taste.²⁴ Gothic murder narratives became a major expression of this pornography.²⁵ By inviting readers to linger over—and even to enjoy—graphic descriptions of killers' violence, these narratives transformed readers into voyeuristic spectators.²⁶ By requiring them imaginatively to reenact grisly murders so as to solve their mysteries, the new literature forced readers to think like killers.²⁷ Thus, even as Gothic narratives sought to establish an unsurpassable moral gulf between murderers and the rest of society, they served to implicate readers in killers' evil.²⁸

This simultaneous fascination with and revulsion for deadly crime was not the only tension expressed in the new murder literature. In Halttunen's view, Gothic narratives also manifested anxieties about relations between men and women. In an illuminating chapter on the "domestic-Gothic tale of murder," she demonstrates the ways in which stories of domestic murder brought the horror and mystery "home," transforming the newly constructed sentimental family itself into a site of Gothic violence.²⁹ In an equally enlightening chapter on the "sexual-Gothic tale of murder," she shows the ways in which stories of sexual murder shifted attention from the male murderer as monstrous moral alien to his female victim as monstrous sexual alien. By making women's sexuality the subject of horror and mystery, she argues, these tales revealed fundamental anxieties about the new ideal of female passionlessness.³⁰

Halttunen concludes the book with an analysis of one other category of deadly crime that frequently appeared in the Gothic literature: murder committed by madmen. Tracing developments in medical jurisprudence from the mid-eighteenth century through the mid-nineteenth, Halttunen shows how doctors joined lawyers in shaping the meaning of criminal guilt and constructing the concept of mental "deviance." According to Halttunen, they crafted an insanity

24. *See id.* at 62-83.

25. *See id.* at 61-62, 83-90.

26. *See id.* at 86-87.

27. *See id.* at 133-34.

28. *See id.* at 89-90, 133-34.

29. *See id.* at 135-71.

30. *See id.* at 172-207.

defense that relegated the worst criminal offenders to a “category outside human nature.”³¹ The “purest cultural expression of the murderer as Gothic monster,”³² she argues, this defense mandated the quarantining of criminals in mental hospitals and penitentiaries while it reinforced the sense of “radical otherness” upon which that quarantining was based.³³

Running through Halttunen’s analysis, and explored in some detail in the epilogue, is the claim that the Gothic imagination continues to shape the popular response to murder to this day.³⁴ In her view, the conventions of horror and mystery still “express and reinforce the inexplicability of radical human evil within a liberal, secular world view.”³⁵ In the last few pages of the book, however, she raises the possibility that this response might finally be changing. In two contemporary accounts of murder—the film, *Seven*, and the book, *Dead Man Walking*—she detects a critique of the concept of criminal deviance that has held sway since the early nineteenth century.³⁶

Although *Murder Most Foul* contains subtle and sophisticated insights about the cultural construction of murder, it possesses several crucial weaknesses. Most important, it fails to capture the ambiguity and contestation that has characterized the popular response to deadly violence in this country. Halttunen finds consensus everywhere—in early New England as well as in mid-nineteenth-century America. Rather than probe the multiple meanings of the clergy’s “sacred masterplot”³⁷ or the legists’ “Gothic tale,”³⁸ she insists that these narratives each expressed and shaped a single response to deadly crime. She seriously exaggerates the extent to which different groups of people in this country shared values, views, and traditions, and ends up obscuring the ways in which particular individuals crafted, appropriated, and interpreted murder narratives for themselves.³⁹

Halttunen’s analysis of the popular response to murder in early

31. *Id.* at 227.

32. *Id.* at 238.

33. *See id.* at 227, 240.

34. *See id.* at 6, 132, 174, 241-46.

35. *Id.* at 242.

36. *See id.* at 246-50.

37. *Id.* at 38.

38. *Id.* at 4.

39. For a lucid discussion of the problems associated with this type of approach to cultural history and a brief sketch of an alternative approach that emphasizes “difference” over “community,” see Lynn Hunt, *Introduction: History, Culture, and Text*, in *THE NEW CULTURAL HISTORY* 1, 12-14 (Lynn Hunt ed., 1989); see also Suzanne Desan, *Crowds, Community, and Ritual in the Work of E.P. Thompson and Natalie Davis*, in *THE NEW CULTURAL HISTORY*, *supra*, at 47, 56-71 (criticizing the concept of “communal consensus,” as it has been used in the work of two influential historians).

