

Dickens as Novelist and the Victorian Legal System

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Abstract:

Charles Dickens, being one of the prominent novelists of the Victorian era is a critic of Victorian socio-legal issues. Many of his novels shed light on the dangerous aspects of law and sufferings of the poor arising from the problems of law. With the practical experience of law, Dickens handles the issue of law such as illegitimacy, property, court procedure and the conditions of the legal system. *Oliver Twist*, *Pickwick Papers*, *Bleak House* and *David Copperfield* are at the center in dealing with government, social issues and legal system.

Keywords- Legal system, Illegitimacy, Reformation, Society, Law

Charles Dickens was born at Portsmouth and lived in London, Rochester, Chatham, Kent and Camden Town. He had experience of looking after younger children and an orphan as well. He received business training at the age of 12 from Lamert and later started working at Warren's Blacking which has got references in *David Copperfield*. After two weeks, his father was arrested for debt and sent to the Marshalsea Prison for almost three months. This episode also left a serious mark on his mind and appears in his books later. After the death of his mother, whatever amount he received, he paid the debt. He worked at Warren's for a year and it had lifelong impact on Charles leading to create a sympathetic impression about a parentless child.

He attended school at the grandly named Wellington House Academy for two years; after his school, his parents found him a job as a clerk with solicitors Ellis and Blackmore of Gray's Inn. He worked with them for 18 months; the work was not interesting but provided him some material for his pen. Then he moved on to another solicitor, Charles Molloy of Lincoln's Inn.¹ At this Inn he met his lifelong friend and legal adviser, Thomas Mitton. This is the place where he improved his skills of writing and became a shorthand reporter. Allen writes that, "his earliest commissions were for civil law cases held in Doctors' Commons where he honed the skills of his craft before adding to his repertoire, probably from 1830, reports of proceedings in the House of Commons, writing for the *Mirror of Parliament* and the *True Sun*" (6). As a young man he developed various interests, skills, and traits that were to shape and colour the rest of his life (6). Actually he also developed his interest in theater but did not make a career in it. This really helped him be "a careful observer of people, their mannerisms, and accents, which he learned to imitate, a talent also ascribed to his mother" (6). Later he became a regular contributor under a pseudonym Boz to the *Evening Chronicle* and the *Morning Chronicle* by way of writing sketches (7). This kind of writing resulted in an outpouring of creativity (8).

Gradually his output of literary works increased in a large number over a long span of time, that is, from around 1835 to 1865 when he published his last full length novel, *Our Mutual Friend*.

Due to his wonderful creative works, Dickens was compared with the literary world of Sterne, Smollett, Fielding, Defoe, Victor Hugo, and William Wordsworth. He became popular among all his contemporaries as he created an interesting world of his own society through the novels and sketches. He transformed his “experience into art through fictional representations of figures from his life.”² In his biography of Dickens, Johnson confirms the same view that Dickens was driven by his own experiences and observations in order to depict modern society and its problems in a very critical manner.³ There has been a thin line between his fiction and his society. We find in his creations almost all kinds of people from aristocrat to workman to orphan. One of the most remarkable features of Dickens’ novels, as for most readers, is “his creation of vividly memorable characters;”⁴ these characters actually help us understand the very structure of his society and the ideas that Dickens wanted to convey. He wrote about the problems which were very close to his heart. It was not just about any single dominant issue he was concerned; he dealt with political, ethical, social and legal issues. “Ethical, social, and political concerns are central to any attempt to understand Dickens’s greatness” (Bowen and Patten 6). There was a good reason behind this that an array of almost all major issues such as “sanitation, sexuality, politics, policing, transport, industry, visual culture, education, public space, communication, conceptions of the self, science, religion, and labor all changed immeasurably in Dickens’s lifetime” (Bowen and Patten 6). What is more appealing in his novels is that in the words of Catherine Robson, “his rapturous immersion in the quotidian” consistently reflects “the terrible exploitation and injustice under which so many of the Victorian poor and dispossessed lived” (Bowen and Patten 7). All his prominent novels talk about such issues with acerbic criticism.

