Ideas of Sovereignty in Sherlock Holmes

Abstract

As the 'only [consulting detective] in the world', Sherlock Holmes is revered for his ability to discern the answer to even the most complex of problems. When faced with the concept of sovereignty, however, even he might stumble. Who, or what, holds sovereignty in Sherlock's adventures?

Conventionally defined by Daniel Philpott as a 'supreme authority within a territory', it is greatly ironic that the theoretical concept of sovereignty itself fails to crown a single meaning. A 'contested concept', according to Veitch, this critical theory holds a slipperiness and tenuity due to its myriad of interpretations and applications. From this, however, springs a freedom to investigate each theory's advantages and limitations.

Drawing upon this sense of freedom, this essay is written as a playful detective investigation into the distribution of sovereignty in the adventures of Sherlock Holmes. Sir Arthur Conan Doyle's iconic protagonist provides ample insight into differing theories of sovereignty due to his numerous adventures, adversaries and textual interaction with the reader. Through examining the stories of 'The Final Problem' and 'The Empty House' (alongside their televised counterparts from the BBC series *Sherlock,* 'The Reichenbach Fall' and 'The Empty Hearse'), this essay firstly investigates Holmes' correspondence with Bodin's theory of absolute sovereignty, where, as the 'only [consulting detective] in the world', all must be subordinated beneath him – including Dr. Watson and Professor Moriarty. However, it then investigates Holmes' relationship with the law, police and criminality – provoking discussions of Carl Schmitt's sovereign state of exception and Moriarty's positioning as an anti-sovereign. Progressing through the conflict with Moriarty and Holmes' tragic death, the theories of Walter Benjamin's creaturely sovereignty and Kantorwicz's 'King's Two Bodies' are applied, questioning Holmes' position as simultaneously vulnerable yet transcendent. Finally, drawing upon the unique interaction between literature, media, author and reader, this essay provides a fascinating insight into the vast power of sovereignty, even allowing a character to ultimately transcend the confines of his text.

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Ideas of Sovereignty in Sherlock Holmes

We've got a new client. Deerstalker cap, magnifying glass. A loyal fan, perhaps. They're demanding help to solve a mystery, with which even the great detective himself would struggle. What is it, you ask?

Elementary, dear reader.

We're investigating the distribution of sovereignty in Sherlock Holmes's adventures.

Case No. 2470: Who, or what, holds sovereignty in Sherlock Holmes?

Sovereignty is an elusive concept of power and superiority. Although conventionally defined by Daniel Philpott as 'supreme authority within a territory', it is greatly ironic that the definition itself fails to maintain sovereignty.[1] Sovereignty is a 'contested concept', says Veitch, a 'cluster of related ideas' with 'different theoretical approaches' 'disput[ing]' over definition.[2] Indeed, sovereignty's slipperiness prompts varied interpretations, inspiring applications in this essay.[3]

The Victorian detective Sherlock Holmes, created by Sir Arthur Conan Doyle, provokes investigation into the distribution and manifestations of sovereignty. Unparalleled in detective ability, Holmes operates in Carl Schmitt's sovereign state of exception, strengthening the law he imposes upon society by transcending it. However, grappling with criminality, he chafes against the police and Professor Moriarty, an anti-sovereign who causes his downfall.

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[1] Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton: Princeton University Press, 2001), p. 16.
[2] S. Veitch, E.A. Christodoulidis & L. Farmer, *Jurisprudence: themes and concepts* (London: Routledge-Cavendish, 2007) pp. 10-11.
[3] These applications range from Bodin's absolute sovereignty to Walter Benjamin's creaturely sovereignty, as explored below.

Through examining the stories 'The Final Problem' and 'The Empty House', we shall investigate different suspects in Doyle's tales and their claims to sovereignty.[4] With 'The Final Problem' (1893) as Holmes's triumph against Moriarty, and 'The Empty House' as his symbolic resurrection, published in *The Strand Magazine* a decade later, these texts demonstrate the significance of the sovereign struggle in Holmes's downfall and resurrection. It is through Moriarty's abuse of the sovereign exception that Holmes can no longer exceed the law, instead dying as a creaturely sovereign. However, by considering Kantorwicz's theory of the King's Two Bodies, I argue Holmes fights against constraints of law by transcending life. These texts will be examined alongside their televisual counterparts from the BBC series *Sherlock* ('The Reichenbach Fall' and 'The Empty Hearse'), thereby highlighting Holmes's metaphorical continuation beyond his physical life and the text.[5] Ultimately, we may recognise sovereignty rests not just within the page's confines, but is in its strongest manifestation with the reader themselves.[6]

Sovereign suspect #1: Sherlock Holmes

As 'the only [consulting detective] in the world', Sherlock Holmes corresponds with Bodin's absolute sovereignty.[7] Focusing upon medieval monarchy, Bodin suggests the sovereign is an 'absolute' power, recognising 'nothing, after God' 'greater than himself.'[8] Indeed, the superlatives in Holmes's position as 'the last and highest court of appeal in detection' reflect Bodin's 'highest power of command', where Holmes's 'great powers' of deduction enable

