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Justice versus Law in *The Adventures of Sherlock Holmes*

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Dedications

In memory of my grandparents, infinite gratitude to Henna & Jeddi who built my life and gave me everything with values and generosity.

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Abstract

Justice versus law is a central moral and legal conflict in *The Adventures of Sherlock Holmes* (1892), particularly in the short stories of “A Scandal in Bohemia”, “The Boscombe Valley Mystery”, and “The Adventure of The Copper Beeches”. The detective Sherlock Holmes defies the law, placing moral justice above strict legal procedures. Despite numerous studies on justice, law, morality, and the role of Sherlock Holmes in Victorian literature, no research has yet comprehensively analysed these themes from the perspective of the conflict between justice and law. This dissertation’s main objective is to analyse how Arthur Conan Doyle represents the conflict between legal institutions and Sherlock Holmes, and whether the law is capable of delivering true justice. The data acquired from a textual analysis of selected short stories and literary theory, demonstrate that Holmes consistently acts outside the Victorian legal system in order to establish his personal justice based on reason and morality. The findings reveal the limitations of the Victorian Law and the inefficiency of the authorities to carry out justice, proving that justice requires an individual approach founded on moral principles, intelligence, logic, and reason.

Keywords: Justice, Law, Morality, Legal Systems.

Résumé

Le conflit entre justice et loi est au cœur des Aventures de Sherlock Holmes (1892), notamment dans les nouvelles « A Scandal in Bohemia », « The Boscombe Valley Mystery » et « The Adventure of The Copper Beeches ». Le détective Sherlock Holmes défie la loi, plaçant la justice morale au-dessus des procédures légales strictes. Malgré de nombreuses études sur la justice, le droit, la morale et le rôle de Sherlock Holmes dans la littérature victorienne, aucune recherche n'a encore analysé ces thèmes de manière exhaustive sous l'angle du conflit entre justice et loi. Cette thèse vise principalement à analyser comment Arthur Conan Doyle représente ce conflit entre les institutions juridiques et Sherlock Holmes, et à examiner si la loi est capable de rendre une justice véritable. Les données issues d'une analyse textuelle de nouvelles sélectionnées et de la théorie littéraire démontrent que Holmes agit systématiquement en dehors du système juridique victorien afin d'établir sa propre justice, fondée sur la raison et la morale. Ces conclusions révèlent les limites du droit victorien et l'inefficacité des autorités à rendre la justice, prouvant que celle-ci exige une approche individuelle fondée sur des principes moraux, l'intelligence, la logique et la raison.

Mots-clés : Justice, loi, Moralité, Systèmes juridiques.

1.1. Theoretical and Critical Reflections on Justice, Law, and Morality

While justice represents a notion of morality, equity, and collective well-being, law on the other hand portrays a formal set of rules that establishes a legal framework but can also be rigid and unfair. Victorian cultural and literary studies frequently examine the tension between justice and law, since legal reforms, expanding bureaucracies, and increased awareness of crime prompted debates on whether the law could genuinely align with moral values or resolve social issues. Detective fiction thus, emerged as a response to the limitations of judicial systems and as a need for order and rational resolution. Literature became a crucial site where such ideas could be explored. As it were, writers questioned if legal power was legitimate, functioned effectively, and was morally justified. Victorian works often review occurrences when the law does not lead to fairness, bringing attention to other ways of assessing morals and acting responsibly in society.

By showing these circumstances, literature reveals strain between how justice is handled by institutions and ethical thought, suggesting that morality can exist separately from the law, or even go against it. The stories of *The Adventures of Sherlock Holmes* by Sir Arthur Conan Doyle can be taken as a relevant example to examine the tension between institutional law, and personal moral judgment, within the vast field of Victorian literature. The main character Sherlock Holmes often acts outside the boundaries of the Victorian legal system, reflecting the incapacity of the law to submit true justice along with ethical outcomes, thus providing a framework to understand the character as a figure of integrity.

This literature review examines scholarship on justice, law, and morality in Victorian literature, centering on critical perspectives of Sherlock Holmes as an arbiter of justice. It points out and identifies key debates in how he mediates between institutional law and ethical judgement.

1.1.1. Justice, Law, and Morality in Victorian Literature

Researchers have noted that many texts from the Victorian era highlight the limitations of official justice systems, particularly when laws fail to uphold moral values. Dalila et al. in *Masks of Morality: Social Class and Hypocrisy in Victorian Fiction Victorian Period English Literature* (2024), argue that Victorian fiction uses the concepts of justice, law, and morality as an alibi to mask deep social oppression within classes, punishing the poor and promoting protection for the privileged hierarchies (33). Similarly, in her book *Victorian Literature and the Victorian State: Character and Governance in a Liberal Society* (2003), Goodlad examines how social issues were only treated on the basis of equality rather than morality, by the governance of the Victorian legal system. They did not deliver true justice and yet followed a conforming structure (5). While Dalila et al. base their analyses on the moral and social implications of the Victorian institutions as illustrated in Dickens novels, Goodlad focuses on the critique of the practical limits of the liberal Victorian state.

Taken together, both studies are complementary, as they address the limitations of Victorian institutions from different perspectives. Within this insight, the central claim is that the law and bureaucratic systems were focused on managing control and procedures, which was efficient for organization but limited, socially and in terms of morality, especially when they were supposed to be enforcing justice. However, these scholars do not examine any detective as a figure navigating between these compromised systems. By highlighting this gap, this study aims to showcase the detective Sherlock Holmes's role in going beyond the limitations of the Victorian legal and institutional system.

1.1.2. Police Justice versus Private Justice in Detective Fiction:

Sherlock Holmes as a Moral Figure

Detective fiction was introduced to the English society as a literary genre which aimed at alleviating collective anxieties and fears regarding tensions between legal authorities and moral justice. In his book *Detective Fiction and the Rise of Forensic Science* (1999), Thomas examines how detectives use scientific techniques, in order to solve mysteries that threaten the well-being of society. This, highlights how legal procedures are often insufficient and conflicting. In the same way, according to Costello and Bassham in “Sherlock Holmes and the Ethics of Hyperspecialization” (2012), Sherlock Holmes's extensive expertise in chemistry, observation, and logic allows him to operate through mechanisms that surpass legal boundaries. His vast knowledge makes him significantly more effective, as the police and courts tend to focus on a general, procedural approach (121-122). These studies suggest that the hyperspecialization of detectives, especially Sherlock Holmes, allows them to position themselves beyond the law and represent justice.

In contrast, Tambling presents in “Holmes, Law and Order” (2019), another perspective on the detective. He claims that Sherlock Holmes considers himself above the law, by leaving some criminals go free, committing illegal acts himself, and treating characters indulgently to benefit his cases. His justice is selective and influenced by gender, social class, and morality (116). Unlike other researchers who interpret Sherlock Holmes as a heroic moral figure and law enforcer, Tambling perceives him as ethically ambiguous and socially unregulated.

A further viewpoint highlights how detective fiction depicted the Victorian police as inefficient, limited, and pedestrian. Stowell-Kaplan's analysis of Victorian representations of the police in her thesis *They Did the Police in Different Voices: Representations of the Detective on the Victorian Stage* (2018), discusses the state of both previous and latest Victorian policing

structure. She describes it as fragmented and obstructive, unable to solve proactive cases which detectives ended up popularizing (6-8). Kaplan's examination of Victorian policing offers a critical framework for understanding the under-representation and undervalue of legal authorities in detective fiction, setting the stage for figures such as Sherlock Holmes who is presented as a compensating agent taking care of cases beyond the capacity of the authorities.

This critical framework offers a comprehensive area of study to analyze Victorian policing versus detectives through different angles. Critics consistently emphasize the shortcomings of the authorities and elevate the detective as a symbol restoring social order, focusing on the most emblematic and intellectual detective of Victorian fiction: Sherlock Holmes. However, scholars remain divided on the interpretation of Holmes's actions in the novel. Some scholars present him as the epitome of reason and social stability, while others view him as a disturbing figure who complicates the notions of morality while still embodying true justice.

1.1.3. Justice for Marginalized Characters in *The Adventures of Sherlock Holmes*

Apart from the mysteries, Arthur Conan Doyle's stories highlight the injustices experienced by marginalized characters such as women, children, the poor, and "the others", who have in the majority of cases limited access to justice, mirroring the reality of the Victorian society. Scholars have analyzed how those characters are represented and portrayed in *The Adventures of Sherlock Holmes* emphasizing the way in which the law fails them.

In "The Cesspool of Empire: Sherlock Holmes and the Return of the Repressed" (2006), Siddiqi argues that in Holmes' universe, justice is not neutral but linked to the British empire and social hierarchies. She claims that, the role of a detective in detective fiction is to reimpose order within that empire, which benefits the aristocracy only (244). This view is echoed by

Isokoski analysis in her thesis *The Victorian Middle Class, Imperialist Attitude and Women in Arthur Conan Doyle's Sherlock Holmes Adventures* (2008). She examines how justice in *The Adventures of Sherlock Holmes* does not benefit women, but help to reinforce the social and imperialist values of the Victorian era. Sherlock Holmes gets involved to solidify the situation, but his intervention generally helps women to cope within the framework of marriage, rather than offering them genuine freedom and personal independence, thus perpetuating the patriarchal system (63). Therefore, justice for women is restricted and consists of reorganizing men's authority on women.

