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Legal Profession

“Dickens, Daumier and The Man of Law”

Gary Watt

“...a painter and a black-and-white artist ... His figures are resurrections.”

– Vincent Van Gogh, letter to Anthon G. A. Ridder Van Rappard (March 1883)

This chapter is concerned with the forms of the legal profession at the start of the Age of Reform (1820-1920) as represented by Charles Dickens (1812-1870) and Honoré Daumier (1808-1879). It is a tale of two cities, London and Paris, and of the legal professions practised in these two cities, and it is a tale of two art forms, text and image, and how those two forms combined in print publications to represent the legal profession in the popular imagination. Dickens’s first novel developed from a commission to supply literary illustrations to accompany another artist’s comic drawings, whereas Daumier’s major professional output was the production of images to be accompanied by text legends written by his editors. The present chapter is also a tale of two sexes, of men and women in art and law. The single most significant legislative reform to occur in the legal profession across the Age of Reform was the admission of women to the ranks of practising lawyers. In France, a law of 1900 opened the way for the first women to enter the profession that year. In England, the Sex Disqualification (Removal) Act 1919 was followed in 1920 by the first admission of women to the Inns of Court (the traditional site of education in English law), and in 1922 the pioneers were at last called to the bar and the first woman entered legal practice. As this chapter goes

to print, with the centenary of the 1919 statute on the horizon, it is notable that in England today the majority of new entrants to the traditional legal professions are female.

Our window on the cultural history of the legal profession in the Age of Reform opens at the end of the first decade of the nineteenth century where we see a baby boy born to parents of modest means in a town on his country's south-coast. When still young, he is uprooted to the capital and there, pressed by his father's financial difficulties, takes humble paid work, including, in his early teens, employment as a junior clerk at the fringes of the legal profession. A theatre enthusiast and a keen observer of the quotidian drama of urban life, his early sketches led to a lifetime of work and immense popularity as a result of publications in journals and other print periodicals. To say that he was a caricaturist is the truth, but it is not the whole truth. He has left us with many a masterpiece and his legacy is undoubtedly the oeuvre of an artistic genius. I am talking of Charles Dickens, but also of his contemporary Honoré Daumier. The Frenchman Daumier is justly celebrated for his drawing and painting, but it was to Dickens that Van Goch was referring in the quotation set out at the top of this chapter.¹

Accidental coincidences in the backgrounds of the two artists cannot justify their pairing for present purposes, but what makes them compelling as subjects for comparison is the similarity, and the undoubted popularity, of their visual imagination as it is expressed in satirical mode. Gordon McKenzie concludes his article "Dickens and Daumier" with the observation that "[i]n both men the art of caricature was expressed at its highest level, and as artists in this field there is little to choose between them" (McKenzie 1941: 298) Dickens and Daumier produced memorable critiques of many walks of metropolitan life, including that of the banker and the politician, but the legal profession in all its varieties and ranks was amongst the most significant stimuli for both artists. Indeed, they have been called "The two

great popularizers of legal themes and attitudes toward lawyers in the nineteenth century” (Chase 1986: 536) and Geoffrey-Dechaume said of Daumier that he “knows lawyers, and above all the lawyer, better than they know themselves” (Catalogue 1999: 271). The series of lithographs for which Honoré Daumier is best known today, *Les Gens de Justice* (most of which were published first in the Parisian satirical journal *Le Charivari* between March 21st 1845 and October 31st 1848), depicts a wide range of participants in the legal profession. Those represented include the judge, the court usher, the witness, the defendant and oppressed citizens who are reluctant participants in the law and those already so impoverished that they are excluded from recourse to law when they most need it. Dickens’s first novel, *The Posthumous Papers of the Pickwick Club* (“*The Pickwick Papers*”, serialized April 1836 to November 1837), and his longest, *Bleak House* (serialized March 1852 to September 1853), present compelling studies of the legal profession in all its shades from farcical to fearful. One commentator suggests dryly that “the novels of Charles Dickens and the etchings of Daumier make plain” that “Contempt for lawyers...transcends national borders” (Schechter 1996: 368), but arguably the artists’ barbs are aimed more at faults in the systems of law and the institutions of the legal profession than at individual lawyers. Even if lawyers are the intended targets of the satire, they rarely feel it as a personal attack. It has been noted by more than one observer that “even the targets of such humor will likely join in the good-natured irreverence” (Chase 1986: 536). Howard Vincent attributes the fact that Daumier’s *Les Gens de Justice* has “always been a favourite among the lawyers themselves” to lawyers’ narcissism (Vincent 1968: 111).

Dickens and Daumier lived and worked in a culture in which the legal profession was exclusively male. The art of Dickens and Daumier is to some extent an unreformed depiction of an unreformed profession in which women are cast as outsiders – for the most part vulnerable and pitiful, occasionally exotic and wily, but always excluded and dependent. It is

debatable whether our two artists and their arts merely reflected and confirmed the forms of the legal profession or whether they contributed to its reform. Dickens's *Bleak House*, for example, first appeared in the same year as the Chancery Reform Act 1852 and so cannot claim to have instigated the improvements to the administration of the old High Court of Chancery that were heralded by that statute (culminating in the Judicature Acts 1873-75). The novel can nevertheless claim to have spurred the reforms on to completion and to have prevented any sliding back into old errors. Even if it is difficult to demonstrate that Dickens and Daumier made any decisive and direct causal contribution to law reform, there is no doubt that in general terms they contributed to the reforming spirit of their time. They did this most obviously through their overt engagement with themes of social and political justice,² but they also made a more subtle and distinctively artistic contribution to the prevailing spirit of reform by reason of their irreverent playfulness with simple, stereotypical polarities. In more than one image, Daumier even manages to disrupt the polar distinction between male and female, on which the law at the time set such store, by depicting a woman in full beard and full female dress.³ Whether his intention was subversive or supportive of the polarity at that time, what matters is that that the image endures and that it still unsettles established states.