[4] Sir Arthur Conan Doyle, 'The Final Problem', *The Adventures and Memoirs of Sherlock Holmes* (Ware: Wordsworth Editions Limited, 1996), pp. 484-503. Further references to this edition are given after quotations in the text.
Sir Arthur Conan Doyle, 'The Empty House', *The Return of Sherlock Holmes* (Ware: Wordsworth Editions Limited, 1996), pp. 1-26. Further references to this edition are given after quotations in the text.
[5] 'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012.
'The Empty Hearse', *Sherlock*, BBC, 1 January 2014.
[6] Henceforth, I shall refer to Sherlock Holmes as 'Holmes' when exploring the original texts and 'Sherlock' when referencing the television programmes, or 'Holmes' as a combination.
[7] Sir Arthur Conan Doyle, *The Sign of the Four* (Ware: Wordsworth Editions Limited, 2004), p. 110.
[8] Jean Bodin and Julian H. Franklin, 'Book 1, Chapter 8: On Sovereignty' in *On Sovereignty: Four Chapters from The Six Books of the Commonwealth* (Cambridge: Cambridge University Press, 1992), p.1, 4.

him to solve crimes and restore justice.[9] In remarkably similar terms, therefore, Holmes fulfils the sovereign attribute 'to act as the final appeal in matters of justice', which he celebrates in 'The Final Problem' with 'the air of London is the sweeter for my presence (497).'[10] Not only, we infer, has Holmes fought against the criminal 'dark jungle' (10), but the abstract noun 'air' (497) implies he has made London *physically* safer and healthier for its inhabitants. Exemplifying Foucault's argument that a sovereign's aim should be 'the common welfare and the salvation of all', Holmes is presented as London's representative sovereign, saving those exposed to criminality.[11]

By turning to Holmes, his clients elect him as sovereign, relinquishing rights of privacy and agency. No secret is too scandalous; nothing is withheld. This correlates with Bodin's sovereign 'demand[ing] an oath of submission from all subjects'; yet, whereas the original theory depended upon a religiously-ordained monarch, Holmes demands submission to justice.[12]

In 'The Final Problem', this justice reaches its zenith, as Holmes must 'capture' Professor Moriarty, 'the most dangerous and capable criminal in Europe' (497). He fights not to salvage a client's reputation, but to protect the country. 'Your memoirs,' he tells John Watson, 'will draw to an end' 'the day that I crown my career' with Moriarty's 'capture or extinction' (497). Using the concrete noun 'crown', Doyle employs the lexical field of

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[9] Sir Arthur Conan Doyle, *The Sign of Four,* p. 110.
Bodin, 'Book 1: Chapter 8', p. 1.
Sir Arthur Conan Doyle, 'The Bruce-Partington Plans' in *His Last Bow* (Ware: Wordsworth Editions, Limited, 1993), pp. 308-336 (p. 310).
[10] Neal Curtis, *Sovereignty and Superheroes* (Manchester: Manchester University Press, 2015), p. 3.
[11] Michel Foucault, 'Governmentality,' in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon and Peter Miller (Chicago: University of Chicago Press, 1995), pp. 87-105 (p. 95).
[12] With the Victorian period characterised, as Robin Gilmour suggests, by 'the clash of Church parties and interdenominational strife' (as well as diverse religious faiths), Doyle positions Holmes-as-sovereign with a focus upon legal justice (albeit still a predominantly Christian one), rather than being appointed, like Bodin's medieval monarch, with the Divine Right of Kings; see Robin Gilmour, *The Victorian Period: The Intellectual and Cultural Context of English Literature 1830-1890* (London and New York: Longman,1993), p. 64.
Neal Curtis, *Sovereignty and Superheroes,* p. 3.

sovereignty, even allowing Holmes to 'take life' with Moriarty's 'extinction' (497).[13] By structurally following Watson's observation of Holmes's increased engagement in matters of 'supreme importance' (with the 'French government' and monarchs among his clients (484)), this implies Holmes no longer represents other sovereign powers, but holds sovereignty himself with Moriarty's 'capture' (497). Moriarty, though Holmes's 'intellectual equal' (487), cannot be allowed to challenge him; like Watson, he must be subordinated. With Bodin forbidding sovereigns from making 'a subject [their] companion', Watson is inferior to Holmes, obedient to the extent that Holmes even controls his language, evinced by the assertive declarative that Watson's memoirs '*will* draw to an end' (497) [italics mine].[14] As narrator, Watson should hold sovereignty over his writing, yet in 'The Empty House', he is 'barred by a positive prohibition' from Holmes's 'lips' to reveal his resurrection (1). With even the author-narrator demonstrating subordination, the reader's experience is shaped by Holmes's exploits and narratorial control, positioning them in thrall of his double sovereignty. Regulating language and restoring justice, then, Holmes is distanced from us as a Bodinian sovereign, provoking awe, rather than identification. However, we must question the feasibility of absolute sovereignty, as Marc Lombardo claims all sovereign bodies involve 'transfer[s] of power'.[15] If Holmes cannot wield absolute sovereignty, to whom does he 'transfer' it?[16]

