

**Charles Dickens and the Role of Legal Institutions in Moral  
and Social Reform:  
*Oliver Twist, Bleak House and Our Mutual Friend***

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## INTRODUCTION

The legal system of Victorian England is integral to Charles Dickens' novels and to their moral intent. Dickens was acutely conscious of the way in which the Victorian novel operated as a form of moral art. As a novelist he is concerned about the victims of his society and the way in which their lots can be improved. He therefore chooses to construct representative victims of legal institutions such as the Poor Law Amendment Act of 1834 and the Court of Chancery in his novels to highlight flaws in his world and the changes that might be made to improve social conditions.

This thesis will examine the way in which Dickens' fictional enquiry into the social world his characters stand to inherit is focused on the legal system and its institutions, most particularly, the law of succession. By discussing three novels from different periods of his writing career, *Oliver Twist* (1837), *Bleak House* (1853) and *Our Mutual Friend* (1862-1865), I will suggest how his engineering of moral outcomes shows his development as a writer. The law of succession and related legal institutions such as the Court of Chancery, dealing with wills and inheritance, recurs in Dickens' novels, providing the novelist with social, moral and legal identities for his characters. These identities, as unveiled during the texts, propel the characters and plot development in particular directions in response to the novels' moral intent.

The role of inheritance in Victorian society largely provides Dickens with a means to explore the inadequacies of existing legal institutions, such as the means by which to prove and execute wills and the operation of the Court of Chancery. The role of inheritance also allows Dickens to examine the social condition of those who are deprived of an inheritance or who are unable to enforce their legal rights. In this respect Dickens concentrates on the appalling conditions of institutions such as workhouses and poorhouses in Victorian society and on resultant criminal activity and prostitution in the community as the disinherited struggle to survive. Dickens' study of crime in particular sheds invaluable light on the prevailing moral standards of, and difficulties with, his society. Dickens acknowledges his pedagogical role as an author, providing synopses of his lessons in the prefaces to his books and forewarning his audience of the literary devices (such as grotesquerie, being the aesthetic of the "ugly, monstrous, hideous from the point

of view of classic aesthetics”<sup>1</sup>) that are necessary to communicate them effectively.

This thesis will examine the way in which Dickens’ engineering of moral outcomes through the convenient use of the law of succession becomes increasingly sophisticated as he develops as a writer. The stock plot device of the impoverished orphan child, a representative victim of such a Victorian legal institution as the Poor Laws who is morally saved when elevated into gentility by a secret inheritance, sustains the plot of *Oliver Twist*. The simplistic and somewhat improbable fortunes of Oliver, however, give way to the more probable moral and legal outcomes of characters such as Jo and Richard Carstone in *Bleak House*. In *Bleak House* Carstone, who is certainly a more interesting central protagonist than Esther Summerson in terms of Dickens’ examination of legal institutions and their effect on moral and social outcomes in the novel, makes a ruinous attempt to manipulate the legal system and gain control over his fortune by joining the suit of *Jarndyce v Jarndyce*. In *Our Mutual Friend*, however, a complex and successful manipulation of the legal system is achieved by Harmon/Handford/Rokesmith, an adult and extremely resourceful character who, in conjunction with other characters such as Bella Wilfer and Mr Boffin, is testament to the inseparability of individual and legal identities as far as moral and social outcomes are concerned. Throughout the novels it can be seen that the abilities of Oliver Twist, Richard Carstone and John Rokesmith to manipulate the law of succession correlate directly to stages of Dickens’ maturity as a writer and his increasing confidence about layering texts and developing more complex and sophisticated structures in his novels.

Dickens’ focus on the role of inheritance, however, entails the development of perspectives on the legal system in entirety. *Oliver Twist* as a novel drawing upon the traditions of sensation, and turning on events such as “legacies, birthrights, thefts and deeds of violence”<sup>2</sup>, focuses intensely on the criminal justice system and establishes Dickens’ famous attraction to repulsion and use of grotesquerie and popular entertainment. *Oliver Twist* also develops analogies between law and

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<sup>1</sup> Hollington, Michael *Dickens and the Grotesque* Croom Helm Australia Pty Ltd Sydney 1984 p5

<sup>2</sup> Collins, Philip, *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p176

drama, establishing the foundation from which Dickens can employ legal metaphors to great effect in his quest for reforms of the legal system and society at large in *Bleak House* and *Our Mutual Friend*. *Oliver Twist* further establishes the milieu of a stratified society in which finances govern social behaviour and in which the class system is reflected in the legal system through the denial of access to justice to those who are unable to afford it, or suffer gender inequality.

*Bleak House* builds upon the problems outlined in *Oliver Twist*. It explores the criminal system, particularly the gender bias of the law towards the male sex and access to justice issues, including the problem of delay in litigation. Specific legal institutions such as the jury system and, most notably, the civil branch of the Victorian legal system with a particular focus on the equitable procedures in the Court of Chancery are examined. Jo is a transmutation of Oliver as representative victim of the Poor Laws, and his fate as such appears more probable. Richard Carstone is, however, the central character in the novel in terms of his construction as the representative victim of the civil system and of the law of succession.

In *Our Mutual Friend* Dickens refines his use of the law of succession and other legal institutions to propel characters into directions suited to his own agendas. The entire plot is constructed from the premise of the execution of a will arising out of the death of John Harmon whose murder is a crime that has never, in fact, been committed. The ramifications of the execution of this will and subsequent codicils are extremely interesting. The novel further examines problems of access to justice and gender inequality under the prevailing legal system, particularly through Bella Wilfer.

As part of the development of Dickens' use of the legal system there is a perceptible development of his powers of characterisation. Richard Carstone is a more substantial and believable character than Oliver; John Harmon offers the opportunity for Dickens to experiment with a chameleon identity. This aspect of Dickens' development, however, has received substantial attention already, particularly by Arnold Kettle, Barbara Hardy, Monroe Engel and Grahame Smith. There has been, to the best of my knowledge, little work done on his use of the law of succession, and it is here that I wish to concentrate my argument.

Much of Dickens' interest in the law appears to stem from his early career as a legal clerk in Lincoln's Inn and Doctors' Commons. His first job, as a writing clerk in the office of Ellis and Blackmore, a small set of chambers in Holborn Court, involved duties such as copying documents, administering the registration of wills and running errands to other legal offices and law courts. Public offices with which Dickens came into contact in the course of this job were the Alienation Office, the Sixpenny Receivers Office, the Prothonotaries Office, the Clerk of the Escheats, the Dispensation Office, the Affidavit Office, the Filazer's, Exigenter's and Clerk of the Outlawry's Office, the Hanaper Office and the Six-Clerk's office<sup>3</sup>. This employment gave Dickens an exposure to a wide range of jurisdictions and legal precedents. Through this contact with a variety of legal practices, Dickens experienced a broad range of litigation which enabled him to develop opinions on the contemporary operation of the law and its efficacy in the administration of justice. Such experience almost certainly sowed the seeds for much of the critique of the legal system found in his novels.

In 1829 when he joined Doctors Commons, Dickens was exposed to ecclesiastical and naval jurisdictions including a Consistory Court, A Court of Arches, the Prerogative Court, the Delegates Court and the Admiralty Court<sup>4</sup>. In this role Dickens was employed by a firm of proctors to take notes on evidence and judgments. This job as a shorthand reporter granted Dickens the opportunity to observe at close range members of the legal profession such as clerks, proctors, secretaries and Doctors. Probably as much through a process of osmosis as anything else, Dickens gained an understanding of the mechanics of basic legal procedures through this type of employment. In order to work as a court reporter, Dickens was required to use shorthand, a method of taking notes that perhaps allowed Dickens to develop the skill to think and write quickly. It was probably at this early stage in his career that the duality of law and literature began to come together for Dickens, developing at a later stage into his volumes of legal fiction. The anonymity of the law writer's existence, as captured later in Dickens' description of Nemo the law-writer in *Bleak House*, who either lived or did not live

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<sup>3</sup> Mackenzie, Norman and Jeanne *Dickens - A Life* Oxford University Press UK 1979 p22

<sup>4</sup> Ibid

by law-writing according to Krook, also may have prompted Dickens to begin writing original works with legal themes.



## CHAPTER 1

### OLIVER TWIST

*Oliver Twist*, the first novel of Charles Dickens, demonstrates the author's use of the law of succession and other legal institutions to explore serious reformist agendas in Victorian society. The secret of Oliver's inheritance provides a structure for the moral directions of the novel. The terms of the will of Edwin Leeford, Oliver's father, are set out in Chapter 51 of the novel. This will left Leeford's wife, a woman ten years older than him with whom he was forced into marriage, and the son of that marriage, Edward Leeford (also known as "Monks"), an annuity of eight hundred pounds each. The terms of the remainder of the will are described as follows: "The bulk of his property he divided into two equal portions - one for Agnes Fleming, and the other for their child, if it should be born alive, and ever come of age. If it were a girl, it was to inherit the money unconditionally; but if a boy, only on the stipulation that in his minority he should never have stained his name with any public act of dishonour, meanness, cowardice or wrong.<sup>5</sup>" The terms of the will were made in this way "to mark his confidence in the mother, and his conviction - only strengthened by approaching death - that the child would share her gentle heart, and noble nature." (p458) If he were disappointed in this expectation, then the money would revert to Monks.

The destruction of the will by Oliver's stepmother so as to leave his fortune to herself and her son, and the fact that "the only proofs of the boy's identity lie at the bottom of the river" (p439), create Oliver's initial poverty. Brownlow's discovery of Oliver's true identity puts him in a position in which he can induce Monks to essentially replicate the original will by setting his hand to "a statement of truth and facts"(p440) as he has "not forgotten the provisions of the will" (p440). The final chapter further reveals a deal between Monks and Fagin in which Fagin received "a large reward for keeping Oliver ensnared, of which some part was to be given up, in the event of his being rescued" (p459) to protect Monks' fortune.

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<sup>5</sup> Dickens, Charles *Oliver Twist* (1837) Edited by Peter Fairclough Penguin Books London 1985 p458

The value of the estate to which Oliver as sole surviving heir succeeds, having suffered wastage in the custody of Monks and his mother, is announced in the final chapter of the novel as approximately six thousand pounds which, upon the advice of Brownlow, Oliver agrees to divide equally between himself and Monks to provide Monks with an “opportunity of retrieving his former vices and pursuing an honest career” (p475). This does not eventuate as, having squandered his inheritance, Monks “fell into his old courses, and, after undergoing a long confinement for some fresh act of fraud and knavery, at length sunk under an attack of his old disorder, and died in prison” (p476).

The law of succession is not manipulated in a particularly sophisticated literary manner in *Oliver Twist*. Oliver’s actual fiscal stake in his inheritance, at just over six thousand pounds, is not immense. In addition, Oliver is a minor for the whole duration of the novel and has no legal standing to assert his rights. Brownlow performs the function of “lawyer” for Oliver and operates as his legal mouthpiece. *Oliver Twist* can, however, be seen as the first of a series of Dickens’ novels in which the preservation of childish innocence is achieved through the stock plot device of an impoverished orphan whose moral principles are preserved by a secret inheritance. Oliver’s fictional counterparts in this respect include Richard Carstone, Nicholas Nickleby, David Copperfield, Martin Chuzzlewit and Phillip Pirrip. In a metaphoric sense, Dickens effectively holds the good character of his child protagonists in trust until the disclosure of their financial and moral inheritances through somewhat contrived revelations, characteristic of the Victorian novel. As Tambling states, “The investment made in Oliver is that he should be produced as a particular kind of child, fitting his class potential”<sup>6</sup>. Tambling claims that Oliver gets his father’s inheritance because he remains pure. The fact of the matter is, however, that the inheritance is ultimately evenly split between Oliver and Monks who represent purity and impurity.

Dickens announces his intention to construct Oliver as a representative victim of society and its legal institutions in the Preface to *Oliver Twist*, stating that Oliver is designed to show “the principle of Good surviving through every adverse circumstance, and triumphing at last”. This announcement suggests from the

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<sup>6</sup> Tambling, Jeremy *Dickens, Violence and the Modern State: Dreams of the Scaffold* St Martins Press New York 1995 p163

novel's inception that a suspension of disbelief is required to enable the novel to succeed as moral art. The construction of Oliver as a paragon of virtue thrown into literary relief by his associates in crime presents many of the characters in the novel as caricatures. As Kettle states, the problem with *Oliver Twist* is that "The good characters are, by and large, too good and the bad too bad".<sup>7</sup> The naivety of Dickens as a novelist and fledgling social reformist can be inferred from his pronouncement in the Preface that "I have yet to learn that a lesson of the purest good may not be drawn from the vilest evil". This naivety can, however, be excused to some extent in *Oliver Twist* precisely on the basis that the novel is Dickens' first attempt at a major work. As will be evidenced later in this thesis, Dickens' positions on moral and social reform in society through his examination of legal institutions undergo moderation as he matures as an author and his society changes.

