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LITERARY LIARS I HAVE KNOWN: The Need for Scepticism About the Printed Page

Thomas M. Curley



Sir Robert Chambers

As a student of life and letters, I have met my share of literary liars. I don't like liars, I do like the truth, and I do know how demanding the truth is to discover. A bright freshman told me that knowing the truth is impossible, that all he knows is what *he* knows, and to hell with any kind of objective certitude or verifiable probability. Although such thinking is fashionable today, especially among intellectuals, I think that freshman is wrong and that such intellectuals are cowardly victims of a confused war-weary century that too easily abandoned the truth of objective reality. To repeat, I think the truth can be known and is worth knowing, although it will always be difficult to grasp.

My experience in writing a biography of a forgotten figure in eighteenth-century English law and literature is a good example of the difficulty of confronting the truth about human life. In this case the human life concerns the career of a great man of law, Sir Robert Chambers, born 1737 and died 1803, who was the close friend of the foremost personality in English literature, Samuel Johnson. Chambers is himself important as a brilliant historian of the British constitution, who, with Johnson's secret help, wrote a memorable lecture survey of English law as Vinerian Professor of Oxford University. Chambers is even more important as the cosmopolitan Bengal judge who founded the body of law on which the Republic of India subsists today. My biographical research about Chambers in England and India for seventeen years showed me dramatically the need for scepticism about the printed page, about the dangers of relying on secondary sources and hearsay evidence, and the necessity of intensive literary detective work to uncover the truth about Chambers. Only the primary sources of his letters and papers allowed me to grasp fully his complex public and private life.

The truth of Sir Robert Chambers turned out to be knowable, but only after I overcame many false starts into scholarly bypaths of false reporting and recovered the thread of a verifiable reality by means of the documentary evidence of his own writings. Probably the worst enemy in my biographical quest was a literary liar whose name I want to live in infamy. He is William Hickey, a cocky lawyer who argued before the Supreme Court of India when Sir Robert Chambers was its second Chief Justice from 1784 to 1798 at Calcutta. Afterwards, around 1815, Hickey wrote a racy autobiography that made a sensation in his time and supposedly remains a mother-lode of information about Chambers as an Indian judge. The book is *The Memoirs of William Hickey*, and it has been hailed as "one of the most remarkable books of its kind ever published in the English language." In fact, it is remarkable only as a pack of lies about Chambers. However, I did not know this for many years. Here is the story of my discovery of the consummate literary liar, William Hickey, mendacious memoirist of Sir Robert Chambers.

Gail Caldwell, book reviewer for *The Boston Globe* who was alarmed last year by the cut-and-paste smear of Ted Kennedy in Joe McGinniss's *The Last Brother* of 1993, posed a disturbing question: "When did we start thinking that the truth no longer mattered?" She then answered her own question and took a short view of the longstanding problem of literary lying. She was aghast at the current fashion of "virtual biography," in which authors write about individuals from their own imaginings and intuitions and go so far as to invent dialogue and insights by invading the inner recesses and most secret feelings of impenetrable hearts dwelling in long-dead personages. Caldwell finds that such groundless but self-centered authorial interpretation has become increasingly acceptable to modern readers of biog-

raphy. Fudge is as good as fact for audiences hungry for *Hard Copy* sensationalism (see Oliver Stone's *Natural-Born Killers*) and weaned on Oprah Winfrey tell-all talkshows. This is a public so satiated with lying as to have lost faith or hope in truthfulness (see Robert Redford's *Quiz Show*).

It is not laypeople alone who have a stomach for "virtual biography." A respected *New Yorker* critic recently categorized three golden ages of biography: first, Samuel Johnson's brilliantly written, sensitive, if unscholarly, portraits; second, researched scholarly tomes of psychological and stylistic distinction by the likes of Richard Ellman and Leon Edel; and lastly, subjective "literary *entertainment*" by current biographers like Victoria Glendinning, Peter Ackroyd, and Richard Holmes. Readers may choose what pleases them most, but I take my stand with the first and second categories and reserve my "literary entertainments" for my reading of novels which don't pretend to be historical accounts.