By restoring justice, Holmes transfers power to and from the law, but more importantly transcends it, thus embodying Carl Schmitt's sovereign state of exception. Perceiving

[13] Foucault's brief discussion of biopolitics in his lecture '11 (17 March 1976)' can be invoked here with Holmes embodying his sovereign power, where 'the right of sovereignty was the right to take life or let live', distinguished from biopower. A biopolitical reading, alternatively, considering Moriarty's 'extinction', would also be enlightening; see Foucault, '11 (17 March 1976)', *Society Must Be Defended*, < *http://s3.amazonaws.com/arena-attachments/2288168/a517f6153600c84ff334b416cf460745.pdf?1528579703* >, p. 265.
[14] Bodin, 'Book 1, Chapter 10: On the True Marks of Sovereignty', p. 50.
[15] Marc Lombardo, *Critique of Sovereignty (Book 1): Contemporary Theories of Sovereignty* (New York: Punctum Books, 2015), p. 13.
[16] Ibid.

Bodin's theory as too abstract, Schmitt argued the sovereign can surpass the boundaries of legal order as 'he who decides on the state of exception.'[17] Schmitt unhelpfully defines the state of exception as 'a danger to the existence of the state', but later as 'the suspension of the entire existing order', which hold different connotations of severity; in compromise, therefore, the state of exception is an exceptional circumstance allowing the sovereign to stand outside the law to strengthen it.[18] The definition as a 'danger to the existence of the state' is more applicable to Holmes's sovereign exception, because, as an 'unofficial help' (16) to the police, his actions prevent criminals from 'suspend[ing]' the law.[19]

With intellectual superiority, Holmes steps outside normal order, asserting sovereignty over the police. In 'The Final Problem', for instance, Holmes lays out Moriarty's capture, suggesting 'matters have gone so far now that [the police] can move without my help as far as the arrest goes' (491). Although the modal auxiliary 'can' connotes the police's liberty and authority, this is immediately undercut by the following clause insisting Holmes's 'presence is necessary for a conviction' (491). Not only, therefore, can the police 'arrest' Moriarty only when Holmes deems them adequate, but the law requires Holmes to finalise the conviction. This is humorously heightened in 'The Reichenbach Fall', where, despite having met Moriarty for 'five minutes', Sherlock is the 'expert witness' in his trial, with a montage of the 'spinning paper' trope emphasising universal acknowledgement of Sherlock's significance in newspapers across the political spectrum.[20] Whereas in 'The Final Problem', Holmes maintains sovereignty over the law by distancing himself from it, here, he challenges it directly, interrupting legal proceedings to tell the prosecutor 'you're leading the witness'.[21]

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[17] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2005), p. 5.
[18] Carl Schmitt, p. 6, p. 13.
[19] Carl Schmitt, ibid.
[20] 'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012, (00:16:38), (00:10:20-00:10:34).
[21] In 'The Final Problem', his distancing from the law is physically manifested with his self-imposed exile to Switzerland.
'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012, (00:15:56).

The imperative 'Ask me how. *How* would I describe him?', demonstrates his superiority over the court, only possible through his exceptional position.[22] Law, Neal Curtis reasons, is a 'symbolic authority', creating a 'fully normative universe' that 'arrange[s] and organise[s] our relations'.[23] In the state of exception, however, Sherlock disrupts this 'normative universe' by working externally, '[re]arrang[ing]' his societal position and relation to the law.[24]

The police, therefore, are subordinate to Holmes. In 'The Final Problem', he attempts to 'put the game in their hands' (496) with Moriarty's arrest, which highlights their passivity; moreover, when Holmes 'left the country, there was no one left to cope' (496) with Moriarty, precluding his arrest. Their failure here is reflective of the Metropolitan Police not being 'viewed in a particularly positive light' in the 19th century, with an 1897 article labelling them a 'necessary evil'.[25] This negative representation is amplified in 'The Empty House' with the police's dehumanisation to Holmes's 'guns' (17), summoned by a 'shrill call' (16) to arrest assassin Sebastian Moran. Doyle mocks their position as a force used by another through ironically praising Inspector Lestrade's 'cunning and audacity' (19), to whom the 'credit of the remarkable arrest' (18) belongs - yet Lestrade's interrogative 'got whom, Mr Holmes?' (19) amusingly indicates his incapacity. Our reading via the exceptional state thus justifies Sherlock's superiority over the police and law, with the comedic court scene and Lestrade's incapability encouraging us to respect Holmes's sovereignty. For the