The social condition of Victorian England is Dickens' prime concern in *Oliver Twist*. The misfortunes of society's victims, of which Oliver is constructed as a representative, are carefully established from the beginning of the novel. The omniscient narrative voice in the opening chapter places the reader at the scene of Oliver's birth in a workhouse, at which time he is "ushered into this world of sorrow and trouble" (p45) by the parish surgeon. After the death of his mother during childbirth, Oliver becomes "enveloped in the old calico robes" (p47) which cause him to be "badged and ticketed ... a parish child - the orphan of a workhouse - the humble half-starved drudge - to be cuffed and buffeted through the world, - despised by all, and pitied by none" (p47). From this point on, Dickens labels Oliver as "the victim of a systematic course of treachery and deception - he was brought up by hand" (p47) in a "hungry and destitute situation" (p47). In the workhouse he is deprived of a mother figure who is able to provide the "consolation and nourishment" (p48) required by a growing child.

Oliver is representative of the criminalisation of the state of poverty in Victorian England which made it almost impossible for members of the poorer classes to escape the vicious cycle of poverty and criminal activity. The socio-economic effect of the poor laws had a great impact on Victorian society and they were very

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<sup>7</sup> Kettle, Arnold "*Oliver Twist*" from *An Introduction to the English Novel* Hutchinson and Co London 1951 p130

very divisive of the structure of the nuclear family. In Chapter 2 Dickens comments that the members of the board at the workhouse "kindly undertook to divorce poor married people, in consequence of the great expense of a suit in Doctors' Commons; and instead of compelling a man to support his family, as they had theretofore done, took his family away from him, and made him a bachelor" (p55). This is a strongly critical look at one of the provisions of the Poor Law Amendment Act of 1834 which was later abolished in 1842 which involved separating married couples upon their entrance to a workhouse. The Poor Laws succeeded in criminalising the condition of poverty, attaching a shameful stigma to the poor. The best that can be said of the Poor Laws, which afforded the poor virtually no rights at all, is expressed by Dickens at the start of the novel in the lines, "What a noble illustration of the tender laws of this favoured country! They let the paupers go to sleep!" (p54).

Dickens is careful to establish the potential for Oliver's moral metamorphosis early in the novel when "Oliver Twist's ninth birthday found him a pale thin child, somewhat diminutive in stature and decidedly small in circumference. But nature or inheritance had implanted a good sturdy spirit in Oliver's breast" (p49). It appears from the words "nature or inheritance" that Dickens is deliberately offering the reader two alternate choices for the moral example set by Oliver. In this way Dickens counterbalances the device of the secret inheritance as Oliver's only moral preservative in an effort to lend greater credibility to Oliver's eventual moral triumph.

In *Oliver Twist*, Dickens aligns the use of the law of succession as a literary device to engineer plot and character development with substantive law and criminological theory. His detailed examination of crime and criminology in the novel operates within the literary context of Victorian literature as moral literature: literature concerned with society and social reform. Most of the characters established by Dickens' criminological studies are not protected by secret inheritances. Desperate and destitute, Dickens' disinherited characters turn to criminal activity in order to survive in Victorian England. Through his examination of crime as an indictment on the unfair distribution of wealth in his world, Dickens presents the legal system as a mirror of society, highlighting its greatest flaws. The prevailing hypocrisies of the Victorian world become glaringly apparent, as does the fact that, to a large degree, moral standards in Victorian society are

shaped by perceptions. To combat the hypocrisies of his society, Dickens advocates the reformist moral position throughout the novel that for justice to be done, it must also be seen to be done. The legal system is a visible means for this objective to be accomplished. In a society where perceptions shape moral standards, the perception of living in a fair and just society is almost as important as the reality of having a fair and just society. In order to achieve both the reality and perception of a fair society, imbalances in the administration of justice throughout various social strata must be addressed and corrected. *Oliver Twist* establishes the problems of access to justice that recur and are developed throughout Dickens' novels. The criminal law, which largely affects the less privileged social classes, comes under close scrutiny as one of the clearest indicators of the prevailing standards of morality and justice in Victorian society.

Dickens is conscious that the use of sensation and grotesquerie are guaranteed routes to the social and moral standards of his society and is unapologetic for his use of these literary modes in the Preface to *Oliver Twist*. He does not covet the approval of a bourgeois audience "of so refined and delicate a nature, that they cannot bear the contemplations of such horrors" (p35). *Oliver Twist* (1837) is written in the tradition of the sensation novel. Dickens' notorious attraction to repulsion emerges in the work, in that he is drawn in an abject manner to explore the macabre or grotesque, reflecting a popular taste for grizliness. The tactic of repulsion is one which Dickens successfully employs to draw the reader's attention to valid and dramatic social problems, and he uses it consistently throughout his later novels to the same effect. Dickens unabashedly uses the "shock value" of his characters who, as he states in the Preface to the novel, "are chosen from the most criminal and degraded in London's population ... Sikes is a thief and Fagin a receiver of stolen goods ... the boys are pickpockets and the girl is a prostitute" (p33), together with the acts that they perpetrate, to dramatise social problems and to explore their sources in individual personalities and social conditioning.

A focus on the criminal law does not limit Dickens in his critique of Victorian society. He demonstrates a thorough preparedness to tackle a barrage of topics within the field to reveal entrenched social problems at various levels. Dickens examines criminal activity ranging from summary offences such as petty theft through to violent crimes of greater objective seriousness such as assault and

battery. The novel culminates in an examination of the most heinous of indictable crimes, premeditated homicide.

Dickens' progression through the scale of criminal activity from mild to serious offences in *Oliver Twist* is interesting when paralleled with his investigation of the social problems that result in the evolution of a criminal underclass. It appears that on a hierarchical scale from mild to serious economic, social and cultural disadvantages in life, the novel's characters engage in, or progress to, the commission of various degrees of criminal activity. The early stages of the novel see youthful and inexperienced characters such as the Dodger, Bates and Twist become engaged in minor crime such as petty theft. Older, experienced and hardened criminals such as Sikes perpetrate crime such as pre-meditated murder towards the end of the novel. On the scale of criminal activity, Dickens describes the murder of Nancy as at the most appalling end of the spectrum:

Of all bad deeds that, under cover of the darkness, had been committed within wide London's bounds since night hung over it, that was the worst. Of all the horrors that rose with an ill scent upon the morning air, that was the foulest and most cruel (p423).

It can be argued, from the point of view of Oliver as the representative victim of his social condition, that the progression of the novel represents a case study of a criminal career unchecked by society. Sikes and Fagin exemplify the probable future prospects for Oliver if he is not rescued by the Maylies and Brownlow. The likely fate arising for Oliver out of his social condition is outlined at the beginning of the novel with a white waistcoated gentleman's prediction that "That boy will be hung" ( p 47) when Oliver is in the workhouse. This prophecy is constructed as increasingly self-fulfilling when Oliver becomes involved in the commission of minor offences such as pickpocketing and petty theft and finds company with rogues and murderers. The novel as a case study of an unchecked criminal career progresses, through the character Sikes, to the climactic perpetration of Nancy's murder. The progression of increasingly aggravated criminal activity is structured throughout the novel to reflect the worsening condition of a society with little facility to prevent the formation of, or at least to rehabilitate, the criminal character. The novel ultimately warns society that, unless the type of moral intervention and guidance supplied to Oliver by the Maylies occurs in a young

criminal's life, it is inevitable that the young criminal will progress through the scale of available offences to the point where rehabilitation is virtually impossible. As foreshadowed in the Preface to the novel, Oliver is constructed as a control study of the typical criminal. By providing Oliver with the opportunity for rehabilitation at an early age, Dickens creates Oliver as an example of the fact that it is possible to end, or at least reduce, the vicious cycles of criminal activity in Victorian England.

The success of Dickens' use of Oliver as an example for social reform has been the subject of critical debate. Certainly the events that shape Oliver's reform in the novel are almost impossibly coincidental, a fact remarked upon by Arnold Kettle: "the only two robberies in which Oliver is called upon to participate are perpetrated, fortuitously, on his father's best friend and his mother's sister's guardian!"<sup>8</sup>

Hereditary and environmental factors in the formation of the criminal character are explored in depth in *Oliver Twist*. Although Dickens invites the reader to choose between "nature and inheritance", it appears that the novel ultimately finds a combination of hereditary and environmental factors responsible for the proliferation of criminal activity in Victorian England. Monks is a specific case in point in this respect. Sharing some common genetic characteristics with Oliver as his half-brother, he nonetheless fails to transcend the criminal environment to which he is exposed despite the fortuitous fact of his partial inheritance. In further support of the conclusion that a combination of nature and nurture factors evolve into an individual, it should be noted that, for a large proportion of the novel, Oliver is jettisoned between the bourgeoisie and underworld of Victorian society, experiencing a range of prevailing social values. In the end, Oliver overcomes adversity, although not without substantial assistance from characters such as the Maylies and Brownlow. The reader is left with the impression that some degree of positive nurture is essential to the prevention of a moral downfall.

The potential of environmental factors to influence the formation and development of the criminal mind is found at the conclusion of Chapter 18. Fagin's influence over Oliver is described in terms that suggest Fagin is capable of corrupting young

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<sup>8</sup> Kettle, Arnold "*Oliver Twist*" from *An Introduction to the English Novel* Hutchinson and Co London 1951 p129

Oliver and "instilling into his soul the poison which he hoped would blacken it, and change its hue for ever" (p185). Oliver is constructed to show that an introduction to undesirable social influences at an impressionable age is likely to sway even the purest of souls towards antisocial demeanour. By placing Fagin in loco parentis of Oliver, Dickens seems to propel Oliver into a criminal outcome at this stage of the novel, increasing the impact, but arguably lessening the credibility, of Oliver's eventual moral salvation. From a socially reformist perspective, Dickens warns his audience that prevention is essential to combat the proliferation of criminal activity in Victorian society.

Specific topics within the nature/nurture debate presented by the text are discussed throughout the text. With regard to nature, the probative value of physiognomy, one of the fashionable medical theories of Dickens' era, is explored. Physiognomy, as described by Hollington, "is part of the radical culture of the French revolutionary period. Its use in various arts and sciences expressed a faith in the possibility of techniques of observation that would bring out underlying truths and criticize prevailing political and social oppressions. .... it was presented in this period, particularly in such refinements as the science of phrenology, as a materialist method that might produce precise and infallible laws to the reading of the human character"<sup>9</sup> Dickens' exploration of physiognomical concepts surfaces on numerous occasions in *Oliver Twist*, an example being when the disfigured countenance of Monks serves, according to Mr Brownlow, as an "index even to your mind" (p439). It must be remembered when analysing Dickens' investigation of physiognomy that what may appear to be highly prejudicial assumptions based on physical appearance represent a valid field of scientific enquiry at the time when Dickens was writing, despite its obvious links to caricature. The physiognomical theme is reiterated in *Oliver Twist* when Fagin and Sikes discuss the selection criteria for their pre-pubescent criminal culprits. Fagin dismisses the talent readily available from Common Garden every night because "their looks convict them" (p192). Oliver's innocent countenance is in contrast the perfect foil to suspicion for criminal activity. The polemics of physiognomical precepts and prejudices in Victorian society, and an inference that Dickens himself does not wholly subscribe to the theory, is encountered later in the novel when the Maylies'

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<sup>9</sup> Hollington, Michael "Dickens and Cruikshank as Physiognomers in *Oliver Twist*" *Dickens Quarterly* No 7 (1990) at p251



sceptical family doctor expresses concern that a fair countenance can disguise a criminal interior. The surgeon pronounces the sad reality that “crime, like death, is not confined to the old and withered alone. The youngest and fairest are too often its chosen victims” (p268). The doctor’s distrustful observation follows a misdirected burglary attempt by Sikes and Toby in which Oliver becomes involved. Rose Maylie, however, is vociferous in her defence of Oliver. She acknowledges that his background may have been, to date, less than morally ideal but pleads with her family to assist the boy with pity and protection stating that “He cannot be hardened in vice ... It is impossible” (p270).

Oliver’s innocent face is largely the cause of Rose Maylie’s faith in his inherent good nature and his salvation from criminal enterprise. At this stage of the novel, Dickens focuses on Oliver as the epitome of the physiognomical, and nature versus nurture, polemics. Both the doctor and Rose Maylie are partially correct in their analysis of his character based exclusively on his physical appearance. It is true that Oliver is in fact, at that point in the novel, involved (albeit reluctantly) in a criminal ring. On the other hand he is constructed by Dickens as an inherent innocent capable of rehabilitation under the right moral guidance. The underlying point made by Dickens is a criticism of a criminal justice system that appears to be highly influenced by physical appearance, therefore reflecting a society in which perceptions distort social justice. Such a system is not one in which justice can either be done, or even be seen to be done. The superficiality of prospects of criminal conviction literally on face value indicates a serious problem with the system and throws the system’s ideals of fairness and justice into chaos. In such an examination of the criminal system, Dickens pinpoints the gulfs between theory and practice, reality and illusion that characterise the most serious hypocrisies of Victorian society.