Caldwell traces the modern misplaced love of "virtual biography" to our collective disillusionments with Kennedy's Camelot, Vietnam, Nixon, and the rise of Hunter Thompson "New Journalism" or Truman Capote-like "Nonfiction Novels." However, the origins of literary lying reach farther back than these phenomena. They are as old as humanity itself, a humanity fated to live in the real world but perennially prone to self-love, vulnerable to self-deception, and primed for a self-centered tampering with the truth. The William Hickeys of the past exist in the present and will populate the future.

Jonathan Swift in his brilliantly hilarious *Tale of a Tub* in 1704 had already seen literary deception and self-centeredness as unhappy consequences of an unclassical modern culture preoccupied with mass communication. Swift has a crack-brained modern author crow about the mighty literary feats that the

present age is accomplishing through sheer self-absorption devoid of traditional learning and productive of empty originality and vapid newness. "We of this Age have discovered a shorter, and more prudent Method, to become *Scholars* and *Wits*, without the Fatigue of *Reading* or of *Thinking*. . . . I am now trying an Experiment very frequent among modern Authors; which is, to *write upon Nothing*. When [that] Subject is utterly exhausted, to let the Pen still move on . . . by the Ghost of Wit." Anticipating the subjective excesses of current literary criticism and biography, Swift's stupid author sums up the philosophy of modernity in a syllogism: "Words are but Wind; and Learning is nothing but Words; Ergo, Learning is Nothing but Wind."

Swift's century was notable for literary charlatans, authors like James "Ossian" Macpherson and Thomas "Rowley" Chatterton, who preferred wind to solidity. These are well-known frauds. But there is another eighteenth-century liar whom I am exposing for the first time in this essay. This is William Hickey, a man whose life and lying *Memoirs* intersected with Chambers's illustrious career and with my early biographical research about Sir Robert's judgeship. Hickey's nasty account almost stopped me years ago from wanting to compose the first full-dress biography of Chambers. I was only to learn much later, after a most painstaking struggle with a mountain of forgotten primary sources, how much lying was perpetrated in *The Memoirs of William Hickey*.

Initially, very little was known about Chambers. Except for a very "Brief Memoir" by Lady Chambers in 1838 and his posthumous *Treatise on Estates and Tenures* of 1824, virtually no published materials about him exist. Not even occasional references in Boswell's famous *Life of Johnson* of 1791 and in Johnson's own letters could rescue Chambers from almost

total neglect. Fortunately, my trips to England and India brought to light a considerable cache of new primary sources. What turned up at libraries in London, Oxford, and Calcutta was well over a hundred letters by or to Chambers as well as a wealth of documents pertaining to his career in India. But where, as Johnson demanded of biographers, was I to uncover the "invisible circumstances" of my subject's private life? With the help of the late J. D. Fleeman at Pembroke College and the late Sir Rupert Cross, twelfth Vinerian Professor of English Law at Oxford, I met Chambers's descendants in England and, through them, obtained access to private letters, a manuscript history of the family, and a long-lost Reynolds portrait of Chambers. There was often the need for persistence with my hosts, who, although revering their forebear, regarded their memorabilia as hindrances to my enjoyment of their hospitality. One aging spinster, shocked that her visitor was not as elderly as she was, thought it her duty to invent ways of entertaining me to save me from the boredom of rummaging through heirlooms. Whole days this lady insisted that we spend in bird-watching along the Norfolk coast, and whole nights, after she retired to bed, I devoted to transcribing antique papers.

Upon my return from a second sojourn in England, I learned that another treasure-trove of primary sources survived halfway around the world. The Victoria Memorial Hall at Calcutta preserved *seventy-two volumes* of unstudied judicial notebooks which comprise the only daily history of the founding of the Supreme Court of India, where Chambers initiated a still flourishing legacy of Anglo-Indian law. Winning access to these notebooks, however, required five years of intricate negotiation with the government of India, a security check by our State Department to see if I was a spy, and a congressman's intervention for

microfilms of a large portion of the notebooks. Even worse, during my first visit to India, the curator of the library where they were stored refused to make them available to me, because my earlier purchase of microfilmed notebooks had subjected me to an investigation in the Parliament of India for allegedly bribing an Indian librarian to get the materials. Miffed by the curator's parting advice to come back again some day to Calcutta, I eventually received official permission and transcribed notebooks on the premises in humid 100-degree temperatures, with the assistance of the eminent Professor Donald J. Greene, in the summer of 1986. Such was the happy ending to a decade of biographical research in search of primary sources by Sir Robert Chambers, with which to counter untrustworthy secondary sources, like the *Memoirs of William Hickey*.