Among the first few major novels, *Oliver Twist* raises the social concern about the victims of poverty and shows how Victorians treat the underprivileged. This novel depicts the life journey of the title character, Oliver, an orphan from birth. The child spends a big span of its life at a “child farm” an orphanage with many children and with little food for them. The novel is a kind of serious criticism on their attitudes and abuse by them. It also criticizes the most controversial element of the New Poor Law Amendment of 1834, which is also recognized as the bastardy clause wherein the responsibility for the illegitimate child was shifted from both parents to the poor mother with the belief that this would reduce the number of illegitimate births. This new amendment law made the law a bachelor meaning thereby it relieved a man of the financial responsibility for his bastards thereby placing it on the children’s mother.⁵ *David Copperfield*, tracing the history of eponymous hero with obstacles in his advancement, attacks the institution of marriage and women’s position after marriage and the unfairness of law allowing inequality to spread in society. Another major novel that talks about law and social obligations is *Bleak House*. Dickens picked up another crucial issue in his next interesting book, *Hard Times*, that is, the effect of industrialization. In addition, he exposed the limitations of the philosophical system of utilitarianism.⁶ *Little Dorrit* attacks the class system and the wealth gap between the poor and the rich and the debtors’ prison, the condition at the Marshalsea Prison. It also highlights the way the government works, that is, its inefficiency and ineptitude which has been exposed through the motto of the

Circumlocution Office, "How Not To Do It."⁷ In the same line of thought but rather from a different perspective, Dickens writes *Great Expectations* at the end of his career. He criticized society, government, and the legal system and raised his social voice for reformation. However, in this novel he depicts the character, Pip, being ambitious and making social and educational self-improvement rather than completely being dependent upon the outside system. In a sense Dickens does not lose an opportunity to criticize the class system either way and directs our attention to the permeation of "the resentful violence of power relations and a competitive economy."⁸

Sticking to the convention of Victorian authors of representation of contemporary practices based upon the subject matter, Dickens has shown, in almost all major works, passion for social reform and represented the present situation of his era from a social, political, economic and legal angle. At the same time his engagement with law occurs in his several novels such as *Oliver Twist*, *Pickwick Papers*, *Bleak House* and *David Copperfield*. Through these works we get an account of law which passed down from the past and was being made during that time. We also get an idea about how law was applied and what consequences it had on the society. Therefore as far as Dickens' literary fiction is concerned, it has definitely unique value for today's readers and legal historians as well. Holdsworth gives two reasons for this, "In the first place, they give us information which we can get nowhere else. In the second place, these pictures were painted by a man with extraordinary powers of observation, who had first-hand information."⁹ It is absolutely true as Dickens entered the office of a lawyer at the age of 16 and had an opportunity to observe the way the legal profession ran. He is also presumed to have written down the proceedings at Lincoln's Inn Hall (the scene of Jarndyce and Jarndyce) and worked for a considerable period of time in the courtroom, Doctors' Commons.¹⁰ Quoting from the Preface to *The Pickwick Papers* (1836) Schramm holds the same view of Holdsworth stating that Dickens himself appears to have "sensed the pace of reform."¹¹ Dickens himself acknowledges in the Preface to *Bleak House* having the actual knowledge of law, "...I mention here that everything set forth in these pages concerning the Court of Chancery is substantially true, and within the truth."

Though the legal reforms continued to happen as Holdsworth points out that "the Legislature had begun, tentatively and cautiously, to make those reforms in the machinery of the law... which were long overdue"(2), much was left to be done. Schramm states the same that "by the mid- Victorian period, many institutions and procedures remained in need of reform..." (277). Reed notes that just before Victoria came to power, the First Reform Act of 1832 was brought in "extending opportunities for participating in the political process."¹² It benefited the middle class but the actual power lay with the land owning class, that is, aristocrats. The New Poor Law (1834) was also severe and was "designed to separate the deserving from the undeserving poor" (158). There was no reform in respect of debt laws for insolvent debtors. The rules regarding inheritance which was arbitrarily based upon the principle of primogeniture were also vague. As a result inheritance became a theme of many Victorian novels like *Ralph the Heir*, Eliot's *Felix Holt*, Dickens' *Bleak House* and *Out Mutual Friend*, Ainsworth's *Rookwood* and Collins' *The Woman in White*. Similarly legal profession was also under attack as there was no specific code to regulate the behavior of lawyers. Even the rules of the British courts were being modified during his time (Reed 164).

It is certainly true that reforms were taking place gradually in society in the beginning of the nineteenth century but there was much to be done in respect of law. Reed contends that “the legal system was, to a large degree, disorganized and even incoherent” (165). The symbolic example of trouble coming from it was the Court of Chancery. Therefore *Bleak House* largely centers around the case running in the Court of Chancery and the lawyers taking advantage of the system. This novel sardonically represents the cruelties and abuse of the legal system of the Victorian time. Petch and Schramm believe that “*Bleak House* offers us extensive evidence of Dickens’s participation in a wider 1850s socio-cultural dialogue about the proper work of the ‘conscience.’”¹³ Considering the core subject matter of the text, Fyfe observes, “The greatest novel of the law which Dickens produced—the most effective tale of the law, I think, ever written—was ‘Bleak House.’”¹⁴ So law appears more dominantly in *Bleak House* than in other novels of Dickens.