There are two features of Daumier's art, and of Dickens's too, that especially evidence a reforming influence in their treatment of lawyers. The first is that both men worked on the page in black and white with such a refined level of skill and visual imagination that they were capable of finding and presenting the nuance and greyscale of human individuality within the absolutism of binary stereotypes. They were not postmodern artists. Dickens unashamedly sets his binary novel *A Tale of Two Cities* (1859) in "the season of Light ... the season of Darkness" (1). Dickens and Daumier worked with and within the binary modes of modernity (there is certainly nothing radically reforming in the attitude of

either Dickens or Daumier to suffragettes and women's place in traditionally male spheres of social life), but within those constraints they sought to give rich expression to the diverse shapes and subtleties of human individuality. Dickens's depiction of Esther Summerson, for example, can be criticised as being not radical enough in the way it depicts her gender in relation to legal institutions, but in symbolic terms she stands to law as Florence Nightingale would stand to war: holding up a critical light to its darkest corners and challenging its intransigent, systemic neglect.⁴

Howard Vincent, commenting on the reasons for Daumier's attraction to the lawyer as artistic subject, attaches appropriate weight to Daumier's personal experience of lawyers, law and the courts (to which we will return shortly); but he also acknowledges Daumier's "aesthetic reason for drawing lawyers"; namely that such features as lawyers' dress "played into his talent for handling contrasts of black and white, of chiaroscuro" (Vincent 1968: 111). Daumier and Dickens painted pictures in black and white, but their shading and detailing introduced a tonal range of such fine nuance that they might be said to have expressed true colours within the confines of a polarized palette. This is how Charles Baudelaire, the French prose-poet and critic (who is credited with coining the term "modernity") saw it.⁵ For him "the great colourists know how to produce colour with a black dress, a white cravat and a grey background" (Baudelaire 1992 [1846]: 155) (throughout this chapter translations from French are my own unless otherwise stated). He develops the same idea specifically in relation to Daumier; observing that "his drawing is naturally coloured. His lithographs and his etchings on wood evoke ideas of colour. His pencil contains more than mere delineating black. Colour comes to him instinctively." (Baudelaire 1992 [1846]: 217). Like Baudelaire, the English artist John Ruskin considered that "the romantic artist must use colour, the element of feeling, to combat the inherent greyness of the times in which he lives" (Landow 168: 300). Despite Dickens's supposedly limited palette of black and white, Ruskin was

satisfied that Dickens painted his scenes to perfection. In his autobiography *Praeterita* he wrote that “Dickens taught us nothing with which we were not familiar, - only painted it perfectly for us” (Ruskin 1949 [1885-1889]: 275). Ruskin seems to have been content that Dickens’s reforming achievement did not lie in his political and social subject matter, but in the more romantic accomplishment of his painterly perfection. At least one academic authority on the period concurs, writing that Dickens’s “significance is not that he propounded any programme of social reforms or political improvements, but simply that he painted, for all to appreciate and enjoy, a vivid picture of working class folk” (Thomson 1950: 114).

Related to the possibility of colour in black and white images is the possibility of truth in caricature. Dickens is said to have had “a nervous dread of caricature” (Leavis 1970: 348), but what is really meant by this is that he feared that his work might be characterized as caricature of the clumsy and overblown kind. Dickens was happy to claim the name of caricature for his work provided it was understood to be caricature of the closely coloured variety that attains the level of fine art. In the preface to *Martin Chuzzlewit*, he writes that “What is exaggeration to one class of minds and perceptions, is plain truth to another” (Leavis 1970: 349). John Harvey might have been recalling this when he wrote that “In a fine caricature, the exaggeration still creates in the mind a real human face, and not an impossible mask” (Harvey 1970: 63), or perhaps he was recalling a similar sentiment expressed by Baudelaire in relation to Daumier’s works: “It is not so much caricature as the mundane and monstrous story of reality” (Baudelaire 1992 [1846]: 212). Caricature indicates a thing that carries a cargo or charge and some complain that the art of Dickens and Daumier is overloaded – that it is “exaggerated” (in the etymological sense of that word, which is from the Latin *aggerare*; “to heap”). I prefer to think that their satire is not so much over-loaded as super-charged with life. In the creation of artistic images, bright line certainty is not a fault.

We have just noted how Ruskin admired Dickens for the precision of his images. Daumier was equally exact in the execution of his artistic performance, thus Henri Frantz opined that Daumier engraved his characters “with marvellous exactitude upon the mind of the observer” (Holme 1904: D vi). In law, the broad brush strokes of generic laws cannot achieve a just representation of an individual’s humanity, which is why we need “equity” (Watt 2009), but in art, when the artist’s hand and eye is true enough, lines can be drawn with a certainty that is just.

The second reforming feature of Dickens’s art and Daumier’s art is that it brings movement to seemingly static states. It has been said that the best rule for Victorian lawyers who wished to be retained as family solicitors was “Don’t just do something; stand there” (Shaffer 1978: 733). Dickens was passionately opposed to the immovable state that is inherent in the noun and nature of “institution”. He regarded the institution of the law and the state of the legal profession as stubborn obstacles to social progress. He hoped to move them (and to remove them if needs be) by the force of his emotive prowess. He was in this sense a master rhetorician, but of the romantic and poetic sort rather than the parliamentary or legal breed: “the evidence for Dickens as a rhetorician, a man constantly aware of and in touch with his audience, is, as has often been recognized, very strong” (Kincaid 1971: 18). Daumier knew as well as Dickens how to exploit pathos to advance the rhetorical power of an image; witness his lithograph depicting the Massacre of a working class family by government troops (*‘Rue Transnonain, le 15 Avril 1834’* [LD135]). Daumier understood the arts of rhetoric (witness Plate 33 [LD1369] of *Les Gens de Justice* in which an audience of lawyers admire one of their colleagues presenting a peroration in the style of Demosthenes), but his rhetorical power to move resides not so much in artificial attempts to induce pathos as in the essential fluidity of his artistic execution and the flowing lines of his figures. Baudelaire sensed this stirring in the stones of Daumier’s lithographs, diagnosing that “All his figures are

sustained with true movement” (Baudelaire 1992 [1846]: 217). Referring to Daumier’s black and white palette, Vincent concludes that “[t]he very medium is here part of the meaning” (Vincent 1968: 111). So it is, but in more material ways than the mere contrast of tone. The fact that a lithograph is, as the very word tells us, “drawn on stone” has significance in an aesthetic and allegorical sense. Daumier moves his lithographic stones to strike us and stir us with a weight that is almost tangible. One even feels the frenetic pace with which his images were performed on the slab. They seem to live. Michelangelo famously said that “Every block of stone has a statue inside it and it is the task of the sculptor to discover it”, in other words, that the sculptor’s art is to reveal the human form trapped within the stone. Daumier draws stones to the same end. Balzac is said to have declared that Daumier had “something of Michelangelo under his skin” (“Ce gaillard-là a du Michel-Ange sous la peau!”).

