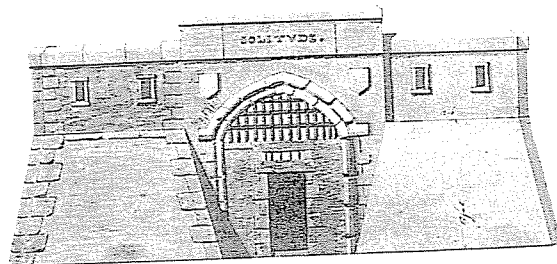


Imagining the Penitentiary

*Fiction and the Architecture of Mind
in Eighteenth-Century England*



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Fielding and the Juridical Novel

and, even there, is displaced into other official roles such as the inspecting warden in the new penitentiaries and the parole officer in modern society. Control is lodged in rules and categories themselves through the very act of subscription to them. Formal realism, transparency, judicial objectivity, bureaucratic neutrality and consistency—the very instruments that allow the separation of relevant from irrelevant fact, of perjury from honest testimony, of the evidential from the incidental, of distortion from reality—are all representational systems of assent that at once constitute and validate authority as densely particularized, closely reasoned differentiation. As Weber said of jurisprudence in modern society:

Juridical thought holds when certain legal rules and certain methods of interpretation are recognized as binding. Whether there should be law and whether one should establish just these rules—such questions jurisprudence does not answer. It can only state: If one wishes this result, according to the norms of our legal thought, this legal rule is the appropriate means of attaining it.³¹

The genius of modern forms of bureaucratic control is that they appropriate the heteroglossic diversity of the metropolis by keeping track of it and absorbing it into a container of authority projected as systematic rules, a controlled framework within which polyglossic discourse can be allowed liberal freedoms.³²

The reformulation of authority in terms of ostensibly autonomous rules finds its counterpart in the convention of transparency that distinguishes the realist novel. Flaubert condensed the basic principle into a vivid formulation later echoed by Joyce: "The illusion (if there is one) comes . . . from the *impersonality* of the work. . . . The artist in his work must be like God in his creation—invisible and all-powerful: he must be everywhere felt, but never seen."³³ The convention awaited full incarnation with the flowering of "free indirect discourse" in novelists from Jane Austen onward. This specialized form of third-person narration, also known as *style indirect libre* and *erlebte Rede*, absorbs the narrator within an impersonal, apparently unmediated representation that creates the illusion of entry into the consciousness of fictional characters. Not that free indirect discourse was Fielding's basic technique. On the contrary, in *Tom Jones* above all, he brought to perfection the active narrator whose presence, transcending mere detachment, joins the objectivity that accompanies a certain distance from the scene of action to the vigorous mental engagement of an investigator probing for meaningful detail. But Fielding figures in the early history of free indirect discourse because of instances in which he adopts this "technique for