

LAW AND JUSTICE IN
FOUR DICKENS' NOVELS

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Abstract

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The concepts Law and Justice have been examined in the four Dickens' novels Bleak House, A Tale of Two Cities, Great Expectations and The Mystery of Edwin Drood.

As an institution of the Victorian world, Law emphasized structure and regulation. As Dickens showed in Bleak House, the will and dictates of past authority rather than the needs of individuals had become the concern of Law. The legal practice too effected a dehumanizing influence upon lawyers such as Guppy, Tulkinghorn, Vholes and Stryver.

Dickens envisioned the possibility of law being infused with decency and justice, through individual commitment and sensitivity to the need for moral justice. Sydney Carton, Jaggers and Pip, Grewgious and Crisparkle are the characters who manifest Dickens' belief that a more humane, comprehensive vision of law and justice can evolve for society.

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INTRODUCTION

Within this thesis it will be my intention to demonstrate Charles Dickens' concerns with the concepts of Justice and Law, the disparity which exists between the two, and the possibility there is for achieving moral justice, despite the institutional nature of law. Dickens not only maintained a lifelong interest in law, but as a constant and sensitive observer of his society and human nature in general, he naturally pondered the nature of the term "Justice." These four novels reveal his progressive notion of justice, which culminates in Edwin Drood.

My thesis will attempt to argue that in the view of Dickens, justice simply means each and every individual's right to dignity and to a decent condition in which to live his or her life, and determine his or her destiny. According to the author, these rights are both inalienable and moral in nature. Furthermore, Dickens realizes that whenever men interact, these inalienable rights are at times threatened. Therefore, law, or a system of litigation outlining codes of social conduct, must be readily available to ensure that justice is, in fact, guaranteed. The fact that Dickens recognized that both conditions--i.e. the recognition of human rights and recourse to a man-made system of litigation which can mediate infringements upon these rights, are necessary to a full realization of the notion "Justice," is one of the perspectives

which my analysis of Dickens' novels will demonstrate.

Finally, my thesis will attempt to outline Dickens' belief that in the society of his day, too many had abandoned a desire to realize justice, and had instead settled into a complacent and unquestioning acceptance of the Common Law, without once realizing that law in itself is only a condition of, not a substitute for, justice.

Although virtually every novel of Dickens illustrates his concern for justice, and his contempt for the legal institution, the novels which I have chosen to examine in this thesis constitute the clearest statement of the author's thoughts regarding justice and law. Taken together, the novels Bleak House, A Tale of Two Cities, Great Expectations, and The Mystery of Edwin Drood, comprise a serious condemnation of the British legal system and legal profession. Dickens firmly believed that the institution of law had evolved into a staid institution, ever prepared to render service to the vested economic interests; but dismally unresponsive to human and moral needs. My paper will, I hope, shed some light on the fact that Dickens' knowledge of the law was far from superficial; and that in fact those elements of the law upon which he focused his criticism were historically accurate. Finally, my thesis will argue that Dickens' probing of the nature of man-made law and the manner in which it is practised

as a profession, did indeed lead him to conclude that as an institution and social practice, law must diverge from justice both in moral and human terms, since it cannot, by nature, take into account the individual's right to self-determination. Ultimately, moral justice can only be achieved by human beings, and the law of England will only be as "just" as the individuals who practice it.

Since Dickens had at one time studied for the Bar, and in fact continued at various times in his life to read law, his acquaintance with the legal codes was far from superficial. For this reason, I have felt it necessary to include a chapter in this thesis which will provide a brief historical survey of the growth of the English Common Law. The chart of the English Courts of Law and their various areas of jurisdiction, has been included for this same reason.

CHAPTER I

THE DEVELOPMENT OF LAW

The novels of Charles Dickens all demonstrate, in varying degrees, the author's concern with Law as a structural force in Victorian society. Within my thesis, I plan to examine how Dickens viewed the English legal system, both in terms of its potential to render justice and its inadequacies in this respect. Dickens' knowledge of the law was fairly comprehensive, since he had in fact worked in law offices and remained a student of the legal system throughout his life. Therefore, I feel it is important for my thesis to provide some background concerning the development, mechanism, and philosophical basis of English law; background with which Dickens was not only familiar but which he employed freely as a basis for his critique.

Because the development of law has been one phase of social development, its history is by no means an easy one to relate. In fact, one cannot even offer a totally satisfactory definition to the question as to what actually constitutes Law. Philosophers throughout the ages have attempted to explain and define the judicial principles which have evolved in their midst. Cicero regarded Law as "neither contrived nor decreed by man; it is an eternal principle which rules the whole universe, commanding what is right and

prohibiting what is wrong,"¹ and thereby continuing the ancient tendency to imbue Law with a quasi-religious moral quality. Although the actual origins of Law are shrouded in obscurity, most legal historians agree that the first customary rules of conduct were transmitted orally by ancient tribal priests, who naturally wished to enhance their framework by claiming Divine sanction. W.H. Robson lucidly remarks that:

No one who surveys early legal institutions (i.e. tribal codes such as that promulgated by Hammurabi in Babylon in 2123 B.C. or the huge body of jurisprudential principles enunciated by the Jews) can fail to be struck by their remarkable stability over long stretches of time.²

Robson then accounts for the ease with which the legal status quo was maintained by asserting that:

This immobility can to some extent be ascribed to the sacred origin of the law. It was believed to have sprung from a divine being whose ordinances it would be impious to alter.³

Both the early Greek and Roman philosophers upheld the more ancient association between law and divine ordinance. It was only in the reign of Emperor Justinian that the first steps in the direction of distinguishing Law from the sphere

¹W.H. Robson, Civilization and the Growth of Law (London: MacMillan, 1935), p. 3.

²Ibid., p. 161.

³Ibid.

of religious rites and moral injunctions were taken. His Justinian Code (A.D. 529) thereby conveys the notion that Law rests upon the dual foundation of Divine revelation and human ordinance.⁴

The advance which Justinian had made could not be reversed and by the thirteenth century A.D., despite efforts by St. Thomas Aquinas to redefine Law in terms of universal moral precepts, the notion that the essential foundation of law resides in divinely-sanctioned custom was replaced almost completely by the conception of law as the purposeful creation of a conscious legislative will.

English Common Law

In order to truly appreciate the early organic growth of the system of Common Law, it is essential to understand, as Peter Archer has emphasized, that "No one ever sat down and drafted the English legal system."⁵ In fact, until the late eighteenth century, the Common Law had evolved as the unique product of historical and social forces, the understanding of which is essential to any study of the Common Law.

⁴Ibid., p. 34.

⁵Peter Archer, The Queen's Courts (Harmondsworth: Penguin, 1963), p. 13.

In pre-Norman England, the Anglo-Saxon clans or tribes had evolved a fairly simple legal consciousness, based upon the principle of retribution or revenge:

Following the accounts of early writers, we find that the patriarchal or primitive man, if he suffered injury, took his revenge as well as he could.⁶

As in the case of most other tribal societies, the chieftain or leader would often render judgment in the dispute, and determine the penalty as well.

In 1066, William the Conqueror initiated a totally novel and far more centralized régime in England. With his strong government came an effective centralized legal administration as well. The king himself embodied the legal precepts or laws of the realm; his court was usually the arena in which he discharged his judicial functions. In the time of William, his personal court was known as the "Curia Regis" (Court of the King) and consisted, in fact, of several learned advisors to the King. The Curia Regis traversed the entire country with the monarch, hearing disputes between contending litigants. It is interesting to note that admission to the Curia Regis was by no means restricted. Any wise citizen who could leave his personal affairs to serve the king (and this of course

⁶ A.T. Carter, Outlines of English Legal History (London: Butterworth, 1899), p. 3.

narrowed the selection to the noble class) could be appointed by the monarch to the Curia Regis. Peter Archer tells us that:

The king, or the particular member of the Council (Curia Regis) to whom a given task was entrusted, was legislator, civil servant, and judge as occasion demanded, and often all three at once.⁷

The Curia Regis was not the only judicial contribution which William bequeathed to England. In 1066, William had promised the Pope to establish a system of ecclesiastical courts in the conquered island.⁸ Thus, while the Curia Regis heard disputes concerning land ownership, the ecclesiastical courts established by William and staffed by the men in orders, were charged with hearing disputes concerning successions and wills, since most issues arising from a man's death were bound up with the Church. More specifically, the section of the Ecclesiastical Courts which dealt with the problems arising from an individual dying intestate became known as "Doctors' Commons," since the men who practiced there were all Doctors of Civil Law.

These Ecclesiastical Courts were excellent training centres for those interested in the study of Law and, in fact, the Law as a profession is intrinsically linked with this

⁷ Archer, p. 21.

⁸ G.R. Rudd, The English Legal System (London: Butterworth, 1962), p. 11.

early ecclesiastical arena. In his excellent historical survey of the growth of the legal profession in England, Hyacinthe Ringrose tells us that:

the legal profession had distinctly an ecclesiastical origin, of which we are reminded even in the present terms of court, which are named in honor of St. Hilary, Easter, Holy Trinity, and Michaelmas.⁹

The first judges of these ecclesiastical courts were originally bishops, abbots, deans, canons, and archdeacons.¹⁰ For Dickens, it is apparent that the staid conservatism of the legal profession, based on its original religious orientation, was particularly distasteful, since he tended to view organized religion as a repressive force. In characters such as Jaggers in Great Expectations, and Tulkinghorn in Bleak House, we will examine how Dickens envisions the advocate's professional conduct in terms of the priest engaged in ritual, and the life-denying aspects which such a rigorous perception of one's duty entails.

With the passing of William and the succession of less illustrious rulers, ambitious clergy attempted to expand the areas of jurisdiction for the ecclesiastical courts to include other questions of land ownership, as well as questions of successions and wills. This endeavour was quickly thwarted

⁹Hyacinthe Ringrose, The Inns of Court (London: Paul Musson, 1909), p. 5.

¹⁰Ibid., p. 3.

by the noble class, who, in the early thirteenth century, played a vital role in the architecture of the Common Law. In 1207 the clergy were prohibited by statute from pleading in the temporal courts, and from that time forward, students of the law settled in certain hotels or inns to receive their training.¹¹ These centres became known as the Inns of Court, and began to convey that highly exclusive aura to their members which provided Dickens with the material for his satiric portraits of lawyers.

In 1215, the nobles brought King John to accept the document known as Magna Carta. This charter stipulated, among its other demands, that a "Court of Common Pleas" should be stationed in Westminster, so that litigants would be spared the costly trouble of following the King and his retinue across the countryside to be heard in the Curia Regis. The precedent of a court established in one location was already there, for the Court of Exchequer in London, designed especially to investigate questions of the King's revenue, was in existence. The "Court of Common Pleas" outlined in the Magna Carta, was modelled after the Court of Exchequer, and like its predecessor, was to be staffed by chief barons or men eminent in the ranks of the lawyers.¹² The Curia Regis

¹¹ Ibid., p. 2.

¹² Archer, p. 24.

was not, however, to be abandoned altogether. The barons recognized the value of the stabilizing force which the presence of Law brought to the countryside, and so the court which accompanied the King was to continue in the name of the Court of King's Bench.¹³ "Thus, there came to be three royal courts, those of Exchequer, Common Pleas, and King's Bench,"¹⁴ each with clearly defined spheres of jurisdiction.¹⁵

With the decree of 1207, which greatly limited the role played by the clerics in English law, the lay courts of the realm came to be staffed by the most brilliant and able men who practiced there. The men were aptly named "sergeants-at-law"¹⁶ since they regarded their proper function to be the enforcement of laws; not the enunciation or demonstration of morals. It is of crucial importance to our understanding of the British legal system and of Dickens' fervent critique of the static mentality of this system, to bear in mind the fact that the sergeants-at-law regarded themselves as the guardians of a complex framework of rules very much removed from the social and political scene. Their mentality was

¹³ Ibid., p. 26.

¹⁴ Ibid.

¹⁵ H.G. Hanbury, English Courts of Law (London: Oxford U.P., 1945), p. 87.

¹⁶ Ibid.

essentially that of the functionary or the small bureaucrat; and in this medieval period, it was very much apparent, as Peter Archer indicates, that:

. . . as the legal profession and the Judiciary became more self-contained and ~~less~~ immediately dependent upon the King's favour, they remained increasingly aloof from politics.¹⁷

This very fact has been instrumental in establishing and consolidating the sanctity of the English Common Law, and has indeed safeguarded the law from subjugation by any one monarch. However, this aloofness from social reality and individual needs has been responsible for the insensitivity to and disregard for change in the Common Law. Dickens' portrait gallery of exponents of the Common Law, such as Jaggers, Stryver, Guppy, Vholes, Tulkinghorn, and Grewgious, demonstrates that all suffer from a curious "aloofness" from the truly human instincts. They too are mere functionaries, who, it will be seen, only attain some level of humanity when they shed the garb of the bureaucrat.

By the fourteenth century, in fact, it became apparent how resolute and independent a direction the English Common Law had taken since William's personal discharge of law, for in 1328, the Statute of Northampton provided that no royal command could disturb the course of the law. In future, only

¹⁷ Ibid., p. 27.

a Statute passed by Parliament could overrule the decision of a judge.¹⁸ It must be noted, however, that most English monarchs themselves recognized the strength of the system of Common Law, and sought to enhance, rather than undermine its growth. It was in the reign of Henry II that trial by jury was introduced,¹⁹ and Edward I, often referred to as "the English Justinian,"²⁰ was responsible for expanding the areas of jurisdiction of the King's Bench.

To understand the rigidity of the Common Law system, it is necessary to discuss the concept of judicial precedent, or "stare decisis," which more than any other precept, has dominated the English Common Law. George Keeton, in his study English Law: The Judicial Contribution, explains that:

The outlook of the professional lawyers who replaced the clerics was narrower. For them the Common Law was a self-sufficient system and its rules had in the past proved capable of adaptation. . . . As a result the rules became more steadily complex and they were developed by means of a specialized legal logic.²¹

The legal logic employed was that of adhering to judicial precedents. Judicial precedents evolved from the decisions or

¹⁸ Ibid.

¹⁹ Ibid., p. 88.

²⁰ Carter, pp. 52-53.

²¹ George W. Keeton, English Law: The Judicial Contribution (London: David and Charles, 1974), p. 95.

judgments which a judge would render in a dispute. With his decision, the judge would provide a statement or explanation outlining the reasons for his verdict, and the methodology which he had employed in reaching that decision. These statements acquired much significance, and more than any other single principle began to govern legal logic. Precedents were recorded, and consequently an entire system of law reporting was evolved to document these decisions and their formulations. A thorough knowledge of judicial precedents was vital to the practice of the legal profession, and so lawyers found themselves dominated completely in their perspective by age-old, authoritative precedents.

G.R. Rudd informs us that:

In this system a precedent issuing from a superior court is binding on any inferior court and must be followed in the future until it is overruled by a court of superior degree to that from which the precedent originated.²²

In other words, precedents, once enunciated, are binding and must be applied despite the fact that the circumstances of the new case may be totally different. It is the system of precedents which Dickens chooses as the focus of his criticism, for it is this system which does not render a timely verdict in Jarndyce and Jarndyce in Bleak House, and it is this system

²²Rudd, p. 23.

which dares not exculpate Magwitch from further suffering in Great Expectations. In actual fact, a legal system which perpetuates this kind of chain or hierarchical process, is rigid, inflexible and trapped by its own format. It is a system which must remain enslaved to principles at best archaic and at worst completely irrelevant to the case at hand. Although logic may well predominate in the development of such precedents, the danger in this system is obvious. William Seagle, in commenting upon this over-reliance upon precedent, has noted that in this system "the greatest crime which a judge can commit . . . is the departure from existing precedent;"²³ a restriction upon the individual right to determination which Dickens doubtless loathed.

We have seen that by the 15th century the British legal system had been organized into something like its modern form, and contained a built-in mechanism for rigidity. However, one more development, especially crucial to our investigation of Dickens' view of the Law, remains to be considered.

The Court of Chancery originally grew in order to fill an administrative vacuum left in the Common Law. This Court was established to provide the administrative machinery for the discharge of Justice. In other words, while the Court of

²³William Seagle, Law: The Science of Inefficiency (New York: MacMillan, 1952), p. 39.

Exchequer was the arena in which questions of revenue and other financial matters relating to the Crown were discussed, Chancery was to be the writ-issuing office for the Court of Common Pleas. As such, it had a "secretarial" function, i.e. to issue the Prerogative Writs, without which actions in Common Pleas and King's Bench could not be initiated. Because Chancery was more closely linked with the ecclesiastical courts, and because the Lord Chancellor of the Court of Chancery was always a political favourite,²⁴ the jurisdiction of this court began to grow rapidly:

Between 1660 and 1685 the Court of Chancery was taking over from the ecclesiastical courts their jurisdiction over suits for legacies and suits for the distribution of residue.²⁵

Thus, because matters of trusts and legacies (i.e. equity) were brought to the arena of the Chancery, this court evolved into a more rigid court than any other. G.R. Rudd provides us with some insight into why Dickens chose the Court of Chancery as his prime focus for criticism in Bleak House, when he confirms that:

Chancery was extremely slow-working and full of abuses. The judicial staff was small and the clerical staff large. The fees charged were exorbitant. Equitable decisions were unpredictable.²⁶

²⁴ Keeton, p. 111.

²⁵ Ibid., p. 120.

²⁶ Rudd, p. 29.

Peter Archer's analysis of the Court of Chancery also concurs with Dickens' conception of the Jarndyce suit in Bleak House, for he states that:

By the early nineteenth century a litigant who lived to see the termination of proceedings which he had commenced in the Chancery must have been originally endowed with both health and wealth²⁷

For Dickens, then, a court which had originally been established to supervise the discharge of "Justice" by the other Common Law Courts and to hasten the reconciliation and settlement of issues, which evolved into an arena of inefficiency, must have been all the more intolerable, and all the more reason why he responded so bitterly in Bleak House. The fervor of Dickens' desire to see "Justice" implemented viably in human affairs would definitely cause him to react violently when:

. . . this virile institution, originally crusading against abuses . . . acquired dignity with advancing age, and consequently its zeal and alacrity decreased in inverse ratio to its smugness and respectability.²⁸

Two further aspects of the legal system remain to be mentioned. The secularization of the Bench and the shift in importance from the Ecclesiastical courts to the temporal courts (Exchequer, Common Pleas, King's Bench) naturally

²⁷ Archer, p. 41.

²⁸ Ibid.

undermined the Church as the training-ground for law students. The law students established themselves instead in four major "Inns" or hotels in the Chancery Lane and Holborn areas of London, where they studied law, received the instruction and advice of venerable practitioners, and carried on their social activities. The four largest and most significant of these Inns, Middle Temple, Inner Temple, Lincoln's Inn, and Gray's Inn, have been referred to, by Hyacinthe Ringrose, as ". . . colleges which together comprise the official legal university of England."²⁹

There are three main groups which together comprise an Inn: the law students, who naturally are on the lowest ledge of the hierarchy; the barristers, who provide a certain amount of instruction to the students; and finally the "benchers," who are senior barristers and Queen's Counsel, and who constitute the governing body of the Inn. The "benchers" are in charge of admitting candidates to the Inn, and to the Bar.

These four Inns of Court are all equal in the range of their authority and privileges. No one Inn can take official precedence over any other. The rules regarding the admission of students, the manner in which terms are kept, the education and examination of students, and the calling of students to the

²⁹ Ringrose, p. 1.

Bar, are all uniform. It should be noted that while the Inns trained the attorneys or barristers who practiced in the Common Law Courts, the Law Societies (comparable organizations) trained the solicitors who practiced in the Court of Chancery. Because the Inns were all similar in nature and composition, any individual preference for one Inn as opposed to another was due only to sentiment, historical or family association, or social environment. Since all regulations were and still are identical in the various Inns, it is self-evident that any student expelled from one will be refused admission to the others.

Hyacinthe Ringrose has commented that :

The Inns of Court are societies of a truly singular character. They are not corporations created by State authority, but purely voluntary associations . . . they regulate themselves freely and practically tolerate no interference from any authority whatsoever. Only England has, or could have, the Inns of Court.³⁰

Indeed, the very unique character of men who have spent their lives within the various Inns has been a subject of much interest to Dickens. In the characters of Tulkinghorn, Guppy, Kenge and Carboy, and Wholes (Bleak House), Jaggers and Wemmick (Great Expectations), Grewgious (Mystery of Edwin Drood), Traddles (David Copperfield) and Stryver and Carton (A Tale of Two Cities), Dickens has assembled a portrait gallery of

³⁰ Ibid., p. 145.

the legal profession "which in its range and lifelike character is superior to that possessed by the historian of any other period."³¹

British criminal law, though a separate area of the Common Law, deserves some mention, particularly since Dickens displays his outrage at the extreme cruelty of this system, in Great Expectations. The criminal code, like the body of civil law, relied heavily upon precedent and change was almost imperceptible. Therefore, the Victorian era continued to perpetuate many of the ancient abuses, though the extreme nature of criminal punishment did spark some protest in Dickens' lifetime.