In one of the most striking images in the series *Les Gens de Justice*, Daumier presents two lawyers walking down the stony steps of the grand staircase of the Palais de Justice (LD1372, *Le Charivari*, February 8, 1848).⁶ Howard Vincent comments that “[t]he picture is as hard as granite in its satire, and moving in its certainty, in its compositional simplicity and perfection. It is one of Daumier’s finest achievements” (Vincent 1968: 113). The reference to granite shows that Daumier has succeeded in his aim of communicating the stoniness of the lawyers and the sort of stately stability that they profess to be a virtue. What Vincent does not spell out is the fact that the whole study is an architectural joke. The lawyers’ faces are stony and cold as if presenting an architectural face-on profile of the legal edifice. The clue is in the legend: “Grand Escalier, Palais du Justice: Vue de Faces”. The lines of the clothing are rigid and regulated. The robes and collar tabs fall straight down. The faces are inanimate. The lawyers’ feet are hidden. The absence of humanity in the image prompts the viewer to supplement it with a humane response. In other images Daumier sets up his statuesque lawyers in order to emphasize the dramatic contrast between the inanimate lawyer who is

unpaid and the absurdly excessive gestures of the lawyer who has his fee. In several images we see the lawyer who is stonily unmoved when an impecunious client seeks his professional assistance and in several others we see the lawyer who, like an automaton sparked into life by the drop of a coin, performs a frenzy of forensic flourishes for the client who has means to pay. In one such (LD1342), the lawyer is a very whirlwind of facial gymnastics, gesticulating limbs, swishing gown and well-placed props of paper, hat and client. The legend informs us, though the information was hardly needed, that this fully-engaged lawyer is someone “who is eminently convinced of his client’s...ability to pay!”. Similarly animated is the lawyer in Plate 11 (LD1347) who confronts a three man panel of sleeping judges with the claim that “Justice always has her eyes open”. (Compare Dickens’s *Bleak House*: “then there were the gentlemen of the bar in wigs and gowns – some awake and some asleep” [1].)⁷

Daumier revisited his lawyers on the steps of the Palais de Justice some years later, this time in watercolour. The composition is very similar in broad outline to that of the earlier lithographic plate, but the lawyers’ feet can be seen and the robes and tabs are ruffled. One lawyer ascends the stairs in the background; another descends in the foreground. The latter is the main focus of the image and there, on his chest, near his heart, is the smallest square of red – the ribbon of la Légion d’honneur. Where the lawyers of the lithograph were lifeless stones, Daumier here adds movement and a hint of human spirit.

“Performance” is perhaps the key word that connects Daumier and Dickens to the profession of the lawyer. Like lawyers, the artists were paid to perform to a brief and to a deadline. Dickens’s first novel, *The Pickwick Papers*, was first published on a periodic basis; as were several of his subsequent novels. This episodic mode of production had its counterpart in the publication of the major caricature series of the period – for example, Daumier’s illustrations to James Rousseau’s *Physiologie du Robert-Macaire* (Dixon 1971: 131) – indeed, *The Pickwick Papers* emerged from a project which had begun when Dickens

agreed to supply text legends to accompany a series of “Cockney sporting plates” by the ill-fated illustrator Robert Seymour (Seymour committed suicide early in the series). Gordon McKenzie rightly observes that “[c]ircumstances of publication forced Dickens into structural defects. But those same circumstances brought his work closer to Daumier’s by sharpening the spatial and visual quality of his writing” (McKenzie 1941: 126).

What is it about the legal world that so especially appealed to the aesthetic sense of Dickens and Daumier? One answer is that the drama of the legal world has all the physical elements essential to theatre, which was a great passion of both men.⁸ In the world of law we have the contrast of shadows and bright lights, we have the dramatic action of the stillness and movement of the actors, we have the physical edifices and environs of the legal profession to set the backdrop to the scene and we have costume (Watt 2013: 101-109). Theatrical subjects were a favourite of Daumier and by that light we can see that “the impressive neo-classical edifice of the Palais de Justice...provided a kind of stage setting for his legal subjects” (Laughton 1996: 89). *Les Gens de Justice* contains numerous plates satirizing the theatrical nature of legal performance. In Plate 7 (LD1343) one amongst a coterie of lawyers cautions the others not to argue outside of court, for the effort is wasted without an audience to impress. Plate 8 (LD1344) depicts two lawyers joking about how they insulted each other in court without really getting angry at all. In Plate 14 (LD1350), opposing advocates “robing up” joke that they were on opposite sides of the same argument some weeks before. Laughing, they suggest that they can prompt each other if they forget their lines. Compare this with the anonymous 1841 publication *Physiologie de l’Homme de Loi*, illustrated by Louis Trimolet and Théodore Maurisset, in which a mother prompts her son, a newly fledged lawyer, during his first audience in court, and where it is said that for two brothers at the bar to be in perfect agreement, it is only required that they be opponents in the same case (Trimolet and Maurisset 1841: 21, 54). In Daumier’s Plate 21 (LD1357), the

lawyer whispers an aside advising his client to shed tears for good effect and in Plate 30 (LD1366), where a lawyer feigns illness in court, we are told that this is the last resort when his case is in bad health.