One environmental factor that receives particular attention as a motive for the individual to commit crime is the socio-economic cash nexus, as described by Thomas Carlyle<sup>10</sup>, one of the circle of Dickens’ friends, between crime and society. This motif recurs throughout *Oliver Twist*. Dickens portrays the cash nexus between crime and society as a vicious circle that may commence with

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<sup>10</sup> Carlyle, Thomas “Signs of the Times” *Critical and Miscellaneous Essays II* Chapman and Hall London 1857

need but ends with greed. Dickens works this fact constantly into his texts with his damning portrayals of a society that has created an underclass supported by institutions such as workhouses. He conveys the problem that for many members of an expanding but seemingly invisible underclass, a life of crime is the only viable economic alternative to the appalling circumstances of workhouse society. Once a person has embarked on a criminal career motivated by financial necessity, a downward spiral of dependence on crime often occurs.

Dickens uses the sentencing principles of the Victorian justice system as a convenient literary device to showcase his own socially reformist agendas and empathy for the poor. The “sympathetic criminality” referred to in Alexander Pettitt’s essay “Sympathetic Criminality in the Mid-Victorian Novel”<sup>11</sup> is exercised in Dickens’ novels through the literary conclusions he draws for his fictional criminals. The sentences his criminal characters receive reflect a degree of leniency for those whose crimes are mitigated by financial hardship rather than greed. In contrast to this, characters whose motivation for financial gain by criminal activity such as theft and fraud are sentenced to custodial penalties or capital punishment, meting out an appropriate and socially acceptable measure of punishment and specific and general deterrence to this type of criminal activity. By sentencing Fagin to death, for example, Dickens combines Victorian plot connections and legal principles in his novel by applying legal principles to the development and outcome of this character. Both legal agendas and plot connections are satisfied by the perception that justice has been done to such a villain. Sikes’ outcome is appropriate for a character who reflects Dickens’ view, as stated in the Preface, that “there are in the world some insensible and callous natures, that do become utterly and incurably bad” (p36). It is interesting in Dickens’ novels that most of his criminals are ultimately discovered and brought to justice, facing sentence for their deeds. At this stage the aggravating and mitigating factors surrounding the commission of the offences are considered on moral and legal levels and appropriate sentence is passed. In regard to many of the crimes under consideration in Dickens’ novels, one of the major factors on sentence in both moral and legal contexts is often an assessment of the offender’s socio-economic motivation for crime which is often reduced to a ratio of

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<sup>11</sup> Pettit, Alexander “Sympathetic Criminality in the Mid-Victorian Novel” *Dickens Studies Annual* Volume 19 AMS Press USA at p281

need versus greed. Dickens is conscious of the way in which crime flourishes in an oppressed, unhygienic and poverty-stricken society in which “The very rats, which here and there lay putrefying in its rottenness, were hideous with famine” (p81). In a society where begging and sleeping under haystacks were against the law in some villages, crime was often the only alternative to absolute poverty. As a Victorian writer concerned with the humanist morals of his age, however, Dickens maintains a careful balance between compassion for the less fortunate stratum of society forced into a life of criminal subsistence as an alternative to poorhouse culture, and appropriate condemnation of large-scale operators motivated by personal greed and aggrandisement.

Dickens presents the functions of crime in relation to the cash nexus in various ways in *Oliver Twist*. Crime is incarnated in numerous forms including a leisure activity, casual work and full-time employment throughout the novel. One interesting presentation is the idea of crime as a “curious and uncommon game” (p110) which Dickens explores in Chapter 9 of *Oliver Twist* during a pickpocketing training session under the supervision of Fagin. During these sessions Fagin would simulate “the manner in which old gentlemen walk about the streets any hour of the day ... he would look constantly around him, for fear of thieves, and would keep slapping all his pockets in turn, to see that he hadn’t lost anything” (p110). This process was apparently so amusing that Oliver “laughed till the tears ran down his face” (p110). Such a description allows the role of Dickens as popular entertainer to emerge in the novel. The process of the Dodger and Charley Bates practising the imperceptible removal of articles from Fagin’s pockets is then described as follows:

“... the two boys followed him closely about, getting out of his sight, so nimbly, every time he turned round, that it was impossible to follow their motions. At last, the Dodger trod upon his toes, or ran upon his boot accidentally, while Charley Bates stumbled up against him behind; and in that moment they took from him, with the most extraordinary rapidity, snuff-box, note-case, watch-guard, chain, shirt-pin, pocket handkerchief, - even the spectacle-case” (p111).

An emphasis on the quality and quantity of goods that the students were expected to steal is evident from the above passage. The precision and accuracy of the thefts that Fagin’s students were expected to achieve is illustrated by the way in

which “If the old gentleman felt a hand in any one of his pockets, he cried out where it was; and then the game began all over again” (p111). Through the metaphor of the game in Fagin’s training, Dickens introduces the idea of risk and chance in the legal system that is further developed in *Bleak House* through the pun of “chance” in “Chancery”. In terms of the social condition, Dickens suggests that society at large shares the risks of crime at the hands of criminals such as Fagin and has a responsibility to address the underlying problems, such as poverty and the unfair distribution of wealth in society, which lie at the root of antisocial activities.

At the most serious end of the criminal spectrum - that of organised crime - Dickens presents crime as a veritable career path amongst the underclass. Such a career may take on various forms. The number of avenues of criminal activity into which a criminal may branch is the subject of active discussion between Noah Claypole and Fagin in Chapter 42 when Noah seeks to embark upon a life of crime. Fagin, in the role of career adviser, suggests a number of possibilities including spying, bag snatching and fancy work. The incentives in crime are certainly attractive, reverting to the cash nexus motif, including the prospect of living like a gentleman and achieving great expectations.

As an author who is extremely conscious of the prevailing social condition in England, Dickens is sensitive to the desirability of upward mobility. The opportunities for actual social mobility in Victorian England were limited, however the myth of social mobility sustained an actual increase in the incidents of malpractice and business fraud in the community. The myth of social mobility also sustains the storylines of Dickens’ novels in which members of the working class such as Oliver Twist and Phillip Pirrip were successfully able to transcend the barriers of class. Perceived success, even at the price of criminal activity, was the aspiration of many struggling members of Victorian society. Dickens, who had endured an impoverished childhood himself, extends literary empathy to those characters who attempt to improve their social stations in life albeit by illegitimate means. This is the “sympathetic criminality” to which Pettitt refers in his essay. The comic portrayal of characters such as the Artful Dodger and Charley Bates, for example, allows for the condemnation of society rather than the individual: the moral turpitude of pre-pubescent offenders is, for Dickens, an indictment of the society in which they are raised rather than an indication of inherent vice or bad

character. Dickens also attempts to salvage the reputations of criminal accessories such as Noah Claypole by granting him a free pardon for his crime in exchange for assisting law enforcement agencies with information on principals. Dickens ridicules a society that victimises juvenile offenders and creates a vicious cycle from which they are almost unable to escape.

The societal problems of Victorian England that contributed to the proliferation of criminal activity, particularly amongst juvenile offenders, were widespread but often masked behind the veil of an upright and moral society. Dickens wrote *Oliver Twist* at a time when it was estimated that there were about forty thousand children of paupers in union workhouses in England and Wales. Many of these children were orphans, or at least effectively so, being the illegitimate children of Victorian men who resorted to the use of prostitutes in a sexually repressed society. These men, often infected with sexually transmitted diseases such as syphilis, failed to acknowledge the existence of their illegitimate offspring. The surgeon in the workhouse who delivers Oliver believes that he is such an illegitimate child, Agnes Fleming having arrived at the workhouse without a wedding ring. In this way, Dickens suspends the reader in the belief that Oliver is a representative victim of his society right from the outset of the novel although, after events unravel themselves, Oliver's parentage and inheritance are exposed at the novel's conclusion. The realistic prospects for children believed to be illegitimate in Dickens' world were poor. Prostitution was a taboo subject in polite society, an "invisible" profession that was often veiled beneath more respectable female professions in Victorian society, for example that of a seamstress or dressmaker. Dickens refers to the veiling of the profession in subtle literary terms, slipping the vernacular of his age subtly into his novels to point his readers to the real situations of his characters. One example of this is the use of the term "doll" in *Our Mutual Friend*, a word often used in Victorian society to connote prostitution. The term creates a reference to the possible secret profession of Jenny Wren who with her shopfront, connections to wealthy men, and symbolic doll-making equipment, has the credentials of a lady of the night. By creating the impression that Oliver is the archetypal orphaned and possibly illegitimate child at the start of the novel, Dickens exposes the unfairness of a legal system that is the foundation of a society that is unable to cope with any person not conforming to certain rigid moral codes. Oliver's legal status is again an example of the way in

which Dickens uses the legal system as a convenient device to highlight the inflexibility and lack of humanity of his society.

The entrance of parentless children such as Oliver into undesirable company was almost inevitable. Juvenile delinquency and crime in the climate of Victorian society was a symptom of the fact that illegitimate or otherwise unwanted children were not acknowledged by society and were forced to survive without adequate care or guidance. In order to counteract the embarrassment of, and avoid taking responsibility for, a disintegrating society, a myth developed in Victorian society that the poor were responsible for their own misfortune, laying the blame for social disorder at the feet of symptomatic conditions such as indolence, lack of employment skills and alcoholism. The destinies created for the victims of such a poor social system were almost inescapable, leaving it open to Dickens as a reformist writer to lead the way and inspire hope for the future by creating the occasional character, such as Oliver Twist, who is able to defy all odds and emerge triumphantly as a well-balanced individual at the end of the novel despite a dismal start in life. Dickens parades the character Oliver as a beacon of light in a crumbling society. The close examination of the living conditions of the poor in the novel and the exposition of the social horrors of the Poor Laws show Dickens making every effort to communicate the pressing problems of the social condition of England to his audience. The plight of the poor is the centrifugal core of the novel. As Arnold Kettle states in his essay on *Oliver Twist*, the scene where Oliver begs for more became part of the cultural consciousness of English society. At the famous point where Oliver clamours for more food “he was desperate with hunger, and reckless with misery” (p56). The offence of asking for more food out of turn results in a bout of solitary confinement for Oliver, a punishment so excessive for the crime that Dickens’ audience was alerted to the level of child abuse occurring in his society. Oliver is a representative of “every starved orphan in the world, and indeed everyone who is poor and oppressed and hungry” (p125).

How successful Dickens, as a socially reformist writer, is in suggesting (particularly in his earlier works) that an impoverished individual can triumph over the pitfalls of society and the temptations of criminal activity is debatable. As Miller points out, “The price of Oliver’s deliverance from the carceral (either as the workhouse or as Fagin’s gang) would be his absolute submission to the norms,

protocols, and regulations of the middle-class family, in which he received tuition not just from Brownlow, but from the Maylies as well”<sup>12</sup>.

Oliver is problematic in the way Dickens presents him as a representative of the underclass who is able to surface at the end of the novel as a well-balanced and uncorrupted individual. Despite exposure to sordid criminal influences, child abuse and child exploitation in a sweeping apprenticeship and funeral parlour, Oliver remains a paragon of virtue - a prime example of Charles Dickens' use of the child figure in his fiction to connote the incorruptible childlike qualities of virtue and innocence. In Chapter 12, having endured eleven chapters of horror, misery, poverty, brutality and violence, Oliver can still be described as a “Pretty creetur” (p126) by Mrs Bedwin. The chances of a child exposed to such influences remaining morally, physically and psychologically unblemished are slim. Oliver is an incredible literary construction and his relatively good physical and mental health when observed by Mrs Bedwin in Chapter 12 lacks credibility. Dickens fails at this stage to present a realistic portrayal of a child who has been subjected to the horrific childhood experiences created by the Victorian Poor Laws.

The construction of Oliver as a paragon of virtue, despite his various criminal foibles reveals Dickens, as a younger writer, attempting to inspire faith in processes of rehabilitation in his society. The novel does not go so far as to suggest, however, that every criminal product of the social condition can be successfully rehabilitated. In contrast to the improbability of Oliver, Dickens is realistic in his portrayals of Fagin and Sikes in that the degree of criminality entrenched in their characters is so high that successful rehabilitation would undermine the credibility of Dickens' critique of the social condition. The best Dickens can do for serious offenders such as Sikes and Fagin, by exercising sympathetic criminality, is either to end their lives prematurely (as in the case of Sikes) or to mitigate the degree of criminality involved by providing a convincing explanation for their conduct, such as insanity (as exemplified by Fagin's delusions at the end of the novel). Dickens is more prepared in an early novel such as *Oliver Twist* to jeopardise his credibility by using a psychological excuse,

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<sup>12</sup> Miller, D.A. “Discipline in Different Voices: Bureaucracy, Police, Family and *Bleak House*” in Tambling, Jeremy *Bleak House (Contemporary Critical Essays)* St Martins Press New York 1998 p88

such as insanity, for his more unscrupulous characters than he is in his later works. Fagin's delusions when he is incarcerated in Chapter 52, for example, suggest that his longstanding and sophisticated criminal enterprises may be linked to a chronic mental illness. Bill Sikes is similarly haunted by visions of Nancy's eyes after her death suggesting that his criminality, as well as Fagin's, may result from a psychological condition. It should also be noted, in the context of sympathetic criminality, that insanity has always been a defence to the mens rea element of murder that may result in a finding of diminished responsibility and a reduction of the charge to manslaughter. Although Sikes is destroyed by the crowd long before he is potentially in a position to take advantage of his mental health on sentence in a court of law, Dickens reveals that he is clearly aware of the legal ramifications of mental health issues in regard to the mens rea of his criminal characters. *Oliver Twist* as a novel shows Dickens beginning to manipulate legal concepts in the construction of his plots, a skill that develops in later works.