Philip Collins' comprehensive study of criminal law tells us that by 1812, the year in which Dickens was born, the Parliamentary campaign to reduce the "savagery of the law"³² led by Sir Samuel Romilly, was already four years underway. In 1823, a fairly humane, though far from adequate Prison Reform Act was passed in Parliament.³³ Furthermore, "the frequency of Royal Commissions and Select Committees into one aspect or another of the treatment of crime, and the series of Prison Acts and Penal Servitude Acts, likewise

³¹ William S. Holdsworth, Charles Dickens as a Legal Historian (New York: Haskell House, 1972), p. 6.

³² Philip Collins, Dickens and Crime (London: MacMillan, 1971), p. 3.

³³ Ibid., p. 4.

showed an urgent, if confused official interest,"³⁴ in the need for criminal procedural reform. This flurry of activity on the part of the government makes it logical to inquire exactly how desperate conditions were, and to examine briefly Victorian society with a view to understanding the origins of these deplorable conditions, and the manner in which the Victorian order responded to the entire question of criminal law.

W.E. Houghton, noted historian of the Victorian period, stated that the period was not really an optimistic one, despite the outlook of the ruling élite. "By 1830 it was no longer bliss to be alive; nor was the time dawn."³⁵ In other words, though the Industrial Revolution had carried with it promise of wealth to many; though political and economic hegemony had been forecast for the nation as a whole, and more social mobility than ever before was made possible to those who were aggressive enough to seize new opportunities, these instances of success could no longer overshadow the general impoverishment of the masses; the squalor and ignorance of those who laboured in industries; and the harsh realities of Malthus' theory. Though Victorian society was a conservative and rigid one, though the social order seemed

³⁴Ibid., p. 7.

³⁵W.E. Houghton, The Victorian Frame of Mind; 1830-1870 (New Haven: Yale U.P., 1959), p. 27.

settled forever, insecurity did haunt the upper classes as a result of the two social extremes of splendour and poverty existing side by side with each other, in a very uneasy peace. As Houghton tells us, "For all its solid and imposing strength, Victorian society, particularly in the period before 1850, was shot through from top to bottom, with the dread of some wild outbreak of the masses, that would overthrow the established order and confiscate private property."³⁶

Despite the fact that this fear of organized revolution on the part of the governing classes was somewhat exaggerated, it nonetheless did signify the deep-rooted anxiety that society was indeed repressive and that British criminal law, so long justified by the hope that it would deter lawlessness and serve the status quo, was an overt instrument of repression and brutality. In order to demonstrate how repressive and brutal the law actually was, I felt it imperative to investigate the actual conditions which criminals faced in the Victorian world.

Anthony Babington's The English Bastille: A History of Newgate Gaol and Prison Conditions in Britain summarizes the history of Newgate, which was London's infamous prison for the most serious criminal offenders as "a chronicle of brutality,

³⁶ Ibid., pp. 54-55.

corruption, thoughtlessness, and neglect."³⁷ The attitude toward the criminal on the part of the established order, articulated in and enacted by the criminal code, was indeed harsh, thoughtless and unyielding, and applied equally to those offenders who were transported to the colonies.

The brutality of the English criminal law is not easily comprehended. Crimes and offences which today carry a very short prison term, were in the nineteenth century punishable by death. Under the "Bloody Code," as the Criminal Code was called, more than two hundred offences in fact were considered capital,³⁸ and these ranged from petty theft, to street ruffianism, to murder. Though the British legal system considered itself highly sophisticated, one must never lose sight of such startling facts that even in 1817, women and girls who were vagrants were still publicly flogged;³⁹ and it was only in 1868 that the Capital Punishment Amendment Act made all executions private.⁴⁰ The extremity of the law for offences of even a less severe nature, displayed how far away from a true notion of justice the British legal structure had travelled.

³⁷ Anthony Babington, The English Bastille: A History of Newgate Gaol and Prison Conditions in Britain, 1188-1902 (London: MacDonald, 1971), p. i.

³⁸ Collins, p. 3.

³⁹ Babington, p. 27.

⁴⁰ Collins, p. 5.

Dickens and the Law

As an individual who had worked in the law offices of Ellis and Blackmore,⁴¹ had read law in Gray's Inn with a view to entering the Bar,⁴² and who entertained this ambition throughout his entire life, Dickens was certainly well aware of the fundamental conflict within the system of English Common Law. This is the conflict between Law as an instrument to render moral justice on the one hand, and Law as a procedural struggle or competition, in which morality, human integrity, and social consciousness are often completely discarded.

Sir William Blackstone, the celebrated legal instructor of the eighteenth century had warned in his Commentaries on the Laws of England, that the English Common Law was quickly becoming too detached from the needs of the rapidly industrializing state, and far too concerned with the question of self-preservation. As Sir Cecil Fifoot tells us in his authoritative

⁴¹John Forster, The Life of Charles Dickens (London: J.M. Dent and Sons, 1966), I, p. 43.

⁴²Ibid.

study, English Law and Its Background, "though as a body of substantive rules the legal was less archaic than the political or the economic system"⁴³ in this period when industrialization was transforming England, nevertheless, "the survival of obsolete machinery disfigured the whole of English Law."⁴⁴

The source of this Justice-Law conflict and its consequences upon those involved in litigation, is what Dickens attempts to explore in the novels with which this thesis will concern itself. In each novel, Law is carried through, but not with a view to implementing moral justice and decency. The inefficiency of massive legal machinery thwarts justice from being realized in Bleak House; inflexibility and rigidity destroy whatever possibility there is for rendering justice and insuring human dignity in Great Expectations and Tale of Two Cities. Finally, Law as a complex framework of abstract precepts and contractual agreements sustaining the economic and political elite of nineteenth century England is seen to curtail normal human growth itself in Edwin Drood, David Copperfield, and Hard Times.

Legal theorist William Seagle has also spoken of the conflict which exists between Law and Justice. He assumes

⁴³ Sir Cecil Fifoot, English Law and Its Background (London: G. Bell and Sons, 1932), p. 148.

⁴⁴ Ibid., p. 150.

the pessimistic position that legal "efficiency" has never been achieved, nor even sincerely desired, in legal history. Seagle sees Justice as the prerogative or resource of the governing class; hence, how well one plays the legal chess-board will determine the degree or quantity of Justice to be attained. Seagle lucidly explains the argument with which Dickens is most concerned in his novels Bleak House and Great Expectations. According to Seagle's analysis, the basic classification of legal rules in every mature legal system, such as English Common Law, distinguishes between "substantive law" and "adjective law." Substantive law consists of the rights recognized and supposedly upheld by the legal system (i.e. precepts of Justice) and the adjective law is the procedure or course of action which must be followed by persons who assert these rights in order to secure recognition and enforcement by the courts.⁴⁵ However, procedure, or the game of adjective law, coupled with the massive machinery to substantiate it, had unfortunately become an end in itself in nineteenth century England. As Seagle remarks, "Ironically, however, procedure has remained the mainstay of legal inefficiency, and the basic mode of preventing the realization of substantive rights."⁴⁶ Dickens' portrayals of court scenes,

⁴⁵ Seagle, p. 46.

⁴⁶ Ibid.

the litigational procedures, and the advocates who thrive on these legal chess spectacles, amply demonstrate that he was intensely disturbed by the fact that ". . . at every stage of a litigation there are procedural rules, rules, and still more rules. . . . They produce that awesome ceremonialism which is the very quintessence of the administration of justice."⁴⁷ Furthermore, these procedural rules do not result in justice being rendered, but tend to stifle any possibility for its attainment.

The period between 1830 and 1880 was one filled with a growing awareness of the inadequacies of the Common Law to meet the needs of citizens in a newly-industrialized land.⁴⁸ Certain judicial reform measures were, in fact, implemented. (The Uniformity of Process Act in 1832 removed some of the anachronisms of the Common Law.) Much of the dissent of the period culminated in the Judicature Act of 1873, which established the Supreme Court of Judicature, whose jurisdiction comprised the areas formerly belonging to the Court of Exchequer, Common Pleas, King's Bench, and Chancery.⁴⁹ However, before this "housecleaning" in the Common Law occurred, men of conscience everywhere had been aroused by the crusade for Justice in which Charles Dickens had been so totally engaged, and which inspired so great a portion of his work!

⁴⁷Ibid.

⁴⁸Ibid.

⁴⁹ Archer, p. 53.

CHAPTER II

BLEAK HOUSE AND THE INFAMY OF CHANCERY

According to English legal historian Peter Archer, "The nineteenth century found England with a legal system which enjoyed all the advantages of venerability, but paid for them with all the penalties of senility."¹ In Bleak House Dickens demonstrates with more pessimism than in any of his other novels the vast discrepancy which exists between litigational procedure on the one hand and moral justice or decency upon the other.

The Jarndyce suit is a creation on the part of the author to provide both a structural and thematic framework for his condemnation of the legal procedure of Chancery. The structural framework consists of the dispute over wills and property administered by the Court of Chancery. This suit involves claimants or litigants who become the main characters of the novel. Their destinies are the destinies involved in the suit. The thematic framework which the Jarndyce suit provides is that of the discrepancy between the procedure of the Court, on the one hand, and the aspirations of the litigants on the other. It will be my intention in this second chapter to illustrate how Dickens brings to light the contradiction between litigational procedure and human justice in this novel, and to show the author's early perceptions of the influence of law upon life.

¹Peter Archer, The Queen's Courts (Harmondsworth: Penguin, 1963, p. 50.

John Lucas lucidly noted that "in large part Bleak House is upsetting precisely because of its use of actualities."² It is historical fact that by the nineteenth century, the Court of Chancery, originally established to facilitate the administration of justice, had become infamous for its delays, exorbitant costs, and the misery and anxiety which suitors in the Court endured. Two especially notorious cases in Chancery had found their way to Dickens' attention by the year 1851, when he began Bleak House.³ The first case, known in Chancery as the Day Case, is thought to have inspired the story of Gridley in the novel. The Day Case had dated from 1834, and at any given point in its history involved no fewer than seventeen lawyers. At times, the number of advocates involved in this legal spectacle was as great as thirty or forty. The costs incurred in this litigation to the year 1850 were approximately £70,000. Critics believe that the Jarndyce suit, around which Bleak House revolves, was suggested by an even more notorious Chancery monolith known as the Jennings Case.⁴ This legal contest involved the property of a miser from the town of Acton, who died intestate in the year 1798, and whose assets at death amounted to £1,500,000. When the last claimant of this property died in 1915, the case was still

²John Lucas, The Melancholy Man: A Study of Dickens' Novels (London: Methuen, 1970), p. 207.

³Edgar Johnson, Charles Dickens: His Tragedy and Triumph (New York: Simon and Shuster, 1952), II, p. 771.

⁴Ibid., p. 771.

unsettled, and the costs incurred to that time amounted to £250,000. There can be little doubt that Dickens' indignation at the tardiness of Chancery procedure and the perversion of the general welfare by the English courts of law helped to inspire Bleak House.

The reader must confront Dickens' contempt for and outrage at the monstrous superstructure of the legal system in his first experience with the novel. The setting which Dickens depicts is the legal world of Temple Bar in Lincoln's Inn Hall. It is in all respects a muddy, murky, and fog-ridden world:

London. Michaelmas Term lately over, and the Lord Chancellor sitting in Lincoln's Inn Hall. Implacable November weather. As much mud in the streets, as if the waters had but newly retired from the face of the earth. Fog everywhere. Fog up the river, where it flows among green aits and meadows; fog down the river, where it rolls defiled among the tiers of shipping, and the waterside pollutions of a great (and dirty) city.⁵

The landscape of this world is portrayed as a chilling and disheartening one, and therefore it is like the dampening and heartrending confusion upon which the legal nexus of Chancery Court thrives:

The raw afternoon is rawest, and the dense fog is densest, and the muddy streets are muddiest, near the leaden-headed old obstruction, appropriate ornament for the threshold of a leaden-headed old corporation: Temple Bar. And hard by Temple Bar, in Lincoln's Inn Hall, at the very heart of the fog, sits the Lord High

⁵ Charles Dickens, Bleak House (Boston: The Riverside Press, 1956), p. 1. All subsequent quotations follow the text of the same edition. The page numbers of each will be indicated in parentheses after the quotation.

Chancellor in his High Court of Chancery. Never can there come mud and mire too deep, to assort with the groping and floundering condition which this High Court of Chancery, most pestilent of hoary sinners, holds, this day, in the sight of heaven and earth.(1)

Dickens is most explicit in his explanation of the function which Chancery fulfills. The High Court is there to perpetuate the "fog"; fog which is symbolic of the Law of England. The Law in turn comes to symbolize for Dickens the overall corruption which eats away at the heart of Victorian England:

On such an afternoon, some score of members of the High Court of Chancery bar ought to be . . . as here they are . . . mistily engaged in one of the ten thousand stages of an endless cause, tripping one another up on slippery precedents, groping knee-deep in technicalities, running their goat-hair and horse-hair warded heads against walls of words, and making a pretence of equity with serious faces, as players might . . . Well may the court be dim, with wasting candles here and there; well may the fog hang heavy in it, as if it would never get out; well may the stained glass windows lose their colour, and admit no light of day into the place. . . . This is the Court of Chancery; which has its decaying houses and its blighted lands in every shire; which has its worn-out lunatic in every madhouse, and its ruined suitor, with his slipshod heels and threadbare dress, borrowing and begging through the round of every man's acquaintance; . . . which so exhausts finances, patience, courage, hope; so overthrows the brain and breaks the heart; that there is not an honourable man among its practitioners who would not give . . . who does not often give the warning, 'Suffer any wrong that can be done you rather than come here!' (2)

Thus, Chancery, as an institution of law, and the symbol of fog, as confusion and turmoil, are inextricably linked to each other in the commencement of the novel. In the progression of this thesis we shall come to see how Law in all its splendid

"confusion" is simultaneously a cause and result of the ills of Victorian society.

Dickens' use of symbolic representations of the legal system is confirmed by a narrative structure which carries through the suggestions of this symbolic level. The Jarndyce suit is introduced as the great monolith of Chancery ... the suit to end all others in terms of length, number of importunate suitors and wards involved, and the misery which it has exacted. Dickens tells us, with more than a trace of irony, that "This scarecrow of a suit has, in course of time, become so complicated, that no man alive knows what it means. The parties to it understand it least." (3) Nor is this confusion without its malevolent effects, for:

Innumerable children have been born into the cause; innumerable young people have married into it; innumerable old people have died out of it. Scores of persons have deliriously found themselves made parties in Jarndyce and Jarndyce, without knowing how or why; whole families have inherited legendary hatreds with the suit. Fair wards of Court have faded into mothers and grandmothers; a long procession of Chancellors has come in and gone out; the legion of bills in the suit have been transformed into mere bills of mortality; there are not three Jarndyces left upon the earth perhaps, since Old Tom Jarndyce in despair blew his brains out at a coffee-house in Chancery Lane; but Jarndyce and Jarndyce still drags its dreary length before the Court, perennially hopeless. (3)

The suit which is "hopeless," the suit which is an unnatural blight upon the natural order of growth and life, is fed new fuel in the characters of the wards introduced in the novel.

It is through this very juxtaposition between the vital, youthful wards in the suit, and the life-denying, cancerous elements of litigation which the Court of Chancery nurtures, that Dickens is able to criticize the shortcomings of English Common Law.

Sylvia Manning has correctly noted that although "the chief social institution of the novel is Chancery, the reflections of its essential nature indicate that it is less a canker upon a healthy organism than an epitome of widespread disorder."⁶ In questioning how the institution of Chancery derives its legitimacy, Dickens turns to Victorian society as a whole and finds that Chancery is an offshoot of the vested interests, or "world of fashion" (6) of Victorian England. This is the Victorian England of the Dedlocks and others like them who form the governing élite; that "world wrapped up in too much jeweller's cotton and fine wool, and [therefore] a world which cannot hear the rushing of the larger worlds." (6) Chancery is the epitome of this universe; and the law of Chancery, akin to the established interests in nature and essence, is as well another "thing of precedent and usage; [another] oversleeping Rip Van Winkle." (6)

Dickens has linked the world of Chancery even more overtly with that of the governing élite, for Lady Dedlock plays a

⁶Sylvia Bank Manning, Dickens as Satirist (New Haven: Yale U.P., 1971), p. 103.

prominent role in both. Critic Bert Hornback explains that

"Dickens organizes the story of Bleak House around four characters, all of them involved with Chancery: Esther Summerson, John Jarndyce, Little Jo, and Mr. Krook."⁷

I feel that to this list must be added the character of Lady Dedlock, who is simultaneously a symbol of the hollow pretensions of fashionable Victorian England, and a symbolic victim of the life-denying qualities of that same world and its institutions.

The way in which characters are entangled by the web of Chancery is cleverly manipulated by Dickens. John Jarndyce is not only an heir to the Jarndyce suit, but is a cousin to Ada Clare and Richard Carstone, wards of the Court of Chancery. Jarndyce is also the guardian of Esther Summerson: the only character who never allows herself to be contaminated by this legal institution. The destinies of these four characters will be closely linked together, and will be inevitably dependent upon the suit. In a similar manner, Krook, the proprietor of the rag and bottle shop, has gathered about him an entourage of characters whose lives have been ravaged by the institution of Chancery, and the widespread injustices of the procedures of English Common Law. Nemo, the law-copier,

⁷ Bert Hornback, Noah's Architecture: A Study of Dickens' Mythology (Athens: Ohio U.P., 1972), p. 92.

whose death triggers a series of events eventually leading to the exposure of Lady Dedlock, boards at Krook's dingy tenement. Like Nemo, the other tenants regard Krook's rag and bottle shop as an inverted sort of Court. The shop, situated in Lincoln's Inn Field, is known ironically, as the "Court of Chancery" since it represents to its inhabitants a mock court, in the same way that Chancery represents a mockery or corruption of justice. That Krook's abode is integrally linked to the Law there can be little doubt. Esther describes her first visit to this strange domain in vivid detail:

I am reminded by mentioning the latter, that the shop had, in several little particulars, the air of being in a legal neighborhood, and of being, as it were, a dirty hanger-on and disowned relation of the law. There were a great many ink bottles. There was a little tottering bench of shabby old volumes, outside the door, labelled 'Law Books, all at 9d' . . . I could have fancied that all the rusty keys, of which there must have been hundreds huddled together as old iron, had once belonged to doors of rooms or strong chests in lawyers' offices. (38)

Not only does the waste and rubble found in Krook's shop serve as an image of the waste and ruin which Chancery makes of all things, but human life and aspiration too degenerate in Krook's domain, as they do in Chancery. Nemo takes his own life in an upstairs apartment; Miss Flite, another suitor in Chancery, continues to live in abject misery and becomes more and more deranged as she waits in vain for justice to be done and a judgment to be obtained on her behalf in Chancery. Miss Flite's

life has been totally engulfed by Chancery. She is imprisoned by her desperate and futile search for justice in the Court, just as her birds are imprisoned by her:

She lived at the top of the house, in a pretty large room from which she had a glimpse of Lincoln's Inn Hall. This seemed to have been her principal inducement, originally, for taking up her residence there. She could look at it, she said, in the night: especially in the moonshine. Her room was clean, but very, very bare. (42)

Her hope to achieve justice in Chancery is equally barren:

'I pass my days in Court; my evenings and my nights here. I find the nights long, for I sleep but little, and think much. That is, of course, unavoidable, being in Chancery. . . . I began to keep the little creatures with an object that the wards will readily comprehend. With the intention of restoring them to liberty. When my judgment should be given. Ye-es! They die in prison, though. Their lives, poor silly things, are short in comparison with Chancery proceedings, that, one by one, the whole collection has died over and over again' (42)

This idea of imprisonment runs throughout the novel and the pathetic figure of Jo, of "Tom's-all-Alone," continues it. This slum, situated in the very core of Chancery Lane, exists in flagrant contrast to the world of Chesney Wold. Jo, offspring of neglect and poverty, moves between all elements in the novel: he is linked to Nemo of Krook's domain; he is tended by Esther; he is used by Tulkinghorn of Chancery Court; and he is even in association with Lady Dedlock and consequently the world of fashion and interest. As Robert Barnard tells us, while the world of the Dedlock's is depicted "with the intention to

emphasize the sterility and falseness of the life lived,"⁸
"Tom's-All-Alone displays the harsh reality of degradation and exploitation upon which the vested interests of England rest. Therefore, Dickens argues, though vast differences in terms of economic and political interests exist, all characters in this world are entangled by the Law, and cannot escape the imprisonment which this monolith imposes. The institution of Law is at one and the same time the vanguard or defense of the politico-economic interests which comprise the Victorian world; and the by-product of this fragmented society, which must devise arbitrary distinctions to denote its component parts. No member of society, indeed no class in society, can escape this all-encompassing web.