New England suffers from this simplification. Like the clerics whose sermons she draws upon, Halttunen portrays a deeply religious and thoroughly homogenous society in which providential activity explained all worldly occurrences and evil posed no mysteries demanding explanation.⁴⁰ The clergy's sermons, however, tell us little about the ways in which the laity responded to deadly violence. There are many reasons to believe that the laity did not accept all of the clergy's teachings and even acted contrary to their wishes. As David D. Hall has argued, "the people of late seventeenth-century New England lived in a world that had not one but several different meanings."⁴¹ In this world, Bibles and sermons circulated alongside jestbooks, street ballads, and romances. People memorized pious verse, but also eagerly devoured stories of sex, witchcraft, death, and violence.⁴² In this world, too, people puzzled over mysteries and magic.⁴³ Early New England culture, in short, was marked by both "consensus and resistance."⁴⁴

The men and women who inhabited this society surely responded to murder in more complex ways than Halttunen portrays. She fails to consider the possibility, for example, that some individuals may have reacted to killers with a mixture of horror and fascination, rather than with empathy and contrition. Spectators at public executions may well have only pretended to play along with the clergy's script and may well have formed their own, very different conclusions about convicted killers.⁴⁵ They could have nurtured secret fantasies about deadly violence all the while that they appeared to join the clergy in serious struggles against sin. Halttunen fails to recognize that the laity's views about murder might have diverged from those of the clergy. Her analysis of the popular perception of murder in early New England thus remains incomplete.

Halttunen's analysis of the Gothic response to murder that took

40. See HALTTUNEN, *supra* note 1, at 115.

41. DAVID D. HALL, *WORLDS OF WONDER, DAYS OF JUDGMENT: POPULAR RELIGIOUS BELIEF IN EARLY NEW ENGLAND* 1 (1989).

42. See *id.* at 21, 31, 52-57, 112; see also PAUL BOYER & STEPHEN NISSENBAUM, *SALEM POSSESSED: THE SOCIAL ORIGINS OF WITCHCRAFT* 209-16 (1974) (arguing that the men and women of early New England were simultaneously frightened of and fascinated by evil).

43. See JON BUTLER, *AWASH IN A SEA OF FAITH: CHRISTIANIZING THE AMERICAN PEOPLE* 67-97 (1990); HALL, *supra* note 41, at 71-110.

44. HALL, *supra* note 41, at 12.

45. See *id.* at 168 (arguing that the meaning of public executions in early New England was fluid and ambiguous). Halttunen contends that these executions "participate[d] in the theatrical nature of early modern punishment." HALTTUNEN, *supra* note 1, at 23. Yet she does not fully explore the implications of this theatricality; she fails satisfactorily to answer the question, "how exactly were [spectators] affected [by these executions] . . . ?" *Id.* (emphasis added). She simply invokes the "explicit purpose of the spectacle[s], as expressed in the [clergy's] execution sermons . . ." *Id.* (emphasis added).

hold in the late eighteenth and early nineteenth centuries suffers from similar simplification. She insists that the period's popular trial reports contained one monolithic narrative—"the Gothic narrative of murder."⁴⁶ Yet, as she herself observes,⁴⁷ the adversarial criminal trial gave birth to a tradition of *competing* stories.⁴⁸ Sentimental stories challenged Gothic ones in late eighteenth- and nineteenth-century courtrooms, as lawyers increasingly adopted the strategies of sentimental novelists in crafting their speeches and arguments.⁴⁹ Defense lawyers, in particular, drew upon the tropes and themes of sentimentalism in trials involving the insanity plea.⁵⁰ They appealed to jurors' compassion for their mentally afflicted clients, seeking to efface the divide between prisoner and juror. Such strategies figured especially prominently in the defense of husbands charged with murdering their wives' lovers.⁵¹ Attorneys insisted that these husbands had become deranged with grief over their wives' infidelity and had killed their rivals during moments of insanity. They presented these killers as objects of pity, and insisted that they had

46. HALTTUNEN, *supra* note 1, at 4 (emphasis added).

47. *See id.* at 101-02.

48. For a discussion of the rise of the modern adversarial criminal trial, see John H. Langbein, *Shaping the Eighteenth-Century Criminal Trial: A View from the Ryder Sources*, 50 U. CHI. L. REV. 1, 123-34 (1983). For a discussion of "narrative competition" in the courtroom, see Lawrence M. Friedman, *Law, Lawyers, and Popular Culture*, 98 YALE L.J. 1579, 1595 (1989).