Dickens was a great lover of theatre and a devoted amateur performer. He had immense affection for Shakespeare. Daumier's affection for the dramatist Molière was no less. Molière's depiction of lawyers in his farce *Les Fourberies de Scapin* (known in English as *That Scoundrel Scapin*) is uncannily close to Daumier's depiction of lawyers in *Les Gens de Justice* and elsewhere. Daumier advertises the connection in the close similarity between some of his theatrical and legal images. For example, his many images of scheming lawyers whispering secret asides to each other bear an uncanny resemblance to *Crispin et Scapin*; his painting of Crispin or "Crespin" (valet de Dom Pedre in Paul Scarron's *L'Écolier de Salamanque*) bending the ear of Molière's Scapin (valet to Leander in *Les Fourberies de Scapin*). John Wood's translation of Molière's *That Scoundrel Scapin* warns that it is "hell on earth to be mixed up with the law – the very idea of a lawsuit would make me pack up and fly to the ends of the earth" (Wood 1953: 86). In Dickens's *Bleak House* the lawyers themselves advise that claimants should "[s]uffer any wrong that can be done you rather than come here!" (1). Dickens and Daumier prompt our visual imaginations to see that lawyers are always performing, and that every trial is a show trial. They helps us

to see all that full dress and ceremony and to think of the waste, and want, and beggared misery it represented; to consider that while the sickness of hope deferred was raging in so many hearts this polite show went calmly on from day to day, and year to year (*Bleak House*, 24)

Daumier's *Les Gens de Justice* shows us, as does Dickens's *Bleak House*, that the legal show goes on only so long as there is clients' money to pay for it. The first plate in the series (LD1337) depicts the defeated lawyer who expresses his readiness to take the client's case to appeal, subject to further payment. Plate 4 (LD1340) mocks a judicial judgment so complex that a lawyer must be paid to explain it. In Plate 6 (LD1342) an advocate is shown to perform well because he believes his client can pay well and in Plate 20 (LD1357) a lawyer says it is impossible to act for the client because he is missing the most important evidence – "money down!" (those words are spoken as a theatrical aside ["à part"]). The legend to Plate 38 (LD1374), which might be translated "when crime doesn't pay", depicts two lawyers playing dominoes while a third sleeps.

An accusation levelled at Daumier is that he only observed the legal theatrical scene from the wings. One French lawyer complains that he merely peeped into the advocates' robing room (le Foyer 1958: 9). This one suspects is a lawyer's instinctive defence of his profession. The complaint is certainly a very partial view of Daumier's immense artist achievement. More generous is Julien Cain's suggestion in his introduction to an English language edition of Daumier's *Les Gens de Justice*, that Daumier's satire "has become a means of self-examination which reveals the innermost being of us all" (Cain 1959: 25). At an even higher pitch of eulogy, the French poet and dramatist Émile Bergerat wrote of Daumier that "nobody has served justice and liberty more than this great honest man" (Bergerat 1878: 4453–5).

Daumier's experience of the law, and that of Dickens, was not the experience of an intimate insider to the legal profession, but neither was it superficial. Daumier's first employment (1820) was as an office lad to a bailiff or notary (he also lived for two years (1829-31) in La rue de la Barillerie, near Le Palais de Justice). He revealed his fondness for the autobiographical subject of the junior office lad, errand-runner or clerk after censorship

forced him away from his primary interest in political satire. His first series of this new era was of the *Types français* and the first plate in the series was *Le Petit Clerc* (*Le Charivari*, September 23, 1835, LD260). Clerks and other peripheral figures of the legal profession also feature in *Les Gens de Justice*. Plate 2 (LD1338) shows a bailiff taking an inventory. Plate 3 (LD1339) depicts a debtor apprehended by a bailiff or sheriff and his men, with the legend “quarry that can be hunted all year round”; in Plate 5 (LD1341) a poor couple wonder if they will need a letter of introduction to meet the court usher; and Plate 10 (LD1346) depicts an old woman is bamboozled by the bailiff’s legal jargon.

Dickens had insider knowledge of the law at a similar low degree to Daumier. Frank Lockwood QC recites that “[a]t the age of fifteen we find Dickens a bright, clever-looking youth in the office of Mr. Edward Blackmore, attorney-at-law in Gray’s Inn, earning at first 13s. 6d. a week, afterwards advanced to 15s” (Lockwood 1894: 17). This was 1827.

Lockwood attributes Dickens’s detailed knowledge of the ranks of legal clerks to his eighteen months experience in the firm of Ellis and Blackmore. That knowledge is displayed in the pages of the *Pickwick Papers*, where Dickens explains that:

There are several grades of lawyers’ clerks. There is the articled clerk, who has paid a premium, and is an attorney in perspective, who runs a tailor’s bill, receives invitations to parties, knows a family in Gower Street, and another in Tavistock Square; who goes out of town every Long Vacation to see his father, who keeps live horses innumerable; and who is, in short, the very aristocrat of clerks. There is the salaried clerk – out of door, or in door, as the case may be – who devotes the major part of his thirty shillings a week to his personal pleasure and adornment, repairs half-price to the Adelphi Theatre at least three times a week, dissipates majestically at the cider cellars afterwards, and is a dirty caricature of the fashion which expired six

months ago. There is the middle-aged copying clerk, with a large family, who is always shabby, and often drunk. And there are the office lads in their first surtouts, who feel a befitting contempt for boys at day-schools; club as they go home at night for saveloys and porter: and think there's nothing like "life." (31).

In the hierarchical chain of legal beings, Lockwood speculates that Dickens never rose above the status of office lad (Lockwood 1894: 19). Dickens's portrayal of the solicitor's clerk William Guppy in *Bleak House* shows that, like Daumier, he retained a degree of fellow feeling for those in the junior echelons of legal practice, even though Guppy seems to have gained more seniority in the ranks of lawyers' clerks than Dickens ever attained. Guppy is by no means a paragon of fairness and justice. He already displays the taint of legal habits of thought and speech. His pursuit of Esther Summerson is disconcertingly reminiscent of Mr. Tulkinghorn's pursuit of Esther's mother Lady Dedlock, and when Guppy proposes marriage to Esther he addressed her in inappropriately formal legal terms. Yet Dickens shows sympathy for the young man by depicting him as one still full of colour, or as one who has yet to have the colour completely washed out of him, at least when relaxing at home in his mother's house. There we find him "dressed in a great many colours" (38).