The law not only imprisons English society, but its effects upon its practitioners are enslaving as well. The law imprisons individuals in a blind adherence to an often self-contained, anachronistic structure. The over-rigidity and over-reliance upon dictates and precedents which rob the individual of his power to think or feel do not escape grave condemnation by Dickens. Kenge and Carboy, the firm of barristers representing John Jarndyce, are portrayed as men without real malice, but equally devoid of imagination or personality. Indeed, their names are chosen to demonstrate their ineffectual natures,

⁸ Robert Barnard, Imagery and Theme in the Novels of Charles Dickens (New York: The Humanities Press, 1974), p. 69.

Kenge being a perfectly innocuous British surname, and Carboy, a container of fluids. These men thrive upon the tangles of the law for they find their niche in the nexus of precedents and anachronisms which comprise the Common Law. Their mentality, and indeed their pride in this vast legal system are reminiscent of the thirteenth-century sergeants-at-law who were so instrumental in perpetuating the system of precedent in the Common Law:

He appeared to enjoy beyond everything the sound of his own voice. I couldn't wonder at that, for it was mellow and full, and gave great importance to every word he uttered. He listened to himself with obvious satisfaction, and sometimes gently beat time to his own music with his head, or rounded a sentence with his hand. I was very much impressed by him even then, before I knew that he formed himself on the model of a great lord who was his client, and that he was generally called Conversation Kenge. (16)

Dickens' delight with Conversation Kenge has led him to analyze more lawyers in Bleak House. Each lawyer in the novel falls under the author's scrutiny, particularly in regard to the influence which the legal profession has had on the respective personality. Solicitor Tulkinghorn and Attorney Vholes receive the fullest treatment of all the legal characters in this novel. However, they, like the lesser clerks such as Guppy, are not being studied in isolation from Victorian society. Dickens envisions the choice of these men to become attorneys as a particular response to Victorian structures. In deciding to become attorneys, these characters have all chosen to de-emphasize their human qualities, and devote their energies to

sustaining the given social structure. We have indeed seen in our survey of the development of the English legal system that the mentality of the practitioners of the Common Law was essentially that of the technician. Dickens' presentation of lawyers such as Kenge and Carboy, Guppy and Tulkinghorn, seems to substantiate the view that when the discharge of law becomes an end in its own right, a severe loss of individuality, personal accountability, and human integrity will ensue. John Lucas has correctly noted that the advocates and barristers of Bleak House all suffer from this common ailment. "For law has become a letter; justice means a blind adherence to formulae,"⁹ and life for these barristers is constituted by an endless devotion to perpetuating the confusion and anachronism of the Common Law. Guppy, that ludicrous example of an opinionated, intolerant, and self-righteous young law clerk, at times is poignant in his devotion to the muddle which constitutes the legal realm. The impossibility for the ambitious young clerk to attain any degree of humanity even when he professes his so-called love for Esther, is another focus for Dickens' satire. Indeed, as an advocate dedicated to the ways of Chancery, Guppy's proposal itself takes the form of a travesty of legal terminology, denigrating all human sentiments to terms of interest and advancements:

⁹ Lucas, p. 213.

I scarcely knew him again, he was so uncommonly smart . . . 'What follows is without prejudice, miss?' said Mr. Guppy, anxiously bringing a chair towards my table. 'It's one of our law terms, miss. You won't make any use of it to my detriment, at Kenge and Carboy's, or elsewhere. If our conversation wouldn't lead to anything, I am to be as I was, and am not to be prejudiced in my situation or worldly prospects. In short, it's in total confidence.' (93-94).

Having established his security and offered as evidence of his good faith a financial report on his status, Guppy then dramatically declares his "love" to Esther:

Mr Guppy went down on his knees. I was well behind my table, and not much frightened. I said, 'Get up from that ridiculous position immediately, sir, or you will oblige me to break my implied promise and ring the bell!' . . . 'But, Miss Summerson! . . . Though a young man, I have ferreted out evidence, got up cases, and seen lots of life. Blest with your hand, what means might I not find of advancing your interests, and pushing your fortunes!' (95)

It is no wonder that an individual so totally immersed in the question of self-interest and advancement will be quick to discard Esther, once her superficial assets (i.e. her beauty) disappear. George Gissing has noted with satisfaction this aptly-chosen detail of plot on the part of Dickens, which he feels demonstrates so well "the law-office frame of mind,"¹⁰ or what British barrister and historian of the legal profession, William Holdsworth called the perfect type of lawyer, "with

¹⁰ George Gissing, Critical Studies of the Works of Charles Dickens (New York: Haskell House, 1965), p. 148.

ambitions."¹¹ As Holdsworth perceived, Dickens has portrayed in Guppy the typical English law clerk, determined to advance in his profession. Esther, whom he suspects may be useful to him with her connections, is important to him only in so far as she might help him realize the ambitions of his profession. This insincerity and callousness in personal relations is used by Dickens to confirm his views of the insincerity and tendency to betray which marks the law-office character, and which Barrister Holdsworth confirms is indeed no exaggeration of this type of mentality.

Dickens' presentation of Guppy's blind adherence to the legal profession, with its consequent loss in individual integrity, is essentially ironic. The figures of solicitor Tulkinghorn and Attorney Vholes are treated more fully by Dickens. Through the characters of these men, Dickens not only manages to create symbolic representations of the dispassionate and cancerous aspects of litigation (Vholes), but as well demonstrates the recurring theme of many Dickens' novels, i.e. over-rigidity to prescribed action (Tulkinghorn). Dickens has treated both Tulkinghorn and Vholes in depth, because these two men demonstrate different aspects of a relationship with the law. While it will be seen that Tulkinghorn in a sense is

¹¹ William S. Holdsworth, Charles Dickens as a Legal Historian (New York: Haskell House, 1972), p. 46.

victimized by the legal mannerisms he has internalized in the course of his work, Vholes lucidly perceives that the rules which govern the legal game are the same that rule the entire social order. His response to this knowledge is an overwhelming embrace of the situation.

The surname Tulkinghorn immediately calls attention to itself. A "talkinghorn" is the term given to the instrument which magnifies people's voices, i.e. a type of megaphone. Attorney Tulkinghorn, venerable family solicitor of the Dedlocks, is a type of mouthpiece for a distinct attitude or stance toward life. There can be little doubt that Dickens very consciously wishes to imbue the character of Tulkinghorn with this function, for in our first encounter with the solicitor, we are told why Sir Leicester so much appreciates his steadfast legal retainer:

Sir Leicester Dedlock is with my Lady, and is happy to see Mr. Tulkinghorn. There is an air of prescription about him which is always agreeable to Sir Leicester; he receives it as a kind of tribute. He likes Mr. Tulkinghorn's dress; there is a kind of tribute in that too. It is eminently respectable, and likewise, in a general way, retainer-like. It expresses, as it were, the steward of the legal mysteries, the butler of the legal cellar, of the Dedlocks. (9)

The perspective toward life and human interaction which Tulkinghorn represents is one of prescription and "respectability." He views himself as the retainer or guardian of certain mores and codes, and in that capacity, little room can be left for genuinely human impulse.

Tulkinghorn has both fascinated and disappointed the critics. A.E. Dyson, in what appears to me as a refusal to perceive the elements in operation in Dickens' rendition of Tulkinghorn, has made of the lawyer another type of Iago, whose pursuit of Lady Dedlock's past is carried on because of a type of "motiveless malignity." Dyson has described Tulkinghorn in this way:

A man of power, infinitely malign and corrupt, yet in no direct sense motivated by money, he is the presiding genius of evil in Bleak House . . . Like Iago, Tulkinghorn admires and is fascinated by his victim; like Iago, he relishes his power to entangle to destruction, until there seems creative satisfaction, almost in what he does.¹²

It is my contention that this appraisal of Tulkinghorn is unfounded. Tulkinghorn's power is derived from his incredibly great capacity to uphold certain elements so manifest in the British system of Common Law. Tulkinghorn exhibits only an overabundance of rigidity, and an incredible degree of restraint and self-discipline. There seems to be nothing "malign" in his character, and certainly nothing to demonstrate a relish for destruction, since there is no genuinely personal element in any of Tulkinghorn's actions. This lawyer has lost any personal impulse whatsoever. Taylor Stoehr has lucidly noticed the curious absence of personal motivation or human quality in the attorney. Stoehr accurately gives his attention to the

¹² A.E. Dyson, The Inimitable Dickens: A Reading of the Novels (London: MacMillan, 1970), p. 162.

manner in which Dickens' description of a character adds levels of meaning to the personality and function of that character.

"In Bleak House Tulkinghorn is characterized by reference to his clothes, his books, even his glass of wine."¹³ Indeed, all the personal objects associated with him are as mute and unresponsive as he is. The solicitor is described in terms only of objects, belongings, and mannerisms, which lead away from, rather than reflect a personal depth or internal personal reality. This suggests that this lawyer has become as barren and superficial as his calling:

The old gentleman is rusty to look at, but is reputed to have made good thrift out of aristocratic marriage settlements and aristocratic wills, and to be very rich. . . . He is of what is called the old school . . . a phrase generally meaning any school that seems never to have been young . . . and wears knee breeches tied with ribbons, and gaiters, or stockings. One peculiarity of his black clothes, and of his black stockings, be they silk or worsted, is that they never shine. Mute, close, irresponsible to any glancing light, his dress is like himself. (8)

Furthermore, this "member of the old school" has developed an incredible reticence. "He (Tulkinghorn) never converses when not professionally consulted." (8).

The professionalism of the Law is far more overriding than are human concerns for Tulkinghorn. Dickens painstakingly depicts his character as first, foremost, and forever a lawyer. In fact, Tulkinghorn inhabits number fifty-eight, of

¹³ Taylor Stoehr, Dickens: The Dreamer's Stance (Ithaca: Cornell U.P., 1965), p. 55.

Lincoln's Inn Hall. It is interesting to remark that Sir William Blackstone, noted legal theorist and professor of law, whose Commentaries are still studied by law students, lived in number fifty-nine, Lincoln's Inn Hall.¹⁴ This was, then, another way to emphasize the fact that Tulkinghorn was intrinsically linked with the institution of the law, and in fact became an embodiment or container of the Common Law itself:

Here, in a large house, lives Mr. Tulkinghorn. It is let off in sets of chambers now; and in those shrunken fragments of its greatness, lawyers lie like maggots in nuts. . . . Rusty, out of date, withdrawing from attention, able to afford it. Heavy broad-backed old-fashioned mahogany and horsehair chairs, not easily lifted, obsolete tables, with spindle legs and dusty baize covers, presentation prints of the holders of great titles in the last generation, or the last but one, environ him. . . . The titles on the backs of his books have retired into the binding; everything that can have a lock has got one; no key is visible. . . . Here, beneath the painted ceiling, with foreshortened Allegory staring down at his intrusion as if it meant to swoop upon him, and he cutting it dead, Mr. Tulkinghorn has at once his house and his office. (99-100)

Tulkinghorn, then is not only the "mouthpiece" of the codes and mores of the élite, but he is depicted by Dickens as a symbol or vanguard figure in the protection of the stately life of the aristocratic class in England. His mentality is that of the Medieval sergeant-at-law, for whom the British Common

¹⁴ Hyacinthe Ringrose, The Inns of Court (London: Paul Musson, 1909), p. 12.

Law must be transmitted and retained intact, for those classes which it services. To criticize Tulkinghorn on the grounds that his actions in pursuing Lady Dedlock's youthful affair with Nemo lack any adequate motivation is to ignore the basic purpose for which this character is delineated. Dickens has created in the character of solicitor Tulkinghorn an individual whose *raison d'être* is the maintenance and perpetuation of a strict and inflexible stance toward life. In his capacity as lawyer, Tulkinghorn himself is the retainer par excellence of a system of social organization which upholds and defends aristocratic interests. Ross Dabney has explained the function of the solicitor in the following way: "Mr. Tulkinghorn is the guardian of the standards in marriage exemplified by Volumnia, which Sir Leicester, in the one eccentricity of his life, has violated."¹⁵ Furthermore, the standards which the lawyer maintains extend from questions of marriage to "an attitude toward life in general upholding regulation as opposed to liberty; self-discipline as opposed to self-determination; and adherence to precedent and authority as opposed to genuine human impulse and passionate action. Ross Dabney states that "Mr. Tulkinghorn is himself perfect in his kind; in him Dickens presents a representative as extreme in one way as Pecksniff is

¹⁵ Ross H. Dabney, Love and Property in the Novels of Dickens (London: Chatto and Windus, 1967), p. 86.

in another, of an approach to life which organizes all relations and regulates all values to protect and extend personal comfort, power, and position."¹⁶ It is exactly because of this tremendous power, reticence, self-discipline, and regulation, that Tulkinghorn is an excellent lawyer. For him, indeed, the English Bar, with its endless adherence to formality, regulation, verbal mathematics, and life-denying ritual, is a perfect calling:

Mr. Tulkinghorn is not in a common way. He wants no clerks. He is a great reservoir of confidences, not to be so tapped. His clients want him; he is all in all. (100)

So dedicated is Tulkinghorn to upholding the standards of the ruling class and to assuring that the vested interests are safeguarded, that there is no other consideration so important to him. In fact, even the health of the old Baron, or Sir Leicester's attachment to Lady Dedlock, must be ignored if Tulkinghorn is to discharge his duty properly. Ross Dabney has noted that in performing his legal tasks, Tulkinghorn cannot afford to show consideration for any other circumstances. "Evidently, Sir Leicester's health, life, and sanity are secondary in his lawyer's scheme of values to other aspects of his person."¹⁷ In fact, Tulkinghorn has attempted to act

¹⁶ Ibid., p. 85.

¹⁷ Ibid., p. 84.

not only on behalf of Sir Leicester, but, by exposing the impropriety and passionate indulgence of which Lady Dedlock was guilty, the lawyer acts on behalf of the credo which, in his view, the Baron should be maintaining. It is no wonder that Tulkinghorn, whose own training has been the diametric opposite of the passion and genuine human involvement displayed by Lady Dedlock, should "consider Lady Dedlock a kind of intruder; he senses her incompatibility with her husband's family and her unfitness for her position . . . an unfitness arising not from her youthful impurity, but from her capacity for passionate love and commitment, from her ultimate dissatisfaction with the values and life of the Dedlock family."¹⁸ As a lawyer, Tulkinghorn, like his descendent in Great Expectations, Mr. Jaggers, is a credit to any system of law which demands of its practitioners steadfast dedication, doggedness, and total adherence. Lady Dedlock herself perceives this relentless devotion to law and propriety in Tulkinghorn, for she describes him in this manner to Esther:

'He is indifferent to everything but his calling. His calling is the acquisition of secrets, and the holding possession of such power as they give him, with no sharer or opponent in it.' (388)

As in the case of Attorney Jaggers in Great Expectations, the price Tulkinghorn pays for his excellence in law is great, and

¹⁸ Ibid., p. 83.

there is unmistakable sympathy in Dickens' treatment of the final days in Tulkinghorn's life. Like all things which pass in Chancery, Tulkinghorn's life and humanity have been subject to decay and destruction. The emptiness and rigidity of a life dedicated to the law becomes too great a burden, once realized, for those who have so wasted their lives:

Plenty of dust comes in at Mr. Tulkinghorn's windows, and plenty more has generated among his furniture and papers. It lies thick everywhere . . . Mr. Tulkinghorn sits at one of the open windows, enjoying a bottle of old port . . . Mr. Tulkinghorn, sitting in the twilight, by the open window, enjoys his wine. As if it whispered to him of its fifty years of silence and seclusion, it shuts him up the closer. More impenetrable than ever, he sits, and drinks and mellows as it were, in secrecy pondering at that twilight hour, on all the mysteries he knows, associated with vast, blank shut-up houses in town; and perhaps sparing a thought or two for himself, . . . and that one bachelor friend of his, a man of the same mould and a lawyer too, who lived the same kind of life until he was seventy-five years old, and then, suddenly conceiving (as it is supposed) an impression that it was too monotonous, gave his gold watch to his hairdresser one summer evening, and walked leisurely home to the Temple, and hanged himself. (232)

It seems fitting within the framework of delay and frustration which constituted Chancery Law, that its master of technique and devoted disciple, Tulkinghorn, is murdered by the enraged and frustrated Hortense. After having obtained from her information concerning Lady Dedlock's past, and after refusing to assist her, the venerable conservative lawyer is felled by the rage of the passionate French maid. Not only is this an ironic statement on the part of Dickens, but it is fact

testifies to the author's overall pessimistic outlook regarding a formula for life. Neither total rigidity nor an over-abundance of passion is desirable.

Though Tulkinghorn was a master of the rigidity and austerity of the law, he was its victim too, and I believe that Dickens never lost sight of this fact in his overall criticism of the stifling nature of law. Although Tulkinghorn represents the over-rigidity of the law, the truly malevolent, obsessive aspects of English Common Law are manifest in the character of Attorney Vholes. Dickens' portrayal of Vholes is a fascinating one; and may be seen as the author's transition from a perception of the attorney as a slave or victim of the law, to that of the lawyer as evil embodiment of the law. Vholes is portrayed both as a human being, doting upon his daughters, and as a symbol which at times borders on the grotesque. Vholes is also important to the plot structure, since he is the attorney who entangles Richard Carstone in the Jarndyce suit, and thereby woos Richard away from the moderating influence of John Jarndyce. E.D.H. Johnson has stated that Dickens regarded lawyers as "the venal and frequently fraudulent supporters of the established order, masters of prevarication and double-dealing."¹⁹ Without doubt, these sentiments seem to have emerged in this novel.

¹⁹ E.D.H. Johnson, Charles Dickens: An Introduction to his Novels (New York: Random House, 1909), p. 40.

Dickens depicts lawyer Vholes as being in every instance a master in "prevarication and double-dealing" and as exemplifying the most odious aspects of legal training. However, even in this case, Dickens offers Vholes' responsibilities and love toward his family as evidence that the individual has evolved in this way less because of his nature, than because of the arena in which he must work.

Vholes is a masterful study in abnormality, though simultaneously a complete human being with family ties, and a capacity to act on behalf of his loved ones. We are told that Vholes is "a friend and legal advisor" to Richard Carstone, but when Dickens actually presents the attorney, he is anything but friendly. Mr. Skimpole, who introduced Vholes to Richard Carstone, seems to suspect the malevolence in the attorney, and notes that the attorney had once outsmarted him in a brief encounter:

'Vholes? My dear Miss Clare, I had had that kind of acquaintance with him which I have had with several gentlemen of his profession. He had done something or other, in a very agreeable, civil manner . . . taken proceedings, I think, is the expression . . . which ended in the proceeding of his taking me.' (404)

Dickens continues to emphasize that the conduct of Attorney Vholes is in keeping with the nature of the legal profession.

E.D.H. Johnson has been fascinated by the manner in which

Dickens formulates associative images to convey a theme or insight; he tells us that as Dickens ". . . clarified his

social vision, he at the same time discovered more imaginative means of projecting that vision."²⁰ In writing Bleak House certain images came to represent Dickens' view of law in society. We have already seen that the fog is a crucially significant image representing the confusion and turmoil of the social order, of which the realm of Chancery is but one manifestation; Vholes, who is portrayed more and more completely as either a "vampire" or grotesque animal, preying upon the life-blood of individuals, evolves into the associative image of the deathly, cancerous forces of law. Esther immediately perceives the malevolent features of law which Vholes symbolizes, because her attention is arrested by the lawyer's ghastly appearance and mannerisms:

His further consideration of the point was prevented by Richard's coming back to us . . . and hastily presenting Mr. Vholes . . . a sallow man, with pinched lips that looked as if they were cold, a red eruption here and there upon his face, tall and thin , about fifty years of age, high-shouldered and stooping. Dressed in black, black-gloved, and buttoned to the chin, there was nothing so remarkable in him as a lifeless manner, and a slow fixed way he had of looking at Richard. (404)

Though Attorney Vholes claims to maintain a link with the human species, through his paternity; ("I am a widower with three daughters, Emma, Jane, and Caroline . . . and my desire is so to discharge the duties of life as to leave them a good

²⁰Ibid., p. 55.

name . . .") (405) though he prides himself upon his integrity; ("I wish in business to be exact and open . . .") (405) the attorney nonetheless seems to represent the cruelty and malevolence of the law:

The name of Mr. Vholes, preceded by the legend Ground Floor, is inscribed upon a door-post in Symond's Inn, Chancery Lane . . . Quartered in this dingy hatchment . . . are the legal bearings of Mr. Vholes . . . Mr. Vholes is a very respectable man. He has not a large business, but he is a very respectable man. He is allowed by the greater attorneys who have made good fortunes, or are making them, to be a most respectable man. He never misses a chance in his practice; which is a mark of respectability. He never takes any pleasure; which is another mark of respectability. He is reserved and serious; which is another mark of respectability . . . And he is making hay of the grass which is flesh, for his three daughters . . . (415-416)

Dickens is searing in his condemnation here of the venality and self-interest which forms the basis of the litigational arena. Dickens is acknowledging that civilization, and the legal structures which characterize as well as evolve from the civilized world, sanction one individual's "feeding upon" another. This Dickensian view is indeed a pessimistic one, and made explicit in the chapter entitled "Attorney and Client" in this way:

The one great principle of the English law is to make business for itself. There is no other principle distinctly, certainly, and consistently maintained through all its narrow turnings. Viewed by this, light it becomes a coherent scheme and not the monstrous maze the laity are apt to think it. Let them but once clearly perceive that its grand principle is to make business for itself at their expense, and surely they will cease to grumble . . .