These perspectives question the ideological framework within which Sherlock Holmes operates, revealing the limitations of a morally authoritative agent, to carry out justice within an imperial system that hinders the marginalized people. However, beyond criticism of how Sherlock Holmes deals with imperialists structures and gender hierarchies, the existing scholarship overlooks the times when Sherlock Holmes provides genuine justice for marginalized characters in the stories. In essence, the present study aims to address this gap, by exploring how Doyle uses Holmes to interfere with socially, and economically vulnerable characters, resolving cases that imply both physical and psychological distress.

To conclude this literature review, the existing scholarship has analyzed the portrayal of justice, law, and morality in Victorian literature, the tension between the authorities and private justice in detective fiction, and the role of Sherlock Holmes as a moral figure supporting marginalized characters. However, since these investigations were not fully uncovered in a combined analysis, this research presents analogous, yet distinct perspectives on the matter of justice versus law in *The Adventures of Sherlock Holmes*.

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General Introduction

Victorian literature is known for its portrayal of real life, often denouncing social injustices and highlighting themes related to moral values, crime, mystery, justice, and social class. This period was marked by significant changes and developments linked to industrialisation, urbanisation, and legal reforms. The Industrial Revolution led to a rise in crime and growing public concern about maintaining order. These upheavals fostered the emergence and development of the detective novel, generating increasing interest in the genre. The detective was thus perceived as an exemplary hero, navigating the complexities of the judicial system within a rigid regulatory framework.

During this literary period, many short stories and novellas about detectives and crimes were published. The first known English detective novel is *The Moonstone* (1868) by Wilkie Collins. Having laid the foundations of the detective novel, many writers emerged afterward and popularized the genre. Among them was Arthur Conan Doyle, a former British doctor turned writer. In 1892, he published a collection of twelve short stories under the title *The Adventures of Sherlock Holmes*. The stories revolve around Sherlock Holmes, a detective who uses his scientific and observational skills to solve crimes and uncover the truth in numerous investigations. The stories were phenomenally successful and played a pivotal role in defining the detective genre.

In this fictional work, Victorian society is presented in a very realistic way. Its facade of a moral society, where respect and social order prevailed, actually concealed a society marked by corruption and all forms of injustice. The major cities were teeming with the poor, institutions exploited the working classes, politics were manipulated, the judicial system was limited and favored the aristocracy and the wealthy while neglecting the oppressed. Moral rules were nonexistent, and the authorities had no compassion for the lower classes. As a response, Sherlock Holmes was introduced as a moral agent, who throughout his various investigations acts outside the legal framework to establish what he considers true justice. This study will

examine how Conan Doyle, through Holmes's ethical choices, challenges or reinforces the limitations of the legal system, and highlight the tension between what is ethically right and what is legally allowed by the court.

This topic covers a particular importance since it allows us to discover aspects of the Victorian era from multiple perspectives. It sheds light on the contradictions of the time in the form of hypocrisy, inequality, and corruption, which were masked by supposedly dominant social values such as respectability, morality, and social order. This analysis raises a fundamental tension between two central concepts in every society: Justice as a moral principle based on equity, and law, as a formal system based on rules established by the state. Through research, we obtain an examination of the Victorian legal system, highlighting its limitations and inconsistencies. Sherlock Holmes manifests itself in the form of resistance against these institutional failures; which raises questions about the trust placed in contemporary judicial systems and sparks discussions about who ought to hold authority, individual responsibility, and moral balance.

Several studies have examined different aspects of justice, law, and morality in Victorian literature, the tension between authorities and detectives in detective fiction, and the role of Sherlock Holmes as an agent of justice striving for the common good. However, it is important to note that despite the specific contributions of each scholar, there is no comprehensive study that explores all these concepts in a unified manner. Therefore, this study seeks to fill this gap by examining the various themes surrounding the topic of Justice Versus Law in *The Adventures of Sherlock Holmes*.

In light of the discussion above, the present research is guided by the following questions:

1. How does Arthur Conan Doyle depict the conflict between justice and law in the stories?

2. What role does Victorian legal and social context play in shaping the themes of justice, law, and morality?
3. In which way are the philosophical perspectives on Deontology, Utilitarianism, and Virtue Ethics presented through the actions of Sherlock Holmes?

To address these questions, the following hypotheses are proposed:

1. It may be posited that Conan Doyle presents the Victorian judicial system as flawed, which leads characters such as Sherlock Holmes to act according to their own morality, in order to achieve justice.
2. It can be hypothesized that the legal and social contexts of the Victorian era shed light on how power was exercised and how authority was imposed.
3. It can be assumed that Sherlock Holmes's actions of personal justice reflect deontological, utilitarian, and virtue ethics principles, but that his moral reasoning does not agree largely with every perspective.

This research explores philosophical aspects that contribute to understanding the nature of Sherlock Holmes's moral reasoning. Deontology focuses primarily on adherence to rules, Utilitarianism is based on consequences and the greater good, and Virtue Ethics is concerned with an individual's moral characteristics and principles. These theories were chosen as philosophical analytical tools, because they represent the three major classical perspectives of normative ethics, that can be used to examine characters in literature.

Furthermore, the research also draws on critical theories that offer an in-depth perspective on justice and law in *The Adventures of Sherlock Holmes*. Michel Foucault's theory is introduced to understand how power is exercised in society, and how authority is perceived through Sherlock Holmes or the authorities. Legal Criticism plays an important role in this context, because it allows us to identify the limitations and shortcomings of the Victorian legal

system, thus reinforcing the tension between what is just and what is lawful. And since the primary texts were written during a bygone era, New Historicism serves to demonstrate the influence of the cultural and social contexts of that period, on the narratives.

The objectives of this study are several. First, it allows us to travel through time and discover the many facets of the Victorian era, a period that marked history and defined English literature. Second, the study introduces philosophical approaches that offer new perspectives for analyzing literary characters. Third, it emphasizes a timeless conflict: justice, which gives rise to morality, and law, which consists of rules enforced by the state. Finally, this study contributes to the analysis of Sherlock Holmes from multiple angles, by examining his actions and motivations, and thus understanding his narrative function.

The research work is divided into three main chapters. The first chapter begins by providing a general overview of the Victorian era, focusing on the social and cultural transformations, along with the rise of detective fiction. It then discusses multiple existing studies on the themes of justice law and morality in Victorian detective fiction, and specifically in *The Adventures of Sherlock Holmes*. Moreover, it presents the definitions of the central concepts, and the philosophical perspectives of Deontology, Utilitarianism, and Virtue Ethics. finally, it introduces the theoretical framework.

The second chapter is the analytical framework, which explains the role of Michel Foucault's theory, and Legal Criticism in the analysis of Sherlock Holmes. It also reveals how Holmes morally functions when restoring justice; according to the philosophical perspectives of Deontology, Utilitarianism, and Virtue Ethics.

The third chapter is the textual analysis. It analyzes three stories from the collection of *The Adventures of Sherlock Holmes*, in order to examine the conflict between justice and law through the investigations presented. The analysis is based first on the narratological approach,

followed by an examination of the moments when the conflict is apparent, then supported by Michel Foucault's ideas and philosophical perspectives. Finally, the author's perspective, his critique of Victorian legal institutions, and his portrayal of justice are presented.

The methodology of this research is based on a qualitative literary analysis focusing on analysing the themes and narrative structures of the primary texts, which consist of three selected stories from *The Adventures of Sherlock Holmes*. The short stories of "A Scandal in Bohemia", "The Boscombe Valley Mystery", and "The Adventure of The Copper Beeches" have been designated because they contain passages where a tension is perceived between justice and law, supporting the dissertation's claims.

Thematic analysis is adopted because it allows for the identification of important themes that provide answers to the research question. However, since this method is limited to identifying themes and does not capture the structure of the texts, narratology is introduced to address this shortcoming. This approach serves to analyze the narrator's voice and the author's ideas, by presenting techniques that influence the themes. Taken together, these analytical methods offer an examination focused on the research topic, and a complete and precise analysis of the stories, since the narrative techniques shape the themes identified in the stories and thus provide context to the readers.

Finally, this research follows the seventh edition of the MLA Handbook for writing conventions, formatting, and the Works Cited list. It was carried out under the guidance of the research supervisor, whose feedback and suggestions contributed to the development of this dissertation.

Chapter 01: Historical Context, Conceptual, and Critical Frameworks

Introduction

This chapter examines the historical context, theoretical framework, and key concepts necessary for understanding the tension between justice versus law in *The Adventures of Sherlock Holmes*. It begins by providing an understanding of the Victorian era. By exploring this historical backdrop, this section highlights how societal anxieties influenced the literary production of Victorian literature. Following this, to situate the study within existing research, the chapter provides a literature review that highlights key debates and perspectives on justice, law, and morality in detective fiction of Victorian literature, focusing on the critical background of the character Sherlock Holmes. In the subsequent section, the chapter then reflects on the definition of the central concepts of this study, which are justice, law, and morality – clarifying in the process, their divergence and the plurality of philosophical perspectives in connection to them. The chapter then adopts the foundation of the analysis drawing on new historicism and legal criticism along with insights from Michel Foucault's ideas on power and surveillance.

1.2. Historical, Socioeconomic, and Cultural Dynamics of Victorian England

This historical context helps to understand the chronology of *The Adventures of Sherlock Holmes*. It provides background on the rise of crimes, and an analysis of society in terms of social classes and gender roles. It also explains the development of science, which strengthens the evidence that detectives used scientific techniques to solve crimes. Furthermore, we understand how the legal systems and institutions functioned and how they exercised power over the people. This gives meaning to the stories, which is practical for analyzing the characters, Sherlock Holmes' investigations, and the themes of this study.