49. For discussions of the appearance of sentimental tropes in late 18th- and 19th-century criminal trials, see DANIEL A. COHEN, PILLARS OF SALT, MONUMENTS OF GRACE: NEW ENGLAND CRIME LITERATURE AND THE ORIGINS OF AMERICAN POPULAR CULTURE, 1674-1860, at 167-94 (1993); Michael Jonathan Millender, *The Transformation of the American Criminal Trial, 1790-1875*, at 309-36 (1996) (unpublished Ph.D. dissertation, Princeton University) (on file with author). For an analysis of the ways in which sentimental stories permeated civil adultery trials and informed the development of 19th-century family law, see LAURA HANFT KOROBKIN, CRIMINAL CONVERSATIONS: SENTIMENTALITY AND NINETEENTH-CENTURY LEGAL STORIES OF ADULTERY 15-16, 61-91, 125-58 (1998). For discussions of the ways in which 19th-century sentimental novelists themselves affected social and legal change through their fiction, see PHILIP FISHER, HARD FACTS: FORM AND SETTING IN THE AMERICAN NOVEL 87-127 (1987); JANE TOMPKINS, SENSATIONAL DESIGNS: THE CULTURAL WORK OF AMERICAN FICTION, 1790-1860, at 122-46 (1985); Elizabeth B. Clark, "The Sacred Rights of the Weak": Pain, Sympathy, and the Culture of Individual Rights in Antebellum America, 82 J. AM. HIST. 463, 484-87 (1995); Sarah Barringer Gordon, "Our National Hearthstone": Anti-Polygamy Fiction and the Sentimental Campaign Against Moral Diversity in Antebellum America, 8 YALE J.L. & HUMAN. 295, 305-46 (1996). *But see* ANN DOUGLAS, THE FEMINIZATION OF AMERICAN CULTURE (1977) (arguing that the triumph of "feminizing," sentimental forces in the 19th century limited the possibilities for change and thwarted the development of American culture).

50. *See* Millender, *supra* note 49, at 333-36. For a contemporary critique of the use of sentimental strategies in the 19th-century insanity defense, see MARK TWAIN & CHARLES DUDLEY WARNER, THE GILDED AGE: A TALE OF TODAY (Meridian 1994) (1873). For an analysis of this aspect of the novel, see KOROBKIN, *supra* note 49, at 85-89.

51. For discussions of these strategies in 19th-century trials, see Melissa J. Ganz, *Wicked Women and Veiled Ladies: Gendered Narratives of the McFarland-Richardson Tragedy*, 9 YALE J.L. & FEMINISM 255, 283-92 (1997); Hendrik Hartog, *Lawyering, Husbands' Rights, and "the Unwritten Law" in Nineteenth-Century America* 84 J. AM. HIST. 67, 83-84, 90-91 (1997); Millender, *supra* note 49, at 333-36.

acted in ways that all other husbands could understand.⁵² Although Halttunen recognizes that defense lawyers attempted to arouse jurors' compassion for their mentally troubled clients,⁵³ she superimposes a Gothic narrative on their sentimental one. In her view, "the compassion invoked for the nineteenth-century mad person was grafted onto radical difference."⁵⁴ Defense lawyers, she contends, "appealed to jurors' presumed terror and repugnance in the face of the mental alien."⁵⁵ According to Halttunen, "the horror of difference [in this narrative] . . . overrode the compassion formally summoned in [it]."⁵⁶ This analysis seriously underestimates the power of sympathy in the criminal courtroom. Halttunen errs in dismissing the sentimental murder narrative contained in the nineteenth-century insanity defense.⁵⁷

Halttunen errs, too, in obscuring differences among the various types of murder narratives that emerged in the late eighteenth and early nineteenth centuries. Although she tells us that a diverse group of writers began to author many kinds of narratives during this period,⁵⁸ she focuses almost exclusively on the trial reports compiled by lawyers, clerks, and journalists. The other criminal genres—such as poems and autobiographies—fade into the background of her story. When she refers to them, she typically lumps them all together, vaguely alluding to the "larger popular literature" of murder.⁵⁹ As a result, she leaves us with the impression that convicted criminals, sentimental poets, lawyers, and hack writers all portrayed killers in exactly the same way—a suspect claim about such a "diverse array"⁶⁰ of authors. Halttunen compounds the problem by obscuring the agency of these individuals and highlighting the "cultural work"⁶¹ performed by the murder