Lockwood writes that, according to his son Henry Fielding Dickens QC, Charles Dickens had "kept a term or two at one of the Inns of Court" and "eaten the five or six dinners which is part of the necessary legal education for a barrister" (Lockwood 1894: 20). The Inn in question was the Middle Temple. There were other dimensions to Dickens's association with the Inns and courts, including the fact that his good friend John Forster lived in Lincoln's Inn gardens. Dickens also lodged for a period as a paying tenant of Furnival's Inn. Dickens's first sustained employment, commencing November 1828, was as a legal reporter in the Consistory Court of Doctor's Commons (this curious court supplies the topic

of one of the *Sketches by Boz*). Like Daumier he had reason to thank the legal profession for employment, and like Daumier he had personal cause to begrudge its blight upon his life. When Dickens was a teenager, his father had been imprisoned for debt and as an adult Dickens had suffered an unpleasant experience as a suitor in the Court of Chancery when seeking to defend his exclusive rights to publish the story of *A Christmas Carol*.⁹ Daumier's adult experience of the law was no less sharply felt. His political satire, and in particular the famous "Gargantua" caricature of Louis-Phillipe "King of the French" published in *La Caricature*, 16 December 1831 (LD34), led to a six-month prison sentence (23 February 1832). The sentence was suspended, but Daumier continued with his political caricature – including the lithograph *Masks of 1831* that appeared in print just a few days after his suspended sentence had been handed down (*La Caricature*, 8 March 1832) – and he was inevitably incarcerated (he spent 31 August 1832 to 27 January 1833 in Sainte-Pélagie prison).

How to judge our artists' attitude to lawyers is a moot point. In Dickens's case contrasting opinion is as sharply drawn as any of his characters. On the one hand a leading literary scholar, Professor J. Hillis Miller, can assert with confidence at some 150 years remove from the publication of *Bleak House* that "Dickens detests lawyers" (Miller 2001: 56), whereas Dickens's own son, Henry Fielding Dickens, by this time a very senior barrister of the rank of Queen's Counsel, claimed that his father "was very fond of lawyers" and that he "numbered among his intimate friends Lord Denman, Lord Campbell, Mr. Justice Talfourd, Chief Justice Crockford". Lockwood reported these facts in a lecture attended by Henry Fielding Dickens QC, adding that "it is difficult to name any eminent lawyer who could not claim acquaintance, at any rate, with our great author" (Lockwood 1894: 23). To this we might add the fact, often overlooked, that Dickens's father-in-law, George Hogarth, had been a practising lawyer for many years before he and Dickens met at the *Morning*

Chronicle. Lockwood ventured to claim that “in Dickens we have a great literary man who has been impartial in his treatment of lawyers” (Lockwood 1894: 12). Lockwood and Henry Fielding Dickens might have been, as lawyers, less than impartial on the question of Dickens’s like or dislike of the members of their profession, but Lockwood’s next observation seems a fair judgment of the moot issue. Dickens, he stated, “has seen both the good and the bad” in lawyers (Lockwood 1894: 12). Dickens seems to have been on the whole rather more sympathetic to individual lawyers than to administrative systems and institutions of law. It is true that some individual lawyers come off badly in *Bleak House* – he paints a pretty damning portrait of Mr Tulkinghorn (an attorney at law and solicitor in Chancery) and Mr Vholes fares little better – but others (such as Kenge and Guppy) are painted with a more even hand. The theory that Dickens was more tolerant of the individual than the institution is borne out by his humane depiction of the judge whom we find relaxing in the vicinity of the Inns during the vacation. The black-clad spectre now wears contrasting white:

There is only one judge in town. Even he only comes twice a week to sit in chambers. If the country folks of those assize towns on his circuit could see him now! No full-bottomed wig, no red petticoats, no fur, no javelin-men, no white wands. Merely a close-shaved gentleman in white trousers and a white hat (19)

The Lord Chancellor receives the same even-handed treatment. He is portrayed as an obfuscating demon within the forum of the High Court of Chancery, but as something more like a concerned father when conversing with Richard, Esther and Ada in the privacy of his chambers. It is telling that, in this private episode, the Lord Chancellor is described as “plainly dressed in black and sitting in an arm-chair” while his “robe, trimmed with beautiful

gold lace, was thrown upon another chair. He gave us a searching look as we entered, but his manner was both courtly and kind” (3). Whatever he thought of lawyers, Dickens’s view of law as an institution seems to have been cynical to the end. In the last year of his life he explained in a letter to “Mrs Frederick Pollock” (wife of the politician and lawyer Sir Frederick Pollock) that he had “that high opinion of the law of England generally, which one is likely to derive from the impression that it puts all the honest men under the diabolical hoofs of all the scoundrels”.

Daumier seems to have remained similarly cynical in his dotage. Just nine days before his death he was assisted in scrawling a weak and straggling signature on a sketch he had executed many years before. The sketch was a rendition of Paul-Pierre Prud’hon’s painting *La justice et la vengeance poursuivant la crime*, which Prud’hon had produced in 1808, the year of Daumier’s birth, to be hung in the courtroom of the Palais de Justice as a replacement for a painting of a crucifix which had previously hung there (Weston 1975). In Daumier’s version the place and pose of the criminal has been taken by the figure of a judge in robe and hat. Daumier was nearly blind by this stage so perhaps he did not appreciate what he was signing, but that seems improbable. We can conclude, I think, that Daumier’s youthful cynicism in relation to the legal profession was something he never sought to distance himself from.

Certainly Daumier’s cynicism (combined with that of his editors) shows through strongly in *Les Gens de Justice*. The reader can easily locate all of Daumier’s images online by searching for the relevant Loÿs Delteil (LD) number, but for present purposes we will rely on the legend to the plates to give a faint flavour of what is conveyed by the lithographic image. On the self-serving or self-indulgent nature of the legal profession, we have Plate 12 (LD1348) in which a prosecution lawyer confides in his wife: “Think of it, that’s three of my defendants in a row that were not found guilty! I will lose my reputation!”; and Plate 13