[22] 'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012, (00:15:58-00:16:00).
[23] Neal Curtis, *Sovereignty and Superheroes,* p. 59.
[24] Ibid.
[25] Clare Clarke, 'Doyle, Holmes and Victorian Publishing' in *The Cambridge Companion to Sherlock Holmes*, eds. by Janice M. Allan and Christopher Pittard, (Cambridge: Cambridge University Press, 2019), pp. 29-41 (p. 32).
'Policemen of the World' (February 1897), cited in Clare Clarke, 'Doyle, Holmes and Victorian Publishing', p. 33.

contemporary reader specifically, Holmes' exceptional position is celebrated because he controls the police as a 'necessary evil' to restore order.[26]

Sovereign suspect #2: Moriarty

While Holmes surpasses the law, he also 'break[s] through the veil' into London's underworld, as no one 'knows the higher criminal world' 'as well as [he] do[es]' (487). Derrida's interpretation of Schmitt's theory is relevant here: with the exception creating a 'being-outside-the-law', Derrida highlights a 'troubling resemblance' between the 'beast, criminal and sovereign', deconstructing binaries of superiority and inferiority in favour of their shared liminality outside the law.[27] This 'troubling resemblance' is demonstrated with Holmes, though a higher sovereign, consistently dehumanised throughout the tales, such as in 'The Sign of Four', where he becomes 'a trained bloodhound, picking out a scent.'[28] In 'The Empty House', Watson presents him as a 'master huntsman' (10), where his position as both sovereign and beast allows him to regulate criminality, but through a 'troubling' affiliation with the criminals themselves.[29] The reader's awe of Holmes, we might suggest, is provoked not only by his superiority but from the unspoken fear of his swift degeneration to criminality.

We might therefore find fault with Schmitt's exception. Why should a sovereign be solely defined in the exceptional state, when this exceptionality permits the sovereign to descend beneath law to commit crimes and transgress ethicality? This is a pressing issue raised in 'The Final Problem' due to Holmes's affiliation with Professor Moriarty, 'the Napoleon of Crime' (487).

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[26] 'Policemen of the World' (February 1897), cited in Clare Clarke, 'Doyle, Holmes and Victorian Publishing', p. 33.
[27] Jacques Derrida, *The Beast and the Sovereign,* Vol. 1. (Chicago: Chicago University Press, 2009), p. 17.
[28] Ibid.
Sir Arthur Conan Doyle, *The Sign of Four*, p. 141.
[29] Derrida, p. 17.

Like Holmes, Moriarty is a suspect for Bodinian sovereignty, holding superiority with 'a brain of the first order', with 'numerous and splendidly organised' 'agents' working beneath him (487). Again, however, Schmitt's theory is more applicable, as Moriarty's criminal network functions in the exceptional state. Doyle depicts him 'like a spider in the centre of its web' (487), where his dehumanisation reinforces the sovereign's bestial 'resemblance'.[30] Just as Holmes hunts in the 'dark jungle' (10), Moriarty 'pervades London', yet 'no one has ever heard of him' (486). However, whereas Sherlock operates on 'the side of the angels', Moriarty's intention 'to burn the heart' out of Sherlock connotes more anarchic tendencies.[31] With Schmitt arguing that the exceptional state is 'different from anarchy and chaos', we must acknowledge perhaps Moriarty does not quite fulfil the criteria of a sovereign motivated by order.[32]

Yet, this does not rule out our suspect. Rather, I argue that Moriarty acts as an anti-sovereign to Holmes. A warning, against the ethical dangers of abusing the exceptional state. In 'The Reichenbach Fall', for instance, Moriarty's burglary of the Tower of London is merely a publicised attempt to demonstrate his legal untouchability. By attacking the cornerstone of the British constitution (with the slow zoom upon his wearing of the Queen's robe and crown amplifying the audience's incredulity) he poses a challenge to all sovereigns, employing the exceptional state not for justice but criminal intent.[33] This is ironically reflective of Schmitt's emphasis upon the necessity of sovereign exception to facilitate

[30] This further inspires terror in the reader due to contemporary fears of atavism and degeneration, as encouraged by Max Nordau's popular *Degeneration*, published in 1892; see Max Nordau's *Degeneration* (London: William Heinemann, 1898).
Derrida, p. 17.
[31] 'The Great Game, *Sherlock*, BBC, 8 August 2010, (01:25:52).
[32] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, p. 13.
[33] 'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012, (00:09:25).

justice, when his personal political affiliations and application of the exceptional state lay with the Nazi Party.[34]