Being a voluminous work with sixty seven chapters, *Bleak House* opens with the first chapter, In Chancery, having a court scene. Zabel notes, “It sets the theme, strikes the chords, establishes the ground and motif of the drama that follows.”¹⁵ The very first few pages create a kind of environment that sets the mood of the text and of the reader as well. This kind of sombre and depressing atmosphere occurs throughout the plot of the text with all intricacies in human relationships. However the theme of law remains at the centre as Hobsbaum states that Dickens has tried to curtail “his picaresque sprawl of character and incident by arranging it (the plot) around a single vice” (*the system of law*).¹⁶ However all the events of *Bleak House* cannot be subsumed under one casual sequence or any single strand of events leading to a predictable conclusion. The characters that are involved in various events are connected to each other by one way or the other through the legal matter. To put it more appropriately about the plot in the words of Chesterton quoted by Schor, “The thing is no longer a string of incidents; it is a cycle of incidents.”¹⁷

In brief, almost all major novels depict the characters suffering from various complicated legal situations. At the same time they show the wall of difference between the lower and upper class in the society. The class that makes law is not the sufferer but the one who is deprived becomes the victim of it. Dickens’ novels are also instrumental in bringing about social reforms.

Works Cited:

1. Allen, Michael. “A Sketch of the Life.” *A Companion to Charles Dickens*. Ed. David Paroissien Oxford: Blackwell Publishing, 2008. p. 6.
2. Bradbury, Nicola. “Dickens’ Use of the Autographical Fragment.” *A Companion to Charles Dickens*. Ed. David Paroissien Oxford: Blackwell Publishing, 2008. p. 25.
3. Peters, Catherine. “Three Major Biographies.” *A Companion to Charles Dickens*. Ed. David Paroissien Oxford: Blackwell Publishing, 2008. p. 59.
4. Bowen, John and Robert L. Patten. Introduction. *Palgrave Advances in Charles Dickens Studies*. London: Palgrave Macmillan, 2006. p. 3.
5. Zlotnick, Suzan. “The Law’s Bachelor”: Oliver Twist, Bastardy and the New Poor Law. *Victorian Literature and Culture*. Vol. 34, no.1, 2006. pp 131-146.
6. Humpherys, Anne. “Hard Times.” *A Companion to Charles Dickens*. Ed. David Paroissien Oxford: Blackwell Publishing, 2008. p. 392.

7. Schor, Hillary. "Novels of the 1850s: Hard Times, Little Dorrit and A Tale of Two Cities." *The Cambridge Companions to Charles Dickens*. Ed. John O. Jordan. Cambridge: CUP, 2006. p.71.
8. Cheadle, Brian. "The Late Novels: Great Expectations and Old Mutual Friends." *The Cambridge Companions to Charles Dickens*. Ed. John O. Jordan. Cambridge: CUP, 2006. p.79.
9. Holdsworth, William S. *Charles Dickens as a Legal Historian*. New Haven, Yale University Press, 1929. pp. 2-3.
10. Korg, Jacob. Introduction. *Twentieth Century Interpretations of Bleak House*. Ed. Jacob Korg. USA: Prentice-Hall, 1968. p. 3.
11. Schramm, Jan-Melissa. "Dickens and the Law." *A Companion to Charles Dickens*. Ed. David Paroissien Oxford: Blackwell Publishing, 2008. p. 277.
12. Reed, John R. "Laws, the Legal World, and Politics." *A Companion to the Victorian Novel*. Eds. Patrick Brantlinger and William B. Thesing. Oxford: Blackwell, 2002. p.155.
13. Petch, Simon and Jan-Melissa Schramm. "Legal." *A New companion to Victorian Literature and Culture*. Ed. Herbert F. Tucker. UK: Wiley Blackwell, 2014. p.160.
14. Fyfe, Thomas Alexander. *Charles Dickens and the Law*. London: Chapman and Hall, 1910. p. 25.
15. Zabel, Morton Dauwen. Bleak House: The Undivided Imagination. *The Dickens Critics*. Eds. George H. Ford and Lauriat Lane, Jr. New York: Cornell University Press, 1963. p.325.
16. Hobsbaum, Philip. *A Reader's Guide to Charles Dickens*. London: Syracuse University Press, 1998. p.149.
17. Schor, Hilary M. "Dickens and Plot." *Palgrave Advances in Charles Dickens Studies*. London: Palgrave Macmillan, 2006. p. 95.