1.2.1. Victorian England: Social and Cultural Transformation

The Victorian Era (1837-1901), often called the age of progress, was a transformative period in British history. Under the reign of Queen Victoria, the country changed from a rural, artisan economy to an industrial, urban, and colonial power. People moved to cities in search of work due to the industrialisation with the sudden upheaval of industries such as coal mining or the printing press, and the invention of new technologies and machines which transformed daily life and provided work opportunities. According to Assa Briggs in *Victorian Cities*, this in turn led to the expansion of cities like London, Manchester, and Birmingham, but resulted in overcrowding, poor sanitation, pollution and the creation of a new social class: the industrial working class (134).

1.2.1.1. Class Structures

Victorian England was highly divided by class and social status, influenced by wealth and property. The upper class composed of the royal family, rich aristocrats and landowners, were the elite of British society, often involved in politics and owned large estates. The middle class included professionals such as doctors, lawyers, and businessmen who had the opportunity to reside comfortably in town. With rapid industrialisation the working class emerged and introduced factory workers, miners, and laborers. They worked long hours in bad conditions for low wages while residing in small crowded places, struggling to make a decent living. Finally, there was the indigent population with the lowest status in society, and it consisted of the unemployed, which were beggars and homeless people, considered as society's outcasts by the rest.

1.2.1.2. Child labor, Education, and Social Reforms

Child labor was a regular phenomenon in England; children worked in factories, mines, farms, and as domestic servants for long consecutive hours in appalling conditions for only 10

to 20% of the minimum wage of a working adult – struggling to survive instead of living and getting an education. Education itself was a privilege dedicated to the aristocrats, but over time, became mandatory for children of all classes thanks to the enactment of the Education Act in 1870 and the Factory Act which limited working hours for children and reduced child labor. In addition, the laws implemented by the government gradually improved sanitation, food production, and clean water distribution with the administration of the Public Health Acts and multiple social reforms addressing overcrowding in cities, working conditions, and poverty.

1.2.1.3. Gender Roles and Early Feminism

Victorian England was a patriarchal society where men held most of the power and women had very few rights. Gender roles were traditional, as women were expected to stay at home, take care of domestic duties, bearing and raising their offspring, while men engaged in professional spheres like politics, economy, work and business. However, by the end of the century, the situation for women started to improve. The era brought a new wave of feminism providing certain rights for women, as the Married Women's Property Acts improving women's legal and economic status. Writers such as the Bronte Sisters, George Eliot, and Elizabeth Gaskell played a major role in shaping the direction of feminist movements by introducing major relatable themes in literature, writing about female autonomy and identity, marriage and dependency, sexuality and taboo, oppression and transgression...

1.2.1.4. Victorian Literature

Beyond feminist perspective, Victorian literature as a whole explored the impact of industrialization, class divisions, and morality shaping the era's literary landscape. New literary movements emerged with different authors addressing the reality of daily life situations, as Charles Dickens did it through realism by portraying his personal experiences throughout his novels, illustrating the hardships of living within the Victorian society. Some authors explored

determinism, and the influence of the environment on humans emphasizing the movement of naturalism, with notable authors like Thomas Hardy and Elizabeth Gaskell, while others like Mary Shelley and Bram Stoker favored the exploration of the uncanny and the supernatural through gothic literature. Poetry aimed to celebrate the beauty and power of the natural world, in a society marked by industrialization. Key figures sought to express the complexity of the human spirit through their work including Samuel Taylor Coleridge, Lord Byron, and William Wordsworth. Subsequently, art was influenced by both these literary movements, and history reflecting the values and anxieties of the era.

1.2.1.5. Science and Religion

Parallel to the cultural developments, the Victorian Age was known as the century of scientific discovery due to rapid progress in fields of biology, chemistry, and medicine. Rationalism and empiricism gained popularity, emphasizing experimentation, observation, and the use of scientific techniques. Darwin's theory of evolution showing the diversity of life on earth challenged traditional beliefs of that time, and influenced thoughts, sparking debates between religion and science, which created a tension between traditional religious beliefs and new secular, rationalist thinking.

1.2.2. Legal Reforms: Police, Judiciary, and Societal Perceptions

During the Victorian era, the United Kingdom knew multiple legal reforms that transformed the relation between the state and the society. The legal system had shifted from public, physical punishment to imprisonment and rehabilitation. In 1829, the government had established the first metropolitan police maintaining order and reinforcing the surveillance of urban places, particularly in work districts, focusing on the prevention of crimes. The judicial system evolved towards a greater formalization, with more structured courts willing to standardize the procedures and sentences, reducing corruption. Therefore, the system of laws

was more perceived as an instrument of moral discipline and social regulation, since those transformations changed the social perceptions of law and authority, reflecting Victorian values on order, respectability, and individual responsibility (Davis 309-311).

The law became more accessible to the working classes, nevertheless, conflicts remained relevant with the upper classes. They believed that the authorities were merely subordinates manipulated by high society and that most of the laws administered were designed to protect property, not people. Several reforms benefited the middle and upper classes, creating indignation which harmed the poor, pushing them to protest against inequalities (Gray 224).

1.2.3. Rise of Detective Fiction: Its Social Role and Reflection of Societal Anxieties

The rise of detective fiction during the 19th century played a major social role reflecting the anxieties of a society marked by industrialization, rapid urbanization, and the restructuration of social classes. Overpopulation in England's major cities was a major cause of the rise in crimes such as prostitution, violence, and murder. These violations shook the moral state of citizens and generated a form of social anxiety. Writers thus created the figure of the detective to allay public fears, portraying him as an intelligent being, embodying reason, logic, and scientific knowledge, symbolizing justice (Thomas 1-30).

Detective fiction finds some of its origins in gothic literature, since it contains key elements of the genre such as dark atmosphere, crimes, mystery, and suspense. These themes were reappropriated by the first detective fiction authors, notably Edgar Allan Poe with his *Tales of Mystery and Imagination* (1839), influencing English authors such as Willie Collins, Charles Dickens, and later Arthur Conan Doyle, offering a completely different identity to the genre by presenting themes rooted in investigations, reason, and deduction.

1.3. Definitions of Justice, Law, and Morality

This analysis is built on the concepts of justice, law, and morality, which are closely linked to each other but differ in meaning and theory. Due to the variety of interpretations stated for these terms, it is important to establish a specific conceptual framework, focusing on the major interpretations within the context of this research.

1.3.1. Justice

The term justice was derived from the Latin word “iustitia”, and evolved from the old French “justice”, which means equity, uprightness, and fairness. In general terms, justice refers to a moral virtue that is supposed to be fair in its decisions, since it is a right that emanates from humans. It is synonymous with order and equality, and is opposed to conflict.

According to Aristotle, the foundational Greek philosopher, justice is a matter of balance and proportion. He emphasizes that people must be treated equitably for justice to exist truly. In his book *Nicomachean Ethics*, Aristotle distinguishes between two types of justice: distributive and corrective. Distributive justice consists of creating a balance where each individual receives what they need and what they deserve. While corrective justice comes when people wrong each other, and aims to restore fairness in a proportionate way (Aristotle 112-118).

On the other hand, the American political philosopher John Rawls developed a modern perspective on justice in his book *A Theory of Justice* in 1971. He defines Justice as fairness, where social institutions are organized equitably, guarantee equal freedom for individuals, and promote protection for the unprivileged. He introduced the concept of the veil of ignorance, referring to it as a thinking experiment, in which individuals choose the rules of society with no clue of their position, in order to found just principles (Rawls 118-123). Thus, John Rawls perception of justice emphasizes neutrality in the establishment of social rules.

1.3.2. Law

The law refers to a general and permanent rule or obligation established by a government authority, that applies to all groups and individuals in a society. Its major role is to dictate what is permitted, prohibited, and punishable. If it is not respected, a sanction must be imposed by public enforcement.

H.L.A. Hart, a major 20th century British philosopher of law, specified that a system of Law consists of two kinds of rules: primary and secondary. One that complements another. He explains that primary rule is about commanding people's behavior, and imposing obligations, such as criminal and tax regulations. While secondary rules, demonstrate how the legal system functions, and how it is organized by the Constitution and the Parliament (79). Among these rules, Hart emphasizes on the rule of recognition, which is a central secondary rule that permit the identification of norms within the context of the legal order (100).

From Hart perspective, law is not related to morality. In his book *The concept of Law*, he argues that a law can be legally rational even if it is profoundly immoral. The legitimacy of law depends on institutional criteria rather than its conformity to ethics, which implies that a law can have legal force even if it raises moral questions. While acknowledging that moral acceptance can strengthen a legal system by fostering obedience, this distinction demonstrates that understanding the law involves considering its structure and authority, not just its moral implications (Hart 185-186).

1.3.3. Morality

Morality is designated as a set of principles, or convictions instilled by society, religion, and sometimes culture, in order to distinguish between right and wrong, what is good and what is bad. As reported by Immanuel Kant, a philosopher of the 18th century who defined universal human morality, an action is moral only when it can be valid for everyone (31-32). He states

that morality is synonymous with duty; is influenced by reason, not feelings, and exists independently from personal interest. This implies that even if an action has favorable consequences, it is considered as morally right in the condition that it is practiced in accordance with the moral law (11-14).