Merrick Burrow argues that 'Holmes's identification with the criminal mind' is only 'ever' 'intellectual interest', yet I disagree.[35] Moriarty is not just a 'project[ion]' of abused exceptional power, but arguably a reflection of Holmes's *own* ability to abuse it.[36] With Robert Stevenson publishing 'The Strange Case of Dr Jekyll and Mr Hyde' in 1885, we may interpret Holmes's and Moriarty's shared affiliation in terms of contemporary anxieties about the divided self.[37] As Moriarty says to Sherlock, in 'The Reichenbach Fall', 'you're *me*'.[38] He is a reflection reaching deep into Holmes's interior, illuminating the Hyde-like aspects of Holmes demonstrating criminality. This is reinforced by the 'intricate aesthetic of absence' noted by Michael Atkinson in their interactions, where the physical 'thrust-and-parry' (488) initially mentioned by Holmes is unrevealed, replaced by unarticulated conversation.[39] 'All that I have to say,' Moriarty tells Holmes, 'has already crossed your mind' (489). Speech is useless, irrelevant between reflections. Derrida suggests sovereignty must be silent, 'withdraw[ing] from language', as it cannot be shared.[40] Although we can thus interpret Holmes's response ('possibly my answer has crossed yours' (489)) as a reinforcement of his own sovereignty through a deliberated continuation of the silence, the silence is also powerfully indicative of their recognition of each other's resemblance. They are both at once beast and sovereign, positioned outside legal order. Moriarty might not correspond to

[34] Schmitt joined the Nazi Party in 1933, with his sovereign arguments helping to consolidate Adolf Hitler's authoritarian rule over Germany; for more information, see Heinrich Meier, *Carl Schmitt and Leo Strauss: The Hidden Dialogue* (Chicago: University of Chicago Press, 1995).
[35] Merrick Burrows, 'Holmes and the History of Detective Fiction', in *The Cambridge Companion to Sherlock Holmes*, eds. by Janice M. Allan and Christopher Pittard, (Cambridge: Cambridge University Press, 2019), pp. 15-28 (p.19).
[36] Ibid.
[37] Robert Louis Stevenson, *The Strange Case of Dr Jekyll and Mr Hyde* (New York: Open Road Integrated Media, 2014).
[38] 'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012, (01:16:44).
[39] Michael Atkinson, 'Staging the Disappearance of Sherlock Holmes' in *The Secret Marriage of Sherlock Holmes and Other Eccentric Readings* (University of Michigan Press, 2009), pp. 139-152 (p. 140).
[40] Jacques Derrida, *Rogues: Two Essays on Reason* (Stanford: Stanford University Press, 2005), p. 101.

Schmitt's justice-motivated sovereign, but rather, the reader infers, serves as a potent warning of abusing this sovereign power. How, then, can Holmes beat him?

Sovereign suspect #3: Law and the police

Holmes believes he must operate in the exceptional state to cause Moriarty's 'extinction' (497), yet Moriarty thwarts Holmes's plan by not only playing in the exception, but also using legal sovereignty to expose Holmes's extra-legal position. It is not a one-on-one evolutionary fight for survival, Doyle suggests, but Moriarty creating an opposition between Holmes and the law's sovereignty. This, I argue, is what makes Moriarty such a formidable villain. Kahn, criticising Schmitt's exceptional state, proposes sovereignty is a 'social formation' 'proposing a frame of normality', gaining 'enough support' to 'make its decisions effective.'[41] Although his anarchistic tendencies prevent him from completely fulfilling sovereign exceptionality, Moriarty retains sovereignty through 'proposing a new frame of normality.'[42] Just as Sherlock '[re]arranges' the 'normative universe', Moriarty manipulates the threads of the legal system, entangling Holmes in the web.[43] In 'The Final Problem', Moriarty's attempts to kill Holmes are 'accidents' of nature: a 'two-horse van' nearly runs him over; 'a brick' (491) and a 'large rock' nearly 'clattered down' onto him (496). The passive constructions remove an active culprit: as Holmes can 'prove nothing' (491), Moriarty is free from blame, not needing to transcend the law to murder.

[41] Kahn further suggests that this reformulation is only useful in a contemporary sense if the 'preference for hierarchy and leadership' is removed, yet with both the 19th and 21st centuries operating in a capitalist state of governance, arguably this weakness of sovereignty is still impossible to remove; see *The Contemporary Relevance of Carl Schmitt: Law, Politics and Theology*, eds. by Matilda Arvidsson, Leila Brännström and Panu Minkkinen (New York: Routledge, 2016), p. 30.
P.W. Kahn, *Political Theology: Four New Chapters on the Concept of Sovereignty* (New York: Columbia University Press, 2011), developed in *The Contemporary Relevance of Carl Schmitt: Law, Politics and Theology*, eds. by Matilda Arvidsson, Leila Brännström and Panu Minkkinen (New York: Routledge, 2016), p. 31.
[42] Ibid.
[43] Neal Curtis, *Sovereignty and Superheroes,* p. 59.