But, not perceiving this quite plainly . . . only seeing it by halves in a confused way . . . the laity sometimes suffer in peace and pocket, with a bad grace, and do grumble very much . . . Then, this respectability of Mr. Vholes is brought into powerful play against them . . . Alter this law, sir, and what will be the effect of your rash proceeding on a class of practitioners very worthily represented, allow me to say to you, by the opposite attorney in the case, Mr. Vholes? . . . Now, you cannot afford . . . I will say the social system cannot afford . . . to lose an order of men like Mr. Vholes. . . . Take a few steps more in this direction, say they, and what is to become of Vholes' father? Is he to perish? And of Vholes' daughters? Are they to be shirt-makers, or governesses? As though Mr. Vholes and his relations being minor cannibal chiefs, and it being proposed to abolish cannibalism, indignant champions were to put the case thus: Make man-eating unlawful, and you starve the Vholeses! (416-417)

Though Vholes' "man-eating" earns him the respect of his professional legal cohorts, Dickens nonetheless leaves his readers with the feeling that "respectability" cannot be equated with "integrity" or justice. It is interesting that this type of legal cannibalism earns the "respectability" of Victorian society. In fact, the analogy between the social organization of Victorian England and the system of cannibalism manifested by litigation is well worked out by Dickens. The legal nexus is depicted symbolically as a vast sea, in which all strata of creatures are to be found feeding upon one another. Thus, the Smallweed family is found there, with Smallweed Jr. a more than eager creature-participant. Dickens tells us that "whether Young Smallweed . . . was ever a boy, is much doubted in Lincoln's Inn. He is now something under fifteen, and an old

limb of the law To become a Guppy is the object of his ambition." (208) Also, the petty law clerks such as Jobling, (whose subservience is suggested by his name) and even Mrs. Snagsby feeding upon her husband, the law copier, participate as well in this chain. Finally, Mr. Guppy himself, whose name is that of a small fish, often prey to larger creatures, is ever eagerly engaged in this cycle. The self-interest, the pettiness, and the perpetual divisiveness of the legal profession are manifested by Dickens, who reminds us that the law is but the vanguard of a society which abides by the same precepts:

Mr. Guppy suspects everybody who enters on the occupation of a stool in Kenge and Carboy's office, of, entertaining, as a matter of course, sinister designs upon him. If he be ever asked how, why, when, or wherefore, he shuts up one eye and shakes his head. On the strength of these profound views, he in the most ingenious manner takes infinite pains to counterplot, when there is no plot; and plays the deepest game of chess without any adversary. (208)

This atmosphere of division, obsessive fear, rivalry, and venality, characteristic of the legal nexus, breeds neurosis, and is therefore perceived by Dickens as a disease or severe disorder. Again, this legal disease is but an outgrowth of the social disease, symbolized by the plague of Tom's-All-Alone. The monolith of Jarndyce itself is suggestive of the disease "jaundice" in which the skin pigmentation turns yellow in color. Therefore, when Richard Carstone is articulated to Kenge and Carboy, and decides to "advance the family suit" Jarndyce refers to him as one who is stricken ill:

'Ah, my love, my love!' he said, 'it is in the subtle poison of such abuses to breed such diseases. His blood is infected, and objects lose their natural aspects in his sight. It is not his fault.'-(373)

Indeed it is not Carstone's fault for becoming enslaved to litigation. Though Dickens perceives the corruption within the legal system, and the total disregard for justice or human rights which the legal dynamo exhibits, he nonetheless realizes that human beings believe in the possibility of achieving Justice, and do not easily relinquish this aspiration.

The persistence and sincerity with which Richard pursues his intention to find justice somewhere within the litigational procedure is a crucial element of plot, since it allows Dickens to work out a conclusion to the Jarndyce suit, and its accompanying subplots, the murder of Tulkinghorn and the exposure of Lady Dedlock. More significant than this, however, is the fact that Richard's fatal involvement in searching for justice in Chancery provides the thematic platform for Dickens' exposure of the contradiction which exists between justice as an inalienable moral right, and law as an institution of the social order. Esther questions whether or not Richard believes there is "much truth and justice" (399) among the many papers and paraphernalia which constitute Chancery Law. It is with tragic earnestness and good faith that the young man insists: "There is truth and justice somewhere in the case, Esther . . . It-is-must be somewhere." (399). As Richard becomes more and

more entangled in the history of the suit, and the ludicrous course which it has run before the Court of Chancery, his sense of urgency becomes greater. Not only does Vholes ensnare Richard, but the young man's exposure to the legal twistings and turnings soon infects him with the same feverish obsession that Miss Flite demonstrated:

His [Richard's] hopefulness had long been more painful to me [Esther] than his despondency; it was so unlike hopefulness, had something so fierce in its determination to be it, was so hungry and eager, and yet so conscious of being forced and unsustainable, that it had long touched me to the heart. But the commentary upon it now indelibly written in his handsome face, made it far more distressing than it used to be. I say indelibly; for I felt persuaded that if the fatal cause could have been forever terminated, according to his brightest visions, in that same hour, the traces of the premature anxiety, self-reproach, and disappointment it had occasioned him, would have remained upon his features to the hour of his death. (527)

Litigation and the Court of Chancery, we know from legal histories of the period, did indeed frustrate and obfuscate any search for justice which its litigants attempted. It was indeed not unusual that characters such as Richard Carstone, Miss Flite, Gridley, John Jarndyce, or Stephen Blackpool in Hard Times, were refused even the possibility of equitable judgments because of the delays of the Courts. That Dickens felt the reform of the courts was long overdue, is also quite apparent in this novel. However, if Bleak House merely dedicated its narrative to these critiques, it would not be the

credit is to its author. Bleak House moves on from plot and imagery to a level of philosophical probing of the nature of law, society, and justice which gives the work its true significance and which must be taken into account. For Dickens is concerned with the possibility of achieving just human action and is severely disappointed by the fundamental incompatibility which he sees between institutionalized law and moral decency.

F.R. and Q.D. Leavis have analyzed Dickens' concern with this seeming contradiction between law and justice in the novel. They note that "Man lives in the 'expectation' of justice and his desire for it has created the law, but human nature being what it is, this has in practice produced (typically) lawyers with their vested interests and Wiglomeration, represented by the Lord High Chancellor."²¹ In fact, Dickens perceives that despite the moral and inalienable nature of justice, the social order has inevitably insured its perpetuation by creating the vast superstructure of law. The laws and litigational procedures of the Courts, though they claim to be the avenues through which justice can be attained, do nothing but frustrate, obscure, and repress. Dickens attacks the legal institutions of Chancery and the Common Law because law has established itself as a pseudo-moralistic structure, virtually "religious"

²¹F.R. and Q.D. Leavis, Dickens the Novelist (Harmondsworth: Penguin, 1970), p. 183.

in its nature, commanding and modifying men's lives either by their belief or disbelief in its power. Law, or what Leavis terms ". . . the litigating spirit . . . has its roots in the claims of egotism."²² The Law and its institutions do not concern themselves with rendering justice to those who seek it, but are merely interested in guaranteeing the protection of the vested interests and their own self-preservation. The English legal system indeed evolved as a system which held authority and precedent to be far more important than any taking into account of newer social needs. Like the social system it protected, the Common Law upheld tradition and precedent, and with characteristic rigidity, totally lost sight of its real objective . . . the dispensing of justice. Jacob Korg emphasizes Dickens' attack upon this aspect of the legal system. "The Court is seen as dangerous because, like Chesney-Wold with its ghost-like Parliamentary government, and the Dedlock family pride, it regards itself as an instrument for imposing the wills of the dead upon the living."²³

Dickens sees law as this type of government or restriction of the living by the dead. He perceives the nature of law as a dynamo or machine which entangles the innocent, in a vast

²²Ibid., p. 192.

²³Jacob Korg, ed., Twentieth Century Interpretations of Bleak House (Englewood Cliffs: Prentice-Hall, 1968), p. 14.

and contorted system of verbal mathematics. Dickens analyzes three main characteristics of the English Common Law which ensure that justice or truth will never in fact be achieved. The first characteristic may be termed the inherent obsessive-ness of the law, which is demonstrated by the infinite verbal mathematics associated with law, the endless procedural formalities involved, and the self-conscious devotion and discipline of those involved in litigation (especially the lawyers). G.K. Chesterton has referred to this characteristic as follows: "The endless formality, the endless unemotional urbanity, the endless hope deferred, these things make one feel the fact of injustice. . . . For it is not the activeness of tyranny that maddens, but its passiveness. We hate the deafness of the god more than his strength. Silence [of the law] is the unbearable ~~partee~~." ²⁴

The second trait of the law which Dickens fervently attacks is its peculiarly "religious" nature, depicted in Bleak House by the almost religious fervour in which characters like Miss Flite await judgment. Mark Spilka, whose intriguing comparison between Dickens and Kafka is well worth noting, has remarked that Bleak House like The Trial, fashioned "an oddly religious court . . ." ²⁵ By providing a pseudo-religious

²⁴G.K. Chesterton, Charles Dickens (New York: Schocken, 1965), p. 201.

²⁵Mark Spilka, "Religious Folly," in Twentieth Century Interpretations of Bleak House, ed. Jacob Korg (Englewood Cliffs: Prentice-Hall, 1968), p. 64.

shade to the law, Dickens not only is able to magnify its horrors, but escalates the irony of the absence of any moral or human responsibility in the system. In fact, the central axis of the system becomes one of performing the correct ritual, without a genuinely correct spirit of justice to accompany it. The lawyers, or "priests" in this system, hold the power of a knowledge of the correct ritual or procedure to be used; and a knowledge of the correct terminology, both of which are ensured by the training of the Bar. Though a party may indeed present a just claim, no "justice" can be rendered within this system unless the correct rituals are fulfilled. As a result, the poor who cannot procure their "priests," the uneducated, who cannot expect to know the correct turn of speech; and the urgent, who simply cannot command the resources or the time to mediate and endure in this system, are hopelessly betrayed. This criticism, which Dickens demonstrates through the characters of Miss Flite and Gridley in Bleak House, is again taken up and illustrated in the character of Stephen Blackpool, in Hard Times.

Finally, the third element of law to which Dickens fervently objects, and which in his perspective, guarantees that justice will never be achieved, is the incredibly strong tendency of the law to survive intact. As critics F.R. and Q.D. Leavis explain, the "legal impulse," or "the litigating

spirit"²⁶ is founded upon an egotism and venality which are inherent in social man. Though characters such as Esther, John, Allan Woodcourt, Ada, are humane and compassionate, a far greater number of individuals display the egotism, pettiness, and self-righteousness which ensure that the law will endure. Mr. Boythorn and Sir Leicester are disputing a piece of land that neither really needs; Mr. Turveydrop cannot relinquish the "deportment" to which he thinks he is entitled; the bickering of Mrs. Snagsby, the dismal Christianity of the Chadbands, the so-called "charity" of Mrs. Jellyby, are all alternate forms of this same basic egotism and pettiness.

The lawyers who guard their stations so suspiciously are by no means the only individuals who display niggardliness and sterility in human interaction. The legal superstructure is but one small part, in the view of Dickens, of the overall "wasteland" which is Victorian England. Dickens clearly demonstrates that in order to endure this exercise in frustration which is the law, the lawyers must render it tolerable by making of themselves technical virtuosi, who do not see the goals of their game, but only its infinite means and strategies. The consequence of this perpetual equivocation and chess-playing is of course a rigidity and de-humanization

²⁶F.R. and Q.D. Leavis, p. 192.

of character. That such a de-humanization and lack of genuine concern is symptomatic of society as a whole, is made explicit by Dickens in his consecutive chapters, "Attorney and Client" and "National and Domestic." Like the benefits of political rule, (Lords Doodle, Coodle and Foodle all alternate positions) the "... winnings of the legal game circulate among the same group of players, and if one is more successful today then it will probably be the turn of the opposite attorney in the case tomorrow."²⁷ Thus, the legal structure is assured its survival, though the possibility of justice being realized is forever pushed to the background.

* * *

It is my belief that Bleak House represents the most pessimistic period in Dickens' consideration of the justice-law conflict. In this novel, the author has found no viable way to reconcile the corruption of the legal structure with the moral right which constitutes the basis of the notion "justice."

In Bleak House, legal institutions function simultaneously as the causes of social division (they maintain and ensure arbitrary class distinctions), and as the products of the Victorian order: since Victorian class interests necessitate

²⁷ Grahame Smith, Dickens, Money and Society (Berkeley: California U.P., 1968), p. 138.

legal structures and guarantee their perpetuation. The stranglehold of the Law is therefore synonymous with the stranglehold of social organization. We see in Bleak House that characters cannot break the vice-like grip of past, outworn authorities. The Dedlocks are not the only characters in the novel who find themselves in a stalemate condition, solidified and locked into the past. The lawyers too are governed and paralysed by the laws of the past; precedent and habit make characters such as Turveydrop and Boythorn cling to their outworn heritages. Richard, in attempting to realize his past, and link himself with a legacy from the past, is led into a tragic entanglement with the law.

In fact, the only characters in this novel who somehow manage to mitigate the influence of the past, must still flee conventional Victorian society, and retreat to a quasi-paradisaal Bleak House in the country. Though John, Esther, Allan Woodcourt, Ada and her baby manage to evade the stifling deadly environment of the Victorian world, with its accompanying legal edifice, their victory is but a hollow one. Dickens does reveal small traces of optimism through these characters. Ada's baby certainly symbolizes a progression into the future. The establishment of a house in the country, away from the evils of the city, is traditionally a move toward a "Garden of Eden." Yet, Dickens realizes that despite the progressive, human

outlook of these characters, they have not really evolved a firm, integral approach to life which can infuse the repressive, harsh legal and social structures of England with their own more satisfying definition of justice and human decency.

Though the flight of these characters is progressive in its own right, it is nonetheless a retreat from society. Dickens is bitter at the suffering, repression, and changeless countenance of Victorian society, epitomized in this novel by the changeless countenance of Temple Bar. Bleak House reveals Dickens' disillusionment with and pessimism concerning life in Victorian England in every chapter and on every page. It is therefore remarkable that the author's faith in human integrity managed to transcend this vision, and move onto a stage where Dickens could perceive law being influenced by a degree of human decency and morality. In A Tale of Two Cities Dickens confronts the law-justice conflict but commences a movement toward progression which, although costly in terms of human life, nonetheless allows for a more hopeful statement of the problem.

CHAPTER III

A TALE OF TWO CITIES AND THE AFFIRMATION OF JUSTICE

In his attempt to accomodate Charles Dickens in a Marxist interpretation of literature, T.A. Jackson naturally focuses upon A Tale of Two Cities, Dickens' novel of the French Revolution. "We have in the Tale a further phase in which Dickens gets nearer than ever to a positive assertion of revolution as the only road to hope, to justice, to peace, and to general happiness."¹ Allowing for a consideration of Jackson's political tenets, this particular reading of A Tale of Two Cities still surprises me. One point, however, should be credited to Mr. Jackson's favour: in his study, he perceives the fact that A Tale of Two Cities engages the question of justice; and investigates the possibility for justice being attained through concerted human action.

In A Tale of Two Cities Dickens no longer dwells solely upon the inadequacies of English Common Law, but broadens his perspective to regard legal codes as the outgrowth and prime repressive instruments of anachronistic political states. Law as an edifice created by the ruling élite to ensure the survival of that élite is, as it was in Bleak House, carefully differentiated from human decency and true justice. However, by

¹ T.A. Jackson, Charles Dickens: The Progress of a Radical (New York: Haskell House, 1971), p. 173.

broadening the geographical confines of his critique to include France as well as England, and by including in his critique of law the Revolutionary Tribunal and its codes, Dickens displays his belief that institutions, of all origins, cannot really discharge justice. Ultimately, it is individual consciousness which will ensure a positive progression from law to just, integral action.

Although Dickens acknowledges differences between England and France, the basic similarities in philosophy and administration of the two outweigh the contrasts. The legal machinery of each country has been designed expressly to uphold and perpetuate the existing order; and so: "In both countries it was clearer than crystal to the lords of the State preserves of loaves and fishes, that things in general were settled forever."² As in Bleak House, the law is viewed as the mechanism by which the past continues to rule the present. The vice-like grip of the law is portrayed as explicitly as it was in Bleak House. In this novel too, the reader is immediately made to feel the ludicrous incongruity which exists between law in its institutional garb and the demands and needs of human beings:

In England, there was scarcely an amount of order and protection to justify much national boasting. Daring burglaries by armed men, and highway robberies, took place in the capital itself every night. . . . The Lord Mayor of London was made to stand and deliver on Turnham

² Charles Dickens, A Tale of Two Cities (New York: The New American Library, 1936), p. 13. All subsequent quotations follow the text of this same edition. The page numbers will be indicated in parentheses following each quotation.

Green by one highwayman, who despoiled the illustrious creature in sight of all his retinue; prisoners in London gaols fought battles with their turnkeys, and the majesty of the law fired blunderbusses in among them . . . thieves snipped off diamond crosses from the necks of noble lords at Court drawing-rooms . . . and nobody thought any of these occurrences much out of the common way. In the midst of them, the hangman, every busy and ever worse than useless, was in constant requisition; now, stringing up long rows of miscellaneous criminals; now, hanging a housebreaker on Saturday who had been taken on Tuesday, now, burning people in the hand at Newgate by the dozen, and now, burning pamphlets at the door of Westminster Hall; today, taking the life of an atrocious murderer, and to-morrow of a wretched sufferer who had robbed a farmer's boy of sixpence. (14-15)

The brutality of this period is shown by Dickens to be an outgrowth of an even more cruel past. The Law is not only an instrument of repression, it is also the way in which the social order guarantees its existence. Justice and respect for the inalienable rights of human beings are matters irrelevant to the institution of law as it is found in both England and France. What is important to the legal structure is the perpetuation of divisiveness in society--a divisiveness which not only denies each man a just respect, but which ensures that all people will remain subject to the dictates of the law. Dickens expresses his resentment at this fragmentation of society in this ironic way:

A wonderful fact to reflect upon, that every human creature is constituted to be that profound secret and mystery to every other. A solemn consideration when I enter a great city by night that every one of those darkly clustered houses encloses its own secret. (21)

Not only are people "locked" into themselves, in this world, but society itself seems "locked" or compressed into a

mold. As will be seen in the case of Great Expectations, and as manifested in the symbol of Miss Flite's birds in Bleak House, Dickens perceives law as an imprisoning or compressing force. Dr. Manette has of course been incarcerated in the Bastille. The Defarges immediately appear as being enslaved by a new and very terrible conspiracy. Most important, though, is the manner in which Dickens depicts both England and France as being enslaved to established authority and custom. The legal institutions of both nations, in this novel as in Bleak House, function simultaneously as causes of this staid adherence to past structures and as products of this phenomenon. Therefore, when Dickens describes Tellson's Bank as being "locked into" its past, he is in reality criticizing both England and France for their own enslavement to authority and precedent:

Any one of these partners would have disinherited his son on the question of rebuilding Tellson's. In this respect the House was much on a par with the Country, which did very often disinherit its sons for suggesting improvements in laws and customs that had long been highly objectionable, but were only the more respectable.

(61)

Not only does Dickens suggest that England and France are bound to outworn traditional perspectives, but he demonstrates how antithetical to life and human aspiration these attitudes are. The English Common Law system which works to maintain the anachronistic social structure and which helps to lock men's perceptions of justice and right into fixed parameters, is seen to be both brutal and corrupt.