Taken together, these three concepts represent the foundation of a society. Law was established to maintain social order, while morality aims to organize collective life and create social cohesion. Justice then intervenes to regulate both, promoting fairness and equity for all. However, these notions diverge in many ways. It is possible for a law to be legally legitimate but unjust by moral standards, or for a law to forbid an action that is morally righteous. Understanding the meaning of these terms is essential for analyzing the tensions explored in *The Adventures of Sherlock Holmes*, between the regulatory requirements of the law and the ethical reasoning driven by the thirst for justice.

1.4. Theoretical Debates on New Historicism, Legal Criticism, and the Foucauldian Power and Surveillance Theory

In order to examine the basis of this research, which consists of contrasting law and justice in *The Adventures of Sherlock Holmes*, it is essential to draw upon critical theories that provide different hypotheses and perspectives on the subject. Three approaches are being developed: new historicism, legal criticism, and Michel Foucault's theory on power and surveillance. These theories allow us to understand and examine the historical context of the Victorian era, the relationship between law and literature, and how power functions in that society.

1.4.1. New Historicism

This approach is an essential current of literary analysis, as it allows the understanding of texts in relation to their historical, social, and political ties; taking into consideration that

literature and history reflect and refract each other. According to new historicism, a piece of writing does not exist independently, but is influenced by people's thoughts, ideas, beliefs, and power of the time it was written in. It studies the cultural discourse and ideologies of a certain period in history, rather than focusing on the author only, or treating texts in isolation (Abrams 182-184).

Stephen Greenblatt, an American literary critic and scholar, played a crucial role in developing and popularizing New Historicism in the 1980s, within the field of literature. His work was influenced by Michel Foucault's ideas on power and surveillance, to show that literature is intertwined to social control, and is shaped by systems of power. He established key concepts for his study, including the relationship between literature and history, the flow of ideas and social values shaping cultural discourse, intertextuality, and no objective history (Greenblatt). By drawing attention to the connection between literature and history, Stephen Greenblatt revealed that literary works are strongly influenced by the cultural, political, and social aspects of their period of time.

In this research, New Historicism helps us understand *The Adventures of Sherlock Holmes* in light of its Victorian setting. The texts should be examined in their 19th-century English context. This way, it allows us to comprehend how the notions of law, justice, and morality were interpreted by the social hierarchies and legal power of that time. For instance, this theory neither focuses on the detective genre nor treats the texts in isolation. New Historicism views the novel as a result of a particular historical moment, influenced by the political, social, and ideological system of the Victorian era.

1.4.2. Legal Criticism

Legal Criticism is a theory that challenges legal practices and denounces biased attitudes and stereotypes within the law. The theory aims to denounce the judicial system which seeks to

elevate the dominant classes and administer laws that benefit them, instead of applying universal rules of justice. In other words, it attempts to demonstrate that certain legal decisions are manipulated to produce social inequalities. Roberto Mangabeira Unger, who is the main theorist in Legal Criticism, critiqued legal formalism in his book *The Critical Legal Studies Movement* (1986). He rejects the representation of legal formalism as neutral and objective. Instead, he claims that the law acts in accordance with hidden ideologies and power structures, while projecting a logical conception (5-15).

In the Sherlock Holmes stories, the legal system is known to be corrupt and at odds with the moral principles it claims to uphold, which sometimes compels the detective to take matters into his own hands to establish justice. Therefore, when analyzing the narratives, legal criticism is effective because it allows us to emphasize this conflict and tension between law and justice, and to examine the role of legal institutions who are subject to bureaucracy, manipulation, and enforcement.

1.4.3. Michel Foucault's Theory on Power and Surveillance

Paul-Michel Foucault was a 20th century French philosopher, thinker, and social theorist who revolutionized how people think about truth, power, and the self. He was best known for his work on power and surveillance, which he developed as a theory in his book *Discipline and Punish: The Birth of the Prison* (1975). He defines power as circular and omnipresent, and introduces its relationship with knowledge. According to him, power exists independently from government and institutions; it is embedded in society and is shaped through people's behavior and knowledge (184-190).

Moreover, influenced by Jeremy Bentham's Panopticon, Michel Foucault developed the concept of surveillance. The panopticon was a circular prison overseen by a single guard positioned in the center, invisible to the prisoners. Because they knew they were constantly

being watched, the system pushed them to self-discipline. Foucault analyzes the panopticon in an exemplary way; for him, the prison is a model of the modern disciplinary society. This concept demonstrates that people tend to regulate their actions and behaviors since they never know when they are being observed and monitored. Therefore, power compels individuals to act correctly intentionally, instead of being forced to obey. At the time, power rested on strict constraints such as physical violence, punishments, and threats, whereas today it dominates thanks to continuous visibility (195-205).

This theory of power and surveillance offers a framework to analyze the narratives of the Victorian era. The Victorian society reflects the disciplinary society which is characterized as strict, reputational, and respectability-driven, that Foucault speaks about in his theory. The Victorian law is presented as a tool of control, since it does not serve to punish crimes but to control and manipulate society, which does not always produce justice. In the novel under study, Michel Foucault's ideas help understand how the Victorian legal system and social order exercised power, and emphasize on the way the detective Sherlock Holmes enforces and questions that system.

Conclusion

In conclusion, Chapter one ventured into the exploration of the historical and intellectual contexts of the Victorian era, which helped in understanding the source of this study. It constructed the review of relevant literature on justice, law, and morality in detective fiction, the explanation of those concepts, and the introduction of Deontology, Utilitarianism, and Virtue Ethics as significant philosophical perspectives that shape the research. The chapter synthesized with the theoretical framework, based on New Historicism, Legal Criticism, and Michel Foucault's ideas on power and surveillance. By combining these conceptual and theoretical frameworks, we obtain a solid foundation for an in-depth analysis of the theme

Justice Versus Law in *The Adventures of Sherlock Holmes*, allowing for a nuanced exploration of Victorian literature.

Chapter 02:

Philosophical Reflections and Analytical Framework

Introduction

The previous chapter introduced the theoretical framework and key concepts of the study. Building on this foundation, Chapter two aims to explain the role of each theory in the analysis of justice versus law in *The Adventures of Sherlock Holmes*. It Explores how Michel Foucault's theory of power and surveillance is embodied through Sherlock Holmes investigations, and how justice and law are perceived through his actions and decisions; situating the research within its historical and cultural context. To understand Sherlock Holmes's moral reasoning and methods in the stories, the philosophical perspectives of deontology, utilitarianism, and virtue ethics are reflected in Arthur Conan Doyle's portrayal of the character. The chapter then relies on a qualitative literary analysis, focusing on thematic analysis and narratology, in order to understand how the narrative structure of *The Adventures of Sherlock Holmes* help express the themes of justice law and morality.

2.1. Philosophical Perspectives on Deontology, Utilitarianism, and Virtue Ethics

Philosophical perspectives help understand human behavior and people's actions. They offer different interpretations of character, and a deeper understanding of how deeds are evaluated beyond appearances; they seek the principles and values that motivate human beings. In this section, key philosophical perspectives or ethical approaches of Deontology, Utilitarianism, and Virtue Ethics are explored, in order to examine throughout the analysis, how notions of justice are constructed.

2.1.1. Deontology

Deontology can be understood as a set of rules, obligations, and moral values that guide a profession, the behavior of its members, and their interactions with the public. Usually codified in ethics, its main purpose is to ensure honesty, integrity, competence, and

trustworthiness in important sectors such as medicine, law, and public administration. Deontologists place a high value on motivations, holding that morally righteous deeds can be justified even when they result in unfavorable outcomes, as mentioned earlier from Immanuel Kant perspective on morality. He is the central figure of deontology, qualifying it as an ethical theory focused on duty rather than consequences (30-35).

Contrasting deontology with consequentialism provides a more nuanced understanding of the principle. To provide an example, when consequentialism view the idea of stealing from the rich in order to provide for the poor as an appropriate measure, deontology, on the other hand, holds that it is better to die of hunger than to steal.

2.1.2. Utilitarianism

The main objective of utilitarian philosophy is to maximize happiness for a great number of people, which signifies that collective well-being takes precedence over individual interests. Utilitarianism is a form of consequentialism developed by the British philosopher Jeremy Bentham in his work *An Introduction to the Principles of Morals and Legislation* (1789), in which he emphasizes that actions are morally right if they promote the greatest happiness for the greatest number (1). In this way, actions are evaluated based on objective criteria and rationality.

However, this approach raises questions about justice and individual rights. If the objective is the happiness of the greatest number, utilitarianism does not take into account the suffering of minorities and fails to consider the marginalized individuals. According to John Rawls, utilitarianism is unable to guarantee democratic rights for all, since it treats society as a single unit instead of separating persons (19-24). It is conceivable, for example, that the majority removes rights from children, or reinstates slavery to increase its own happiness and profit.

2.1.3. Virtue Ethics

Virtue ethics is a moral philosophical approach that dates back to Aristotle, and is defined as the cultivation of good habits. One of its central concepts is eudaimonia: an ideal way of life in ancient Greece, that refers to a state of sustained human well-being, prosperity, and fulfillment, rather than fleeting happiness. Aristotle stated that it is important to prioritize the personality trait and character of a person, and the virtues that one can develop over time when evolving and maturing, such as courage, honesty, compassion, and humility; instead of focusing on the actions taken (33-36). Therefore, compared to deontology which centers on duty, or utilitarianism which rely on consequences, virtue ethics in society questions if individuals acquire essential virtues to engage in a morally good society.