The question of inheritance foregrounded in *Oliver* is part of a larger enquiry into the kind of world he inhabits. In addition to specific examinations of individual criminal characters, Dickens examines in some detail the success of the criminal justice system in achieving its goals of adequately deterring and redressing crime. In the course of these investigations facets of the criminal process are closely examined and critiqued; the jury system and law enforcement agencies for examples becoming the subjects of close and satirical scrutiny.

The perceived inadequacies of police facilities available in Dickens' England are emphasised throughout the novel. In Chapter 10, when *Oliver Twist* is set up by the Artful Dodger and Charley Bates on a pickpocketing mission, he is pursued by a public mob with a vigilante-style approach to law enforcement. Dickens makes a brief attempt to delve into the mob mentality with the atavistic explanation that "There is a passion for hunting something deeply implanted within the human breast" (p116). The collective spirit of the mob continues into Chapter 11 when the crowd enjoy the satisfaction of delivering their quarry into court, described by Dickens as a dispensary of summary justice. The dearth of authorised law enforcement officers to deal with the crime is the subject of comment by Dickens who claims that a police officer "is generally the last person to arrive in such cases" (p117). Although Dickens is critical of lack of police resources in Victorian



England he does not, however, address the countervailing problems that can arise in an overpoliced state. Instead, Dickens also criticises the lack of police resources to deal with criminal investigations which is also to blame, in Dickens' view, for the lack of law enforcement and deterrence to crime in the community.

Dickens' satirical outlook on the lower courts and police emerges in his descriptions of the police magistrate, Mr Fang, a character based on an infamous magistrate, Mr Laing of Hatten Garden who was, following the publication of Dickens' lampoon, removed from the bench<sup>13</sup>. Nomenclature often purposefully summing up the true nature of Dickens' characters, the predatory connotations of the name Fang do not bode well for the fates of the accused with whom he deals in court. Indeed, Brownlow's plea in mitigation before Mr Fang on behalf of Oliver when he is charged with a book-stealing offence has little impact. Oliver is convicted and sentenced to three months hard labour until his name is cleared when it is revealed that another boy committed the crime. After this incident, Oliver's naivety about the law comes to an end and he acknowledges that even justice is capable of confounding guilt and innocence. Similarly, Dickens is deliberate in his naming of Brownlow's friend Mr Grimwig, a man imbued with nebulous legal qualities. Dickens describes Grimwig as a man who "was bred a lawyer, and quitted the bar in disgust because he had only one brief and a motion of course" (p375). When even the lawyers become disillusioned with the prevailing legal system, Dickens suggests, the legal system is undermined. Mr Grimwig's lack of clientele forecasts Dickens' ongoing examination of the relationships between lawyers and clients in his novels, particularly those of Wrayburn and Lightwood in *Our Mutual Friend*, and the dependency of lawyers upon establishing and retaining a solid client base in order to remain operational.

The summary justice system is called into question by Dickens in his novels as, although it is a system dealing with minor matters, it is in fact perhaps the most important stratum of the legal system in that it directly affects the lives of the greatest number of people. Perceived injustices at the summary level are wont to attract a great deal of attention, as captured in the narrative interpolation that:

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<sup>13</sup> Collins, Philip *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p180

In our stations houses, men and women are every night confined on the most trivial *charges* - the word is worth noting - in dungeons, compared with which, those in Newgate, occupied by the most atrocious felons, tried, found guilty, and under sentence of death, are palaces. Let anyone who doubts this, compare the two (p118).

With this remark, Dickens again draws attention to the disproportion between crime and punishment prevalent in the Victorian criminal legal system. He strongly suggests that a conviction for an indictable offence results in far superior custodial accommodation than that which would be imposed for a conviction for a summary offence, a fact that might be perceived as a clear injustice in the existing system. The inverse distribution of corrective services is a problem that Dickens seems to feel needs to be targeted and addressed by the relevant authorities. Such strong comments appear yet again to be directed towards the prospect of reform to the prevailing system. Dickens does not, of course, consider the fact that accommodation standards for long-term sentences which are more likely to be imposed for serious indictable offences than trivial summary matters will necessarily be of a higher standard than accommodation standards necessary for holding cells or short term retention of prisoners. Nevertheless the sensational notion that any gaol could be viewed as comparable to a “palace”, even when the term is used in comparison to other gaol accommodation, is designed to incense the moral majority that comprise Dickens’ audience to the point where, perhaps, the associated social problems from which such controversy stems may at last be investigated and addressed.

The differences between the summary and indictable systems of justice are also discussed in *Oliver Twist* when the Artful Dodger is arrested for attempted pickpocketing towards the end of the novel. Fagin prays that the matter will be dealt with summarily due to the lesser maximum penalties, in which case he predicts that “If they don’t get any fresh evidence, it’ll only be a summary conviction, and we shall have him back again after six weeks or so” ( p 389). If the matter is dealt with indictably however it is likely that the Dodger may be hung or transported for life, the irony of the transportation option being, as noted by Tambling, the simultaneous disempowerment as well as empowerment by

colonialism<sup>14</sup>. Whilst contemplating the possible sentencing options for the Dodger in the event of a conviction, Fagin remarks that the hanging of the Dodger would “not disgrace his old pals and teachers. Think how young he is, too! What a distinction, Charley, to be lagged at his time of life!” (p391). This standard of honour among thieves, presented to young boys such as Charley Bates at an impressionable age, dramatically reveals the shocking moral standards of the criminal underworld - who have not been educated to know any better - in Dickens’ society.

The Dodger’s hearing allows Dickens to delve into a number of aspects of the legal profession in his novels, and begin to explore the professional relationships between lawyers and their clients in *Oliver Twist*. When the Artful Dodger is charged with attempted pickpocketing and placed in remand in Chapter 43, Fagin informs Charley Bates of his intention to hire the Dodger a “big-wig ... one that’s got the greatest gift of the gab: to carry on his defence” ( p 391). The idea of the law as a game is reintroduced in this scenario with Bates exclaiming “What a game! What a regular game! All the big-wigs trying to look solemn ...” ( p 391). The theatrical metaphor of courtroom drama, which adds to the flavour of Dickens’ novels as popular entertainment and is developed to an even greater extent in *Bleak House*, is revealed when Bates views the imprisoned Dodger “as the chief actor in a scene of most uncommon and exquisite humour” (p391).

The Artful Dodger’s summary hearing before a magistrate or “beak” as he colloquially refers to him in Chapter 43 of the novel provides Dickens with a further forum for comment upon the judicial system. When the Dodger first takes his place in the dock he demands to know the grounds upon which he has been arrested. When told to hold his tongue by the jailer he states, “I’m an Englishman, ain’t I? .... Where are my privileges?” (p394). At this point Dickens exposes a fundamental denial of Dodger’s rights under the English legal system. It is certainly Dodger’s right to be appraised of the grounds under which he has been deprived of his liberty. When the jailer still refuses to inform Dodger of the grounds for his arrest, Dodger asserts his right of complaint and states that “We’ll see wot the Secretary of State for the Home Affairs has got to say to the beaks, if

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<sup>14</sup> Tambling, Jeremy *Dickens, Violence and the Modern State: Dreams of the Scaffold* St Martins Press New York 1995 p158

I don't" ( p 394). He then threatens to sue for the tort of false imprisonment, stating that if he is not made aware of the grounds for his arrest and his matter is not dealt with promptly by the magistrate there may be "an action for damage against them as kept me away" (p394) from a business appointment with a gentleman in the city.

When a magistrate appears on the bench to hear the matter he is informed by the jailer that the Dodger has form, meaning a criminal record, which Dickens cleverly incorporates into a legal pun, the Dodger stating that such a remark is a "deformation of character" (p395). The Dodger, who is relatively astute in legal proceedings having faced the court on previous occasions for similar conduct, represents himself at his hearing. He does however take the unusual step of declining to cross-examine a crucial prosecution witness who not only makes a positive in-court identification of him but asserts that a snuff-box that had been found on the Dodger's person when he was taken into custody is his property. Elaborating upon his reasons for declining his right to cross-examine the Dodger states that "I wouldn't abase myself by descending to hold no conversation with him" (p395) much to the merriment of his courtroom audience.

In a highly inappropriate, inadmissible and prejudicial comment the jailer offers an unsolicited opinion about the Dodger's character to the magistrate, stating that "I never see such an out-and-out young wagabond, your worship" ( p 396). Dodger's only comment on the proceedings is the insightful proclamation that "this ain't the shop for justice" (p396), a statement which reflects Dickens' contempt for the justice system in Victorian England. As Kettle rightly notes in his essay on *Oliver Twist*, the Dodger's hearing poses the questions, "Where *are* the Englishman's privileges? Where *is* the law that allows the jailer to say what he does? What, in sober fact, *are* these magistrates?"<sup>15</sup>, these being the questions that Dickens has sought to evoke from his audience to alert them to the problems of the prevailing legal system.

The progression of Dickens as a legal writer throughout *Oliver Twist* climaxes in a depiction of collective conflict in the riot scene in Chapter 50 when an infuriated

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<sup>15</sup> Kettle, Arnold "*Oliver Twist*" from *An Introduction to the English Novel* Hutchinson and Co London 1951 p 137

through hanker for the destruction of Sikes. As discussed earlier, the mob mentality of collective conflict is first introduced in Chapter 10 of the novel when Oliver becomes the prime suspect in the Dodger's theft of a handkerchief from Brownlow at a book stall. In this incident, Dickens describes the "rushing throng" (p116) who follow Oliver Twist upon Brownlow's cry of "Stop thief!" (p114) in some detail. He writes of the crowd that, "Away they run, pell-mell, helter-skelter, slap-dash: tearing, yelling, screaming" (p116). The scene in Chapter 50 sees Dickens build upon his exploration of collective conflict as the dangers and excitement of mob rage reach a crescendo in the novel. Dickens describes the intensity of a voyeuristic crowd hungering for the downfall of the murderer as a "concourse that now thronged pell-mell to the spot they had left: each man crushing and striving with his neighbour, and all panting with impatience to ... look upon the criminal as the officers brought him out" (p451). Pandemonium breaks out in the crowd as "The cries and shrieks of those who were pressed almost to suffocation, or trampled down and trodden under foot in the confusion, were dreadful" (p451). Dickens conveys the degree of hysteria breaking out in the crowd and the primal desire of the crowd, disillusioned with conventional legal institutions, to achieve a perceptible measure of justice. Adding to the repulsive nature of Sikes' departure from this world is the demise of his dog who, upon seeing his master hanging lifeless, jumps after Sikes from the parapet and falls, striking its head and dashing out its brains. The disturbing nature of grotesquerie here draws attention to issues of social concern, and is one element of the sensation novel genre that Dickens uses particularly effectively to make issues requiring social reform blatantly obvious to his readers.

A debate about capital punishment also arises in *Oliver Twist*. John Carey suggests that Dickens is "opposed in principle to capital punishment"<sup>16</sup> but "plainly cannot admit to himself that he watches it out of curiosity, like everyone else"<sup>17</sup>. It appears that Dickens himself witnessed several hangings throughout his life, contributing to the vivid and voyeuristic presentation of capital punishment in his works.

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<sup>16</sup> Carey, John *The Violent Effigy* Faber and Faber London 1973 p22

<sup>17</sup> Ibid

The threat of capital punishment overhangs the fates of the criminal characters in the novel *Oliver Twist* from the beginning of the novel. In Chapter 2, the prediction is made in regard to Oliver that "That boy will be hung" (p58). This forecast, made by one of the parish board, is not challenged by anyone else in a position of authority at the workhouse. The theme returns in Chapter 18 when, whilst Oliver is chastised for alleged ingratitude, he is referred to a tale of an analogous young boy who had come to be hanged at the Old Bailey. Dickens highlights the sad truth of class structure in Victorian society through such predictions. There is an ingrained social expectation that members of particular social classes will meet with particular outcomes. Noah Claypole addresses this problem in Chapter 6 of the novel when he informs Oliver that it was fortunate that his mother had passed away in a workhouse, the alternative outcomes to this being hard labour at the Bridewell gaol, being transported or hung. Oliver rails against the expectation of death by capital punishment for members of his social class at this point, in addition to being incensed by Claypole's insulting remarks about his mother, and attacks Claypole for his impudence. This feat ironically only serves to further the entrenched perception of someone of his social class as he is immediately branded a murderous villain by Mrs Sowerberry's servant Charlotte.

The omnipresence of the noose in Victorian society is an issue that recurs throughout the novel and is one manifestation of Dickens' perpetual attraction to repulsion. The way in which the prospect of capital punishment is dealt with ironically by the criminal element of society surfaces in Chapter 9 when Fagin engages in a macabre diatribe on the topic:

"What a fine thing capital punishment is! Dead men never repent; dead men never bring awkward stories to light. Ah. it's a fine thing for the trade! Five of 'em strung up in a row, and none left to play booty, or turn white-livered!" (p107).