Mr. Lorry and Charles Darnay are used by Dickens to demonstrate how the law and other accepted social institutions are antithetical to life. Mr. Lorry, who would appear to have legal relatives in attorneys such as Tulkinghorn, has dedicated his entire life to serving Tellson's Bank, a financial establishment. The world of finance has left Lorry little time to assert any humanity, to "break out" of the prison of his business, or to forge any links with other people. By his own admission, the social structure which necessitates such businessmen has compressed Mr. Lorry into very rigid patterns. ("Feelings! I have no time for them, no chance of them. I pass my whole life, miss, in turning an immense pecuniary mangle.") (32)

Charles Darnay is introduced as a character who, unlike Lorry, has dared to assert an essential humanity, to step out of the given social structures. We are told that Darnay articulated his belief in the justice of the cause for American independence. The Common Law, vanguard of the state, will not tolerate such audacity and self-assertion. Darnay's trial serves two purposes for Dickens. On the level of plot, this trial introduces all the characters who will take part in the drama; it establishes the fact that Carton and Darnay not only look alike but love the same woman; (Lucie) and it demonstrates, on the thematic level, how irrelevant true justice is to legal procedures. The Court is depicted as a mock drama sanctioned

by the State. Dickens allows us to share Jerry Cruncher's perceptions of the court drama.

The Old Bailey was famous as a kind of deadly inn-yard . . . It was famous, too, for the pillory, a wise old institution . . . also, for the whipping post, another dear old institution, very humanizing and softening to behold in action. Altogether, the Old Bailey, at that date, was a choice illustration of the precept that 'Whatever is, is right;' an aphorism that would be as final as it is lazy, did it not include the troublesome consequence, that nothing that ever was, was wrong . . . Making his way through the tainted crowd . . . the messenger found out the door he sought . . . people then paid to see the play at the Old Bailey, just as they paid to see the play in Bedlam . . . only the former entertainment was much the dearer. (68-69)

Not only does the audience regard the proceedings of the Court as a play, but the magistrates themselves enjoy their noble and despotic roles on the legal stage:

Silence in the court! Charles Darnay had yesterday pleaded not guilty to an indictment denouncing him . . . for that he was a false traitor to our serene, illustrious, excellent, and so forth, prince, our Lord the King, by reason of his having on divers occasions, and by divers means and ways, assisted Lewis, the French King, in his wars against our said serene, illustrious, excellent, and so forth; . . . The accused, who was (and who knew he was) being mentally hanged, beheaded, and quartered, by everybody there, neither flinched from the situation, nor assumed any theatrical air in it . . . the Judge, whose eyes had gone in the general direction, recalled them, leaned back in his seat, and looked steadily at the man whose life was in his hand, as Mr. Attorney-General rose to spin the rope, grind the axe, and hammer the nails into the scaffold. (71-73)

The artfulness and contrivance of clever lawyers is what triumphs in the courtroom, not the truth or justice of the matter. Facts are not significant; they are perverted by the

advocates and made to "fit" any theory. Law does not function independently of the State; it exists in subservience to the State.

Mr. Attorney-General had to inform the jury that the prisoner before them, though young in years, was old in the treasonable practices which claimed the forfeit of his life. . . . That Providence, however, had put it into the heart of a person who was beyond fear and beyond reproach, to ferret out the nature of the prisoner's schemes, and, struck with horror, to disclose them to His Majesty's Chief Secretary of State and most honourable Privy Council. That this patriot would be produced before them. That his position and attitude were, on the whole, sublime . . . that the evidence of these two witnesses, coupled with the documents of their discovering that would be produced, would show the prisoner to have been furnished with lists of His Majesty's forces. (73-74)

The Attorney General is oblivious to the question of the justice or validity of the proceedings. Nor is the Attorney General worried about the life which may be unduly forfeited. Treason must be punished, the status quo must be observed, and these are the only concerns of the Court. Furthermore, if the legal institution as a whole is an instrument of the State, then it follows that the legal practitioner too will be a lackey, ever eager to attain social status through his manipulation of the law. Dickens introduces two new lawyer figures who must be added to his incredibly intriguing legal portrait gallery. Stryver, a man reminiscent of Guppy in Bleak House, views the law as a route through which to gain social status. Carton, on the other hand, revolts at the manner in which law is subverted by society, and eventually refuses to pursue this direction. Attorney Stryver is, as his name implies, completely determined to rise

to the apex of the legal ladder. Ambitious and petty, in a noisy way, conscious of only those things which can assure him of success, Stryver demonstrates the worst elements of the personality which Dickens characteristically associates with attorneys. The author imbues Stryver with the qualities necessary to make him a retainer of and lackey to the monied classes:

Mr. Stryver, a man of little more than thirty, but looking twenty years older than he was, stout, loud, red, bluff, and free from any drawback of delicacy, had a pushing way of shouldering himself (morally and physically) into companies and conversations that argued well for his shouldering his way up in life. (86-87)

Attorney Stryver, like Attorney Wholes in Bleak House, is determined to "shoulder his way up in life" no matter how many people he must prey upon to do so. The symbol of society sanctioning this perpetual "preying upon others" is carried through Bleak House into A Tale of Two Cities in the Stryver-Carton relationship. John Gross has remarked that "Sydney Carton is a literary descendent of Richard Carstone, in Bleak House."³ Carton, like Carstone, is certainly a victim or "prey" to a more aggressive attorney. However, the two are different as well, for Carton eventually rejects society's standards of conduct and refuses to use his talents in the law to attain either social standing or wealth. Carton's rejection of society's values, and of the manner in which society sanctions one individual's

³ John Gross, "A Tale of Two Cities," in Twentieth Century Interpretations of A Tale of Two Cities, ed. Jacob Korg (Englewood Cliffs: Prentice-Hall, 1968), p. 12.

feeding upon another in the legal web, is a very positive step by the author in this novel toward the assertion of individual justice and integrity. Dickens' fervent condemnation of the corruption of society and its tool, the Law, is brought to our notice by the irony of the Stryver-Carton relationship as colleagues at the Bar:

A favourite at the Old Bailey, and eke at the Sessions, Mr. Stryver had begun cautiously to hew away the lower staves of the ladder on which he mounted. Sessions and Old Bailey had now to summon their favorite, specially, to their longing arms; and shouldering itself towards the visage of the Lord Chief Justice in the Court of King's Bench, the florid countenance of Mr. Stryver might be daily seen, bursting out of the bed of wigs, like a great sunflower pushing its way at the sun. . . . It had once been noted at the Bar, that while Mr. Stryver was a glib man, and an unscrupulous, and a ready and a bold, he had not that faculty of extracting the essence from a heap of statements, which is among the most striking and necessary of the advocate's accomplishments. But a remarkable improvement came upon him as to this . . . Sydney Carton, idlest and most unpromising of men, was Stryver's great ally . . . At last, it began to get about, among such as were interested in the matter, that although Sydney Carton would never be a lion, he was an amazingly good jackal, and that he rendered suit and service to Stryver in that humble capacity. (92-93).

It is useful to analyse the Stryver-Carton relationship, as it is depicted in this description. Dickens refers to the early Carton as a "jackal", i.e. as an animal who, having no courage of its own to obtain sustenance, waits backstage to feed upon the remains of another's prey. Carton, though he possesses talent, seems to have no motivation to use it, either for good or for evil, in the legal arena. He is content, as it

were, to allow Stryver to profit at will by his labours.

Carton, though he is repulsed by Stryver's pretensions and willingness to serve the established order in abject devotion, has neither the desire nor the capacity to speak out against the corruption which permeates the legal and the social realm.

As Dickens explains:

When he [Carton] cared to talk, he talked well; but, the cloud of caring for nothing, which overshadowed him with such a fatal darkness, was very rarely pierced by the light within him. 'Since I [Carton] knew you [Lucie], I have been troubled by a remorse that I thought would never reproach me again, and have heard whispers from old voices impelling me upward, that I thought were silent forever. I have had unformed ideas of striving afresh, beginning anew, shaking off sloth and sensuality, and fighting out the abandoned fight.' (152-154)

The cloud which overshadows Carton is the "fog" or "cloak" which the Victorian world puts upon all just human inclinations. Unless one is a Stryver, interested in preserving the status quo and determined to attain those two powerful credentials of wealth and respectability, one's inclinations are viewed by society as either ludicrous or defiant. Thus, Carton remains in his precarious "jackal-like" position, clinging like a shadow to the legal world which grants him sustenance, yet possessing a deep humanity and respect for justice which in this society, is but a liability and not an asset. Carton's sensitivity to the need for social change is paralysed, for he seems to be unable to articulate his

awareness and is certainly incapable to act upon it. Therefore, the "fast, furious footsteps" he hears heralding the cataclysm which will engulf the Manettes should be perceived as a symbol of Carton's own yearning for change and for a rupture of the stifling, tradition-bound world in which no viable place exists for him:

"The footsteps were incessant, and the hurry of them became more and more rapid. The corner echoed and re-echoed with the tread of feet; some, as it seemed in the room; some coming, some going, some breaking off, some stopping altogether. . . . 'There is a great crowd bearing down upon us, Miss Manette, and I see them--by the lightening.' He added the last words, after there had been a vivid flash which had shown him lounging in the window. 'And I hear them!-- Here they come, fast, fierce, and furious.' (108)

Though Carton does not outrightly reject the law, he is not blind to the fact that as an institution it functions only to uphold the status quo. A Tale of Two Cities, though, begins a positive direction in the assertion of individual justice within the law. Though Carton is bound to the law and temporarily accepts his jackal-like station in society, his sensibility to the need for change, movement, and progression, epitomized in the awareness of those footsteps, is hopeful. As Bert Hornback has noted, "Dickens' world is a world of change; and the opposing forces are growth in his characters and decay in civilization."⁴ Though Carton's growth and responsiveness

⁴ Bert E. Hornback, Noah's Architecture: A Study of Dickens' Mythology (Athens: Ohio U.P., 1972), p. 3.

to change is probably the most manifest in the novel, he is by no means the only character displaying progress in this respect. It is in itself far more positive that many characters are able to change; to grow in human dimension and self-affirmation; and therefore escape the crippling stagnation and obsession into which characters such as Carstone, the Dedlocks, and the lawyers of Bleak House fall. Darnay, for instance, grows in depth and human understanding through his renunciation of the aristocratic way of life and the Evrémonde tradition; Lucie and Dr. Manette both attain heights of human dignity in their love, devotion, and usefulness to each other; and Lorry's friendship and new-found devotion to the Manettes is a further statement on the barrenness of a previous life led only in enslavement to work and institutions. Juxtaposed to this dynamic of human growth and the forging of links through friendship and love is the rigidity and decay of social orders founded upon vested interests and human repression, equipped with legal systems ready to uphold the status quo. The "breaking out" from old molds, displayed by these characters, and the self-affirmation which this organic progression involves, must be seen as a positive element, displaying the author's desire to move from a vision of bleakness to one of hope in individual integrity. Though the ugliness and horror of the French Revolution do not

escape Dickens' attention, his protagonists in this novel are better able to mediate the social horror, because of their growing humanity and ability for self-assertion.

Dickens depicts the horrors and decay of French civilization prior to the storming of the Bastille and the initial outbreak of Revolution in 1789, in order to contrast the possibilities for human growth and moral justice displayed by individuals, with the stagnation of societies and structures enslaved to outworn authorities. As Robert Stange has noted in his article, "A Tale of Two Cities Reconsidered," "Dickens is encouraged by Carlyle's theory to regard the past primarily as a storehouse of lessons, a terrible moral drama."⁵ Dickens perceives that rigid social orders cannot utilize past lessons for more immediate responses to human needs, and so sees Revolution as one inevitable way in which the stranglehold of the past can be broken:

A beautiful landscape, with the corn bright in it, but not abundant. Patches of poor rye where corn should have been, patches of poor peas and beans, patches of most coarse vegetable substitutes for wheat. On inanimate nature, as on the men and women who cultivated it, a prevalent tendency towards an appearance of vegetating unwillingly . . . a dejected disposition to give up, and whither away. 'Monseigneur, hear me! Monseigneur, hear my petition! My husband died of want; so many died of want; so many more will die, of

⁵Robert Stange, "A Tale of Two Cities Reconsidered," in Twentieth Century Interpretations of A Tale of Two Cities, ed. Jacob Korg (Englewood Cliffs: Prentice Hall, 1968), p. 68.

want! . . . Crush humanity out of shape once more, under similar hammers, and it will twist itself into the same tortured forms. Sow the same seed of rapacious license and oppression over again, and it will surely yield the same fruit according to its kind. (118-22).

The message is unequivocally clear. To ignore human needs, to rely upon outworn structures, and to neglect possibilities for change, is the way of a rigid, self-complacent élite.

But individuals concerned with realizing justice and decency will challenge this pattern. Darnay is therefore drawn back to France, not in seeking self-aggrandizement, but because his innate sense of justice revolts at the idea of an innocent life (that of his former servant, Gabelle) being sacrificed. Unlike the legal edifices and structures which claim to work so laboriously in the discharge of justice, Darnay immediately sets out for Paris, hoping to somehow escape the dangers which face an émigrant Frenchman, under the new Régime:

With this uneasiness half stifled, and half reproaching him, he had been brought to the pointed comparison of himself with the brave old gentleman in whom duty was so strong; upon that comparison (injurious to himself) had instantly followed the sneers of Monseigneur, which had stung him bitterly . . . Upon those had followed Gabelle's letter: the appeal of an innocent prisoner, in danger of death, to his justice, honour, and good name. (240)

Dickens never allows his reader to lose sight of the fact that justice and moral integrity are the inalienable

qualities of certain individuals, and that the Law as an institution claiming to enact and discharge justice is in fact nothing but a flagrant prostitution of the notion. Darnay's determination to see justice done (to save the innocent Gabelle) is a startling contrast to the mentality and outlook of Stryver, that representative of the English Common Law and lackey of the established order. Stryver is busy ingratiating himself with the exiled French aristocrats, and decrying the "injustice" of the treatment which they have received. This outlook on the part of Stryver is not a surprising one, for as an ambitious lawyer he has become as rigid and shallow as the institution he serves.

Among the talkers was Stryver, of the King's Bench Bar, far on his way to state promotion, and therefore, loud on the theme: broaching to Monseigneur his devices for blowing the people up and exterminating them from the face of the earth, and doing without them: and for accomplishing many similar objects akin in their nature to the abolition of eagles by sprinkling salt on the tails of the race. (235-36)

While it is true that Dickens plainly manifests his anger at the rigid, life-denying social order and those who uphold it, and although it is equally manifest that the author feels no true notion of justice or moral decency can be expected from so conservative an environment, one must nonetheless scrutinize T.A. Jackson's claim that Dickens endorsed revolution as the "only road to hope, to justice, to peace, and to

general happiness" with great care. It seems to me that a careful reading of A Tale of Two Cities refutes Jackson's suggestion, and in fact substantiates George Orwell's evaluation of Dickens: "There is no clear sign that he wants the existing order to be overthrown; or that he believes it would make much difference if it were overthrown. For in reality his target is not so much society as human nature."⁶ Orwell points out Dickens' fear and conviction that a radical change in the social structure would not make much difference to the quality of human life.

Although the author's genuine commiseration with and understanding of the causes of the Revolution cannot be questioned or even doubted, Dickens nevertheless will not close his eyes to the bestiality and the madness which break loose in the ensuing political upheaval. As John Gross has remarked, the Revolution is described by Dickens "in terms of pestilence and madness."⁷ In this way, Dickens links the revolutionary outbreak in France to the pestilence and disease of Tom's-All-Along in Bleak House; both are the products of neglect, repression, and outworn social orders; both are antithetical to life!

⁶George Orwell, "Charles Dickens," A Collection of Essays (New York: Doubleday, 1954), p. 58.

⁷Gross, p. 23.

There was no pause, no pity, no peace, no interval of relenting rest, no measurement of time. Though days and nights circled as regularly as when time was young, and the evening and the morning were the first day, other count of time there was none. Hold of it was lost in the raging fever of a nation, as it is in the fever of one patient. Now, breaking the unnatural silence of a whole city, the executioner showed the people the head of the king . . . and now, it seemed almost in the same breath, the head of his fair wife, which had had eight weary months of imprisoned widowhood and misery, to turn it grey . . . And yet, observing the strange law of contradiction which obtains in all such cases, the time was long, while it flamed by so fast. A revolutionary tribunal in the capital, and forty or fifty thousand revolutionary committees all over the land; a law of the Suspected, which struck away all security for liberty or life, and delivered over any good and innocent person to any bad or guilty one, prisons gorged with people who had committed no offence and could obtain no hearing; these things became the established order and nature of appointed things, and seemed to be ancient usage before they were many weeks old. Above all, one hideous figure grew as familiar as if it had been before the general gaze from the foundations of the world . . . the figure of the sharp female called La Guillotine. (270-271)

Dickens envisions the atmosphere of the Revolution as an atmosphere totally non-conducive to life. Law, always subservient to the social order, is pressed into service for the new Régime. Laws are now passed as easily to safeguard the new governing élite as they were to uphold the previous status quo. A new legal superstructure appears in France, and as with most legal monoliths, this structure demands blind adherence, seeks to be self-perpetuating and is ready to crush anyone or anything which challenges its authority. This legal machine is therefore as denying of justice as any previously monopolized

by the monied classes. Dickens' description of the conduct, principles, and functioning of the peoples' tribunals is searing:

The dread Tribunal of five judges, public prosecutor, and determined jury, sat every day. Their lists went forth every evening. . . . His (Darnay's) judges sat upon the bench in feathered hats; but the rough red cap and tricoloured cockade was the headdress otherwise prevailing. Looking at the jury and the turbulent audience, he might have thought that the usual order of things was reversed, and that the felons were trying the honest men. The lowest, cruelest, and worst populace of a city, never without its quantity of low, cruel, and bad, were the directing spirits of the scene; noisily commenting, applauding, disapproving, anticipating, and precipitating the result, without a check. (278-79)

The legal institution of the Revolutionary régime, as in the previous days of the aristocracy, is seen to be only another guise or trapping for "lawlessness." To attain justice and perpetrate moral decency is an impossibility, especially in a court which is manipulated by rampant, fickle crowds of new oppressors.

Cries in exaltation of the well-known good physician rent the hall. So capriciously were the people moved, that tears immediately rolled down several ferocious countenances which had been glaring at the prisoner a moment before, as if with impatience to pluck him out into the streets and kill him Before that unjust Tribunal, there was little or no order of procedure, ensuring to any accused person any reasonable hearing. There could have been no such Revolution if all laws, forms and ceremonies had not first been so monstrously abused that the suicidal vengeance of the Revolution was to scatter them all to the winds. (280;310)

It is extremely important to note that though in a novel such as Bleak House faithful adherence to procedure, structure

and rule leads to a denial of justice; in A Tale of Two Cities the casting off of rationality and the consequent dispensation, of all procedure and precedent are seen to be equally dangerous and equally futile as an avenue through which justice and morality can be pursued.

Dickens' condemnation of the inadequacies of Law in ensuring human dignity and justice far transcends political philosophies, though critic T.A. Jackson would like to believe otherwise. Dickens' vision is by no means a simplistic one, favoring one political notion and believing that political changes can ensure just human action. As Robert Stange has noted, "One of the powerful features of Dickens' art which should not go unmentioned is his strong sense of the lusts and guilts and passions which lie under the surface of human consciousness."⁸ It is exactly because of this deep understanding of human psychology and motivation that Dickens hesitates to place his faith in systems, structures, or political affiliations of any one kind or another. The author recognizes that structures and principles become easily corrupted and subverted. The law of Revolutionary France is as putrid and perverse as that of the Ancien Régime; the tyranny which it imposes upon people is as terrible as that

⁸ Stange, p. 74.

of the lettre-de-cachet; its judges and prosecutors are driven by personal motives of vengeance, bitterness and self-aggrandizement in the same way that the rulers of previous times were; the possibilities for justice being realized through new institutions are as remote as ever. Madame Defarge's personal vendetta against anyone linked with the Evrémonde family of course bears witness to this:

'Much influence about him, has that Doctor?' murmured Madame Defarge, smiling to the Vengeance. 'Save him now, my Doctor, save him!' . . . At every juryman's vote, there was a roar. Another and another. Roar and roar . . . Unanimously voted. At heart and by descent an aristocrat, an enemy of the Republic, a notorious oppressor of the People. Back to the Conciergerie, and Death within four-and-twenty hours! ' . . . tell the wind and fire where to stop,' returned madame; 'but don't tell me!' (326; 334)

Because Régimes, Revolutions and institutions cannot effect justice, individual consciousness seems to be the only viable way by which to ensure human dignity. Sydney Carton's character, and the change which is manifest in it as he affirms his commitment to true justice, assumes more importance for Dickens, not only in terms of plot, but in terms of thematic possibilities.