(LD1349) in which the lawyer reassures his client that he will have better luck proving his innocence the next time the client commits a theft; also, Plate 16 (LD1352) in which the judge applauds the advocates and everyone in court is perfectly satisfied, except the accused; in Plate 18 (LD1354) a lawyer reads in the newspaper an eulogy to himself – written by himself; Plate 19 (LD1355) reads “*twelve* thefts – even better – I can plead compulsive obsession!” and Plate 23 (LD1359) shows us an advocate dining on steak and fries at his client’s expense; in Plate 25 (LD1361) the female parties to the cause are clearly not happy, but are deemed to have been reconciled by a rather self-satisfied *juge de paix* (a few months earlier Daumier had produced a similar scene as plate 63 in the series *Les Beaux Jours de la vie* [LD1151] *Le Charivari*, 15 May 1845); Plate 26 (LD1362) depicts another “unsatisfied litigant” (this plate did not appear in *Le Charivari*, but appeared in the specially published collector’s edition of the series); Plate 29 (LD1365) depicts a lawyer urging his client to sue a neighbour so as to make him eat up his wealth, but the client refuses because he has no appetite for his own legal bill; in Plate 34 (LD1370) a lawyer, joking with a colleague, is amused to see that his client (presumed to be a self-portrait of Daumier) is so sad at losing his case, as if ignorant that he could appeal to another court; in Plate 35 (LD1371) a smug lawyer comforts the widow and orphan with the thought that, though they have lost their case, they at least had the pleasure of hearing him plead; and in Plate 37 (LD1373) the lawyer is delighted that his client is so villainous – all the more of an achievement if he can secure his release from custody.

On the inhumane or unemotional nature of the profession, we have Plate 9 (LD1345) in which a lawyer, who has been upbraided by a well-dressed civilian, assures the citizen that he has enough civil courage never to respond to provocation. This recalls the *Physiologie*, where we learn that the civil lawyer is not a man of law as the criminal lawyer is, but is rather a “gentleman of law” (Trimolet and Maurisset 1841: 46). Dickens’s Mr Tulkinghorn is a

gentleman lawyer of this sort, and it may be observed that in Victorian England real life lawyers of that breed held positions of great trust and sometimes rose to very high social standing (Luxon 1983). Daumier's Plate 15 (LD1351) depicts a self-satisfied lawyer boasting to his client that he also goes hungry most days but does not turn to theft; in Plate 22 (LD1358) the lawyer is said to defend the orphan and widow graciously...when he's not attacking them; Plate 28 (LD1364) shows a lawyer in cahoots with his criminal client; Plate 31 (LD1367) presents the thoroughly hideous notion of the day's big case being savoured as a great performance – murder garnished with rape! In Plate 32 (LD1368), the lawyer promises his client that if the opposing advocate dares say anything against the client, the lawyer will malign the entire family of his client's adversary; and Plate 36 (LD1372) is the plate of the lawyers on the “*Grand escalier du Palais de Justice*” discussed earlier. Plate 17 (LD1353) seems less severe at first sight, for it depicts a witness whose only agony is his attempt to recount in exact detail the events of a single day nine months ago, such discomfort and inconvenience may be relatively mundane but it is rendered institutionally fearful by the fact that it is the perennial experience of witnesses in court even to the present day.

Did Daumier Influence Dickens?

John Harvey writes that “the possibility that Dickens knew Daumier's work and found it suggestive is worth investigation” (Harvey 1970: 134). A brief digression to carry out that investigation might not solve the case, but it will have the merit of taking us deeper into the impressive similarities between the two artists' cultural background and to their flourishing at the same time in such coincident ways at the heart of the Age of Reform. Daumier is mentioned on two occasions in Dickens's journal *Household Worlds*. The references appear on 12 March 1853 and 12 April 1856. For present purposes, the 1853 reference is the most interesting; in part because it appeared while *Bleak House* was still in the course of being

published in serial instalments, and in part because the reference to Daumier too casually lumps the French artist in the clichéd category of over-the-top caricaturist. The article refers to “Figures such as, were you to see them in the drawings of Leech, or Daumier, or Gavarni, you would pronounce exaggerated and untrue to nature”.¹⁰ It cannot be said for certain that these words were written by Dickens, but it seems inconceivable that he could have been unaware of Daumier’s work. Dickens was an enthusiastic Francophile and he undertook his first long stay in Paris between November 1846 and February 1847, which was exactly the middle of the period in which Daumier’s *Les Gens de Justice* was being published at irregular intervals in the Parisian journal *Le Charivari*. *Le Charivari* is itself mentioned in several articles in Dickens’s *Household Words* that appeared late in 1851, which is precisely as *Bleak House* was taking shape in Dickens’s mind.¹¹ An article of 15 November 1851 specifically refers to *Le Charivari*’s caricatures. The fact that no plate was published in *Les Gens de Justice* between 18 November 1846 and the summer of 1847 is inconvenient to the possibility that Dickens saw them during his stay in Paris, but it is by no means fatal. The November plate was the twenty-ninth in the series, so earlier plates would have been in circulation in Paris at the time of Dickens’s visit, and Dickens visited Paris twice more before he began to write *Bleak House* in November 1851.¹²

Daumier produced a striking series of four plates in 1848, presumably intended to relate to *Les Gens de Justice*, but they were not published until November-December of 1851, when they appeared under the heading *Les Avocats et les Plaideurs*. This means that they appeared in print at precisely the time that Dickens, back in England, began to write *Bleak House*. Two of that set of four plates, sequentially the first and third, were published in *Le Charivari* on 12 November 1851 (LD2185) and 3 December 1851 (LD2187) respectively. They have legends that are particularly evocative of the fictional Chancery case “Jarndyce and Jarndyce” that Dickens erected as the legal scaffold for the plot of *Bleak House*. Two

core characteristics of that case are, first, that it drags on and on: “Jarndyce and Jarndyce still drags its dreary length before the Court, perennially hopeless” (1); and, second, that in the course of its so-called “progress”, it ruins people both personally and financially. When a resolution of the legal issues is finally reached in the case, there is no money left to allocate between the parties. The coincidence with Daumier’s 1851 plates is conspicuous, for the legend of the lithograph of 12 November reads (in my translation): ““The case is running along! The case is running along!” / The client: ‘You said that four years ago. If it runs much longer like this I won’t have shoes left to pursue it with!’” *Bleak House* expressly refers to the “ruined suitor with his slipshod heels and threadbare dress” (1). Equally evocative of the Jarndyce case (in which legal costs ultimately consumed the disputed estate), the legend to the lithograph of 3 December records a conversation between two lawyers:

1st lawyer: “Finally! We have achieved a division of the spouses’ assets”.

2nd lawyer: “That’s good timing, for the trial has ruined them both!”