Different attitudes to capital punishment, however, emerge throughout the text. In Chapter 41, Fagin's view of capital punishment transmutes into a phenomenon that signals the conclusion of a life of crime. He describes the instrument of death, the gallows, as "an ugly finger-post, which points out a very short and sharp turning that has stopped many a bold fellow's career on the broad highway" (p388). The emphasis for Fagin at this stage of the novel is primarily on the

termination of the criminal career, not on the termination of human life. It is perhaps more comforting for this notorious character to view capital punishment as an unfortunate career move rather than as the extinction of his individual existence.

Another angle on capital punishment is exposed in Chapter 9 when the spectacle of an execution appears to provide entertainment for Fagin and his charges. Fagin asks the Artful Dodger over breakfast whether there had been much of a crowd at the execution that morning. The event is discussed as if it is a theatrical spectacle for the entertainment of society, underlining Dickens' questioning of the value of human life in Victorian society.

The appropriateness of capital punishment as a redress for criminal activity has been a longstanding debate. Bourgeois belief in capital punishment as a satisfactory form of criminal punishment is encapsulated in Chapter 41 of *Oliver Twist* when the doctor replies to Mr Brownlow's question as to what good it would bring about to bring Fagin and his colleagues to justice, "Hanging a few of them at least, in all probability ... and transporting the rest" (p374). At the other end of the debate, it might be said from a modern perspective that capital punishment was often grossly disproportionate to the degree of criminality in an offence or the seriousness of the crime. In *Barnaby Rudge* it is revealed that capital punishment was not confined to crimes of a violent nature. The hanging of Hugh's mother in *Barnaby Rudge* for a form of fraud, the offence of passing bad notes, was viewed as justifiable in Victorian society. Dickens questions the justice of a society in which capital punishment is available for a gamut of crime involving varying degrees of criminality. Despite the unavailability of sentencing options such as community service, periodic detention or home detention in Victorian society, capital punishment was by no means the only alternative available to the courts.

Dickens does not hesitate to use the grisly or macabre to draw attention to an aspect of the law which he believes requires reform. This technique is termed "the grotesque corrective" and is an effective form of reformist writing. The finality of capital punishment is emphasised in Chapter 25 of *Oliver Twist* in which Fagin is on trial when Dickens effectively uses repetition in the lines "To be hanged by the neck, till he was dead - that was the end. To be hanged by the neck till he

was dead" (p469). When confronted with the concept of his own rapid death by means of capital punishment, Fagin trembles and experiences burning hot sensations. It is not until this stage of the novel, when the abstract idea of capital punishment is transformed into a personal fate, that Fagin really considers the consequences of this form of punishment. The penalty is described as "oppressive" and "overwhelming" and Fagin contemplates "all the horrors of the gallows and the scaffold" (p467). Age is the only, but not particularly persuasive, mitigating factor he can proffer when scrutinised as to why he should not be sentenced to death but the way in which the court declines to exercise leniency on account of his age alone is dramatically symbolised by Dickens with his description of Fagin's judge assuming a black cap.

Dickens develops a foreboding atmosphere of darkness and gloom as the prospect of death looms closer for Fagin. A procession of faces flits before him, in a similar manner to that of a drowning man: "As it came on very dark, he began to think of all the men he had known who had died upon the scaffold; some of them through his means. He had seen them die, - and had joked too, because they died with prayers upon their lips. With what a rattling noise the drop went down; and how suddenly they changed, from strong and vigorous men to dangling heaps of clothes!" (p469). Again, Dickens employs graphic language as a deterrent to the commission of serious offences.

The relevance of Dickens' work even in a modern legal context is obvious when issues that are still pertinent to prison reform legislation emerge. *Oliver Twist* contains an allusion to what is now termed "death in custody". At the beginning of Chapter 3 Dickens suggests, in his authorially intrusive manner, the possibility of Oliver committing suicide by "tying one end of his pocket-handkerchief to a hook in the wall, and attaching himself to the other" (p59). This alternative to incarceration was, however, made impossible by the removal of property from prisoners by the express order of the parish board. A similar procedure is adopted in Chapter 52 when, after Fagin is sentenced to death, he is searched "that he might not have the means about him of anticipating the law" (p468). The confiscation of all means by which a prisoner may commit suicide appears to have been a practice implemented in Victorian gaols long before the practice became a controversial twentieth century topic. Dickens' vigilant exploration of the subject of



death in custody is yet another extension of his ongoing attraction to repulsion and use of legal institutions to question the condition of his society.

The issue of law and its gender bias towards the male sex is also introduced in *Oliver Twist*, showing Dickens' concern for the victims of his society and those who are unable to effectively utilise its legal institutions to protect their rights. Rose Maylie in Chapter 41 does not know how to seek legal advice - "As to resorting to any legal adviser, even if she had known how to do so ..." (p367) - when she discovers Oliver's true identity. In this way Dickens introduces access to justice issues that continue throughout his novels and the difficulties of the unemancipated in his society in obtaining access to legal institutions.

The relationship between women and the criminal law is also developed in *Oliver Twist*, largely through the course of Nancy's life of crime. The criminality of women is a traditionally sexualised phenomenon. Dickens does not escape the criminological presumption that female crime is linked to deviant sexuality with the creation of Nancy's career as a prostitute, warning the reader that her career is a "coarse and shocking circumstance" (p33) in the Preface to the novel. The link between prostitution and crime can partly be explained by the cash-nexus. Impoverished females in Victorian society were forced to turn to prostitution and other forms of crime in order to survive. The downward spiral of prostitution and criminal activity comes to the forefront in Dickens' novels through the character Nancy, although the predicament was common in Victorian society. Prostitution was prevalent as men sought sexual satisfaction in a society in which sex for any purpose other than reproduction was considered morally reprehensible. As prostitutes formed part of the underground network of the poor and down-and-out in Victorian society, their links to crime are self-evident. The type of criminal activity in which prostitutes were involved was often petty theft, larceny or accomplice work, as exemplified by Nancy's involvement with Sikes and Fagin. The small percentage of female criminal perpetrators in the overall scheme of the criminal underworld is, however, noted in Chapter 43 during the Artful Dodger's session in court. Dickens comments that "There were only a couple of women in the dock ..." (p393). A description of these women, who "went flaunting out" (p394) after being committed for trial, suggests their dubious sexual morality and reflects the entrenched notion that only morally disreputable women or prostitutes are engaged in criminal activity.

It is also a reflection of the unemancipated state of Dickens' society that women are not generally associated with crime and do not generally view crime as a veritable career path, as do Sikes and Fagin. The low proportion of women in crime means, however, that those women who are involved in crime can use their gender to advantage. The predominantly masculine world of crime ensures that Nancy is a valuable tool in the underground world of Sikes and Fagin as she is a most unlikely suspect. In Chapter 13, for example, it is Nancy who is recruited to venture to the police station where Oliver is being held by "the traps". If a woman is involved in criminal activity in Victorian society and in Dickens' novels it is likely to be of a "white collar" nature, an example of this being the aforementioned woman in *Barnaby Rudge* who was hanged for passing bad notes.

Dickens' examination of crime in Victorian England leaves him with few delusions about the perpetuity of the problem. *Oliver Twist* presents a realistically high rate of criminal recidivism. Nancy refers to the vicious cycle of criminal activity when, in exchange for her assistance in the extortion of information from Monks she is offered a quiet asylum in the United Kingdom or abroad (seemingly a Victorian version of modern witness protection programmes). Nancy states that "I am chained to my old life" (p415), a most unfortunate state of affairs for a young girl of the age of seventeen, even taking into account the fact that she has been involved in criminal activity since the age of five. Nancy can see no prospect of escape from a criminal lifestyle, no matter how far she may be physically removed from the necessity of it. Dickens thus draws attention to the self-esteem problems of criminals and the problem of lack of alternatives once a criminal career has been embarked upon. Only one member of Fagin's junior crime syndicate, Charley Bates, displays any indication of rehabilitation. It would seem, perhaps, that criminal activity at a summary level does not generally create enough moral dilemma for its perpetrators to seriously consider reform. It is only the atrocity of Sikes' crime that forces Bates to reassess his lifestyle and arrive at the conclusion that an honest life is the best alternative. Dickens clarifies the fact that the path from crime to an honest existence is far from easy but possible with determination and perseverance in the line "He struggled and suffered much, for some time; but, having a contented disposition, and a good purpose, succeeded in the end" (p477). It is difficult for Dickens to achieve a balance between a satisfactory literary resolution to his novels and a realistic portrayal of social problems in his

society. As a socially reformist writer and a creator of legal fiction, Dickens is almost obliged, despite the improbability of the successful reform of characters such as Bates and Twist, to create positive role models who demonstrate that reform is possible.

Dickens' increasing familiarity with legal rules and procedures is progressively apparent via a close reading of his texts. The indemnification of criminals providing assistance to the prosecution receives mention in *Oliver Twist* when Noah Claypole receives a free pardon from the Crown in return for providing evidence against Fagin. Some interesting rules of evidence also emerge in *Oliver Twist*. In Chapter 11 Mr Fang the police magistrate demands that Mr Brownlow swear an oath in order to testify against Oliver. The oath is a formality upon the giving of oral testimony to emphasise the seriousness of the occasion, the importance of testifying truthfully and to provide a basis for punishment in the event of false testimony. In Victorian England the rules defining those people who were competent to testify, and those who were not, were reasonably stringent. The oath was a necessary precondition to testifying in court. An atheist who did not believe in a religion which offered divine sanctions for observance or breach of an oath to tell the truth was not permitted to take the oath. There was no such thing as the present affirmation which allows a witness to promise to tell the truth whilst dispensing with any religious objections to taking an oath on the Bible. Mr Brownlow is, of course, a competent witness as he is a religious and benevolent man. The moral and Christian stance of Mr Brownlow, cemented in his legal ability to testify competently on Oliver's behalf, is fundamental to Brownlow's role in the novel to rescue Oliver from the underworld and establish him as a respectable member of society.

Dickens is critical of the way in which the existing legal system can be manipulated to uphold the values of the upper classes. Early in the novel the investigation of the deaths of parish children is raised with Dickens expressing grave concern at the way in which "the evidence of the surgeon" (p49) and the "testimony of the beadle" (p49) can be used to obscure the horrific treatment of children. Juries bothering to probe into the truth of children's accidents are viewed as troublesome by the system. The reliability of evidence as given in the adversarial legal system of his society is a problematic issue for Dickens.

Evidentiary problems are raised again in later works as one of the key issues in addressing a reform of the criminal justice system.

*Oliver Twist* pinpoints many important failures of the criminal justice system including, primarily, its failure to dispense adequate measures of justice into the community. A wide range of criminal activity, on both individual and collective scales, is addressed. The legal system, and particularly the criminal justice system, functions as the foundation of the novel and is used by Dickens to expose the shortfalls of Victorian society. The characters in *Oliver Twist* are propelled into certain conclusions throughout the novel by societal precepts attached to their legal status and the economic and social factors contributing to their development. Nancy is propelled into the role of informer largely by the precept that crime is a masculine phenomenon, therefore a female perpetrator must be afforded some degree of remission. Dickens reflects this precept in the novel by offering Nancy overseas asylum should she provide information to the authorities. Fagin is propelled to a death by capital punishment by a societal expectation that a person of his socio-economic background and criminal character is destined for such a fate. Sikes is disposed of in the most horrific and grotesque of deaths befitting a character of such an entrenched evil nature. His death is also befittingly public, satiating the desires of the moral majority in Victorian society to see justice enforced. Oliver, who does not possess a genetically criminal identity, being the son of Mr Brownlow's closest friend Edwin Leeford and Agnes Fleming, and who is provided with adequate moral and social nurture by the Maylies and Mr Brownlow, shines as a paragon of childlike virtue at the end of the novel.

Dickens' use of the legal system, and particularly the criminal justice system, in *Oliver Twist* allows him to pursue his own socially reformist agendas fairly successfully. A wide range of criminal activity is addressed in his quest to address the aims, functions and purposes of the law. The effect of crime on the individual as well as on society at large is developed at some length in the novel.

The novel raises moral questions about the validity of existing systems. It is of course a moral question whether Oliver's illegal apprenticeship to Fagin is any more morally reprehensible than his legal apprenticeships to Mr Gamfield or the Sowerberrys. The cruelty of inflicting such professions as chimneysweeping or undertaking on a young and impressionable child is raised at the beginning of the

novel with Oliver's unsuccessful indentures. It is a mark of Dickens' critique of Victorian society in general that he raises the issue of whether the legitimate institutions of his society are a preferable alternative to illegitimate options. It is a condemnation of Victorian society that Oliver is better protected in terms of basic necessities such as food, clothing and shelter by Fagin's criminal syndicate than he is by the workhouse. There is no indication that he ever wants for sustenance in Fagin's ring, contrary to his infamous request for more food at the workhouse. Dickens dispels the social precept that existing legal institutions are functioning properly in terms of providing a solid foundation for society.