2.2. Theories in Action: Demonstrations of Justice, Power, and Morality in *The Adventures of Sherlock Holmes*

This section aims to elucidate the analytical plan of this research, with a particular focus on Michel Foucault's ideas on Power and Surveillance. Here, the stories of *The Adventures of Sherlock Holmes* are analyzed through a Foucauldian perspective, in addition to the exploration of the relationship between legal power and moral justice, in theory. Simultaneously, New Historicism helps contextualize the Victorian society, to reveal the factors that shape the exercise of power and the application of authority during the 19th century.

2.2.1. Victorian legal power manifests in Holmes's investigations through Foucault's lens

During the Victorian era, Legal institutions were at the head of Victorian authority, and controlled the behavior of citizens and social norms of the society. Legal officials, police, and the courts held most of the power, operating through rigorous chains of command. The higher classes influenced in the majority of times those systems, while the lower classes were subjected

to systematic surveillance. The norms imposed by high-ranking officials, such as social structures and gender differences, consisted of monitoring individuals to ensure they behaved in accordance with societal expectations. Foucault's theory emphasizes the way that system exercises and shares power and authority among the higher institutions of Victorian society.

However, as previously mentioned, Foucault declares that power is not specific to institutions only, but is embedded in society, and is shaped through people's behavior and knowledge (184-190). Through this lens, his theory is essential in practice for analysing texts from detective fiction, where detectives build their authority around their expertise and extensive knowledge, which is the case for Sherlock Holmes. He was introduced by Arthur Conan Doyle as an intellectually superior being who uses his genius to exercise power, through his authority.

Sherlock Holmes becomes authoritarian thanks to his cognitive ability. His scientific knowledge, and extensive memory make him dominant in every situation, in addition to his observation skills mirroring the concept of surveillance. Moreover, his confident language and tone reinforce that, reflecting Foucault's idea regarding the importance of discourse in shaping reality, and thus enforcing power. Having built an authority within society, Sherlock Holmes positions himself above law institutions, and takes over most of the investigations that the police fail to solve, despite not having an official legal position.

In stories such as "The Boscombe Valley Mystery" or "The Adventure of the Copper Beeches", Sherlock Holmes uses his observation skills and proficiency, to address the issues raised and find solutions to the cases; relying on surveillance while circumventing legal power. Therefore, using Foucault's perspective on power and authority helps in illuminating these aspects of the detective in the stories, and enables the understanding of his investigative methods.

2.2.2. Representations of justice versus law through Holmes's actions and decisions

Legal criticism in literature, features how the law is presented and interpreted in texts. It demonstrates how the legal institutions operate within a society, to determine whether justice is applied correctly and whether these systems are corrupt or not. In this research, the theory is applied to examine the tension between justice and law in *The Adventures of Sherlock Holmes*. Set during the Victorian era, a period within which the legal systems had the sole purpose of preserving social order, by favoring the upper classes and neglecting the rest.

Sherlock Holmes as a detective figure, intervenes in most cases to negotiate between both parts. When he realizes that the legal systems apply the rules in a partial and biased manner, he decides to direct the investigations in his own way. Instead of applying the law as it stands, he seeks morality founded on ethics and reason. His judgment of people is based on the intentions behind their actions. If their initiatives can be justified by truth and just consequences, then Holmes prioritizes the well-being of those concerned. He protects the innocents who may be condemned, he lets some individuals involved in crimes go free, and intervenes discreetly to save others, all at the expense of disregarding the law. He also breaks the rules excessively, for example when he steals and tampers with evidence, threatens suspects, breaks into places, or lies to the authorities. This rebellion against the law demonstrates his dedication as a conscientious detective, to uphold justice within a society ruled by a corrupt system.

Sherlock Holmes's way of acting righteously, independently of the law, is in fact an important literary aspect that is studied through the lens of legal criticism. It allows the analysis of how legal systems are portrayed in the stories, emphasizing the conflicts between public authorities and private institutions, involving the detective. But instead of just comparing representatives of justice and law, the theory generally exposes the contradictions and

limitations of Victorian legal systems in this study, thus reflecting the social and cultural realities of the 19th century.

2.3. Deontology, Utilitarianism, and Virtue Ethics in Holmes's Moral Reasoning and Methods

Sherlock Holmes's ambition is to restore justice, even to the point of opposing and resisting Victorian law. This raises questions about the nature of the principles that guide his actions. Are they deontological? Is he utilitarian or virtuous? The previous chapter introduced the three main approaches to ethics, which this section is going to employ to analyze the character of Sherlock Holmes and understand his moral reasoning.

2.3.1. Holmes's decisions through deontological perspectives

There was an emphasis in chapter one, on how deontologists believe that an action is judged good or bad according to rules, following moral principles. In contrast to Consequentialism, which measures the good or bad based on its positive or negative outcomes, Deontology holds that a duty must be fulfilled, even if the results are pessimistic and despairing (Kant). In literature, this theory is employed when analyzing controversial characters who often conform to strict moral obligations, or ignore them and seek their proper mean to establish justice. Through a deontological perspective, the aim of this section is to analyze Sherlock Holmes's morality in *The Adventures of Sherlock Holmes*, by exploring if his actions align with duty-based ethics.

In the stories, Holmes acts rationally and pragmatically when choosing the most effective action. He doesn't hesitate to break the rules imposed by the Victorian authorities, if it allows him to successfully complete his mission, as a competent detective. In "The Adventure of The Blue Carbuncle", he manipulates events to test suspects, and goes so far as to conceal evidence from the police to handle the case personally (203). Similarly, in "The Adventure of

the Speckled Band," Holmes breaks into Dr. Roylott's residence without permission to uncover the truth about Julia Stoner's murder (223). This action demonstrates that Holmes has violated the rules of honesty and respect for property.

When we decipher the character of Sherlock Holmes, we understand that he acts on his own initiative, not always respecting the rules of the law. He is guided by strong moral principles, for example, when he restores justice by helping individuals or when he seeks the truth where lies prevail. It is clear that Sherlock Holmes does not always comply with regulations; his desire to succeed in his investigations by any means possible is not always ethical from a deontological perspective. The results he seeks are centered on justice and truth; he does not wish to follow a rigid moral system. He lies, deceives, and manipulates in order to save and help people, which does not align with deontological norms.

2.3.2. A Utilitarian analysis of Holmes's moral reasoning

Utilitarian thinkers focus on the majority rather than the minority. Their ideal is to maximize the good for the greatest number of people, using morality as an alibi (Bentham). This theory is part of consequentialism; the process matters little as long as the result benefits many. During the Victorian era, a time of social problems, Utilitarianism influenced people's thoughts and actions, prompting writers to write about how the consequences of these problems affected the well-being of society. Within this historical framework, Sherlock Holmes emerged with the intention of operating for the greater good.

Sherlock Holmes acts in a utilitarian way in most cases. The primary aspect he takes into account when he embarks on an investigation, is to be able to provide extensive assistance to as many victims as possible. Even if he has to go against the rules, his convictions compel him to act for the common good. As a detective, he is subjected to several situations where he must face difficult moral dilemmas. Between hiding the truth to protect someone, or telling the

truth and having someone arrested while respecting the law, Holmes opts for the first choice. He demonstrates great discernment, especially when he anticipates the outcome of each situation before acting, in order to assess which decision is the most judicious.

In “The Adventure of Charles Augustus Milverton”, Holmes undertakes an immoral way to solve the case. He decides to break into the home of a blackmailer who had compromising letters in his possession, to ruin the lives of several women. Holmes violates the rules in order to retrieve these letters, thus protecting his victims, and preventing a more consequential negative outcome. He resorted to a reprehensible method to achieve an ethical and honorable result, which illustrates his utilitarian logic.

However, Sherlock Holmes does not entirely fit this ethical approach. Although most of his decisions are considered utilitarian, he nevertheless acts according to his logic and principles, or to satisfy his curiosity. Utilitarianism aims for the pleasure of the greatest number, but it neglects individual interests. Holmes cannot conceive of betraying a friend if it would benefit others. He offers occasionally his assistance for individual motives, not for the greater good; which proves that he is not strictly utilitarian. This analysis thus highlights the importance of virtue ethics in personal development.

2.3.3. Virtue Ethics in Holmes’s actions

Far removed from rules and consequences, virtue ethics analyzes individuals based on their character and human qualities. The central idea is that every good deed is performed by a virtuous person. And virtue refers to moral values such as sincerity, bravery, and integrity. Aristotle believed that cultivating these traits led to human flourishing and the fulfillment of potential (7). In the case of Sherlock Holmes, despite the fact that he is logical, coherent and concrete, some of his actions reflect ethical principles, especially when he strives to establish justice at all costs.

Sherlock Holmes is known for being a very ambiguous character. He is contradictory in several ways, and multiple interpretations of him are possible. He is famous for his efficient logic and his pursuit of the best outcome by any means necessary. However, he sometimes acts out of pure altruism. What makes Holmes virtuous is his constant desire to help those in need. If he rejects the rules established by the law, it is because he sees them as constraints for the good of others. His justice is not judicial; it is moral and unique to him, guided by ethical principles. He demonstrates courage when he puts himself in danger by solving crimes, confronting dangerous criminals in order to protect the innocent.

To synthesize the various perspectives on Sherlock Holmes's moral judgement, we observe that he is a character possessing significant moral virtues, demonstrating altruism in his pursuit of personal justice. In addition to being aligned with utilitarian tendencies, relying on his logic and ingenuity to achieve the best possible outcome. Therefore, his reasoning cannot be strictly confined to a deontological framework. And since Deontology is linked to the law, this lens offers a relevant aspect for understanding the topic of this research, which is focused primarily on the tension between justice and the law through the character of Sherlock Holmes.