'The Reichenbach Fall', alternatively, more directly confronts Moriarty's manipulation of the exceptional state. Here, Moriarty blatantly twists the truth, suggesting Sherlock 'invented James Moriarty' and '*all* the crimes', abusing power in the exceptional state to fool the police and commit crimes himself.[44] With Sherlock's unbelievable abilities, this 'new frame of normality' is plausible, gaining 'support' from Scotland Yard officers Donavan and Gregson, who resent Sherlock for his superiority over them afforded in the exception.[45] In a memorable taxi scene, Moriarty uses a fairy-tale semantic field, repositioning Sherlock as 'Sir Boast-a-lot', where the Scotland Yard 'knights' force 'the King' to 'wonder' about Sherlock's abuse of power.[46] Here, in the language of feudal sovereignty, Sherlock is subject to 'King' Lestrade, embodying the police and law. According to George Pavlich, sovereigns are 'always beholden to the collective body' granting them 'political authority; by implication, what is yielded can be rescinded.'[47] The viewer, therefore, recognises Moriarty need not operate outside the law to 'capture' Sherlock (497), which inspires greater horror regarding his villainous power. By exposing Sherlock's 'abuse' of the exceptional state, Moriarty encourages the legal authorities to 'rescind' the liberties afforded to him.[48] Unlike Holmes's noble, self-sacrificing textual death, the BBC adaptation ruptures this Christian allegory with Moriarty's manipulation of sovereignty and truth provoking Sherlock's ignoble suicide. For the viewer, aware of Moriarty's manipulation, it is a poignant and frustrating tragedy.

Sovereign suspect #4: Death?

With Holmes bound beneath judicial authorities, one might suppose law wields sovereign power, as Sherlock's challenge in the sovereign exception must inevitably end in his death.[49]

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[44] 'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012, (1:00:04-1:00:08).
[45] *The Contemporary Relevance of Carl Schmitt: Law, Politics and Theology*, p. 31.
[46] 'The Reichenbach Fall', *Sherlock*, BBC, 15 January 2012, (00:46:00-00:46:58).
[47] Charles Barbour and George Pavlich, *After Sovereignty: on the Question of Political Beginnings* (England; New York: Routledge, 2009), p. 3.
[48] Ibid.
[49] Or, rather, Moriarty's distorted version of a challenge.

But what if this isn't the end? What if Holmes's recognition of the necessity of his death facilitates him to transcend the law by slipping beyond life's boundaries?

The law attempts to impose Bodinian sovereignty, preventing Sherlock from operating in the exceptional state. Applying Walter Benjamin's creaturely sovereignty, however, helps us to comprehend Sherlock's ability to regain sovereignty after death.

The creaturely sovereign, Benjamin argues, 'markedly remains human.'[50] Analysing German Baroque tragedies, Benjamin contradicts the untouchable sovereign, suggesting he still retains vulnerability and the 'fallenness of human nature'.[51] The sovereign's struggle between Macht (power) and Ohnmacht (powerlessness), often ends in death, fulfilling the tragedy.[52] From Moriarty and the law's perspective, once his power is removed, a vulnerable Sherlock is positioned in 'Ohnmacht'.[53] The consequence, therefore, is death.

Todorov claims 'the [detective] genre postulates the detective's immunity', yet Doyle subverts this, with Sherlock recognising his vulnerability and *lack* of 'immunity'.[54] Though Moriarty vows 'destruction' upon him, Holmes promises to 'cheerfully' sacrifice his life, 'assured' of the 'eventuality' (490) of Moriarty's 'capture' (497). Even before his death, Holmes acknowledges his vulnerability, with the adverb 'cheerfully' (490) suggesting death is not weakness but a necessary sacrifice. In Baroque tragedy, this vulnerability intends to weaken and humanise the sovereign, provoking catharsis, yet this contextualisation limits Benjamin's theory to considering death as an inevitable finality.[55] For Holmes, rather,

[50] Annika Thiem, 'Theological-Political Ruins: Walter Benjamin, Sovereignty, and the Politics of Skeletal Eschatology', *Law and Critique,* 24, 3 (2013), 295-331 (p. 306).
[51] Annika Thiem, p. 306.
[52] Walter Benjamin, *The Origin of German Tragic Drama* (London: Verso, 1998), p. 89.
[53] Ibid.
[54] Tzvetan, Todorov, *The Poetics of Prose* (Ithaca: Cornell University Press, 1977), p. 44.
[55] In the 'Trauerspiel', Benjamin suggests, the hero's fallen nature precipitates death in the denouement. The sovereign hero *must* die, according to generic conventions. These constraints prevent Benjamin from considering potential sovereignty *after* death, or rather, ways to escape it; see Benjamin, *The Origin of German Tragic Drama* (London: Verso, 1998), p. 89.

operating outside tragic generic constraints in 'The Empty House', death is not final. By *accepting* his vulnerability, he can transcend law's sovereignty by operating outside of life.

In 'The Empty House', Holmes demonstrates the power afforded to him through 'pseudocide'.[56] In the three years after his 'death', his enemies began to 'take liberties', 'lay[ing] themselves open, and sooner or later [Holmes] could destroy them' (7). As the active speaker, Holmes connotes his enemies' vulnerability as they 'lay' 'open' to unsuspected attack (7), while he protected his own vulnerability by disappearing from life. Like Moriarty's manipulation of law, Holmes regains sovereignty through giving his enemies the illusion of power.