The law of succession, as discussed earlier, is not manipulated by the protagonist Oliver Twist in the novel and is used primarily as a literary convention to facilitate Oliver's moral and social rehabilitation. The concealment of Oliver's identity and his right to succession is closely linked to the criminality of Monks who destroys the proofs of Oliver's birth. It is only Brownlow's active pursuit of Monks, and Brownlow's recognition of the similarity of Oliver to his oldest friend when he is "Cast in my way by a stronger hand than chance, and rescued by me from a life of vice and infamy" (p438), that leads to the assertion of Oliver's right to his fortune.

It must be noted that Oliver is in no position to manipulate, or attempt to manipulate his own fortunes through the law of succession in the novel. He is a minor throughout the course of the novel and has no legal standing to pursue his own legal rights. It is of interest that the youth of Oliver, a child figure, corresponds to the youth and inexperience of Dickens as a writer in this novel. Tambling also notes that "Oliver seems to be twelve when the novel's main events take place, and the age fits Dickens' autobiography: with the apparent abandonment by his family, and his being forced to work with (Bob) Fagin in the blacking factory".<sup>18</sup> Another factor that prevents the manipulation of the law of succession throughout the body of the novel is the concealment of Oliver's true identity and the fact that he is unaware of his inheritance until it is discovered by Brownlow. The credibility of Oliver's right to his inheritance, once the terms of the will have been adduced by the secondary evidence of Monks, is strained by Oliver's contrived compliance with the terms of the will. It ultimately appears to be only a matter of luck that,

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<sup>18</sup> Tambling, *Jeremy Dickens, Violence and the Modern State: Dreams of the Scaffold* St Martins Press New York 1995 p161

during his minority, Oliver survives Fagin's school without acquiring a criminal record, thus avoiding staining his name with any *public* act of dishonour, meanness, cowardice or wrong. As Collins notes, "The earlier Dickens is drawn towards cases where decent people like ... Oliver .... find themselves up for judgment; they deserve an acquittal, indeed an apology, but only through good luck do they get either."<sup>19</sup>

Dickens leaves his critique of the legal system in *Oliver Twist* with Bumble's pronouncement that "The law is a ass - a idiot. If that's the eye of the law, the law is a bachelor; and the worst I wish the law is, that his eye may be opened by experience" (p461). This conclusion sums up the need for reform of legal institutions and society that Dickens continues to explore in later novels.

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<sup>19</sup> Collins, Philip *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p195

## CHAPTER 2

### BLEAK HOUSE

In *Bleak House*, which has been aptly described by Nicola Bradbury as a “Condition-of-England commentary and satire on the law”<sup>20</sup>, Dickens moves away from the exclusive realm of criminal law and concentrates upon the civil law - particularly the system of Equity - in his exploration of justice and social reform in Victorian England. The injustices of this system are revealed throughout the novel, particularly in relation to the legal advantages gained by the upper classes of society in respect of their ability to afford access to justice. A subtext of the law as a game, introduced in *Oliver Twist*, develops into a more sophisticated metaphor in *Bleak House* with the notion of the “chance” in Chancery and runs as an undercurrent throughout the text, highlighting the inherent risks of litigation and the inadequacy of the existing legal system to provide the means by which justice can be procured in Dickens’ society.

The law of succession is foregrounded in *Bleak House* through the *Jarndyce v Jarndyce* suit. To perhaps an even greater extent than in *Oliver Twist*, the characters in this novel are strongly directed towards their own and the novel’s outcomes by legal concepts and precepts that appear to be out of their own control. The greatest example of this is the destruction of Richard Carstone following his unsuccessful attempts to manipulate the law of succession by joining the *Jarndyce* suit. As opposed to *Oliver Twist*, Dickens creates a protagonist in Carstone who attains majority during the course of the novel and thus the legal right to take control of his own affairs. Carstone exercises his legal rights at the instigation of Vholes by joining the *Jarndyce* suit. As *Oliver Twist* is constructed as the representative victim of the Poor Laws and social condition of England, Carstone is constructed as the representative victim of Chancery. Unlike Oliver who survives the social condition of England, however, Carstone is doomed in his efforts with *Jarndyce*.

There is an interesting parallel between the developmental stages of Carstone as a boy/man in the novel and Dickens’ own development as a writer. The degree to

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<sup>20</sup> Bradbury, Nicola Introduction to *Bleak House* Penguin Classics London 1996 pxxii

which Carstone attempts to manipulate his fortunes coincides with the degree to which Dickens, as developing writer, is comfortable with experimentation with the use of the law of succession to engineer moral and social changes in the novel. Carstone is able to attempt to take control of his inheritance, unlike Oliver, because he attains the age of majority during the novel and is aware of the existence of his inheritance. It is also of note that he is of the male gender, underlining the difference between himself and Esther and Ada, the other wards of Chancery, in terms of access to justice issues and his legal emancipation. In this way Dickens continues to highlight the bias towards the male gender in the existing legal system in *Bleak House*. It should be noted that Esther's indeterminate legal identity, which could be Barbary, Dedlock, Summerson, Hawdon, Woodcourt or Nemo<sup>21</sup> also prevents her claim on the estate.

Dickens also continues his examination of the relationship between the legal profession and their clients in *Bleak House*. A suspenseful plot is created with Dickens retaining an authorial privilege over the disclosure of clues to mysteries such as Lady Dedlock's secret. Dickens' legal characters aid and abet the perpetration of mystery, Tulkinghorn's calling, for example, being "the acquisition of secrets, and the holding possession of such power as they give him" (p567). The novel, as well as satirising and providing a commentary on the condition of England is also, as Nicola Bradbury and other critics have pointed out, an early detective novel, the success of which is assisted by Dickens' clandestine legal characters.

*Bleak House* is perhaps the most comprehensive and lucid indictment on the status of the civil law in England in a Victorian novel. The novel concentrates on the system of Equity, a body of principles developed by the Court of Chancery prior to 1873<sup>22</sup>. *Bleak House* (1853) was written during a period in which the principles of Equity were still in a state of flux due to continuing development. The need for equitable principles arose out of the rigid state of the common law erected in the twelfth century and refined in the thirteenth and fourteenth centuries under which matters coming before the courts of common law had to fit within

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<sup>21</sup> Tambling, Jeremy *Bleak House (Contemporary Critical Essays)* St Martins Press New York 1998 p16

<sup>22</sup> Evans, Michael *Outline of Equity and Trusts* Butterworths Sydney 1988 p1



standard forms of action. This led to inflexible and often inequitable situations. Petitioners disappointed or frustrated by exclusion from common law actions were able to petition the Chancellor, head of the Court of Chancery, to issue writs to accommodate matters requiring special consideration and to enable appropriate relief to occur. Equity is effectively a legal system designed to overcome and correct defects in the common law.<sup>23</sup> The success of the system in achieving this goal is challenged by Dickens in *Bleak House*.

Dickens writes of the complicated interrelationship between Law and Equity in which "Equity sends questions to Law, Law sends questions back to Equity"<sup>24</sup>. The novel opens with the introduction of a sustained onomatopoeic metaphor of the legal system as a form of fog, at the heart of which sits the Lord Chancellor in the High Court of Chancery at Lincoln's Inn Hall. Dickens' comic satire often emerges through pun: for example in the way in which lawyers before the Lord Chancellor "are always appearing, and disappearing" ( p 145). The description of fog as the "London particular" ( p 83) plays upon the legal term "particular" - the details of the claim that are necessary in order to enable the other side to know what case they have to meet - and Dickens' sustained metaphor of the system of Equity as a fog. The "London particular" implies that the material facts before the Court of Chancery have become so clouded over time that none of the parties has a clear picture of the case they have to answer, therefore accounting for the extreme delays in the *Jarndyce* litigation.

In this opening chapter, members of the High Court of Chancery bar 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 ... making a pretence of equity .." (p50). The word "pretence" invokes the idea of the legal system as a game in which no player is certain of the rules. The game continues ad infinitum, fuelled by the constantly circular activities of the players. Around the central figure of the Lord Chancellor the other members of the legal system revolve, "appearing, and disappearing, and swearing, and interrogating, and filing, and cross-filing, and arguing, and sealing, and motioning, and referring, and

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<sup>23</sup> Evans, Michael *Outline of Equity and Trusts* Butterworths Sydney 1988 p1

<sup>24</sup> Dickens, Charles *Bleak House* (1853) Edited by Nicola Bradbury Penguin Classics London 1985 p145

reporting ..." (p145). Every action is counteracted and so the game continues with no foreseeable end in sight.

As in *Oliver Twist*, Dickens surrounds the case of Richard and the other wards in Chancery, Ada and Esther, with a dense enquiry into the legal system that controls the England they inherit. The injustices of the civil legal system are addressed in the novel, particularly in terms of the commercial manipulation of the system through the costly attainment of expert legal services. Social stratification and the related ability to afford access to justice is one of the major legal precepts in the novel that propels the characters towards their outcomes at the novel's conclusion. Dickens reiterates throughout the text the disadvantages of belonging to the poorer classes as far as access to justice is concerned. Articulation is a valuable commodity that is presented as being of paramount importance in the achievement of successful legal outcomes. Without adequate legal representation a defendant faces bleak prospects in court. This fact demonstrates that the use of language not only pre-empts legal outcomes but the structure of society at large. In this way Dickens uses the legal system in its role as the foundation of the novel and also of society to disclose the prevailing social condition. A telling example of the stratification of Victorian society through the ability to manipulate language emerges when Mr (Conversation) Kenge of Kenge & Carboy Solicitors is described to Esther Summerson as "A very superior gentleman .... Truly eloquent indeed" (p72). Such a comment raises a number of concerns about Victorian society, one of which is that a society in which it is implied that the "superiority" of a person in an unspecified sense - leaving open implications of moral, intellectual or social superiority - is dependent upon his command of the language in which that society operates is a society prone to injustice and corruption. The power in such a society clearly rests with those who have successfully mastered the vernacular. The use of language by those with an excellent command of words can disadvantage and manipulate those with lesser linguistic skills. In such a society it therefore becomes necessary for those who have an appreciation of the inadequacy of their own mastery of the predominant language to retain advocates to assist them in legal proceedings.

Dickens questions all aspects of the legal system in his assault on the law in *Bleak House*. One point of interest is the fact that in the adversarial system in Victorian England the outcome of a trial is as much dependent upon the way in

which each side presents its arguments as upon the inherent truth of the matter. This is a fact of which Mrs Rouncewell is acutely aware in *Bleak House* when she states in relation to Trooper George: "It won't do to have truth and justice on his side; he must have law and lawyers" (p803). Mrs Rouncewell in this way takes a pragmatic approach to the way in which the legal system operates and, insisting that her long-lost son George acquire the best legal services available, undertakes to spend all she has to procure it. Not only money but influence is important in the defence of criminals. Through incidents such as Mrs Rouncewell retaining silk for her son's defence, Dickens' focus on the differentials in social strata in Victorian England is highlighted. The innately elitist nature of the legal profession which subjugates innocent members of the lower classes, often denying them access to justice, is a grand indictment of the class structure of society as a whole.

Dickens highlights the fact that the strength of an argument is vital in the adversarial system and, in order to present a strong argument, the best legal resources must be employed. The strength of an argument is obviously dependent upon the strength and credibility of the evidence to be given in support of it. In order to give evidence in a manner likely for it to be accepted by a judge and jury, the evidence must be given by a competent witness and be expressed clearly and articulately. In *Bleak House*, the problem of the inarticulate witness is examined through the surnameless character Jo. Jo is a competent witness in that he states in the Coroner's Court that he is aware that it is a wicked to tell a lie. In this sense Jo satisfies the test of competence for child witnesses in that a juvenile witness must satisfy the court that he or she is aware of the difference between truth and lies <sup>25</sup>. Jo "knows it's wicked to tell a lie" (p199). Jo, however, "can't exactly say" (p200) when questions are put to him under oath in court and he is rendered a "worthless" victim. "Worthless" and "wordless" are closely linked concepts in a legal context, and it is this concept of worthlessness in a society built upon a legal system that is dependent on the ability to articulate that propels Jo to his ultimate fate. The irony of Jo's "worthlessness" as a witness is that the knowledge he may possess, although he is unable to articulate it to the exacting standards of the court, may be of the utmost importance to the court proceedings in question. Unfortunately for this character, the possession of knowledge that

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<sup>25</sup>Aronson Hunter Weinberg *Litigation - Evidence and Procedure* citing case of *R v Brasier* (1779) 1 Leach 199 at p637

cannot be effectively communicated is useless, a major stumbling block in the sweeper's testimony at the coronial inquiry into Nemo the law writer and opium addict's death. Jo's evidence is ruled inadmissible by the Coroner who states, "Can't exactly say" won't do ... We can't take *that*, in a Court of Justice" (p200). Such evidence is of no probative value at all as far as the legal case is concerned, the effect of this being that Jo himself is devalued by both the legal system and society.