Carton's previous mild submission to the values of the legal and therefore the social world, stems from an incapacity to challenge the existing order. By self-declaration, he lacks the energy and motivation to affirm an individual credo;

and all avenues of action and commitment seem to be closed to him: "I am a disappointed drudge, Sir. I care for no man on earth and no man on earth cares for me." (91) Carton, unlike a Guppy or a Stryver, does not view life, love, and relationships with others in terms of interests and advancements. On the contrary, Carton seems to represent totally different values; he is sincere to the point of self-sacrifice and profound enough to perceive the hypocrisy and facade of law, as well as the injustice of the social order which the legal structure masks. His existence itself--the shadow-like figure sulking in the courtroom, at one and the same time a "lawyer" and a reminder of the inadequacy of law, is a living testimony to the incompatibility of the law and decency. Furthermore, Carton's understanding of human nature is far more comprehensive than that of the average attorney, and probably has been sharpened by his vantage point as a "jackal," refusing to be entangled by the social temptations of wealth and respectability, waiting instead for a few remains to be thrown his way. Carton perceives the hypocrisy of both the oppressors and the oppressed; and though he understands the motivations of each power group, he refuses to be compromised by either.

I see Barsad, and Cly, Defarge, The Vengeance, the Jurymen, the Judge, long ranks of oppressors who have risen on the destruction of the old, perishing by this retributive instrument, before it shall cease out of its present use. (366)

The deep understanding which Carton possesses of the inadequacies of institutions, and the foibles of human nature renders him Dickens' mouthpiece for a condemnation of the social order. Carton begins to evolve into a kind of Christ-like figure towards the conclusion of this novel. In Darnay's first trial for treason, Carton had, in a sense, served as his saviour. { Carton's physical resemblance to Darnay disproved the supposedly "irreproachable" testimony of witness Barsad. However, Carton's saving of Darnay was then a passive act; one in which Carton participated in a disinterested way:

Allowing for my learned friend's appearance being careless and slovenly if not debauched, they were sufficiently like each other to surprise, not only the witness, but everybody present. . . . Mr. Carton, who had so long sat looking at the ceiling of the court, changed neither his place nor his attitude, even in this excitement. (83)

On the level of plot, Carton's new-found energy and desire to see justice done are electrifying in the concluding section of the novel. The second saving of Darnay's life is no longer an indifferent action on the part of Carton. Carton rather embraces this "Christ-like" role. He regards his sacrifice as inevitable; he welcomes it as the avenue for viable self-affirmation so long denied him. The manner in which Carton takes control of the plans for the Manettes' escape enhances the commitment which he feels:

'Remember these words to-morrow: change the course, or delay in it . . . for any reason . . . and no life can be saved, and many lives must inevitably be sacrificed. . . .' Though he said it with a grave smile of earnestness, and though he even put the old man's hand to his lips, he did not part from him then. (338)

Carton's previous reluctance to act in defiance of the social order is now completely superseded by the Christ-like role of saviour which he so enthusiastically adopts. It is apparent that Dickens wants to imbue Carton's act of sacrifice with great significance, and in fact makes Carton's resemblance to Christ in this act explicit. We are told that when Carton enters Darnay's cell, his face is glowing:

The door was quickly opened and closed, and there stood before him face to face, quiet, intent upon him, with the light of a smile on his features, and a cautionary finger on his lip, Sydney Carton . . . There was something so bright and remarkable in his look, that, for the first moment, the prisoner misdoubted him to be an apparition of his own imagining. (342)

Not only does Dickens show that Carton has welcomed this opportunity to assert his integrity, but Dickens places in Carton the power to articulate the conviction that justice and human dignity cannot be attained and guaranteed by any institution of society (i.e. whether it be of legal, political, or economic nature) but rather must be effected through the medium of the individual's commitment and benevolence.

It is exactly because the individual's commitment to re-integrating justice with action in life is necessary to

affirm human decency, that Carton's act of sacrifice is rendered a positive act. Darnay, Carton's look-alike, has managed to attain decency and affirm his integrity by renouncing his ties with the old order and imbuing his life with positive values; his love for Lucie, honest labour, the continuing concern with justice which leads him back to France in the hope of saving Gabelle's life. Carton's avenues of achieving decency, while living within society, have been closed. Therefore, while Darnay, who may be thought of as representing only another facet or aspect of Carton, can continue to live and sustain moral decency, Carton must sacrifice his life to infuse meaning into his philosophy. Carton's death is certainly not a negative action. Dickens makes it clear that Carton's sacrifice is intended as a positive step toward a reconciliation of moral justice with human action, since Carton's last perceptions look to a future where all human beings will demonstrate a viable, integral and decent approach to life. As in the concluding vision of Bleak House, mention is made of the generations to come. (Ada's baby provides hope for the future, as do Lucie's children; in particular the boy who will bear Sydney Carton's name.) Dickens affirms his belief that progression toward justice and decency can be effected, for Carton sees not only that the future will no longer be enslaved to outworn authority, but that his name and his credo will be

made illustrious. The boy who will bear Carton's name will be a wise and "just judge;" law can and will be imbued with the moral integrity of individuals:

I see a beautiful city and a brilliant people rising from this abyss, and, in their struggles to be truly free, in their triumphs and defeats, through long years to come, I see the evil of this time and of the previous time of which this is the natural birth, gradually making expiation for itself and wearing out. I see that child who bore my name, a man winning his way up in that path of life which once was mine. I see him winning it so well, that my name is made illustrious there by the light of his--I see him, foremost of the just judges and honoured men, bringing a boy of my name--to this place, then fair to look upon, with not a trace of this day's disfigurement . . . (377)

Dickens envisions Carton's death as being both positive and hopeful. This self-sacrifice definitely moves towards affirming individual notions of justice and right, since it is the most significant display of personal integrity which an individual can make. His death too confirms the other characters in the progressive paths they have undertaken. Mr. Lorry foresakes Tellson's in order to help the Darnays, Manette, Miss Pross and Jerry out of France. Darnay and Lucie return to England, only to be more confirmed than ever in the victory which justice has achieved. Dr. Manette has weathered the brutal grip of the past (the remembrance of his imprisonment) once again. All will live to ensure that Carton's sacrifice will not have been in vain.

* * *

The French Revolution quite clearly represents for Dickens a rupture between the past and the present. Law, or that force which tries to govern the present through past authority, has been broken. Though the repression of past laws has bred the fury and terror of the Revolution, though human nature is not seen by Dickens to change dramatically, especially in those characters who perceive the Revolution as the opportunity to implement their own will and aggression; nonetheless a small degree of decency and personal sense of justice is achieved in this novel.

Sydney Carton, advocate, manages finally to imbue the legal character with a profound and undeniable dimension of justice. The sacrifice of Carton's life is a denial of the repressive and corrupt aspect of law. Carton's sacrifice neutralizes the Revolutionary Tribunal's attempt to impose its own unjust law, i.e. the execution of Charles Darnay. More than this, however, Carton's sacrifice allows the lawyer figure to attain a Christ-like stature. Christ, the symbol of ultimate human potential and moral conscience, is combined with a legal heritage. In this novel Sydney Carton signifies a new departure for Dickens, who previously could not conceive of a legal figure possessing more than a particle of decency. Bleak House was suffused in pessimism; the advocates of that novel had

completely forsaken their humanity in the pursuit of law.

In A Tale of Two Cities Dickens has emerged from his condemnation of the legal structures of the Ancien Régime, England and Revolutionary France, to attempt an integral, unified vision of a personal affirmation of justice. The toll in human life which this affirmation demands is of course great. Carton's death though -- that act in which he brings justice back to law -- must be viewed with hope, and should be seen as the initial departure for the more viable demonstration of individual justice which Dickens achieves in Great Expectations.

CHAPTER IV

GREAT EXPECTATIONS AND THE LAW

Great Expectations is the novel in which Dickens illustrates most successfully his sense of outrage at the cruelty and extremity of British criminal law, and his belief that justice can be effected through the dedication and labour of individual human beings. In Great Expectations, the extremity of the legal system is ironically pitted against human nature. Dickens demonstrates in this novel that a sense of justice is an innate quality of human beings, and that this basic sense of justice revolts against the absurdity of legal structures. John Lucas, who has called Great Expectations "the most unchallengeable of Dickens' novels"¹ seems to be referring to the confidence, conviction, and profound human sympathy which emanate from this novel, and which make it a positive step in the direction toward Dickens' affirmation of justice and integrity.

The novel's main character is Pip, and Pip is a young child when he first encounters Magwitch. There are numerous reasons for Dickens' choice of a young boy as his main character. As a child, Pip is the symbol of innocence; he lacks experience in the world, is trusting, and has not yet absorbed

¹ John Lucas, The Melancholy Man (London: Methuen, 1970), p. 1.

the pretensions and shallow values of society which Dickens viewed as the worst elements of the process of socialization. That Pip is already predisposed to displaying a sense of justice is a very important fact for Dickens. Pip's sister, who enforces her authority by punishing and bullying both her husband and the boy, is perceived by Pip as being an alien type of individual. Uncle Pumblechook, self-styled guardian of the mores and standards of respectable society also does not particularly impress young Pip. The boy senses that neither his sister nor her cohort are particularly sensitive or particularly endowed with a sense of justice. However, when the boy encounters Magwitch, his own response is portrayed by Dickens as unquestionably the correct response: he pities the convict, agrees to procure food for him; but he suffers the anguish which his conscience, reflecting society's attitude, places upon him:

My thoughts strayed from that question as I looked disconsolately at the fire. For the fugitive out on the marshes with the iron leg, the mysterious young man, the file, the food, and the dreadful pledge I was under to commit a larceny on these sheltering premises rose before me in the avenging coals.²

Pip responds in a true spirit of justice to aid a fellow human being and endeavour to ease the misery which

²Charles Dickens, Great Expectations (New York: The New American Library, 1961), p. 16. All subsequent quotations follow the text of this same edition. The page numbers will be indicated in parentheses after each quotation.

he sees before him. It is extremely important to note that as a child, Pip responds intuitively to the situation. Though Pip suspects he is acting "incorrectly" in terms of society's notions of law and justice, though he suspects the police (and therefore the law) will seek retribution, Pip nonetheless cannot deny the basic human sympathy he feels toward the convict, and the vague uneasiness he experiences when the legal machinery is brought into motion. Though society, and its instrument the law, attempt to impose a feeling of guilt upon the child for having helped an offender, Pip's basic nature refuses to forsake its original sympathy toward the wretched convict. Therefore, though the so-called law-abiding and self-righteous citizen, depicted in this novel in the figures of the Pumblechooks, Mr. Wopsle, and the Hubbles, can only react to the search for an escaped convict with great gusto and the excitement which usually accompanies a spectacle, Pip's innate tendency toward justice and morality is demonstrated by his risking social censure, and his articulating "subversive" wishes to Joe, while on the chase in the marshes:

Mr. Wopsle, Joe, and I received strict charge to keep in the rear, and to speak no word after we reached the marshes. When we were all out in the raw air and were steadily moving towards our business, I treasonably whispered to Joe, 'I hope, Joe, we sh'nt find them!' And Joe whispered to me, 'I'd give a shilling if they had cut and run, Pip.' (41)

The spectacle which greets Pip on this chase is a blatant condemnation of British law. Not only does Magwitch

articulate how the law has failed him, but the manner in which society casts out its offenders is demonstrated to the boy in all its horror. This brutal display impresses itself upon the boy, who is anxious to assure the convict that he had not been the one to betray him to the authorities:

I [Pip] had been waiting for him to see me, that I might try to assure him of my innocence . . . cribbed and barred and moored by massive rusty chains, the prison ship seemed in my young eyes to be ironed like the prisoners. We saw the boat go alongside, and we saw him taken up the side and disappear. Then, the ends of the torches were flung hissing into the water, and went out, as if it were all over with him. (48)

As noted in the first chapter of this thesis, the Victorian world perpetuated the iniquities and cruelties of the criminal code, with very little true modification. The Victorian middle and upper classes were concerned with preserving the status quo; reform was viewed only as a means to modifying the existing social structures, and the predominant motivating impulse in society still remained a concern with acquiring wealth and respectability. As a child Pip can afford to be concerned with justice. However, as Dickens cleverly demonstrates, the process of socialization brings new concerns to Pip, and these new concerns and temptations will prove terribly seductive.

It is Miss Havisham's function in this novel, and through her, Estella's, to woo Pip away from his basic concern with justice and integrity, and usher him into the world of Victorian

values. It is interesting that Dickens depicts her home as a prison which will engulf the unsuspecting Pip:

Within a quarter of an hour we came to Miss Havisham's house, which was of old brick, and dismal, and had a great many iron bars to it. Some of the windows had been walled up; of those that remained, all the lower were rustily barred. There was a courtyard in front, and that was barred. (64)

The process of socialization has begun for Pip, and with it, a temporary suspension of the basic sense of justice which he had formerly displayed. The imprisonment into which Pip falls is that of the petty values of the Victorian world. Estella is instrumental both in terms of plot and in terms of theme, for she serves as a catalyst for Pip, instilling in the boy desires for wealth and respectability. As Pip comes to regard his past with shame, he more and more regrets the instance of human sympathy which he displayed to Magwitch. His formerly integral sense of justice strangely enough becomes a source of regret to the young man; Pip's individual integrity is easily seduced by the dual temptations of the Victorian world; for as W.E. Houghton noted concerning this period, "in the middle classes, the passion for wealth was closely connected with another, for respectability."³ Pip articulates his desire for "respectability" and while

³Walter E. Houghton, The Victorian Frame of Mind: 1830-1870 (New Haven: Yale U.P., 1959), p. 184.

doing so, regrets his past sympathy to Magwitch. In effect, Pip is beginning to deny his inclination for justice; and adopt the values of the society about him:

I had sadly broken sleep when I got to bed, through thinking of the strange man taking aim at me with his invisible gun, and of the guilty coarse and common thing it was to be on terms of conspiracy with convicts--a feature in my low career that I had previously forgotten. (90)

Pip's search for wealth and respectability, cleverly plotted by the author in the boy's new-found rise in expectations, is an excellent device by which to demonstrate the shallowness of Victorian society and the narrowness of that society's view toward law, justice and the possibility of a legal offender redeeming himself.

It is of crucial significance to understand Pip's naive desire to believe Miss Havisham the arbiter of his expectations. This irony not only adds to the fairy-tale quality of the novel (Miss Havisham is a type of fairy godmother making possible the eternal bliss of a young prince and princess) but it masterfully demonstrates the subtle seduction and corruption of Pip's basic human integrity by the values of the Victorian social order. Furthermore, the falseness of Pip's illusions testifies to the falseness of Victorian values. While it is fine to have as patron a respectable,

though half-crazed member of society, the alternative case, i.e. the possibility that the same deed could be carried out by a convict, or one who is forced out of the social order and is treated as a pariah of society, appears utterly ludicrous;

It was too early yet to go to Miss Havisham's, so I loitered into the country on Miss Havisham's side of town..thinking about my patroness, and painting brilliant pictures of her plans for me. She had adopted Estella, she had as good as adopted me, and it could not fail to be her intention to bring us together. She reserved it for me to restore the desolate house, admit the sunshine into the dark rooms, set the clocks a-going, and the cold hearths a-blazing, tear down the cobwebs, destroy the vermin . . . in short, do all the shining deeds of the young knight of romance, and marry the princess. (252)

Pip's naivety and shallowness is a reflection of Victorian society's shallowness and inadequacy regarding not only money, but law, attitudes toward others, values and basic humanity. Ross Dabney, in his study entitled Love and Property in the Novels of Dickens, remarks the similarity between Pip's aspirations and those of the nineteenth-century bourgeoisie in general. "In the first place, Pip's ambition is something anarchic and amoral; it seems to absolve him from human obligations and ties,

and to make him a free agent, uninvolved except with what he wants."⁴

Though Pip very much wants to detach himself from human obligations, and simply indulge in his dreams of wealth and Estella, certain symbols or reminders of the guilt he feels in forsaking his past nature, and in abandoning a sense of justice, reoccur to bind him to his former empathy, not only with Magwitch, but with Joe. When Pip plays the part of the criminal in Mr. Wopsle's production of "George Barnwell," the memory of his empathy for a "criminal" is of course overt. When Pip's sister is bludgeoned by her assailant, and the inept law enforcement officers ("They took up several obviously wrong people, and they ran their heads very hard against the wrong ideas" (138)) describe the weapon as a filed-off convict iron, Pip is bound even more tightly to his past or that time in which he demonstrated justice and moral integrity, without the constraints of Victorian values upon him:

I believed the iron to be my convict's iron... It was horrible to think that I had provided the weapon, however undesignedly, but I could hardly think otherwise. I suffered unspeakable trouble while I considered and reconsidered whether I should at last dissolve that spell of my childhood and tell Joe all the story... The contention came, after all, to this... the secret was such an old one now, had grown into me and become a part of myself, that I could not tear it away. (136-37)

⁴ Ross H. Dabney, Love and Property in the Novels of Dickens (London: Chatto and Windus, 1967), p. 137.

As Dickens successfully demonstrated in A Tale of Cities, past experience cannot be denied. The hold of basic integrity is strong indeed, and human beings, no matter how desperately they seek to escape their past natures, must somehow manage to evolve a visible integration between basic inclination and social dictates. The law, that instrument which helps modify human inclination according to past dictates and prescriptions, functions in Great Expectations as it does in both novels previously discussed. It is an imposition on the living of past authorities and an assurance that the status quo will never be changed.

In Great Expectations, as in Black House, Dickens chooses to analyse a lawyer who is another guardian of past authorities; and whose knowledge of the law's structures enables him to be a crucial arbiter of all the characters' destinies. Unlike Tulkinghorn, though, who has allowed himself to be weighted down by his duties to the law, and consequently has forfeited all human spontaneity and consciousness, Jaggers has triumphed in evolving a personal credo which successfully integrates duty to the law with an integral desire to labour within the system for at least a modicum of justice. John Forster, life-long colleague and confidante of Dickens, has described Attorney Jaggers as "a character of surprising novelty and truth."⁵ Although some critics have not shared Forster's

⁵ John Forster, The Life of Dickens (London: J.M. Dent and Sons, 1966), II, p. 256.

great enthusiasm for the attorney, every critic, at one time or another, has had to confront this imposing creation and somehow account for the ascendancy which Jaggers acquires in the course of the novel.

As his name implies, Attorney Jaggers (similar to "daggers") is a sharp, acrid, and determined man. Dickens' descriptions of this man are not in the least suggestive of softness, warmth, or human empathy. Jaggers is stolid, rather than spontaneous; he imposes himself upon Pip and the crowd at the Jolly Bargemen, and all appear rather awed by the attorney's presence. When Pip first encounters Jaggers in Miss Havisham's home, the figure of the barrister is impressed upon his mind:

He was a burly man of an exceedingly dark complexion, with an exceedingly large head and a corresponding large hand. He took my chin in his large hand and turned up my face to have a look at me by the light of the candle. . . . His eyes were set very deep in his head, and were disagreeably sharp and suspicious. He had a large watch-chain, and strong black dots where his beard and whiskers would have been if he had let them. (94)

In this description, Dickens has managed to depict the mannerisms and characteristics of the professional barrister of his age. Jaggers, like his noteworthy predecessor, Tulkinghorn, is staid, well-disciplined, highly intelligent, and awe-inspiring in the eyes of the layman. Jaggers, like Tulkinghorn, is clearly a retainer of the wealthy

classes, and comes and goes at need in the home of Miss Havisham. Jaggers furthermore is "suspicious" and guarded in his manner, and Dickens shows us that like his colleague Tulkinghorn, at the Bar of Bleak House, he is the keeper of many family secrets.

Philip Collins is particularly interested in Dickens' recurring legal creations, and is therefore fascinated by Jaggers. He notes that:

Lawyers, as a profession neither warm the hearts nor excite the admiration of the great British public; the prejudice Dickens imbibed from his brief experience of the legal world was reinforced by a long tradition of popular and literary hostility towards lawyers, who generally appear . . . in, say, Jacobean and Restoration drama, and in eighteenth century fiction . . . either as musty crabbed half-wits or, more often, as unscrupulous rogues.⁶

Though Dickens' legal portrait gallery does include several advocates who may be viewed as similar to these stereotypes, (Guppy, Smallweed Jr., Vholes in Bleak House, Mr. Perker and his clerk Lowton, in Pickwick) Attorney Tulkinghorn, and even more so Jaggers, represent by far the most comprehensive attempt by Dickens to delineate and analyze the legal mentality. Jaggers, furthermore, is the most complex lawyer yet depicted by Dickens, to convey the author's belief that dedication to the law does not have to entail a total renunciation of justice and morality.

⁶ Philip Collins, Dickens and Crime (London: MacMillan, 1965), p. 174.