2.4. Methodology

In order to examine in depth, the tension between justice and law in *The Adventures of Sherlock Holmes*, a qualitative literary analysis will be employed. Through the texts of Arthur Conan Doyle, this section aims to study the themes and narrative structures of a few selected stories. “A Scandal in Bohemia”, “The Boscombe Valley Mystery”, and “The Adventure of The Copper Beeches” form the corpus for this research analysis, since each story presents situations where Sherlock Holmes faces moral conflicts. Hence, thematic analysis allows us to understand the central dilemmas and shared ideas about justice, law, and the nature of events within the setting. It enables us to explore the various subjects addressed in the stories in relation to the

research topic. While narratology transforms these thematic frameworks into lived experiences for the readers. It reinforces the perception of the conflict between justice and law by providing suspense and mystery.

2.4.1. Thematic Analysis

The goal is to identify and interpret the themes in the selected stories of *The Adventures of Sherlock Holmes*, through moments where a conflict arises between moral justice and the law. Particular attention must be paid to situations where the two sides are in contradiction. Besides, the characters' interventions in these conflicts are an important point to consider in order to offer heterogeneous perspectives on what is morally right or wrong.

This method of analysis must be accompanied by a close reading of the selected texts, in order to identify the essence of the themes and motifs that are linked to ethics and duty. Ignoring trivial details, the analysis should focus on the moments when the investigations take place. The main themes center around the unfolding and conclusion of the cases. Sherlock Holmes is the one who exercises his moral judgment on situations that require an arbiter of justice. Therefore, by focusing on his individual moments, we obtain an illustration of how the themes of justice and morality manifest themselves. Once the main and most important themes of the research are identified, the next step is to interpret them within the context of the research question and the chosen theoretical framework. The analysis seeks to explain the meaning of these themes by relating them to the debate between justice and law and to examine their implications for the subject.

2.4.2. Narratological Analysis

Presented by Gérard Genette one of the main theorists of the field, this method is used to analyze the narrative structures and techniques of texts based on how the stories are written, not primarily the ideas they convey. The elements to consider are the structure of the narrative,

the narrator and his various points of view, the dialogues between characters, the setting, and the plot.

In Arthur Conan Doyle's *The Adventures of Sherlock Holmes*, the main narrator is Dr. Watson, Holmes's best friend. Watson acts as an intermediary with the readers; the story is told in the first-person narration. It is through him and his perspective on Sherlock Holmes' experiences that the perception of events influences the reader's understanding. However, the limitations of this perspective become apparent in the subjectivity of the narration. Watson interprets what he observes and hears from Sherlock Holmes, but he doesn't know his secrets and inner thoughts. He can therefore misinterpret his actions as well as those of other characters. The stories are perceived only through Dr Watson's judgment, which can sometimes lead to confusion especially regarding the perception of what is ethically right or wrong.

As explained in the section on narrative perspective, the stories of *The Adventures of Sherlock Holmes* are told in the first person, from Dr. Watson's point of view. The narrator is not omniscient. This is why, in the stories, the questioning of events sometimes remains unclear. When it comes to the characters, their intentions remain indeterminate and cannot be grasped with certainty. This notion leads readers to participate in the interpretation of events and to contribute to the moral judgment of situations where there is a tension between what is just and what is dutiful. This narrative strategy of ambiguity and moral uncertainty proves to be a deliberate choice by the author, to create an active moral dilemma.

Some passages containing important scenes and dialogues will be designated from the selected stories, to be analyzed according to both themes related to the research topic, and narrative approaches. By examining how narrative strategies and techniques influence the themes of moral judgment, corruption, and the ambiguity of choices, we gain an explanation of how the author Arthur Conan Doyle represents the conflict between justice and law.

Conclusion

In conclusion, this chapter has demonstrated the analytical framework that outlines how the research is conducted and structured. Building on the theoretical framework presented in the first chapter, this section has illuminated how Sherlock Holmes relies on surveillance and embodies authority in his conduct to exercise power. It also showed how Holmes bends the law to enforce his own definition of justice. This notion has led to revealing the nature of the principles that guide his actions, proving that he is a virtuous character with utilitarian tendencies. As a result, this section paved the way for the in-depth analysis of the stories, and thus the development of the analytical framework in the third chapter.

Chapter 03:

Textual Analysis, Synthesis, and Critical Reflection

Introduction

This final chapter focuses on applying the theories and approaches studied previously to the selected stories from *The Adventures of Sherlock Holmes*. The analysis examines the narrative strategies and structure that Arthur Conan Doyle uses to emphasize the conflict between justice and law. The reading then focuses on different perspectives and interpretations of the clash between Victorian legal institutions and Sherlock Holmes. From a Foucauldian perspective, where power and authority are questioned, and through ethical approaches that present the nature of the principles that guide Sherlock Holmes during the course of his investigations. Together these interpretations provide a general idea of how Arthur Conan Doyle critiques Victorian legal and social systems, and why he presents justice as an individual moral pursuit against the institutions of law.

3.1. A Narrative Approach to the Conflict Between Justice and Law in *The Adventures of Sherlock Holmes*

The narrative structure of the stories in *The Adventures of Sherlock Holmes* is based on an ordinary linear structure, as in most detective fictions. The story begins with the presentation of the investigation that must be solved; the setting is Baker Street in London when individuals visit Holmes in his apartment to report a problem. The development focuses on the unfolding investigation, during which the police intervene while Holmes acts independently. Various pieces of evidence are collected, analyses are performed, and hypotheses are constructed, all from Watson's perspective. The story's climax occurs when Sherlock Holmes provides instinctive resolutions that illuminate the conflict between justice and law, by intervening to reconstruct the truth, offering different interpretations from those of the police, and the narrator.

3.1.1. Narrative Voice: Dr. Watson's Role as the Narrator

In the Sherlock Holmes stories, the narrator Dr Watson is both homodiegetic and intradiegetic. This means that he is himself a character created by the author having his own place in the stories, and the one who narrates the events around the main character Sherlock Holmes. Watson is presented as the person Holmes trusts the most, his best friend and companion. He has a strong admiration for the detective because of his ability to solve crimes that no one else understands. And since he acts as a mediator between Holmes and the readers, this fascination tends to influence their perceptions of how events unfold.

Watson's narration is subjective; he consistently describes Holmes with a respectful and admiring tone, this idea can be perceived in "A Scandal in Bohemia" where he states: "He was, I take it, the most perfect reasoning and observing machine that the world has seen..." (Doyle 117). Similarly, in "The Boscombe Valley Mystery" Watson highlights Holmes's ability to decipher clues at a faster pace, while the authorities are failing. He describes Holmes with rapture, likening him to an animal in full hunt, highlighting the natural instinct of a detective thirsting for the truth (Doyle 168). This notion of outstanding description is also discerned in "The Adventure of The Copper Beeches", as Watson always implicitly shows admiration for the way Holmes gets absorbed when treating cases, reflecting his intellectual superiority (Doyle 273).

This highlights how the narrator's language positions Holmes on a high degree of superiority, and generates a form of favoritism throughout the stories, especially during the investigations when he acts outside the legal framework. Watson consistently values Sherlock Holmes, he validates the judgment behind every action he takes, even if it may seem disproportionate. Since Holmes is interpreted as a just being according to the narrator, then from

reading the stories, justice always comes before the law in the eyes of the readers. The perception of the conflict is thus influenced by the narrator's voice.

3.1.2. The Narrator's Limited Perspectives

Internal focalisation is an expression in narratology that characterizes a story presented through the perception of the character who narrates (Genette 189). In *The Adventures of Sherlock Holmes*, the narrative is based on Dr. Watson's ideas, thoughts, and understanding of the unfolding events, creating a gap between his level of information and Holmes's. Such limitation is perceived in “The Boscombe Valley Mystery”, when Watson misinterprets the clues that lead to Charles McCarthy's killer. While Watson jumps to conclusions based on the evidence and blames James McCarthy for his father's murder, Holmes reconstructs the facts and discovers a completely different alibi behind the murder (Doyle 161-162). This demonstrates Watson's ignorance and his limited access to information, which he gradually discovers during the investigation, simultaneously with the readers.

Furthermore, in “A Scandal in Bohemia” and “The Adventure of the Copper Beeches”, the narrator's limitations are characterized by a careful observation of the investigation's development. This focalization is supported by the narrative technique of delayed disclosure. The author reveals details little by little to create suspense and mystery. For example, in “A Scandal in Bohemia”, during the investigation, Watson describes all of Sherlock Holmes' actions near Irene Adler's house when an incident occurs, without understanding the meaning behind it, but as the story progresses, the reasons are revealed, and thus Watson combines his understanding with Holmes' to offer the reader a most adequate conclusion (Doyle 126-127).

This limited perspective creates a disturbance within the tension between justice and law. Readers initially side with the law based on the initial clues and the narrator's lack of understanding. However, as Sherlock Holmes's interpretations are revealed, several aspects of

the investigation come to light, challenging the true nature of events and leading readers to reconsider Holmes's concept of justice.