Taken together, the evidence disclosed that Chambers was a literary as well as a legal man, developing into a sophisticated historian of the British constitution as second Vinerian Professor at Oxford, participating importantly in Johnson's literary life and Literary Club at London, forwarding Sir William Jones's oriental scholarship as president of the Asiatic Society of Bengal and as possessor of the largest private library of Sanskrit manuscripts in the century, and, most noteworthy of all, planting an enduring hybrid heritage of Anglo-Indian political justice in the Supreme Court of India. As my subject's intricate reality came into focus, I completed in 1986 a two-volume edition of his *A Course of Lectures on the English Law* for the University of Wisconsin Press and Clarendon Press. Written with Johnson's secret assistance from 1767 to 1770, this brilliant lecture series for Chambers's Vinerian Professorship proved an intellectual watershed for the legal-political thought of both remarkable men.

The full story of his exciting career is told in my forthcoming biography, *Sir Robert Chambers: Law, Literature, and Empire in the Age of Johnson*. But let me state here that his conduct on the Bengal bench, like his performance in the Vinerian Chair, displayed both a devotion to English legal tradition and an openness to cultural diversity that enabled him to transcend British prejudices, promote Asian studies, accommodate English justice to native usages, and leave behind a rich fabric of Anglo-Indian jurisprudence. Indeed,



William Hickey

in perhaps the century's worst miscarriage of justice, the execution of Maharajah Nuncomar for forgery, Chambers alone of the four Supreme Court justices called for a flexible interpretation of English criminal statutes to stop a cruel death penalty unknown to native systems of law. To the later disgrace of the Court, his dissent went unheeded and has remained ignored by *all* previous historians of British India.

Unfortunately, his exemplary record of judicial service has lain under a cloud of recrimination and ridicule stirred up by *The Memoirs of William Hickey*. Published in two separate editions in 1925 and 1962, the manuscript

of this dishonest work, in 762 closely written folio sheets, is preserved in the Oriental and India Office Collections of the British Library. The lively, highly readable text has duped many a modern scholar into accepting it as gospel truth about daily life in late eighteenth-century British India. Why would it not deceive the unwary? Sounding throughout like a truth-teller, Hickey misled his audience from the outset, on the first page, where he boasted his accuracy and yet pretended to describe even minutely detailed episodes, replete with extended dialogue, largely from unassisted memory! "True it is," Hickey asserted, "I had few documents to guide me, . . . yet . . . I can safely aver, there is not a single fact recorded in the following sheets, that is not, to the best of my knowledge and belief, most truly and correctly stated." Chambers was unlucky in his association with a frustrated novelist like Hickey, but he was nonetheless lucky to have left a powerful antidote for Hickey's lies in the form of judicial notebooks, letters, and Calcutta newspapers which provide unassailable evidence of his invaluable labors in the Supreme Court of India.

Born in 1749, Hickey landed at Calcutta in 1777 to set up as an attorney through Chambers's patronage. Generous to a fault, Sir Robert extended his support and friendship, until the new arrival made himself disagreeable by his hard-drinking brashness and allied himself with the judge's political enemies. Hickey even carried back to the Parliament of England a public petition protesting the Supreme Court of India. Whatever the precise causes for the disaffection between the two men, it was Chambers who bore the brunt of the ill-will showered on the Supreme Court in the *Memoirs of William Hickey*. Its portrait of Sir Robert is a caricature of a colossally weak human being, whose alleged "natural frivolity and want of firmness" in the Nuncomar Case made him seem a

decidedly lousy judge, not worth memorializing in any biography. According to the *Memoirs*, Chambers opposed the guilty verdict but weakly acceded to the execution of Nuncomar, when in fact Chambers *accepted* the guilty verdict but actively *opposed* the execution.