52. See Ganz, *supra* note 51, at 285-89; Hartog, *supra* note 51, at 83-84.

53. See HALTTUNEN, *supra* note 1, at 236.

54. *Id.*

55. *Id.*

56. *Id.*

57. Sentimental views of killers also surfaced outside the courtroom in the antigallows movement that took shape in the late eighteenth and early 19th centuries. See DAVID BRION DAVIS, *The Movement to Abolish Capital Punishment in America, 1787-1861*, in FROM HOMICIDE TO SLAVERY: STUDIES IN AMERICAN CULTURE 17, 23-25 (1986). Those who called for the abolition of capital punishment sought to arouse others' compassion for the suffering of condemned criminals. They thus drew upon sympathetic treatments of criminals in contemporary fiction and poetry. See *id.* at 23. For an interesting twist on the use of sentimental arguments in the antigallows movement, see BENJAMIN RUSH, AN ENQUIRY INTO THE EFFECTS OF PUBLIC PUNISHMENTS UPON CRIMINALS AND UPON SOCIETY (Phila., Joseph James 1787). Rush expressed concern that spectators at public punishments were sympathizing with condemned murderers and thereby losing respect for the law. See *id.*

58. See HALTTUNEN, *supra* note 1, at 35-37.

59. *Id.* at 107.

60. *Id.* at 37.

61. *Id.* at 2.

narratives themselves.⁶² She greatly weakens her analysis by effacing the authors behind these varied texts and by failing to probe the differences in their backgrounds and views.

Just as Halttunen fails to show that Americans crafted narratives expressing a single view of deadly crime in this period, she fails to demonstrate that readers interpreted and reacted to these narratives in only one way. She offers little evidence showing that individuals actually experienced shock and horror upon reading these tales, and she does not support her claim that “isolated readers [became] . . . mired down in [evil], immobilized and speechless in their alienation and disgust.”⁶³ Jurors and spectators frequently responded to defense lawyers’ sentimental murder stories with sympathy and tears;⁶⁴ readers surely did, too. Halttunen overlooks these compassionate responses to deadly criminals.

Nor does Halttunen convincingly demonstrate that readers responded to Gothic narratives with mysterious bewilderment and moral uncertainty. Although she rightly points out the prevalence of “mysterious” language in the murder literature, she fails to show that readers themselves found it impossible to understand or to explain incidents of deadly violence.⁶⁵ Her own analysis of the literature of domestic murder suggests that jurors had little trouble assigning blame to women who stepped out of their “proper” roles.⁶⁶ The frequency with which spectators applauded in the courtroom upon hearing pieces of testimony and announcements of verdicts also suggests that they felt some sense of confidence in their ability to discern what had happened and who was responsible for the violence.⁶⁷ Halttunen ultimately fails to show that the Gothic texts influenced Americans in the ways that she contends they did.

Halttunen errs, moreover, in failing to consider the ways in which

62. See, e.g., *id.* at 5 (“[T]he new [Gothic] narrative sought out especially shocking or bloody murders . . . for representation.”); *id.* at 35 (“Around mid-century, the popular literature of murder in America began a major reconstruction of the murderer, from common sinner into moral alien . . .”); *id.* at 96 (“In [the] context [of the rising professional status of lawyers and the emergence of the adversarial criminal trial,] popular murder literature turned increasingly to the trial report as the most appropriate narrative for exploring the nature of the crime.”).

63. *Id.* at 59. Similarly, Halttunen offers no evidence showing that Gothic narratives forced “readers [to] engage in an endless ritual repetition of shock and speechlessness.” *Id.* at 133.

64. See, e.g., Ganz, *supra* note 51, at 290-91 (analyzing the sentimental scenes enacted in the courtroom during the McFarland-Richardson trial of 1870).

65. Halttunen claims, for example, that “mystery . . . construct[ed] an open-ended and ultimately doomed effort to achieve moral certainty concerning what happened and who was responsible.” HALTTUNEN, *supra* note 1, at 133. She contends, too, that none of the factors typically cited to explain deadly violence in this period—such as environmental influences, motives, and ungoverned passions—“proved as intellectually satisfying as the earlier invocation of innate depravity.” *Id.* at 44. She offers no support for either of these assertions.