These two lithographic legends are clearly written in the same spirit as the satirical text of the *Physiologie*, which “Daumier certainly knew” (Cain 1959: 12). There we read that “a well-managed case can sometimes outrun the lifetime of the client and his lawyer – but only the client will waste away and die in a garret on a bed of straw” (Trimolet and Maurisset 1841: 42-43). Coincidentally, the “most serious and pathetic point” (as Dickens described it in a letter of 20 December 1852) that he had tried to make in *Pickwick* “was the slow torture and death of a Chancery prisoner” (Storey 1987: 1). That point was revisited in *Bleak House* in the slow demise of Mr Gridley, following Dickens’s acquaintance with a pamphlet account of the case of a real-life “prisoner” in Chancery (Challinor 1849: 4). The historical picture that emerges as most plausible is one in which Dickens and Daumier flowered in similar ways

and at the same time, not because of any direct influence that one had upon the other, but because they were working in, and growing out of, a common tradition of graphic and literary satire that had been fertile since the days of Voltaire, Swift, Goldsmith and Hogarth. (Marten 1976; 1974). As John Dixon Hunt writes, we “can stress only parallels between Dickens’s imagination and that of the graphic artists rather than exact sources” (Hunt 1971).

If we struggle to show that Dickens was influenced by Daumier’s legal caricatures and even that he had detailed direct knowledge of them, it is nevertheless reasonable to speculate that he was aware of Daumier in general. There is even a possibility, perhaps a strong likelihood, that Dickens’s would have learned about Daumier through his illustrator Hablôt Knight Browne (known by the sobriquet “Phiz,” which is short for “physiognomy”) (Stein 2001: 168). Browne illustrated the periodic instalments of *Bleak House*. As early as 1839, the author and illustrator William Makepeace Thackeray had advised Browne to look to the inspiration of Daumier. It seems that he took that advice at once, for John Harvey sees the influence of Daumier’s caricatures of Robert Macaire in Browne’s illustrations of George Reynolds’ 1840 novel *Robert Macaire in England*; and Harvey demonstrates an undeniable similarity between Browne’s nurse Mrs Gamp (*Martin Chuzzlewit*, 1842) and Daumier’s nurse or ‘La Garde-Malade’ (*Le Charivari*, 22 May 1842) (Harvey 1970: 132-3). It is highly likely that Browne, commissioned with the task of illustrating Dickens’s great legal masterpiece *Bleak House*, would have sought further inspiration from Daumier and especially from his two recently published series *Les Gens de Justice* (1845-1848) and *Les Advocats et les plaideurs* (1851). Consider Plate 24 (LD1360) in *Les Gens de Justice*, which was published on 14 October 1846, shortly before Dickens arrived in Paris that November. It depicts in the background a young bonneted woman with her back to the viewer while in the foreground a group of three lawyers leer at her. The legend accompanying the image adds very little – a complaint levelled by Baudelaire against all the legends accompanying

Daumier's lithographs (Baudelaire 1992 [1846]: 216). (The same has been said about the illustrations accompanying Dickens works [Leavis 1970: 361]). What is interesting for present purposes is that Daumier's figure of the bonneted female is highly evocative of Browne's illustrations of Esther Summerson which accompany *Bleak House*. (Richard L. Stein notes that Esther Summerson is frequently depicted bonneted, or with her back to the viewer; **observing** that *Bleak House* concludes with Esther's **self-reflections** on her own face, and therefore "ends at the point its principal subject recognizes herself as an object in visual culture, at the moment narrative acknowledges its own inescapable place in a world of images" [Stein 2001: 186]). To enjoy the coincidence between Esther and Daumier's bonneted young woman is not to say that one artist inspired the other. It is at least as likely that they were both inspired by some other source in common, such as contemporary prints of fashionable ladies of the sort Dickens mentions in *Bleak House* as "copper-plate impressions" from the series "The Divinities of Albion, or Galaxy Gallery of British Beauty" (20). More interesting than any direct connection between Daumier and Browne is the fact that the female figure of Esther is frequently effaced in Browne's images. The illustration titled "Magnanimous Conduct of Mr Guppy" (54) depicts a jolly social gathering in which Esther's is the only face turned fully away from the viewer. She is self-effacing throughout the novel, and her selflessness at one point exposes her to a disease (probably smallpox) that literally obscures her facial features. Her mother is correspondingly and repeatedly effaced by a veil, which is clearly intended to be symbolic: "If you hear of Lady Dedlock, brilliant, prosperous, and flattered, think of your wretched mother, conscience-stricken, underneath that mask!" (36). When Dickens was writing, the law went to great lengths (including the length of stovepipe police hats and judges' full-bottomed wigs) to fashion a face in the world that was distinctively male (Watt 2013). The image of the effaced female thus becomes a face excluded from the legal world. The law made itself a face for public encounter. There it was

seen by, and only saw, the masks of legal personality that the law had created for the purposes of social and political interaction. Women had to make up their faces in private.

Earlier, I suggested that the art of Dickens and Daumier exhibits two significant reforming qualities. The first is that it is somehow able to colour humanity with (and despite) a palette of black and white. The second is that it moves the state of stones and institutions and other static things. Their art is therefore inherently critical of the law's habitual error of thinking in simple black and white contrasts and adhering stubbornly to strict rules and routines. Another contemporary form of cultural expression that added colour to bright lights and movement to static images was the so-called "magic lantern". The sequential passing of tinted transparent plates before the beam of the projector produced a distinctly modern sense of progress. Like lithography, the lantern was an example of science and art ploughing forward in harness. Dickens experienced the magic lantern and greatly enjoyed it. He was generally excited by the facility and opportunity of new technologies.¹³ He thrilled to travel by the new fast trains to France – witness his short essay "Railway Dreaming" published in *Household Words* on 10 May 1856 – in which the frame-by-frame flashing by of window scenes must have sparked his imagination like a sort of magic lantern or proto-cinema (Kirkby 1997; Smith 2003). Certainly the lantern itself served as an allegory for his artistic acquisition, and representation, of the sequential passing before his eyes of the scenes of city life. Writing from Switzerland on 30 August 1846, Dickens described London as his lantern, reporting that: "the toil and labour of writing, day after day, without that magic lantern is IMMENSE!!" (Smith 2003: 27). Many years earlier, Voltaire had described Paris with the same metaphor: "the life of Paris disperses all one's ideas, one forgets everything, one is diverted only momentarily by everything in that great magic lantern, where all the pictures pass as rapidly as shadows" (Smith 2003: 25). Baudelaire adapted the metaphor somewhat when he wrote of the "vast picture gallery which is London or Paris" (37) and, again referring

to Paris, we read elsewhere that “Daumier saw this ‘magic lantern of black figures’ performed before his very eyes” (Cain 1959: 13). That thought might have been inspired by the *Physiologie de l’Homme de Loi*, which concludes with the metaphor: “*Ami lecteur, tu as vu passer devant tes yeux cette lantern magique de figures noires*” (Trimolet and Maurisset 1841: 112).