Other errors surface with enough frequency to contribute to a cumulative impression of careless narration and maliciously baseless accusations against Chambers. Hickey reported, for example, that on 14 January 1784 Sir Robert first officiated as Chief Justice and showed “mistaken delicacy” in advising an Indian, who confessed to a murder, to avail himself of a full-blown trial. Supposedly the prisoner reluctantly followed the advice, only to receive the death penalty and comment wryly in the end, “You insisted upon my telling a lie, and have chosen to give yourselves (looking round the Court) a great deal of unnecessary trouble.” Aside from the improbable precision of the recollected conversation, the problem with the allegation is that Chambers was hundreds of miles away from the Supreme Court at the time!

The half-truths and flawed anecdotes about Chambers might not have added up to anything substantially damaging, had Hickey not dared to impugn his victim’s very integrity as a judge. Chambers supposedly succumbed to bias on behalf of governmental tyranny in the face of militant opposition from his liberty-loving colleague, Justice William Jones. The actual proceedings were far different. Any bias existed in the mind of Hickey, a trouble-making participant in a brawl. He painted the incident as the black-and-white affair of victimized citizens *versus* brutal peace officers infringing on the most basic rights of Englishmen by means of tyrannical general warrants. When the outraged citizens sued the peace officers in retaliation, Chambers, the senior judge, went to supposedly unprofessional lengths to protect his police staff. Hickey then claimed that

Jones delivered against Chambers a defiant dissenting opinion registering his outraged sense of justice. In it Jones considered the peace officers worthy of “the highest degree of reprobation” and hence liable to pay the plaintiffs the largest damages allowable by law.

To turn from Hickey’s colorful recital to Chambers’s painstaking notes of the trial is to discover where the biased viewpoint really resides. Owing to the citizens’s abusive treatment of the peace officers during the brawl, Sir Robert had legitimate grounds for upholding police powers. Furthermore, Justice Jones never demanded harsh punishment for the peace officers and never was offensive to Chambers in his dissent. On the contrary, Chambers’s judicial notebooks attest to the reality of a congenial bench. “I came into Court this day to give J[udgemen]t in *Griffin v. Deatker* on which Mr. Just: Jones differs with me on one material point. . . . Sir Wm. Jones thinks there ought to be Jud[gemen]t for Pl[aintiff] but that Dam[age]s ought to be small.”

The crucial document corroborating Jones’s deferential demeanor is his own letter sent to Chambers four days before the day of judgement. “No law justifies the act [of arresting the plaintiffs]: but I think the damages should not be large, and, after this decision, we should hear no more of the business. . . . I will listen however attentively to your reasons, before judgement [is] given. I, in the mean while, am dear Sir Robert, most affectly, yours W. Jones.” If Jones’s letter and Chambers’s notes cannot suffice to discredit Hickey’s account, then there is the neutral testimony of the *Calcutta Gazette* and the *India Gazette*. These newspapers also document Jones’s courteous dissent: “He lamented that as the Junior Judge he was first to deliver his sentiments, as it deprived him of an opportunity of altering them from the argument he might [hear] from Sir Robert Chambers.” They also confirm Jones’s recommendation of “small” — not heavy —

damages for the peace officers. Finally, Hickey’s dismissal of Chambers’s closing statement as an “incoherent rhapsody on the case” wrongs a speech reported to be a model of common sense.

It is a maxim of English law that a man is innocent until he is proven guilty. Hickey produced no proof of Chambers’s incompetence. Instead, Hickey perpetrated massive literary perjury under a false oath of truthfulness at the beginning of his narrative. Readers should acquit Chambers of Hickey’s baseless charges and instead convict Hickey of aggravated fraud and felonious assault and battery against a good judge’s reputation. Henceforth, let *The Memoirs of William Hickey* meet with the fate that it deserves. Let the work suffer the just punishment of perpetual confinement in the literary category of fantasy and fairy tale. And let this mother of literary liars alert us all to the dire need for scepticism about the printed page, ancient or modern. Let us always seek the truth, and nothing but the truth, by reference to verifiable data, as opposed to subjective conjecture ungrounded in hard and cold fact. Such discerning skepticism, leavened by the buoyant sense that life has meaning to be discovered through perseverance and intellectual courage, seems a healthy recipe for personal happiness and social progress. After all, Samuel Johnson, who loved Chambers and had faith in his abilities, demanded the truth from human beings in general and from biographers in particular: “If we owe regard to the memory of the dead, there is yet more respect to be paid to knowledge, to virtue, and to truth.”



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