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Trollope & the law

by [Marc M. Arkin](#)

On the Victorian novelist and the moral question of defending the guilty.

For the general public, criminal defense exercises all the tabloid fascination of the louche; defending a genuinely guilty client carries the extra frisson of a brush with Old Nick himself. Seated at a dinner party or with a drink in hand, the question a criminal defense attorney inevitably hears from a new acquaintance is “How can you defend someone who is guilty?” In fact, this is really two questions in one: How, consistent with legal and ethical obligations, can you advocate the innocence of someone whom you believe is guilty? And, why would you do so?

Lawyers, of course, have many ways of answering both questions, not all of them self-serving, and in that most humane of novels, *Orley Farm*, Anthony Trollope, the son of a failed barrister, did justice to most of them, almost despite himself. Indeed, at the heart of the story is the attorney’s most challenging professional dilemma, presenting a full defense ...

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