In the same way as Tulkinghorn's home and office was situated in the heart of the legal district of London, so Attorney Jagger's office was located in the very core of London's criminal quarter, Newgate. As in the case of his predecessor, Tulkinghorn, the physical environment of Attorney Jagger's may be said to represent faithfully certain aspects of the legal system which he serves. Jagger's office, known as "Little Britain" is, as its name implies, another microcosm of the abysmal legal nexus, which in turn epitomizes Victorian society:

Mr. Jagger had duly sent me his address; it was Little Britain, and he had written it after his card . . . And stop we presently did, in a gloomy street, at certain offices with an open door, whereon was painted Mr. Jagger . . . Mr. Jagger's room was lighted by a skylight only, and was a most dismal place; the skylight, eccentrically patched like a broken head, and the distorted adjoining houses looking as if they had twisted themselves to peep down at me through it . . . Mr. Jagger's own high-backed chair was of deadly black horsehair, with rows of brass nails round it, like a coffin; and I fancied I could see how he leaned back in it and bit his forefinger at the clients. (178-180)

The image of Jagger being "nailed" into his chair is yet another way in which Dickens sees Law as being "hemmed in" by the very structure of the Victorian world.

Jagger has been labelled "the richest of all Dickens' characters who live for the exercise of power."⁷ However,

⁷F.R. and Q.D. Leavis, Dickens the Novelist (Harmondsworth: Penguin, 1932), p. 403.

it is insufficient to note the power he exerts without questioning its nature and its source. The power which Jaggars manifests is the power of the Law, that institutionalized social chess game in which the most adept manipulator is the most valuable player. Jaggars' personality, like that of his predecessor Tulkinghorn, is well-suited for this "game;" since he displays a great capacity for self-discipline and a capacity to respond to people with suspicion. Furthermore, Jaggars is confident in his capacity to know what is best for others, though like Tulkinghorn, Jaggars is constantly shading or blocking off his personal voice. He too is happy to function most of the time as a technician of the law, denying the human responses he may feel. Like Tulkinghorn, Jaggars is at times reminiscent of the "sergeant-at-law" mentality, so crucial in solidifying the Common Law.

'My name,' he said, 'is Jaggars, and I am a lawyer in London. I am pretty well known. I have unusual business to transact with you, and I commence by explaining that it is not of my originating. If my advice had been asked, I should not have been here. What I have to do as the confidential agent of another, I do. No less, no more We come next to mere details of arrangement. You must know that although I use the term 'expectations' more than once, you are not endowed with expectations only. There is already lodged in my hands a sum of money amply sufficient for your suitable education and maintenance. You will please consider me your guardian. Oh!' for I was going to thank him, 'I tell you at once, I am paid for my services, or I shouldn't render them Understand that I express no opinion, one way or the other, on the trust I undertake. I am paid for undertaking it, and I do so. Now understand that finally. Understand that!' (153-158)

Jaggers attempts to be non-committal, to detach himself from human interchange, and to retreat behind the facade of business. The manner in which Jaggers speaks is staccato-like or jagged. However, though Jaggers does share these features with other attorneys depicted by Dickens, and although his overall presentation is at first very reminiscent of Tulkinghorn, Jaggers achieves a great deal more "emotional and imaginative generosity,"⁸ in the course of the novel. This is due to the fact that the arbitrary nature of British Common Law is something which Jaggers understands and never denies. The attorney, despite his work within the law, refuses to relinquish his own personal attempt to reconcile the legal system he serves with the moral justice he knows it lacks. Though Jaggers seems to "tailor" each case, to make of each problem a different pattern or configuration, his own personal integrity and desire to attain justice are not sacrificed:

. . . my guardian had a woman under examination or cross-examination . . . I don't know which . . . and was striking her, and the bench, and everybody with awe. If anybody, of whatsoever degree, said a word that he didn't approve of, he instantly required to have it taken down! If anybody wouldn't make an admission, he said, 'Now I have got you!' The magistrates shivered under a single bite of his finger. Thieves and thieftakers hung in dread rapture on his words, and shrank when a hair of

⁸ Lucas, p. 309.

his eyebrows turned in their direction. Which side he was on, I couldn't make out, for he seemed to me to be grinding the whole place in a mill; I only knew that when I stole out on tiptoe, he was not on the side of the bench, for he was making the legs of the old gentleman who presided quite convulsive under the table by his denunciations of his conduct as the representative of British law and justice in that chair by day (181; 220)

The discrepancy which exists between law and justice is demonstrated by Jaggers in Court, though he plays the legal game brilliantly. Dickens shows us that Jaggers is considered priestly or "saviour-like" by his clients, and that they are indeed his prostrate followers. Dickens shows us that Jaggers' prescribed rituals of the law do not necessarily entail justice, but that he remains a master at "making" of cases what he wants, and castigating the Bench when he so desires. Dickens asserts too that despite its failures the law is a system or structure which demands discipline and therefore provides a modicum of stability. It is within the system that some attempt to affirm justice and personal consciousness can be attempted. Dickens' previous novel showed that a situation of anarchy will not achieve this affirmation; it can only further isolate the elements law and justice. For these reasons, the law is a system particularly appealing to a man like Jaggers, and although the attorney never denies the inadequacies and the corruption of the system, he seems perfectly willing to function within its bounds. As John Lucas remarks, Jaggers

accepts his complicity in a less-than-perfect system, though he never becomes totally subdued by it. His effort is directed toward reconstituting the legal game with as much moral justice as possible:

Altogether the presentation of Jaggars manages almost miraculously to hold a balance between despair and optimism: the cost of his sort of involvement is enormous, but it is not definitive. Jaggars is deeply harmed by his commitment to the 'dirt' of life, yet his identification with it acts as a rebuke to Pip's dream of freedom and unsoiled expectations. The bonds that tie Jaggars chafe...but they do not destroy.⁹

Jaggars justifies his work within the legal system by his recognition that though the Common Law is a corrupt edifice, it remains the only forum within which certain human dramas can be salvaged. Salvaging individual fates somehow insuring at least survival, if not total vindication of justice, seems to be Jaggars' overriding goal. In a manner reminiscent of Lady MacBeth, Jaggars washes and scrubs from his hands the abject misery and injustice with which he is confronted every day in Britain's legal arena. The structure of the law never leaves Jaggars, who has internalized so much of its method; but the attorney will not overlook the fact that this structure may allow for some good to be "made:"

⁹ Ibid., p. 310.

He conducted us to Gerrard Street, Soho, to a house --dolefully in want of painting, and with dirty windows-- . . . There was a bookcase in the room; I saw from the backs of the books that they were about evidence, criminal law, criminal biography, trials, acts of Parliament, and such things. . . . I embrace this opportunity of remarking that he washed his clients off, as if he were a surgeon or a dentist. He had a closet in his room fitted up for the purpose, which smelt of the scented soap . . . and he would wash his hands, and wipe them and dry them all over this towel, whenever he came in from a police court or dismissed a client from his room. (229-230)

Through the figure of Attorney Jaggers, Dickens progresses in his critique of English law, which he began in Bleak House and continued in A Tale of Two Cities. The law is a vast superstructure, obsessive in nature. The price, for those who follow the legal calling and those who work within this arena, is extremely high. The law demands a complete dedication. It insists that one sees life through "dirty windows," and that spontaneous, frank contact with other human beings is abandoned or "washed off." The law exacts upon its followers a ruthless dedication to its labyrinth-like maze of rules and precedents; and very clearly indicates that natural human emotions, trust for others, and indeed any type of individual assertion, be left at home. However, the individual can attempt to assert moral justice through individual action and integrity. Carton gives his life in this self-assertion. In Great Expectations the toll will not be as costly.

Jaggers' young clerk, the enthusiastic and delightful Wemmick, quite clearly leaves his human consciousness at home, and distinguishes between his legal and private life. Wemmick would appear to be a very close counterpart to Thomas Traddles, the delightful companion of David Copperfield. Traddles becomes a lawyer and minor magistrate by the conclusion of that novel, but he always retains his good-natured humour, genuine emotion and spontaneity, because of his rich family life, which is kept carefully guarded from his professional life.

The name Wemmick too is suggestive of a mild-mannered fellow, and mild-mannered he is compared to Jaggers, though the senior attorney has provided a model of legal professional conduct which is closely imitated in the office. "I sat down in the cliental chair placed over against Mr. Jaggers' chair . . . I called to mind that the clerk had the same air of knowing something to everybody else's disadvantage as his master had . . ." (180). Mr. Wemmick is a character with many qualities which are appropriate to his chosen calling, and Dickens brilliantly describes how that demanding stonemason, the Law, had emphasized those features as opposed to the milder ones, in Wemmick.

Casting my eyes on Mr. Wemmick as we went along to see what he was like in the light of day, I found him to be a dry man, rather short in stature, with a square wooden face, whose expression seemed to

have been imperfectly chipped out with a dull-edged chisel. There were some marks in it that might have been dimples, if the material had been softer and the instrument finer, but which, as it was, were only dints. The chisel had made three or four of these attempts at embellishment over his nose, but had given them up without an effort to smooth them off (187)

Though the dimples are only "dints" it is significant that Dickens can perceive them within this legal figure, thereby testifying that Wemmick's choice of the legal profession has not robbed him of his humanity or integrity.

The dimples and cheer on Wemmick's face have to be left, however, for the times when he is away from the shadow of Newgate. It is only in his consciously-created Garden of Eden that Wemmick may indulge in his private life and display those aspects of his character for which there is no room in the legal realm. It is in the "Castle" (i.e. the home which the young attorney has imaginatively and conscientiously planned along the lines of a medieval castle) that Wemmick reveals the inner self of warmth, family devotion, romance, and human involvement which the professional life of the law denies. Barbara Hardy, in her study The Moral Art of Dickens, noted that "Dickens was interested in the conditioned character, but includes in his fiction a continuing fantasy about the ideal, the unconditioned value."¹⁰ Wemmick, though "very

¹⁰ Barbara Hardy, The Moral Art of Dickens (New York: Oxford U.P., 1970), p. 4.

regular in everything," (317) and thoroughly conditioned by the demands of the legal profession, still manifests an unconditioned fantasy, and an unchallengeable spirit of generosity and romance:

'No; the office is one thing, and private life is another, When I go into the office, I leave the Castle behind me, and when I come into the Castle, I leave the office behind me. If it's not in any way disagreeable to you, you'll oblige me by doing the same. I don't wish it professionally spoken about' . . . Wemmick's house was a little wooden cottage in the midst of plots of garden, and the top of it was cut out and painted like a battery mounted with guns . . . 'I am my own engineer, and my own carpenter, and my own plumber, and my own gardener, and my own jack of all trades,' said Wemmick, in acknowledging my compliments. 'Well, it's a good thing, you know. It brushes the Newgate cobwebs away, and pleases the Aged,' . . . Wemmick was up early in the morning . . . Our breakfast was as good as the supper, and at half-past eight precisely we started for Little Britain. By degrees Wemmick got dryer and harder as we went along, and his mouth tightened into a post office again. At last, when we got to his place of business and he pulled out his key from his pocket, he looked as unconconscious of his Walworth property as if the Castle and the drawbridge and the harbour and the lake and the fountain and the Aged had all been blown into space . . . (226-228)

Sylvia Manning has noted that "the Wemmick who constantly advises Pip to amass portable Property is the mechanical instrument of Mr. Jaggers and the world in which justice means profit."¹¹ In this realm, Wemmick is indeed "dry, regular," property-conscious, suspicious and lacking in human depth. Within this realm he is merely the agent of the legal system

¹¹ Sylvia Bank Manning, *Dickens as Satirist* (New Haven: Yale U.P., 1971), p. 295.

and must adhere to its petty characteristics. The Wemmick who lives apart from this vast legal structure, can and does display integrity, creative and artistic energies, and through his friendship very much contributes to the growth and development of Pip's character. Sylvia Manning has remarked that "To see things rightly, Pip must learn the meaning of Wemmick's schizophrenic existence."¹² In fact, Pip must come to realize the vast discrepancy which exists between the appearance and the realities of life. He must learn that the justice inherent in him should not be a source of shame to him.

It is for this necessary lesson that Abel Magwitch returns, and reveals himself as Pip's benefactor. Magwitch too has led a schizophrenic or divided life. In England the convict was:

A fearful man, all in coarse grey, with a great iron on his leg. A man with no hat, and with broken shoes, and with an old rag tied round his head. A man who had been soaked in water, and smothered in mud, and lamed by stones, and cut by flints, and stung by nettles, and torn by briars; who limped and shivered, and glared, and growled . . . (10)

In short, the convict was a totally forsaken, brutalized creature. In Australia, on the other hand, Magwitch had been given the opportunity to prove his worth, and succeeded in carving out a new life for himself. The former convict,

¹² Ibid.

spurned by so-called "acceptable" society, ironically has fashioned his own gentleman:

'I've been a sheep-farmer, stock-breeder, other trades besides, away in the New World. I swore that time, sure as ever I earned a guinea, that guinea should go to you. I swore afterwards, sure as ever I speculated and got rich, you should get rich . . . And then, dear boy, it was a recompense to me, look'ee here, to know in secret that I was making a gentleman. (343-47)

A crucial part of the lesson which Pip learns concerning the discrepancy between law and justice is that Magwitch has not only paid for his past misdemeanors, but has in fact used his opportunity to become an extremely industrious and talented member of society. In adopting the elitist and snobbish values of the gentleman class, Pip at first sees Magwitch as the "criminal" and therefore, as a type of sub-human creature to be treated with contempt:

'Stay!' said I. "Keep off! If you are grateful to me for what I did when I was a little child, I hope you have shown your gratitude by mending your way of life . . . I cannot wish to renew that chance intercourse with you of long ago, under these different circumstances. I am glad that thinking I deserve to be thanked, you have come to thank me. But our ways are different ways, none the less.' (342)

Pip learns that his way and Magwitch's were indeed "different," Magwitch being in fact more grateful and indeed more humane than Pip, the typical Victorian gentleman, was. The crucial irony of Magwitch being the benefactor of Pip's "expectations" is truly a brilliant dramatic as well as thematic ploy on the

part of Dickens. Not only does Pip begin to comprehend that the legal or social definition of the term "criminal" is a narrow and a facile one, but indeed his formerly complacent and traditional attitudes to the legal framework are upset; his childhood inclination towards justice returns.

Though Magwitch has more than redeemed himself by any code, the Common Law, as it stood in the statute books, does not recognize that a human being is entitled to life and a just respect for that life. Since Magwitch has returned from Australia, he is by narrow legal definition a convicted felon. Neither action on his part nor moral argument can alter the fact, and so the penalty which he has to face is death itself. Attorney Jaggers, master of the intricacies of the law, gives Pip an inkling into the constricted reasoning upon which the mighty house of the Common Law stood. "Take nothing on its looks; take everything on evidence. There's no better rule!" (360). And, in accordance with this reasoning, the verdict regarding Magwitch's return indeed is a foregone conclusion, no matter how flagrantly unjust and inhumane that judgement:

'I communicated to Magwitch . . . in New South Wales . . . the caution that he must not expect me ever to deviate from the strict line of fact. . . . He appeared to me to have obacurely hinted in his letter at some distant idea of seeing you in England here. I cautioned him that I must hear no more of that; that he was not at all likely to obtain a pardon; that he was expatriated for the term of his natural life, and that his

presenting himself in this country would be an act of felony, rendering him liable to the extreme penalty of the law . . . ' (360)

Though the reader is made to feel the flagrant, brutal violation of human integrity imposed by law in this penalty for returned expatriates, Dickens' comprehensive denunciation of the Victorian attitude toward criminals and the futility in obtaining either justice or responsible action from the Courts, does not end there. Bert Hornback, in his study of Dickens, has noted the aptness of Magwitch's first name. "Magwitch has always been a victim of society and of the corrupt world over which society presides. Significantly, he is the namesake of the first victim, Abel, the son of Adam."¹³ Born in ignorance and poverty, Magwitch had little choice but to tread dangerous paths, and was therefore predisposed to fall prey to a man such as Compeyson. The compassion which Dickens makes his readers feel toward Magwitch is equalled only by the disgust which we feel at the inadequacy of the law to comprehend the plight of a Magwitch:

'I've been done everything to, pretty well, except hanged. I've been locked up as much as silver tea-kettle. I've been carted here and carted there . . . and stuck in the stocks, and whipped and worried and drove . . . Tramping, begging, thieving, working sometimes when I could . . . (371-72)

¹³Bert G. Hornback, Noah's Architecture: A Study of Dickens' Mythology (Athens: Ohio U.P., 1972), p. 133.

The law does indeed take this past history into consideration, but only as further evidence of the incorrigibility of Magwitch's character. Nowhere is the discrepancy between law and justice more brazenly exemplified than in Magwitch's account of his trial and Compeyson's. As F.R. Leavis has explained, "The arbitrariness of 'justice' in this society is again emphasized by the greater consideration shown for the really vicious Compeyson than for his tool."¹⁴ In this instance Marxist critic T.A. Jackson's comment regarding Law in the bourgeois order must be noted. "What has not been remedied, and will not be so long as the bourgeois order lasts, is the fundamental wrong upon which the whole pretentious edifice of the Law has been reared . . . the wrong implicit in and inseparable from a class-divided state of society . . ."¹⁵ Magwitch himself best exemplifies the failure of the legal structure to Pip; a failure which Dickens indeed regards as inevitable so long as the law remains an instrument in safeguarding class interests:

'Compeyson says to me, 'Separate defences, no communication,' and that was all. And I was so miserable poor that I sold all the clothes I had, except what hung on my back, afore I could get Jiggers . . . When we was put in the dock, I noticed first of all what a gentleman Compeyson

¹⁴Leavis, p. 412.

¹⁵T.A. Jackson, Charles Dickens: The Progress of a Radical (New York: Haskell House, 1971), p. 276.

looked, wi' his curly hair and his black clothes.
. . . When the prosecution opened and the evidence
was put short, aforehand, I noticed how heavy it all
bore on me and how light on him. . . . And when it came
to speech-making, warn't it Compeyson as could speak
to 'em ah! and wi' verses in his speech, too
. . . and warn't it me as could only say, 'Gentlemen,
this man at my side is a most precious rascal?' . . .
And when we were sentenced, ain't it him as gets
seven year, an me fourteen, and ain't it him as the
judge is sorry for, because he mighta done so well,
and ain't it me as the judge perceives to be a old
offender of wiolent passion, likely to come to worse?
(375-77)

Once again, Law in its presumptuous and tradition-tied
guise has chosen to adhere to "facts," to the "articulate
gentlemen" who relate their arguments so seductively, and to
time-proven precedents which dictate the indisputable guilt
of previous offenders. It is therefore no surprise that the
law deals so harshly with Magwitch, who without doubt, has
broken one of its prescriptions by daring to return to England,
while still a felon. To add insult to injury, the law also
succeeds in depriving Magwitch of his deepest desire, to make
Pip a gentleman. Anthony Babington, in his critical history
of criminal law in England, has authenticated Dickens' use of
this detail in the structure of Pip's fallen expectations.
"In addition to any other penalty a court may impose, a
conviction for felony resulted in the automatic forfeiture
to the Crown of the defendant's entire property and poss-
essions."¹⁶

¹⁶ Anthony Babington, The English Bastille: A History of
Newgate Gool and Prison Conditions in England 1188-1902
(London: MacDonald, 1971), p. 29.

Though Magwitch's integrity has been recognized by Pip, though his physical condition at the time of his capture and trial is pitiable, and despite the fact that leniency toward him would not interfere with anyone else, that cruel and unyielding system of law demands compliance:

That he would be leniently treated, I could not hope. He who had been presented in the worst light at his trial, who had since broken prison and been tried again, who had returned from transportation under a life sentence, and who had occasioned the death of the man who was the cause of his arrest. . . . He lay in prison very ill, during the whole interval between his committal for trial, and the coming round of the sessions. . . . And but for his illness he would have been put in irons, for he was regarded as a determined prison-breaker, and I know not what else. The trial was very short and very clear. Such things as could be said for him were said..how he had taken to industrious habits, and had thriven lawfully and reputably. But nothing could unsay the fact that he had returned, and was there in presence of the judge and jury. It was impossible to try him for that, and do otherwise than find him guilty. (480-490)

Dickens challenges the very basis of man-made law in his analysis of Magwitch's last trial. He questions the legal establishment's right to judge and condemn human beings. Not only has Dickens demonstrated the inefficiency, corruption, and futility in obtaining justice and truth through the rituals of the legal artifice, but he fervently denies the rights over life itself which man-made codes demand for themselves. Ultimately, the Law which pretends to sit in judgment of others, the Law of the realm, with defects and

corruptions each more glaring than the other, the Law which robs its practitioners of the will to individual assertion of human conscience, the Law which can be bought and manipulated as a commodity by the monied classes, must and will be judged by a higher Law that does not err:

The whole scene starts out again in the vivid colours of the moment, down to the drops of April rain on the windows of the court, glittering in the rays of April sun. Penned in the dock, as I again stood outside it at the corner with his hand in mine, were the two and thirty men and women . . . some defiant, some stricken with terror, some sobbing and weeping, some covering their faces, some staring gloomily about. There had been shrieks from among the women convicts, but they had been stilled and a hush had succeeded . . . a great gallery full of people . . . a large theatrical audience . . . looked on as the two and thirty and the judge were solemnly confronted . . . The sun was striking in at the great walls of the court, through the glittering drops of rain upon the glass, and it made a broad shaft of light between the two-and-thirty and the judge, linking both together, and perhaps reminding some among the audience how both were passing on, with absolute equality, to the greater Judgment that knoweth all things and cannot err. . . . Then, they were all formally doomed . . . (490-92)

Dickens shows us that English Common Law has been discharged and has satisfied its yearning for retribution. It has succeeded in its goal to protect society from offenders. It has condemned thirty-two men and women to pay the penalty for daring to upset the social order. But Dickens clearly demonstrates to his readers that decency, morality, and a true spirit of justice have not been served.