Furthermore, this sovereignty gained beyond life can be analysed with Kantorwicz's theory of the King's Two Bodies, which presents the sovereign as divided into a 'Body Natural' and 'Body politic' (the latter an 'enduring supernatural body' representing the institution after the monarch's mortal death).[57] One might argue that Benjamin's sovereign directly contests this medieval theory, yet these theories can be read in conjunction, as Holmes is presented as manipulating both forms of sovereignty to increase his power. In 'The Empty House', Doyle unwittingly draws upon Kantorwicz's concept of the double body with a 'wax-coloured model' (19) of Holmes placed in 221B Baker Street, to distract potential assassins from Sherlock's mortal body. This 'perfect facsimile' (19) of Holmes is interpretable as a contemporary manifestation of a medieval monarch funeral effigy, which Kantorwicz suggested represented the 'normally invisible body politic.'[58] Symbolising the

[56] A term used, according to Michael Jay Lewis, 'to reference the falsification of one's own death'; see Michael Jay Lewis, '" Am I Really Not Dead?": Pseudocide, Individuation and the Fictional Awakening', *Literary Imagination,* 16,3 (2014), 344-65, (p. 347).
[57] Ernst Kantorwicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1997), p. 7.
Stanford Encyclopaedia of Philosophy, 'Sovereignty' (2003) < Sovereignty (Stanford Encyclopaedia of Philosophy) > [last accessed 05/04/2021], paragraph 3.
[58] Kantorwicz, p. 421.

sovereign body, then, the effigy, like the body politic itself, is 'utterly void of' 'other natural Defects and Imbecilities', and denies the vulnerable body to maintain power.[59]

Doyle, however, subverts this use of effigy, with Holmes accepting his creaturely vulnerability and preserving his physical body. Holmes's 'dummy' (13) acts as a false effigy, an unkillable 'perfect reproduction' (12). Mistaking it for Holmes's physical body, Sebastian Moran shoots the dummy, but, as an effigy representing his metaphorical sovereign body, not subject to 'Infirmities', the bullet 'passed right through the head' (19).[60] Whereas, for medieval kings, the effigy withstood harm to represent the durability of the sovereign body politic, here, the effigy's *destruction* allows the preservation of Holmes's physical body, where he is 'free to devote his life' to 'those interesting little problems' in London (23). Rather than contradictory, therefore, I read Benjamin's vulnerable sovereignty as an acceptance of the physical sovereign body, with Holmes's recognition of his vulnerability allowing him to escape death and hold 'free[dom]' (23). Applying Kantorwicz's theory in an opposing light is extremely useful, helping us to see Holmes not just an individual challenging the law's sovereignty, but one comprehending its limits and the greater sovereign power afforded in an illusion of death.[61]

Sovereign suspect #5: The author

Holmes operates in circles of sovereign power as a creaturely sovereign, struggling against law and Moriarty in the exception. Lombardo argues sovereignty's 'tentacles spread far beyond the doctrines of constitutional and international law', and Doyle's exploration of the

[59] Edmund Plowden, *Commentaries or Reports* (London, 1816), cited by Kantorwicz, p. 7.
[60] Kantorwicz, p. 7.
[61] Applying Kantorwicz's theory to Holmes's doubled body aims not to counter the original theory of a physical and metaphorical body, but rather to propose a reformulation of the funeral effigy as a single manifestation of this sovereignty. Although this provides greater insight into more contemporary applications of the theory, we must be aware that this interpretation distorts the theory from its original context and applications.

different manifestations facilitating and restricting Holmes's power epitomises this.[62] However, sovereignty's 'tentacles' extend not just through Holmes's adventures but through a network of authorial and readerly sovereignty, surpassing textual limits.[63]

Let's turn to Arthur Conan Doyle. Would Holmes even exist without Doyle as the sovereign author? Roland Barthes's 'The Death of the Author' warns against this sovereignty, as a text should be a 'multi-dimensional space' where writings 'blend and clash', yet the Author 'impos[ing] a limit' upon the text prevents freedom.[64] Indeed, it was Doyle's own fatigue with Holmes, as he took his 'mind from better things', that stimulated 'The Final Problem', with Holmes not only Moriarty's 'final problem', but also his creator's.[65] However, as Doyle's tales precede Barthes' modernist logic, I would argue that instead of being complete 'multi-dimensional space[s]', they act as a springboard, encouraging textual proliferation in response.[66] And who produces these secondary and tertiary texts?

You, reader.