66. See *id.* at 151-57, 182-207.

67. See *id.* at 87-88, 155.

racial conflict and regional difference informed the popular perception of murder in the nineteenth century. She focuses her attention on responses to murder in the northeastern part of the country, where the overwhelming majority of trial reports were printed and published. Violence, however, formed a steady backdrop to daily life in the nineteenth-century South, where a strong code of honor sanctioned deadly behavior among white men.⁶⁸ In the antebellum period, moreover, many southerners overlooked the murder of slaves by white people.⁶⁹ And in the postbellum era, shockingly high numbers of white men participated in and approved of mobs that lynched supposed rapists among black males.⁷⁰ These incidents remind us that at many moments during the nineteenth century some Americans tolerated and even respected killers. Halttunen's model leaves no room for these men and women who thought of murderers as heroes rather than monsters.

Halttunen's suggestion that the Gothic imagination has shaped the popular response to deadly crime in America ever since the early nineteenth century, moreover, is problematic. Although she makes scattered allusions to trial reports issued in the second half of the nineteenth century,⁷¹ she offers no sustained analysis of murder literature published during or after this period. Rather, her study rests upon a group of murder narratives published up through the 1850s. The sweeping assertions that she makes about contemporary responses to murder, particularly in the epilogue,⁷² weaken the book. In the end, her argument loses its historical grounding. She leaves us with broad generalizations about the "pervasive acceptance of the

68. For discussions of the southern code of honor and the frequent occurrence of deadly violence in the 19th-century South, see EDWARD L. AYERS, *VENGEANCE AND JUSTICE: CRIME AND PUNISHMENT IN THE 19TH-CENTURY AMERICAN SOUTH* 9-33 (1984); BERTRAM WYATT-BROWN, *SOUTHERN HONOR: ETHICS AND BEHAVIOR IN THE OLD SOUTH* 350-401 (1982); Elliot J. Gorn, "Gouge and Bite, Pull Hair and Scratch": *The Social Significance of Fighting in the Southern Backcountry*, 90 *AM. HIST. REV.* 18 (1985); Kenneth S. Greenberg, *The Nose, the Lie, and the Duel in the Antebellum South*, 95 *AM. HIST. REV.* 57 (1990).

69. For discussions of the murder of slaves in antebellum America, see LAWRENCE M. FRIEDMAN, *CRIME AND PUNISHMENT IN AMERICAN HISTORY* 84-93 (1993); JAMES OAKES, *SLAVERY AND FREEDOM: AN INTERPRETATION OF THE OLD SOUTH* 160-66 (1990); MARK V. TUSHNET, *THE AMERICAN LAW OF SLAVERY, 1810-1860*, at 84, 96-104 (1981). In the words of one court, it was "in the nature of things" that the "homicide of a slave [could] be extenuated by acts, which would not produce a legal provocation if done by a white person." TUSHNET, *supra*, at 101 (quoting *State v. Tackett*, 8 N.C. (1 Hawks) 210 (1820)).

70. For discussions of lynchings in the late 19th- and early 20th-century South, see W. FITZUGH BRUNDAGE, *LYNCHING IN THE NEW SOUTH: GEORGIA AND VIRGINIA, 1880-1930*, at 49-85 (1993); JACQUELYN DOWD HALL, *REVOLT AGAINST CHIVALRY: JESSE DANIEL AMES AND THE WOMEN'S CAMPAIGN AGAINST LYNCHING* 129-57 (1993); MARTHA HODES, *WHITE WOMEN, BLACK MEN: ILLICIT SEX IN THE NINETEENTH-CENTURY SOUTH* 176-208 (1997).

71. See HALTTUNEN, *supra* note 1, at 114, 125, 179.

72. See *id.* at 241-50.

inexplicability of evil” in contemporary society.⁷³ The book would have been better had she concluded with an analysis of murder narratives published in the mid-nineteenth century.

Halttunen’s study, finally, would have benefited had she examined the relationship between popular ideas about murder and social change. She suggests a connection between the rise of penitentiaries and mental hospitals in the late eighteenth and early nineteenth centuries and the emergence of Gothic murder narratives,⁷⁴ but never develops this fruitful line of inquiry. She could have included more on the lives of real criminals, thereby better blending social and cultural history.

These weaknesses, of course, point to ways in which other scholars may build upon Halttunen’s investigation into the cultural significance of deadly crime. *Murder Most Foul* raises important questions and makes provocative, if unpersuasive, arguments about the changing construction of killers in America. The book deserves wide attention from legal, literary, and cultural historians alike.

—Melissa J. Ganz

73. See *id.* at 242.

74. See *id.* at 6, 227, 240.