Jo is not alone, however, in a cast of characters devalued by the society in which they live and the legal system that supports it. Mr Krook is a similarly useless witness in the investigation of the death of Nemo the law writer. When Tulkinghorn attempts to use Krook as a valuable witness from Nemo's death scene he finds that he is unable to read and therefore cannot go through Nemo's documents to see if they contain any incriminating evidence. A witness who cannot read cannot be shown documents in court and asked to identify them and in this sense can contribute nothing to legal proceedings. Krook is therefore exculpated from giving evidence at the Nemo inquest. The uselessness of both Krook and Jo to the public interest of upholding justice in legal proceedings propels both characters to their outcomes of shocking deaths in the novel. Dickens highlights the unfortunate state of a society which has no use for ineffective members and seeks a correction of this problem through the use of grotesquerie in the demise of these characters.

The inability to communicate effectively has more widespread ramifications than merely frustrating legal proceedings. Dickens merely uses the legal context of the novel to showcase the prominent social problems of illiteracy and poor oral communication skills. The fate of Jo demonstrates how an inability to articulate ideas and knowledge is a socially and psychologically imprisoning incapacity and has direct links in the context of criminal proceedings to literal, physical imprisonment. Inarticulateness, an inability to communicate effectively, functions metaphorically as a form of solitary confinement as the victim of the problem is unable to reach out to others and make him or herself understood. Dickens uses the legal world to show how language is the equivalent of power and those who cannot express themselves effectively often find themselves powerless victims of society, a mirror of which is the legal system. The positive correlation between illiteracy rates and prisoners, prevailing even in contemporary times, is strong

evidence of this. Jo is both illiterate and illegitimate - the consummate victim of Victorian society. As a result of unfortunate circumstances he is a vagrant character constantly in transit. He plays a minimal role in social discourse on any level, verbal, physical or emotional, as he is constantly being moved on by agents like Bucket. He does not therefore belong in any place, or to anyone, and is in the constant position of being, and feeling, dispossessed. The judgment passed upon him by a court of law is merely a formality in the sense that society has already passed the same judgment upon him. The law in *Bleak House* is presented as the ultimate institution for the distinctions between guilty and not guilty, literate and illiterate, legitimate and illegitimate.

Despite his recognition of the problems arising from the distinctions between the articulate and inarticulate in Victorian society, Dickens as an educated man is in a sense as much a victim of social stratification as his less fortunate characters. It is an inescapable problem for Dickens that his own high level of literacy separates him from the illiterate victims whose cause he attempts to champion in his novels. His self-consciousness of this fact takes the form of an authorial confession in *Bleak House* when he attempts to empathise with the world of the illiterate but can only surmise as to the thought processes of the illiterate person when it comes to their perceptions of the legal system. His attempt to access the illiterate mindset is reduced to the hypothesis that "Jo's ideas of a Criminal Trial, or a Judge, or a Bishop, or a Government, or that inestimable Jewel (if only he knew it) the Constitution, should be strange!" The comparison between Jo and the Artful Dodger, who is able to adequately represent himself at a summary hearing, is remarkable. It is a mark of Dickens' maturity as a writer that *Bleak House* presents a more realistic portrayal of the plight of the underclass in the prevailing legal system than *Oliver Twist*.

Illiteracy was prevalent in Victorian England. Time to read was largely a luxury reserved to the upper classes, and in particular the female members of such social echelons. Lower class people such as the Smallweeds regarded reading as "Idleness. Folly." (p351). Dickens does not suggest, however, that poor literacy levels are necessarily limited to the lower classes. Lady Dedlock is portrayed as tired of reading during a stage-coach journey in *Bleak House* despite her rather poor reading rate of one page every 20 miles. Through such anecdotal evidence, Dickens points to the inherent effort involved in reading, a fact which

partly explains the prevalence of literacy problems in Victorian society. To address the widespread problem even further, Dickens hints that even well-educated members of society have problematic literary experiences: Mr Guppy in Chapter 29 of *Bleak House* has a quasi-illiterate experience when he is unable to read back his own shorthand. This last incident, although rather comical and perhaps an autobiographical memory of Dickens' own professional problems as a court reporter, demonstrates the fact that illiteracy is not necessarily confined to the poor and uneducated and that the problem can victimise even the professional strata of society. Humour is used in this way to raise awareness of a very serious social problem in which the inability to communicate effectively by reading, writing and speaking is a major social and economic drawback for those who do not possess these skills.

Richard's ultimate destruction is promulgated by greed inspired by his claim to inheritance. Whilst nine chapters of the novel bear the title "Esther's Narrative", Richard's preoccupation with the *Jarndyce* case is ongoing throughout the novel, highlighting his importance as a character. Richard's interest in the suit is foreshadowed in Chapter 3 of the novel in which, out of the three wards of Chancery, Miss Summerson is the only party excluded by the Lord Chancellor as "not related to any party in the cause" (p79). A further hint of Richard's future involvement in the matter appears in Chapter 5 when Richard says to Ada, "We are never to get out of Chancery" (p97) and becomes aware that he is one "of the youthful parties in Jarndyce" (p98). Richard's destruction is largely attributable to the fact that he is joined to the *Jarndyce* suit late in the piece and a great deal of time since execution of the original will has elapsed, allowing wastage of the estate to occur. Richard's late joinder of the suit is a problem beyond his control as he only attains majority, and therefore legal standing to sue, during the course of the novel. Unfortunately his late joinder protracts the suit and allows further wastage to happen. Despite the way in which Richard is befriended by Allan Woodcourt, his steady decline cannot be prevented. Richard ultimately becomes a representative victim of Chancery through the way in which the entire estate to which he lays claim becomes absorbed in legal costs.

Through the downfall of Richard, Dickens prudently reveals that it is not only the criminal element of society who are motivated by financial reward. The mercenary nature of the *Jarndyce* suitors and the entire legal profession are ongoing themes

in the novel. In an overriding announcement in Chapter 39 of *Bleak House*, the gist of which is reiterated in his other novels, Dickens states that "The one great principle of the English law is to make business for itself" (p603). It is this capitalising on the law of precedent that Hillis Miller remarks upon when he states that "*Bleak House* is a document about the interpretation of documents"<sup>26</sup>. Lawyers are seen to profit handsomely from court actions, as satirised in *Bleak House* in the proclamation that the legal profession, described by Dickens as a "wigglomeration"<sup>27</sup>, is "nothing but fees, fraud, horsehair wigs, and black gowns" (p587). An equally strong criticism of the mercenary nature of the legal profession is also brought to light in *Barnaby Rudge* in Mr Chester's pronouncement that: "The law, the church, the court, the camp - they are all crowded with fortune-hunters."<sup>28</sup> Mr Chester's sentiment extends to a belief that even if one were the greatest lawyer or legislator in the world, one could still be reduced to the status of a fortune hunter. Such a disparaging portrait of the legal profession lends credibility to Peter Ackroyd's assertion that "There is only one good judge in the whole of Dickens' work, few good solicitors and really nothing but loud mouthed barristers."<sup>29</sup>

Dickens does not deny that the expertise of top silk is a valuable and marketable human resource in the criminal world of Victorian England. The relationship between lawyers and clients is, however, a topic that Dickens introduces in *Oliver Twist* and continues to examine in *Bleak House*, the outcome of this examination being not entirely favourable to the legal profession. The fine line between profession and business is often blurred in Dickens' novels and he seems somewhat ahead of his time in his prevailing perception of the legal profession as a profit-generating and not entirely ethical business.

Sustained metaphors in *Bleak House* blend the literary and the legal. These metaphors are markedly more complex and legalistic than the metaphors

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<sup>26</sup> Hillis Miller, J "Interpretation in *Bleak House*" in Tambling, Jeremy (Editor) *Bleak House (Contemporary Critical Essays)* St Martins Press New York 1998 p29

<sup>27</sup> Bradbury, Nicola Introduction to *Bleak House* Penguin Classics London 1996 pxiii

<sup>28</sup> Dickens, Charles *Barnaby Rudge* (1841) Edited by Gordon Spence Penguin Classics London 1986 p174

<sup>29</sup> Ackroyd, Peter *Dickens* Minerva Books London 1990 p127

employed in *Oliver Twist*. This is apparent from the opening chapter in which Dickens describes the law as "walls of word". The bricks from which these walls are constructed are found in the forms of legal documents which he lists in rapid succession to convey the labyrinthine complexity of the Victorian English legal system: "bills, cross-bills, answers, rejoinders, injunctions, affidavits, issues, references to masters, masters' reports", sharply deconstructing the significance of such voluminous documentation with the all-encompassing description of such documentation en masse as "mountains of costly nonsense" (p50). It is through such criticism that Dickens implies that legal processes and procedures could be greatly simplified and streamlined in order to achieve justice in a far more expedient and cost-effective way.

Another example of the sophistication of Dickens' legal metaphors in *Bleak House* is the double-entendre, "Death levels all distinctions" (p774) which signifies the way in which the termination of human life results in a final equality both before God and the law. In both litigation and life, legal distinctions made by judges and social distinctions entrenched in the class system categorise codes of legal and social behaviour.

One metaphor Dickens repeatedly uses in *Bleak House* is based on the fundamental similarities of the two discourses of law and drama. The pursuits of the lawyer as actor thus runs thematically throughout Dickens' work. Mr Tulkinghorn in *Bleak House*, for example, is noted as wearing his "expressionless mask" (p213) when he visits the Dedlocks to inform Lady Dedlock of the death of the anonymous copywriter Nemo. Later in the novel it is discovered that Mr Tulkinghorn "can act a part ... his one unchanging character" (p714). The context in which Esther Summerson often sees her suitor Mr Guppy is, appropriately, at the theatre. The law is portrayed as a performance-based profession. In terms of client-lawyer relationships, it often seems that the client is paying for a good dramatic courtroom performance as much as for finely-tuned technical legal skills. Consequently, Dickens' treatment of courtroom scenes is often analogous to his theatrical scenes. Circus scenes, such as those found in *Hard Times* and *Nicholas Nickleby*, are essentially replicated in the courtroom scenes of *Oliver Twist* where the magistrate takes on the role and duties of the ringleader, audience participation is provided by the jury, and courtroom personnel become the strolling players. The courtroom situation is something of a median point



between, for example, the fact-choked atmosphere of Gradgrind's classroom in *Hard Times* and the colour and theatricality of Sleary's circus. As in any theatrical production, however, the quality of entertainment in a courtroom drama can vary substantially. Dickens describes the Chancery court room in *Bleak House* as "in a state of idle entertainment" (p400) in Chapter 24. In contrast, at the conclusion of proceedings in *Jarndyce* people emerge from the Court of Chancery "more like people coming out from a Farce or a Juggler than from a court of Justice" (p922). In this way Dickens suggests to his readers that he perceives the law as a joke and that the system at large is not to be taken seriously.

It would appear that the link between law and drama was implanted in Dickens' psyche long before he became a celebrated author and later a talented amateur actor. It seems that whilst working as a copying clerk, Dickens toyed with the idea of becoming an actor and may have participated in amateur dramatic productions at a small theatre in Catherine Street in London. At this stage in his life the theatre appeared to offer some form of escape from the tedium of his work as a copying clerk.

The view of the entire legal system as a metaphorical game which appeared in Fagin's classroom also appears in *Bleak House* when, in reference to Richard Carstone, Dickens states that "the uncertainties and delays of the Chancery suit had imparted to his nature something of the careless spirit of a gamester, who felt that he was part of a great gaming system" (p280). The idea of the legal system as analogous to a game of chance and skill, introduced in *Oliver Twist* in relation to the criminal law, is present in Dickens' assessment of the English system of civil law. To the articled clerks at the start of the novel, *Jarndyce and Jarndyce* appears to be something of a game in which to develop their wits. The analogy between gambling and litigation, or the "chance" in Chancery, rests on the perception that there is in both a great deal at stake including, ultimately, human relationships. Richard's pledge in Chapter 5 that the Chancery suit will not divide him and Ada stands as a truism at the end of the novel solely due to Ada's love, patience and dedication. Dickens presents the idea of the need for superhuman moral strengths and virtues to overcome the strains and vice of perpetual litigation.

It should be noted at this point that Dickens himself had been a player in the game of Chancery. In 1844 he was unsuccessful in an attempt to prevent an unauthorised edition of one of his books being published and became entangled in an expensive and frustrating Chancery suit. It is for this reason, perhaps, that Dickens so successfully conveys his characters' frustration with the Court of Chancery in *Bleak House*. In addition, Dickens was continually frustrated with the lack of remedies available to authors through insufficiently developed intellectual property legislation in Victorian England. Not only was patent protection inadequate in Victorian England; copyright protection was virtually non-existent. Dickens as an immensely popular writer suffered at the hands of a cottage industry that marketed illustrations, plays, songs and forms of merchandise pertaining to his work in addition to printed adaptations of his novels. Even inferior derivatives of Charles Dickens' work had enormous commercial success. Dickens was legally powerless to prevent inferior reworkings of his material or the distribution of royalties from such products to his imitators. Much of Dickens' portrayal of the delays and inefficiencies in the contemporary civil legal system seems to spring from his own experience with the system. Boythorn's reformist desires for the system are perhaps echoes of Dickens' own ingrained sentiments when Boythorn suggests to Mr Jarndyce that nothing but a physical detonation of the Court of Chancery would successfully reform it.