3.2. Holmes's Practice against the Law

Stephen Knight's research on crime fiction has focused on its tendency to resolve disorder and restore order through detection (74). Based on this interpretative lens, Sherlock Holmes represents that private intelligence which fills the gaps left by the official law, as stated by Dr Watson:

He was still, as ever, deeply attracted by the study of crime, and occupied his immense faculties and extraordinary powers of observation in following out those clues, and clearing up those mysteries which had been abandoned as hopeless by the official police. (Doyle, "A Scandal in Bohemia" 117)

In all of Holmes' investigations, the inquiries do not end through the legal authorities, but through its subversion, by proposing moral interpretations that lead to the truth. This tension is perceived differently in the case studies, where each story presents varied aspects of the gap between the legal order and moral imperative.

In "A Scandal in Bohemia", the inefficiency of the authorities is exposed through the King of Bohemia, who relies on Holmes to retrieve a compromising photograph from a woman named Irene Adler (Doyle 122). The king, who is supposed to embody the highest authority in the land and guarantee social order, resorts to manipulation and deceit to protect his reputation and political power. This demonstrates how the law is exploited by people from high society to satisfy their personal interests.

As a result, the narrative presents a justice based on individual judgment, represented through Irene Adler. Although she has the opportunity to ruin the King of Bohemia's life through

the photograph, she decides to preserve her dignity, independence, and self-protection by refraining the idea of revenge. Holmes acted with the aim of arresting Adler but ultimately abandoned his mission, rationally accepting his defeat at her hands and refusing to infringe upon her freedom for the sake of the king's interests (Doyle 130). Hence, justice was applied based on fairness and truth, and not through legal institutions.

Unlike “A Scandal in Bohemia” where Holmes ultimately evades the law, in “The Boscombe Valley Mystery” he acts to correct it. This story, which highlights the murder of Charles McCarthy, presents the law as superficial. It indicts James McCarthy for his father's murder based on obvious facts and first impressions, without conducting a thorough investigation (Doyle 160). The law appears disinterested in nuance, and relies on a form of absolute certainty, refusing to see beyond the evidence to the point of condemning innocent people.

In light of this injustice, Sherlock Holmes intervenes and looks beyond the obvious clues. In a dialogue with Watson, he announces:

Circumstantial evidence is a very tricky thing There is nothing more
deceptive than an obvious fact ... Besides, we may chance to hit
upon some other obvious facts which may have been by no means
obvious to Mr. Lestrade. (Doyle, “The Boscombe Valley Mystery”
161)

Holmes emphasizes the importance of deciphering the clues and considering the circumstances and real facts behind each accusation. He seeks the truth behind the murder of Charles McCarthy. His sense of deduction and observation leads him directly to the murderer: John Turner, who eventually confesses. However, despite the truth being discovered, Holmes refuses to hand Turner over to the police due to his short time to live, the blackmail he was subjected to, and his remorse:

And what do you intend to do? In view of your health, nothing. You are yourself aware that you will soon have to answer for your deed at a higher court than the Assizes. I will keep your confession, and if McCarthy is condemned, I shall be forced to use it. If not, it shall never be seen by mortal eye; and your secret, whether you be alive or dead, shall be safe with us. (Doyle 173)

Through this story, Arthur Conan Doyle shows how Holmes's justice remains independent of the law. Although Turner is a criminal, he prioritizes alibis and the motives behind the crime before indicting him. Holmes understands the characters' suffering and doesn't simply obey the law. He is aware that legal punishment is not just, knowing Turner has faced difficult circumstances. Essentially, his sense of justice lies in understanding the context and the intentions of each individual.

The conflict between justice and law is presented in a similar way in “The Adventures of the Copper Beeches”, where Victorian law is shown to be limited in protecting marginalized characters. Violet Hunter's choice to go to Sherlock Holmes because of doubts about Rucastle's strange requests, shows the lack of trust individuals have in the legal system. The law is perceived as too rigid and codified, and focuses only on investigations with clear evidence. Hunter's case which involves hidden domestic abuse, thus appears insignificant to the Victorian police, allowing Rucastle the freedom to manipulate events as he pleases within his household (Doyle 273-274).

Sherlock Holmes takes the initiative and infiltrates Rucastle's house, acting out of pure suspicion and not evidence (Doyle 284). In doing so, he challenges Victorian legal norms, which focused on protecting private property, and prioritizes Hunter's intuition, which led him to confirm his reasoning regarding the confinement of Alice Rucastle. These decisions suggest that Holmes represents a justice based on ethical responsibility linked to his sense of reasoning,

favoring the protection of innocent people, over the strict application of the law. The story ends with Rucastle being attacked by his dog instead of receiving legal punishment (Doyle 286). This ending indicates the importance of letting circumstances restore the balance based on poetic justice, as opposed to the procedural punishments of the law.

Across the three stories, we gain different interpretations of how Sherlock Holmes bends the law to impose his own sense of justice. In “A Scandal in Bohemia”, he rejects the law when he understands that a moral outcome is more just. Whereas in “The Boscombe Valley Mystery”, he acts to correct the mistakes of the authorities, and even decides to spare a criminal out of leniency. Finally, in “The Adventure of the Copper Beeches”, he commits an illegal act for the sake of truth and to protect a victim. In view of these circumstances, Sherlock Holmes considers the law to be an imperfect tool incapable of assisting marginalized characters. Which is why he fills these gaps and presents a justice rooted in moral principles, leading him to subvert the Victorian legal system.

3.3. Power and Surveillance: Victorian Institutions Versus Holmes’s

Authority

The Victorian legal system presents Justice as a formal institution or functional tool, which is governed by law. These systems exercise power solely to reinforce social order and preserve hierarchy. As an opposing force, Sherlock Holmes imposes an authority based on the surveillance of individuals in order to reveal the truth. Thus, power in the society is redefined; it is transmitted from institutional power to personal justice.

3.3.1. Institutional Control over Justice

The conflict between justice and law happens when following the law is not always ethically right. The Victorian police assumes that all criminals must be punished, based on evident and obvious clues, investigating only on the surface. This lack of effectiveness is shown

in “The Boscombe Valley Mystery” when James MacCarthy is accused of murder because of circumstantial evidence (Doyle 160). The aim of the Victorian authorities was therefore to conclude the case as quickly as possible to prove to society that the legal system is functional, claiming the perpetuity of justice. The ineffectiveness of the police is also presented by their lack of appearance in “The Adventure of the Copper Beeches”, reflecting the limitations of surveillance by legal institutions when it comes to assisting the marginalized.

In his book “Discipline and Punish” Michel Foucault reflects this notion of monitoring obvious evidence. He explains that the ongoing surveillance of local institutions reflects a biased system that focuses on controlling society rather than spreading ethical justice (200-02). Victorian policing thus mirrors the Foucauldian perspective on the incompetence of the law to interpret the facts due to its voluntary flexibility.

In “A Scandal in Bohemia,” justice is controlled internally by Victorian high society. The hierarchical system holds a monopoly on power over individuals of the lower classes. As explained by Foucault in “Truth and Power”, legal systems seek the absolute protection of reputation and power instead of protecting the innocent and seeking the truth (130-131). The fact that the King of Bohemia circumvents Victorian chains of command to avoid a public scandal, confirms that the aristocracy has the power to manipulate the law and proves that it is not applied fairly.

3.3.2. Justice Beyond Law: Holmes as Counter-Power

Since limited surveillance by the authorities is insufficient to uncover the truth and establish justice, Sherlock Holmes, for his part, does not content himself with mere observation. Thanks to his expertise and knowledge, he interprets what he sees, as when he discovers a control system in the Rucastle house, in “The Adventures of the Copper Beeches”. He does not stop at observing but also analyzes the facts, thus connecting the details to form a coherent

explanation. This interpretation reflects Foucault's notion that power and knowledge are two interconnected elements (189-192). Power is not based solely on surveillance but also on its productivity when it comes to making knowledge work.

Holmes's authority thus emerged from a combination of his observational methods and intellectual knowledge. In "A Scandal in Bohemia" he says: "It is a capital mistake to theorize before one has data. Insensibly one begins to twist facts to suit theories, instead of theories to suit facts" (Doyle 119). Through this quote, Holmes shows the key steps in the search for truth, rejecting speculation, which positions him as an authoritative figure who controls the investigative process. From a Foucauldian perspective, it means that Holmes' ability to structure real events allows him to exert power over other individuals.

Overall, in the Sherlock Holmes stories, justice is built upon knowledge, which establishes the authenticity of facts. It cannot exist independently; it is linked to the production of truth. Sherlock Holmes' role is to ensure the functioning of this system by applying his scientific knowledge, legal discourse, and intellectual reasoning. This form of justice, which is based on context, differs from the law, which depends on fixed rules and rigidity; it proves that justice cannot be founded on the ideals of legal systems.

3.4. Sherlock Holmes Between Duty, Consequences, and Judgment

Sherlock Holmes' actions throughout the stories depend on several ethical factors. As explained previously, he does not have a stable moral compass. He sometimes acts deontologically, prioritizing absolute truth, but most of the time he is utilitarian, basing his decisions on consequences and favoring overall well-being, while still being able to judge the good and bad of each situation.

Through the Boscombe Valley Mystery, Sherlock Holmes can be analyzed according to Immanuel Kant's deontology. The way the investigation is resolved reflects Kantian ideas about

truthfulness being a duty. As Holmes states: “you do find it very hard to tackle the facts” (Doyle 167). By making this remark to Lestrade, he shows dissatisfaction with the superficial reasoning of the Victorian police. Thanks to his analysis of the clues and testimonies, he uncovers the veracity of the facts, exonerating the presumed culprit. This shows how Holmes seeks objective truth instead of biased judgment, reflecting Kant's logic, which says that an action is guided by rational principles, reason, and duty, not by consequences (4:393-396). However, he only serves this purpose in some cases. His practices often run counter to deontological principles since he uses strategies seen as contestable.