Sovereign suspect #6: The reader

When 'The Final Problem' was published, *The Strand Magazine* 'lost 20,000 subscribers overnight.'[67] Grieving readers wrote letters to Doyle, oscillating, says Jonathan Cranfield, 'between emotional bullying and straightforward abuse'.[68] These letters reinforce Doyle's sovereignty, as the reader had to 'bully' him to resurrect Holmes, as he held copyright. However, even before Holmes's death, Doyle's sovereignty was crumbling. Writing to his

[62] Marc Lombardo, *Critique of Sovereignty*, p. 2.
[63] Ibid.
[64] Roland Barthes, 'The Death of the Author' (London: Fontana, 1977), p. 146, 147.
[65] Michael Atkinson, 'Staging the Disappearance of Sherlock Holmes', p. 139.
[66] Barthes, p. 146.
[67] Katharine Brombley, 'Escaping the Strand: The Paratextual Sherlock Holmes', *The Critical Quarterly*, 60, 3 (2018), 49-65 (p. 59).
[68] Jonathan Cranfield, 'Sherlock Holmes, Fan Cultures and Fan Letters', in *Fan Phenomena: Sherlock Holmes*, eds. by Tom Ue and Jonathan Cranfield (Bristol: Intellect, 2014), pp. 66-79 (p. 74).

mother about ‘slaying Holmes’, Doyle shifts grammatical agency, complaining Holmes was ‘tak[ing] [his] mind from better things.’[69] Holmes, here, the active participant, represents the *reader*. The reader’s demand for Sherlock Holmes exerted a pressure over Doyle’s writing; it was the public, clamouring for more, that dictated Holmes’s resurrection.

The reader response to Holmes’s death, then, can be read in light of a transferral of sovereignty. Both during and after ‘The Great Hiatus’, readers produced numerous adaptations and reincarnations of Holmes, using the original texts as inspirational springboards.[70] By becoming both writer and sovereign, the reader, somewhat paradoxically, also helped to maintain Holmes’s own sovereignty. Kantorwicz’s theory of a doubled sovereign effectively applies here, as Holmes’ metaphorical body lived on, stimulating adaptations and advertisements. In the series gap between ‘The Reichenbach Fall’ and ‘The Empty Hearse’, the BBC producers drew upon Sherlock’s physical dead body and enduring metaphorical presence by driving a funeral hearse around London, with the coffin flowers spelling ‘Sherlock 01. 01. 14’ to advertise the new series’ release date.[71] Though the coffin was empty, this physical representation of Sherlock’s death epitomises the extent to which Holmes outlived his original adventures, due to the sovereignty of the reader. Without the Victorian public pressuring Doyle, or us, tweeting #SherlockLives in 2013, Holmes would never have been resurrected at all.

Investigation Conclusion

Returning to our client, then, we believe this case would puzzle even Sherlock Holmes himself. In ‘The Final Problem’ and ‘The Empty House’, there is a co-existence, clashing and blending of multiple manifestations of sovereignty, operating both for and against different

[69] Michael Atkinson, p. 139.
[70] Janice Allan and C Pittard, ‘Introduction’ in *The Cambridge Companion to Sherlock Holmes*, eds. by J. Allan and C. Pittard (Cambridge: Cambridge University Press, 2019), pp. 1-12, (p. 2).
[71] Steve Tribe, *Sherlock Chronicles* (London: BBC Books, 2014), p. 230-1.

suspects. Let's re-examine our list. The law is a suspect for sovereignty, even controlling Sherlock - but does Sherlock's submission only occur with Moriarty's interference? Attempting to remove Sherlock's power, this legal sovereignty is a façade, ironically operated by another. Moriarty, therefore, demonstrates the futility of identifying a sovereign through his manipulation of law and exceptional state. How, then, can we pick a single suspect?

Laura Brace reformulates the sovereign, suggesting they 'inhabit [their] own 'imaginary domain' while recognizing' that their 'domain and those of others may overlap.'[72] This is demonstrated with Sherlock Holmes. Holmes demonstrates Bodinian sovereignty in the detective 'domain', but also recognises his vulnerability and subjection to the law.[73] Theories of sovereignty are often read in opposition, but our reading of Sherlock Holmes suggests that (like Brace's sovereign domains) a consideration of theoretical 'overlap' and interaction is more effective. Holmes transcends life to maintain sovereign exception, but this only occurs through recognising his creaturely vulnerability and manipulating his doubled sovereign body. Furthermore, by considering the 'overlap' between text and reality, the dominant sovereign is arguably the reader, without whom this investigation would not have taken place.[74] As both a writer and reader of Sherlock Holmes, therefore, I suggest sovereignty ultimately lies with *us*. Our interest in and imagination of Sherlock Holmes allows him to transcend textuality and live forever.

Word Count (excluding title, abstract and bibliography): 5,498 words

[72] Laura Brace, 'Imagining the Boundaries of the Sovereign Self' in Laura Brace and John Hoffman, *Reclaiming Sovereignty* (London: Bloomsbury, 2016), pp. 137-154 (p. 137).
[73] Ibid.
[74] Ibid.

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