In a manner similar to the concluding vision of A Tale of Two Cities, Dickens speaks of redemption in its Christian sense. April is indeed the month of redemption; Magwitch has "redeemed" himself many times over; and even Pip, in his final devotion to Magwitch, has "redeemed" himself from the stifling pretensions of Victorian respectability which he had formerly imbibed. Pip has, in fact, evolved a definition of justice which imbues law or litigation with a much more profound sense of right. It seems to me appropriate and indeed highly significant that by the conclusion of this novel, Jaggers too has admitted to Pip his own solitary act of "redemption" from the exigencies of the system he serves, by confessing the mission of charity which he had once undertaken. This mission, too, demonstrates Jaggers' attempt to infuse decency and compassion into a legal structure.

Jaggers, in telling Pip how he had procured Estella, daughter of Magwitch and his housekeeper, for Miss Havisham, admits that he had "salvaged" one life from the squalor, the unthinking neglect, and the brutality of the Victorian world. In a sense, this mission has been the one instance in his life in which Jaggers betrays his legal training, abandons his habitual air of detachment, refuses to "wash off" his clients, and acts spontaneously, with the sympathy and integrity of a genuinely total individual. Jaggers' explanation

of his action is the most significant and most comprehensive condemnation of the inadequacies of the legal system and the society it serves. It reveals his determination to attain justice through individual action:

'Put the case that he (the attorney) lived in an atmosphere of evil, and that all he saw of children was their being generated in great numbers for certain destruction. Put the case that he often saw children solemnly tried at a criminal bar, where they were held up to be seen; put the case that he habitually knew of their being imprisoned, whipped, transported, neglected, cast out, qualified in all ways for the hangman, and growing up to be hanged. Put the case that pretty nigh all children he saw in his daily business life, he had reason to look upon as so much spawn, to develop into the prosecuted, defended, forsworn, made orphans, bedevilled somehow . . . Put the case, Pip, that here was one pretty little child out of the heap who could be saved . . . For whose sake would you reveal the secret? . . . But, add the case that you had loved her, Pip, and had made her the subject of those 'poor dreams' which have at one time or another, been in the heads of more men than you think likely, then I tell you you had better . . . and would much sooner when you had thought well of it . . . chop off that bandaged left hand of yours with your bandaged right hand, and then pass the chopper on to Wemmick there, to cut that off, too!' (444-45)

Though Jaggers continues to practice law, though Pip will continue to live within the legal framework of the Victorian world, both men manage to affirm a personal commitment to life, moral decency, and justice. The victory of law devoid of conscience is a hollow one in this novel; the true triumph belongs to the sense of justice which is confirmed.

In Bleak House the Law, through its delays and obsessive nature, frustrates any attempt to achieve moral justice and right. The law, in that early novel, remained for Dickens a terrible restricting force, governing the living by past precedent, and allowing for very little positive assertion of human decency. That novel, a product of Dickens' pessimistic stage, must be seen as a very early point in Dickens' discussion of the Justice-Law conflict.

A Tale of Two Cities marks a significant new departure in Dickens' treatment of the Justice-Law question. Though institutions of litigation and codes of law, whether they be feudal in nature (those of the Ancien Régime) or revolutionary in origin (those of the Revolutionary Tribunal) still are disappointing; individual action--particularly that of Sydney Carton seeks to affirm justice and moral integrity. The recognition of fundamental human rights overlooked by repressive régimes can be re-articulated with conscientious human effort. The death of Carton, as well as the violence of the Revolution, are transcended in Dickens' vision of justice in this novel.

The new, more optimistic position taken by Dickens in A Tale of Two Cities is continued with even more success in Great Expectations. In a sense, this novel enhances more successfully instances of individual assertion of decency and

justice begun in the previous novel, for Pip, unlike Carton, does not die in this process. Pip's innate sense of human sympathy, while temporarily superseded by Victorian mores, does re-emerge in a viable sense of justice and respect for life, by the end of the novel. Not only has Pip begun to love Magwitch, but more important than this, Pip has begun to fully appreciate the "injustice" of the legal structure in its literal sense. Though Magwitch's life is demanded by law, the hopefulness of the concluding vision remains intact. Pip is poorer in the material sense, by the conclusion; but he has "inherited" a much more comprehensive and much more human notion of law, through his experience.

The final optimism of Great Expectations is demonstrated by Jaggers. Attorney Jaggers' confession of his salvaging of Estella; coupled with the allusion the attorney makes to his once "romantic" nature, testify to the fact that Dickens still believes good faith and integrity can exist within even the most brilliant of legal chess-players.

Great Expectations helped Dickens to arrive at a more optimistic outlook regarding the possibility of obtaining justice. The Mystery of Edwin Drood, so long a puzzle to critics, does in my opinion, articulate an even more positive vision. Though it is difficult to speculate upon the outcome intended for this novel, the last chapter of this thesis

will attempt to outline those elements of the Drood manuscript which lead me to believe that it too conveys Dickens' belief that justice will be attained through individual assertion, despite the failures of the imposing legal institutions.

CHAPTER V

LAW AND JUSTICE IN EDWIN DROOD

Law and justice inform Dickens' last novel, The Mystery of Edwin Drood, as they do the earlier ones. Though English Common Law is not being evaluated in itself, the law as an institutional force which restricts human action, and which distorts basic human integrity provides Dickens with the thematic focus for the complications of this novel.

Though The Mystery of Edwin Drood reiterates Dickens' view that legal institutions are antithetical to life and human assertion, this last manuscript is by far the most positive and most hopeful in its affirmation of justice through individual human intervention. The Mystery of Edwin Drood, even in its incomplete form, is definitely the culmination of Dickens' progression from a view of total bleakness, to one in which he can envision a definite possibility of justice and integrity, even within the legal framework of England.

The force of the law in The Mystery of Edwin Drood appears in the form of a marriage agreement or contract, which Edwin and Rosa Bud both inherit. Edwin Drood is obliged to marry Rosa Bud, since their fathers betrothed the couple when they were yet children. Though this contract, once forged, remained intact, the desires and organic growth of Edwin and Rosa are stifled. They can only look upon the

engagement as crippling; both refuse interest in the economic forces which this contract upholds. The will of the dead imposed upon the living, and the perpetuation of economic interests, are upheld by the institution of Law and are detrimental to the lives of those involved:

'My dead and gone father and Pussy's dead and gone father must needs marry us together by anticipation. Why the - Devil, I was going to say, if it had been respectful to their memory - couldn't they leave us alone?'

Rosa herself does not view with favour the prospect of her betrothal, which is described by Dickens as a legal fait accompli, rather than a romantic impulse:

An awkward interest--attached to Miss Bud in the minds of the young ladies, on account of its being known that a husband has been chosen for her by will and bequest, and that her guardian is bound down to bestow her on that husband when he comes of age. (53)

Though Rosa's guardian is indeed "bound down" to bestow her upon Edwin, Attorney Grewgious is by no means a rigid, unsympathetic man, whose only concern is the discharge of his duty. Attorney Grewgious, rather, is Dickens' most sympathetic and most positive attorney, since neither his basic integrity has been relinquished to his legal training, nor his emotional capacity destroyed by the law.

¹ Charles Dickens, The Mystery of Edwin Drood (Harmondsworth: Penguin, 1974), p. 46. All subsequent quotations follow the text of this same edition. The page numbers will be indicated in parentheses following each quotation.

Though Grewgious at first appears to have no personality or function other than that of his professional duty, Dickens does emphasize the personal integrity which has not been totally superseded by legal training:

Mr. Grewgious had been well-selected for his trust, as a man of incorruptible integrity, but certainly for no other appropriate quality discernible on the surface. He was an arid, sandy man, who, if he had been put into a grinding mill, looked as if he would have ground immediately into high-dried stuff. He had a scanty flat crop of hair, in color and consistency like some very mangy yellow fur tippet; it was so unlike hair, that it must have been a wig. (109)

Despite Grewgious' "arid, sandy" appearance, Dickens emphasizes the potential for decency and humanity which this Attorney displays. This clearly must be considered as a positive element for a legal character. Very much like the good-natured Wemmick, who began from an early age to be hardened and "wooden-like" from his exposure to the law, but who retains a distinctly "human" aspect to his life, Grewgious too manifests beneath his exterior refined and sensitive touches:

The little play of feature that his face presented, was cut deep into it in a few hard curves that made it more like work, and he had certain notches in his forehead, which looked as though Nature had been about to touch them into sensibility or refinement, when she had impatiently thrown away the chisel, and said: 'I really cannot be worried to finish off this man; let him go as he is.' (109-110)

Grewgious is portrayed by Dickens as being a symbolic representation of the human decency possible within the law. There is not only a basic philosophical integrity within Grewgious, but this lawyer realizes the inadequacy of a life

which is led in total conformity to the abstract principles and formulae of the legal realm. Unlike Tulkinghorn, who refuses human contact, unlike Stryver or Guppy who envision all human relationships in terms of self-interest or advancement or even Jaggers, who must "wash off" his human impulses while serving the legal world, Grewgious does not avoid human contact and does indeed welcome the relationship with Rosa and therefore the emotional awakening which she inspires. Grewgious is beyond doubt Dickens' first legal character who successfully manages to integrate decency and law; the kindness and warmth, which Grewgious manifests is important for Dickens' progression from a notion of law devoid of human consciousness to an affirmation of justice on the part of a committed, kind human being:

Mr. Grewgious, with a sense of not having managed his opening quite as neatly as he might have desired, smoothed his head from back to front as if he had just dived, and were pressing the water out. His voice was hard and dry as himself, and Fancy might have ground it straight like himself; into high-dry stuff. And yet, through the very limited means of expression which he possessed, he seemed to express kindness. If Nature had but finished him off, kindness might have been recognizable in his face at this moment. (111)

It is important for Dickens' progression from law as an institution maintaining and perpetuating the vested interests, to law as a vehicle for the realization of justice, to note that Dickens' last lawyer figure, Attorney Grewgious, is more detached from the competitive, highly-mercenary aspects

of law. Unlike Vholes or Stryver, who are determined to reap the fruits of wealth and prestige from law, Grewgious is much more retiring and much less competitive. Grewgious is a kind of oasis of decency or selflessness in the legal realm, as his home, Staple Inn, is an aged oasis in the more aggressive world of Holborn:

Behind the most ancient part of Holborn, London, where certain gabled houses some centuries of age still stand looking on the public way, as if disconsolately looking for the Old Bourn that has long run dry, is a little nook composed of two irregular quadrangles, called Staple Inn. It is one of those nooks where a few smoky sparrows twitter in smoky trees, as though they called to one another, 'Let us play at country,' and where a few feet of garden mould and a few yards of gravel enable them to do that . . . Arbitration being blown towards him by some unaccountable wind, and he gaining great credit in it as one indefatigable in seeking out right and doing right, a pretty fat Receivership was next blown into his pocket by a wind . . . So, by chance, he [Grewgious] had found his niche. (133-135)

It is important to remark the difference between Staple Inn and the town of Cloisterham. The rigid, austere features of law as an institution devoid of human consciousness existing solely to perpetuate the status quo, are represented by Dickens in the town of Cloisterham and the mentality of its inhabitants. The town of Cloisterham is not only "cloistered" or "sheltered" from true human passions, but is totally submissive to institutions such as Law and religion, which uphold the appearance of order while denying human assertion. Mr. Sapsea, town auctioneer

and magistrate, is the prototype of the smug self-complacency and rigidity which, in Dickens' view, characterize Cloisterham and the institutions of the town:

Accepting the Jackass as the type of self-sufficient stupidity and conceit . . . a custom, perhaps, like some few other customs, more conventional than fair . . . then the purest Jackass in Cloisterham is Mr. Thomas Sapsea . . . Mr. Sapsea had many admirers . . . He possesses the great qualities of being portentous and dull, and of having a roll in his speech, and another roll in his gait . . . Characteristically, he would uphold himself against mankind, his weather-glass against weather, and his clock against time . . .

(62-63)

It is through the character of Mr. Sapsea that Dickens depicts the smug and stifling mentality of Cloisterham or Victorian society, a mentality which prides itself upon being morally judicious, yet which upholds all the inadequacies of the legal institution. Mr. Sapsea, then, functions simultaneously in the plot of the novel (he is the Mayor), and thematically, as an opposite to Attorney Grewgious, who is far more flexible and far less smug. Edgar Johnson, in his study Charles Dickens: His Tragedy and Triumph, has written as follows of Mr. Sapsea: "The town's chief magistrate, he is easily blinded by an adroit manipulator and serves Dickens as the instrument for a last fling at the law."² Not only is Thomas Sapsea prepared to see Neville Landless as the murderer of Edwin Drood, but indeed

²Edgar Johnson, Charles Dickens: His Tragedy and Triumph (New York: Simon and Shuster, 1952), II, p. 142.

everyone of the Thomas Sapsea mentality (i.e. Cloisterham as a whole) is prepared to brand as a murderer an individual who simply dares to challenge social mores and institutions.

The circumstantial evidence against Neville is in reality testimony to his hostility toward society. Having argued once previously with Edwin, being in love himself with Rosa, and having been the last to see Edwin alive, Neville appears in the eyes of self-righteous Cloisterham to be guilty beyond doubt. The inadequacy of, indeed the dangers inherent in, the institution of law, devoid of human conscience, are made explicit by Dickens in the conversation between Rosa and Jasper:

'Circumstances may accumulate so strongly even against an innocent man, that, directed, sharpened, and pointed, they may slay him. One wanting link discovered by perseverance against a guilty man, proves his guilt, however slight its evidence before, and he dies. Young Landless stands in deadly peril either way.' (230)

Not only is the inherent nature of circumstantial evidence probed by Dickens, but the inadequacy of law as a system of facts and formulae is emphasized. Law demands adherence, and both Attorney Grewgious and Reverend Crisparkle begin to realize how blinding this aspect of law can be. Crisparkle, like Grewgious, is a man who has long served an institution. Like the attorney, he too exemplifies moral integrity and decency, and must learn how inadequate social institutions are without the assertion of integrity on the part of just human beings.

Like Attorney Grewgious, Reverend Crisparkle displays a basic integrity which he refuses to compromise to the institution he serves. Though Mr. Honeythunder and others of the Church refuse to aid Neville Landless, and desire to see the young man punished in accordance with the Law, Crisparkle defies this attitude and asserts his own notions regarding his responsibility as a Christian and therefore a moral human being:

'Murder!' proceeded Mr. Honeythunder, in a kind of boisterous reverie, with his platform folding of his arms and his platform nod of abhorrent reflection after each short sentiment, of a word . . . 'The Commandments say no murder. No murder, sir!' proceeded Mr. Honeythunder . . . 'And yet they also say, you shall bear no false witness,' observed Mr. Crisparkle. (204)

Both Attorney Grewgious and Reverend Crisparkle are extremely positive figures in Dickens' perception of a progression from law as an institution devoid of justice to human assertion or confirmation of integrity. Grewgious and Crisparkle are both remarkable figures for Dickens since they refuse to compromise their integrity and sense of justice, despite the institutions which they serve. Furthermore, they accept responsibility for affirming justice and decency: Crisparkle does not sever his friendship with Neville and Attorney Grewgious actually shelters Neville in Staple Inn. Unlike any other attorney's home, Grewgious' headquarters become a haven or sanctuary for the oppressed. Grewgious

takes upon himself the responsibility of aligning the basic principles of law with his own integral sense of justice and decency. Grewgious, retiring and timid in many ways, displays great outrage when he perceives the suffering and anguish caused by the Law. His determination to counteract these effects of the institution of Law, testifies to Dickens' belief that true decency cannot only be accommodated within a legal figure, but that such an individual can and will modify the legal dynamo:

'Hiram Grewgious, Esquire, Staple Inn, London.'
This was all Rosa knew of her destination. . . .
'I have come to you to protect me, and all of us from him, if you will?' . . . 'I will!' cried Mr. Grewgious, with a sudden rush of amazing energy. 'Damn him!' After this most extraordinary outburst, Mr. Grewgious, quite beside himself, plunged about the room, to all appearance undecided whether he was in a fit of loyal enthusiasm, or combative denunciation. . . . The respectful tenderness with which, on one knee before her, he [Grewgious] helped her to remove her hat, and disentangle her pretty hair from it, was quite a chivalrous sight. Yet who, knowing him only on the surface, would have expected chivalry--and of the true sort--from Mr. Grewgious? (134; 236)

For Grewgious, for Crisparkle, and for Edwin and Rosa, institutions devoid of human feeling must be defied. Each of these characters demonstrates Dickens' belief that human beings can assert their integrity and human qualities, despite the imposing legal monoliths, and the formidable economic pressures of the Victorian world. They are therefore

positive and hopeful figures in the progression they represent toward the affirmation of justice and integrity within society.

* * *

Though it is hazardous to speculate upon the outcome of an unfinished manuscript, there is enough evidence to substantiate the view that The Mystery of Edwin Drood was to represent the culmination of Dickens' view of the progression from law as an institution inadequate in ensuring justice, to the realization of a viable notion of justice on the part of individuals.

Dickens' belief that law can be imbued with justice and integrity through the determination of individuals has evolved from the earlier novels, and is most manifest in the many positive elements of Edwin Drood. In Edwin Drood, Rosa and Edwin both decide, through rational, selfless discussion, to deny the bonds of past agreements and the economic interests from which these agreements were nurtured. Though a death does occur, and the law is eager to exact punishment for this death, the suspect, Neville Landless, is not abandoned to his fate. Instead, he is befriended by Reverend Crisparkle and more important, Attorney Grewgious. Attorney Grewgious, unlike other Dickensian attorneys, has not been disfigured by his

service to the law. His integrity, kindness, and capacity for emotion have not been destroyed by the practice of law. Grewgious furthermore represents for Dickens a legal figure who is very retiring and indeed very unaspiring in terms of legal activity. Grewgious not only determines to confront the "injustices" which are compiled against Neville Landless, but his affirmation and pledge to protect Rosa in reality represent a willingness and a need to involve himself with the anguish of human beings; to become truly human.

It is important to note that in writing Black House, Dickens was unable to acknowledge any possibility for realizing justice in viable human terms. That novel was virtually overwhelming in its despair. Though Esther Summerson and John Jarndyce remain idealized characters, their flight from society and the institutions of society, provides but a hollow victory.

Though Sydney Carton, in A Tale of Two Cities, and Pip and Jaggers in Great Expectations each display more of Dickens' resilience in transcending earlier pessimism and placing more faith in the decency and actions of human beings, the progression from law as an institution to true justice being asserted by individual action, is by no means complete. Carton must forfeit his life in the assertion of justice, and can only hope that the child who bears his name will be a "just and

honoured" man. Pip and Jaggers too, though they have remained faithful to a criminal, do not challenge the status quo. Pip accepts Magwitch's death; Jaggers contents himself with "salvaging" occasional cases and returns to abject service in the law.

Only in Edwin Drood is the law as a system of abstract principles modified by the humanizing influence of Attorney Grewgious. Grewgious not only remains disinterested in and detached from the benefits which the legal institution can provide for him, but he determines to utilize his training and knowledge to achieve justice and decency. Grewgious' concerns are with humanity and love. Though the quasi-paradisaal "Bleak House" built in the country remains separate from human society; though Carton's last vision of justice must precede his death; though Wemmick's "castle" must exist apart from Temple Bar, Grewgious supersedes these fleeting instances of humanity with his permanent garden above Staple Inn. Romance, love, humanity and justice can flourish despite the institution of law, corrupted as it is by social and economic interests. Dickens' final perception of law and justice is a progressive and hopeful one; for human beings, when they strive to affirm decency, can and will do so.

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WILLIAM I. (1066)

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