In contrast to “The Boscombe Valley Mystery”, which focuses on the search for truth, in “A Scandal in Bohemia” Sherlock Holmes deals with a completely different investigation that pushes him to carry out deceptive strategies, in order to recover Irene Adler’s photograph. According to Jeremy Bentham's utilitarianism, these means are justified because they aim to protect the king's reputation and, moreover, social order, therefore the greatest number. Even though the story ends with Sherlock Holmes' failure against Adler, his actions demonstrate his need to bend the rules of the law to accomplish his mission. His decision not to prosecute Adler remains consistent with utilitarian ideals, as it minimizes overall suffering and causes the least harm, rather than applying a rigid rule of law.

Once again, in “The Adventure of the Copper Beeches”, we find a utilitarian approach to Holmes' actions. Despite his use of excessive surveillance, infiltration, and deception, these stratagems are justified by the result: he saves Alice Rucastle and prevents a grave injustice. These compulsory actions are seen as legitimate according to utilitarian logic because morality must be based primarily on utility.

These variances in the resolution of the investigations are all influenced by a single factor: ethical virtues. He demonstrates respect and tolerance towards Adler in “A Scandal in Bohemia”, as reported by Watson: “when he speaks of Irene Adler ... it is always under the

honourable title of *the* woman” (Doyle 131). The respect he shows towards Adler, despite her being a woman, demonstrates that he sees beyond Victorian stereotypes and does not blindly follow social laws or the norms of that era. He seeks to deliver a more rational and individual justice for each person within the society. Furthermore, in “The Boscombe Valley Mystery”, he seeks to fulfill his duty not for social recognition but to uncover the truth, even if it means breaking the law. He acts to correct a miscarriage of justice, which highlights his intellectual honesty. Finally, in “The Adventure of the Copper Beeches”, he protects innocent people and serves a moral justice based on principles of prudence and courage.

Through the analysis of the stories, we conclude that Sherlock Holmes doesn't truly adhere to a single ethical rule, but adapts to each situation while demonstrating virtues during the examination of the investigations. Sir Arthur Conan Doyle presented him as a pragmatic moral agent who adapts to the specific demands of each case, circumventing the justice established by law to deliver his own personal justice, based on his own principles.

3.5. Arthur Conan Doyle: Between Legal Systems and Moral Truth

Class prejudice, biased justice, moral corruption, and social control are factors that make the context of the Victorian era very particular. These elements are the subject of Arthur Conan Doyle's critiques in his stories. In *A Pedagogical Approach to Detective Fiction* (2011), Agustín Reyes-Torres argues that detective writers have used the genre “to make powerful statements about the reality in which they are immersed” (33). This suggests that detective fiction was not introduced for entertainment only, but mainly to criticize the workings of society and the misdeeds of the government.

Through *The Adventures of Sherlock Holmes*, Doyle portrays the Victorian police as blind and limited, relying on appearances and superficial evidence. His critique is based on his narrative style, where he introduces characters, their decisions, and their flaws throughout the

plot. He foils the police in most investigations to reflect the inefficiency of the real Victorian legal system. He reveals the inequalities between social classes by showing that the upper classes are privileged, especially within the law. He presents oppressed characters throughout the investigation, such as women, criticizing their fragile and controlled position in the society.

In “A Scandal in Bohemia”, Doyle criticizes the law, presenting it as incapable of handling complex private situations, suggesting that the intelligence of individuals exceeds legal power. In “The Boscombe Valley Mystery”, Doyle criticizes the fact that the law fails to guarantee justice when it operates mechanically. He demonstrates that justice requires flexible and ethical judgment. Then in “The Adventure of the Copper Beeches”, the absence of the police proves that Victorian law cannot protect society if it is unable to question the underlying structures that generate injustice. Essentially, Doyle proves that the law, which is supposed to ensure the protection of the people and the proper functioning of justice, is in fact a source of injustice.

In essence, Arthur Conan Doyle concluded that justice must be administered by an individual force outside of legal institutions. He redefined justice by rejecting legal formalism, which encourages respecting the law as it is written, without taking human circumstances into account. This notion creates an important contrast between the two sides: the institutions of law that accommodate punishments to maintain order, and the individual moral pursuit that values human compassion. This is how he introduced Sherlock Holmes, an agent capable of bending the rules of the law to deliver a justice based on principles of truth and morality. Through this character, Doyle demonstrates that legal systems are imperfect and that justice requires a private approach grounded in logic, observation, reason, and scientific methods.

Conclusion

The analysis of “A Scandal in Bohemia”, “The Boscombe Valley Mystery”, and “The Adventure of The Copper Beeches” has demonstrated that Arthur Conan Doyle presented justice as an individual force that transcends Victorian institutional boundaries. Through narratological analysis, Foucault's theory of surveillance, power, and authority, as well as philosophical perspectives, a detailed examination of the character of Sherlock Holmes is obtained, revealing his moral compass and how he consistently occupies a moral position that surpasses legality. Doyle thus suggests that justice depends on critical judgment and ethical responsibility, which override the legitimacy of legal institutions.

General Conclusion

Through the analysis of *The Adventures of Sherlock Holmes*, this dissertation demonstrates how Arthur Conan Doyle presents the conflict between justice and law; two concepts that appear related but are in fact distinct and controversial. Although they share the same principles, tensions are revealed between the two, given that the law is not always morally just. Through his stories, Doyle questions the actions of legal institutions meant to uphold justice, and denounces the corruption and limitations of Victorian law. By introducing Sherlock Holmes as a moral agent who defies the legal framework, he offers a genuine justice based on ethical choices.

On a broader level, this dissertation reflects on Doyle's critique of the state of Victorian society, which he sees as the reason for the malfunctioning of the justice system. He demonstrates how repressive the Victorian era was, characterized by rigid social hierarchies, patriarchy, and the corruption of legal institutions. Doyle emphasizes that the era was influenced by moral hypocrisy, presenting a virtuous image that concealed a very different, dark reality such as poverty, crime, and exploitation. Thus, through his narrative, the research suggests that justice may not have been fully attained within Victorian legal organizations.

This research has effectively shown that the author consistently presents the failings of Victorian authorities throughout the investigations in his stories. He portrays them as absent and ineffective at crucial moments, relying on appearances, incapable of protecting victims, showing bias and limited capabilities and resources. Their conventional methods of procedure fail to consider the humanistic angle when conducting their work. In parallel, Sherlock Holmes uses his scientific knowledge, his powers of deduction and observation, both his intellectual and emotional intelligence, to solve cases and help victims and marginalized individuals. This divide between Victorian authorities and Sherlock Holmes is well represented in stories such as “A Scandal in Bohemia”, “The Boscombe Valley Mystery”, and “The Adventure of the Copper

Beeches”, during which the resolution of the stories ends with Holmes' ethical judgment, instead of the strict application of the law.

The theoretical framework used in this dissertation reinforces the conflict between justice and law. Michel Foucault's theory of power and surveillance explains how the Victorian legal system exercised power and how Sherlock Holmes, as an authoritative agent, navigates between the authoritarian institutions. Holmes's authority is constructed through Watson's narration, which presents him as a heroic figure and positions him as a source of knowledge and power. Doyle employs narrative techniques that serve to question appearances and the Victorian police's interpretation of truth. This narrative structure thus demonstrates that truth in stories is not always tied to the law, but is constructed through Holmes's actions. Such actions are influenced by ethical approaches, which reveals the complexity of Holmes's decisions. Research indicates that he is not strictly deontological but rather oriented towards utilitarian reasoning, prioritizing the good of the greatest number while remaining consistent with high moral values.

This conflict between justice and the law, explored in *The Adventures of Sherlock Holmes* during the Victorian era, is an age-old conflict that remains relevant today. The law was created to organize society, impose order, and prevent chaos, but it cannot encompass the complexity of reality that justice addresses. Modern legal systems, too, lack the legitimacy to guarantee justice, as they remain morally questionable in the eyes of the public. Therefore, the stories of Sherlock Holmes remain relevant today as they continue to shape a living debate regarding the limits of the law in the face of moral justice.

Ultimately, *The Adventures of Sherlock Holmes* go beyond simple detective fiction stories. Arthur Conan Doyle presents realistic themes that describe society, and a reflection on morality and power. By emphasizing the conflict between justice and law, the author demonstrates that any organization is limited if it does not adhere to ethical principles. Readers

are thus compelled to question the relationship between morality and legality within any society. To reinforce these interpretations, future research could compare the stories of *The Adventures of Sherlock Holmes* with other literary narratives that reflect ideas of moral justice versus institutional law. For example, Charles Dickens's *Bleak House* (1853), written during the same period, criticizes the flaws of the English judicial system. Furthermore, Victor Hugo's *Les Misérables* (1862), criticizes the French legal system, portraying it as lacking in humanity. Finally, a more modern example is Albert Camus's *L'étranger* (1942), which depicts an absurd and mechanical justice system.

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Appendices

Original Sidney Paget illustrations published in The Strand Magazine for “A Scandal in Bohemia”, “The Boscombe Valley Mystery”, and “The Adventure of the Copper Beeches”.

The images depict key moments from the three stories analyzed in this dissertation.