Daumier’s *Les Gens de Justice* flashes by from plate to plate like a proto-cinematic slideshow of images. As we watch the magic lantern at work, we become aware that it is we, especially those of us who perpetuate the law, who are being watched by the artist’s critical eye. When Dickens’s Mr Tulkinghorn is murdered in his law chambers (which, in keeping with a common practice at the time, was also his home) the painting of Allegory on the ceiling is said to point at his corpse. The image accuses him. He was killed by the French maid Hortense, so perhaps Allegory alleges that an intransigent law devoid of passion will be killed by an excess of the passion it has tried to exclude and repress (Fradin 1966: 104) and perhaps it alleges, in similar vein, that an exclusively male law and legal profession sows the seeds of its own destruction in the figure of the excluded female. In one of Daumier’s later pencil drawings we see the lawyer pointing back at allegory. *La Defense* is a sketch in ink and charcoal with a grey wash in which a defence lawyer is looking back at his client in the dock while pointing in the opposite direction to where a painting hangs high on the wall of the court above a bench of three of judges. The painting he is pointing to is Pierre-Paul Prud’hon’s *Allegory of Justice and Crime*. Daumier’s lawyer, and through him Daumier himself, is quite literally pointing to allegory. He is also reflexively alerting the viewer to his own art. If lawyers care about the image of their profession, even today, they might start by approaching Dickens and Daumier. It is remarkable to think that in both academy and practice the appreciation of the legal profession as a culture of rhetorical and performative arts continues to be considered a strangely exotic way to colour law’s black and white world,

and that the innovation of approaching law from the perspectives of creative art, culture and the humanities is considered still to be a new movement.

The reforming power of the artistic picture, whether created directly or through the medium of words, was already plain enough in Dickens's day. His contemporary Anthony Trollope certainly had Dickens in mind when he wrote in reference to Mr Popular Sentiment (the author of serialized novels who is depicted in Trollope's 1855 novel *The Warden*) that "[t]he artist who paints for the million must use glaring colours" (15). This is a moderate version of the familiar complaint that Dickens lacked subtlety in his literary efforts to reform such social institutions as workhouses, schools and the Court of Chancery, but Trollope is generous enough to acknowledge in the same breath that "the radical reform which has now swept over such establishments has owed more to the twenty numbers of Mr Sentiment's novel, than to all the true complaints which have escaped from the public for the last half century". According to Dickens, "the wisdom of our ancestors is in the simile" (Dickens 1843: 1), so let us agree with Trollope that "sweeping" reforms is a good a picture as any. The point is that it is a moving picture. Satirists and caricaturists at the beginning of the Age of Reform enjoyed the fact that one of the new "brooms" sweeping for change was Henry Brougham (pronounced "broom") who on the 7 February 1828 (the date of Dickens's sixteenth birthday) spoke in the House of Commons for six hours (still a record) on the subject of law reform.¹⁴ Two years later Brougham was appointed Lord Chancellor and thus swept into the dusty heart of the Court of Chancery that Dickens would **come to** condemn **with** universal and perpetual infamy in *Bleak House*. Brougham's speeches finally came to an end and are now all but forgotten, for it is generally the fate of "true complaints" of the political and legal sort that they move only for a short time. The satirical art of Dickens and Daumier, on the other hand, is still sweeping and swiping with timeless force, as only great art can.

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Endnotes

1. "For me the English black-and-white artists are to art what Dickens is to literature." (Vincent Van Gogh, letter to Amice Rappard, The Hague 18-19 September 1882).
2. Daumier suffered censorship and a prison sentence for his art. Dickens wrote critical essays on a wide range of reforming issues including the slavery of blacks in America, the plight of women in prisons and capital punishment.
3. For example "La Femme à Barbe" (*Le Charivari* 16 February 1867; LD3555).
4. See Gary Watt, "The Equity of Esther Summerson" (2009) 3(1) *Law and Humanities* 43-67. David Parker considers it significant that Dickens "locates desirable young women within" the inns of court "amid the drab lawyers' tenements" ("Dickens, the Inns of Court, and the Inns of Chancery" *Literary London: Interdisciplinary Studies in the Representation of London*, 8(1) (2010). Available online: <http://www.literarylondon.org/london-journal/march2010/parker.html>.
5. The essay *La Modernité* appears in Baudelaire's *Le Peintre de la vie moderne* ("The Painter of Modern Life") (1864).
6. The most comprehensive catalogue of Daumier's works was by the lithographer and collector Loÿs Henri Delteil, hence plate numbers are prefixed with the initials LD.
7. In relation to novels, parenthetical references are to the relevant chapter.
8. See, generally, Carol Hanbery MacKay (ed) *Dramatic Dickens* (Basingstoke: Palgrave Macmillan, 1989).

9. *Dickens v Lee* (1844) 8 Jurist 18.
10. “Perfidious Patmos” *Household Words* No.155, 12 March 1853, p.27.
11. Examples include “More French Revolutions” *Household Words* 13 September 1851, p.587; “Thirty Days of Pleasure for Fifteen Francs” *Household Words* 11 October 1851, p.72.
12. He visited Paris again by the overnight train on the 22-23 June 1850, staying until 1 July, and stayed again between 10 and 15 February 1851.
13. For example, in a personal book of memoranda commenced in January 1855 he imagined narrating a story from the point of view of a message sent by electric telegraph.
14. See, for example, the 1825 plate ‘Buy a Broom?!!’ by Dickens’s friend, and illustrator, George Cruikshank.