As noted above, the legal texture of *Bleak House* is undoubtedly advanced by sustained metaphors. In Chapter 19 of *Bleak House*, for example, Dickens embarks on a sustained set piece based on the metaphor of Law and Equity as "good ships" concerning the movements of the major players in the legal system during the long court vacation. The description in which Dickens engages concerns the atmosphere at The Temple, Lincoln's Inn Fields, Chancery Lane and Serjeant's Inn and the relaxed mood of the acting Judge who sits in twice a week only over the court vacation. In the fourth paragraph of Chapter 19 Dickens expounds upon the international holiday destinations of London barristers, and in the fifth paragraph the amorous adventures of legal clerks, in this way fleshing out the legal profession with a human dimension not previously revealed to this extent in the novel. With reference to a character such as Tangle, whose monotonous devotion to *Jarndyce v Jarndyce* appears to have produced a singularly boring personality, Dickens seems to suggest that annual travel for the legal profession is indeed an essential to broaden the mind. Dickens does not entirely pass up the

opportunity, however, to satirise the workings of the English legal system and notes in Chapter 19, "How England can get on through four long summer months without its bar ... " (p313).

A further sustained metaphor occurs in Dickens' pursuit of the issue of death in custody in *Bleak House*. Mr Krook's tenant Miss Flite, an elderly lady involved in the *Jarndyce* matter keeps birds at her lodgings with the intention of restoring them to liberty when a judgment in the case is handed down. Alas, due to the length of the proceedings, "they die in prison, though" (p104). The finalisation of *Jarndyce v Jarndyce* is symbolised by the release of Miss Flite's birds which have all been christened with nouns symbolising aspects of the process of litigation in the case: Hope, Joy, Youth, Peace, Rest, Life, Dust, Ashes, Waste, Want, Ruin, Despair, Madness, Death, Cunning, Folly, Words, Wigs, Rags, Sheepskin, Plunder, Precedent, Jargon, Gammon and Spinach. These names also encapsulate the novel itself. The gamut of emotions ranging from hope and joy to ruin, despair and madness is indicative of the draining nature of legal process. The words "cunning" and "folly" reinforce the idea of the legal system as a game. The allusions to death paint the most pessimistic view of litigation possible whilst the words "sheepskin", "plunder" and "wigs" suggest the greed and corruption of lawyers to which Dickens often refers.

Dickens' scrutiny of law enforcement agencies which was introduced in *Oliver Twist* with criticism of the inadequacy of police facilities and the beadle system continues in *Bleak House*. The reluctance of the upper classes who carry the power in society to become involved in reformist agendas is conveyed through the character Dedlock. Adhering to a strict interpretation of the doctrine of separation of powers under the Westminster system, Sir Leicester Dedlock remarks in the course of Bucket's investigation of the murder of Tulkinghorn that "it does not become us, who assist in making the laws, to impede or interfere with those who carry them into execution" (p775). With this dismissive comment Dickens reveals the hypocrisy of Sir Leicester Dedlock, a Member of the House of Lords (the executive arm of the government) asserting the independence of the administrative arm of the government whilst at the same time commissioning Bucket, a member of that administrative arm, to find the murderer of his solicitor "at any cost" (p773). In such a way Dickens critiques the separation of powers doctrine prevailing in the English legal system and exposes its susceptibility to

corruption through the powers of money and influence. Reform can apparently only be bought when its interests serve wealthy and powerful members of society who require it. In this way the separation of powers doctrine is, for Dickens, both a rigid and frustrating obstacle to the implementation of social justice and reform and a convenient device upon which the wealthy and powerful can rely to disguise their own questionable agendas. Ackroyd appears to support the view that Dickens did not hold the highest respect for the separation of powers doctrine, opining that Dickens "never had a high opinion of the House of Commons, and even from the earliest days he treats it either as a pantomime .... or as a savage farce" (p141).

A satirical view of the inadequacy of police facilities also appears in *Bleak House* when, after the death of Nemo in Mr Krook's house, police arrive at the scene "to look casually about for anything between a lost child and a murder" (p196). "Idiotcy" and "delay" in the beadle's investigation of the matter do not inspire public confidence in law enforcement agencies. Later in the investigation the local beadle is responsible for similarly ineffective procedure when he produces summonses in Chancery Lane in which every Juror's name is incorrectly spelt. Although particulars such as faulty spelling would not invalidate the summons on the grounds of material deficiencies, the lack of attention to detail does not inspire confidence in the justice process.

It must be said that Dickens' critique of the legal system is not derogatory in its entirety. The way that Temple Court, a legal centre comprising the four inns Middle Temple, Inner Temple, Gray's Inn and Lincoln's Inn, is described in *Barnaby Rudge* is interesting in terms of its seeming impenetrability by the forces of law. Dickens writes of "something in the Temple of a clerkly, monkish atmosphere which public offices of law have not disturbed and even legal firms have failed to scare away" (p168). Through such an impression of Temple Court, Dickens attempts to preserve something of the sanctity of the Rule of Law despite his criticisms of the quotidian mechanics of the legal system. The philosophy of law is separated from its process and perhaps upholds some of its objectives whilst not yet condoning its outcomes. Dickens is able to retain some sense of faith in the idea of a legal system whilst aiming reformist criticisms at the processes and procedures that jeopardise the execution of legal objectives rather than at the objectives themselves.

The criminological issue of crime and its gender bias towards the male sex, raised in *Oliver Twist* through Nancy, is pursued in *Bleak House*. So unusual is it for a woman to be involved in a serious crime of a violent nature that Sir Leicester Dedlock finds it hard to accept Bucket's information that the perpetrator of Tulkinghorn's death was a woman. Dedlock's insistence upon discovering the perpetrator of the crime is couched in terms employing masculine pronouns until Bucket's announcement that the culprit is female.

The civil and criminal jurisdictions of the Victorian legal system are related in the novel by a demonstration of how the indirect effects of civil matters can be criminal actions. In the first chapter of *Bleak House*, it is recorded that one original Jarndyce, frustrated by the ongoing litigation involved in the case, committed suicide. At the time at which Dickens was writing, suicide was still a crime. Later in the novel, Mr Tulkinghorn contemplates the life of a fellow lawyer who, at the age of seventy-five, suddenly despaired of the monotony of work in the legal profession and committed suicide by hanging himself. In this way, to highlight yet another deficiency in the criminal justice system, Dickens uses the neat irony of the fact that a member of the legal profession has committed the only crime with no available legal punishment for the perpetrator. Dickens also uses the suicidal act of a lawyer to make a serious statement about the state of a profession whose members are so disillusioned that they elect to take their own lives.

The motif of money, the motivation for most litigation, links the civil and criminal jurisdictions in an examination of the Victorian legal system at large. Pecuniary gain is the motivation for most of the crime in *Oliver Twist* and most of the litigation in *Bleak House*. The two jurisdictions are drawn together through the cash nexus most notably through the debtors' prisons that prevailed in both Victorian times and in Dickens' novels. Debtors who were unable to afford their debts were regularly thrown into gaol. The debtors' prisons also represent a common social denominator in Victorian society in that the threat of the debtors' gaol was not confined to the lower echelons of society. The criminalisation of debt affects not only the poorer classes but also members of the middle classes who may have made unfortunate business judgments. In this sense at least criminal laws can be seen to affect a wider cross-section of society than revealed in *Oliver*

*Twist*. Skimpole in *Bleak House* is an example of this. Although he is a qualified doctor, Skimpole has no business acumen and is arrested for debt, prevailing upon Richard and Ada to bail him out.

An example of abject reaction to crime, and a hallmark of Dickens' famous attraction to repulsion, is the spontaneous combustion of Krook. This bizarre phenomenon is one of the most famous incidents in any of Dickens' works and has attracted intense literary attention. Dickens suggests an allegory between spontaneous combustion and the self-destructive nature of the Victorian legal system. The combustion incident may symbolise the stressful nature of litigation leading, in an emotional sense at least, to an implosion or meltdown, Miller going so far as to say that it is "the only conceivable way to put an end to Chancery's meanderings . . . the only response to its accumulation of paperwork."<sup>30</sup> Hillis Miller reads the incident as one of the novel's emblems of the perilous condition of Victorian England<sup>31</sup>. Krook is propelled towards his outcome by the structure of the novel which is based on the precept that litigation is a destructive force. Dickens uses grotesquerie in the form of the disturbing images of a liquefied Krook to express the dangers of litigation, even for ancillary parties such as law writers. Later in the novel Dickens uses Krook's death to reinforce the hypocritical truth of his society in which appearance is more important than reality when a full-sized coffin is used for the burial of Krook's liquefied remains.

The demonstration of Dickens' knowledge of the law is more sophisticated in *Bleak House* than in *Oliver Twist*. Krook's death, as well as providing a forum to explore the destructive nature of litigation, also provides an opportunity to examine and satirise existing rules of evidence. Experts on spontaneous combustion testify as to the scientific reasons for Krook's demise, Dickens remarking that "The less the court understands of all this, the more the court likes it" (p523). The interesting and inexplicable causes of spontaneous combustion are, of course, fuel for numerous expert opinions and ongoing litigation, particularly in the form of

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<sup>30</sup> Miller, D.A. "Discipline in Different Voices: Bureaucracy, Police, Family and *Bleak House*" in Tambling, Jeremy *Bleak House (Contemporary Critical Essays)* St Martins Press New York 1998 p90

<sup>31</sup> Hillis Miller, J "Interpretation in *Bleak House*" in Tambling, Jeremy (Editor) *Bleak House (Contemporary Critical Essays)* St Martins Press New York 1998 p31

the voir dire which is an interlocutory legal argument about the admissibility of evidence in the absence of the jury. In order for expert evidence to be given in court, three tests must be passed. Firstly, it must be shown that a field of expertise exists. Secondly it must be demonstrated that that field will be of significant assistance to the case and thirdly that the witness is qualified to speak about that field of knowledge.<sup>32</sup> Courts are suspicious of pseudo-science and are reluctant to give judicial recognition to such fields. The field of spontaneous combustion would appear to fall somewhere between scientific and pseudo-scientific investigation highlighting, in terms of critique of the Victorian legal system, a grey area of the law. The possibilities for endless argument about the admissibility of spontaneous combustion evidence are potentially inexhaustible. Dickens uses the hypothesis of spontaneous combustion to voice the criticism that lawyers and courts resort to argument for argument's sake as much as in furtherance of legal issues. The mismanagement of court resources when time and money are expended on futile legal arguments is, of course, a problem that has to be addressed in a critique of the efficiency of processes in a legal system. Dickens is very conscious of the problem of wasted resources in *Bleak House*, as evidenced by the ultimate waste of the entire Jarndyce fortune on legal processes and expenses, most of which were probably unnecessary to the resolution of the initial dispute. Dickens structures the entire novel to reveal the inability of the legal system to determine any form of legal contest regardless of the case management scale. A minor case such as Krook's inquest appears to be just as insoluble as the interminable *Jarndyce*, causing Dickens to question whether the system can justify its existence at all.

Dickens' critique of the legal system is embedded in the names of the characters in *Bleak House*. The convoluted nature of *Jarndyce* is perhaps best encapsulated in the name of Mr Tangle, a lawyer who is famous for his expert knowledge of *Jarndyce v. Jarndyce*. The naming of Tangle reflects Dickens' talent for conferring identity on his characters through their names. The names "Krook" and "Grimwig" have self-evidentiary connotations in Dickens' work, neither being particularly complimentary to the legal profession with which these characters are associated. Dickens is acutely conscious of the significance of the creation of

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<sup>32</sup> Aronson Hunter Weinberg *Litigation - Evidence and Procedure* (4<sup>th</sup> Edition) Butterworths Sydney 1988 Chapter 31

symbolic legal identities in naming his characters, even to the point of making Sir Leicester Dedlock aware that his name is a "ridiculous accident" (p60) considering his involvement in *Jarndyce v. Jarndyce*. Perhaps the greatest joke created by nomenclature is the death of the legal copywriter "Nemo" in *Bleak House* who "has established his pretension to his name by becoming indeed No-one" (p190).

Dickens often presents the law as a very dry profession. Mr Boffin, when informed by Wrayburn in *Our Mutual Friend* that he is not particularly enamoured of his career, comments that it is "Too dry for you, eh?"<sup>33</sup> Dickens' summation of *Jarndyce v. Jarndyce* is that it is a cause of action that was "squeezed dry years upon years ago" (p51).

The narrowness of thought that the legal profession is able to produce is suggested in the information that Mr Tangle is supposed never to have read anything but *Jarndyce* since leaving school. Involvement with only one case during an entire legal career can hardly be thought to give rise to intellectual development. Dickens seems to be critical of the intellectual constraints of the law where concentration on specific areas virtually eliminates the ability to develop lateral thinking skills or become skilled in activities outside the law. This line of thought appears in Chapter 60 when Mr Vholes pronounces that "we are not musical in the law" (p875). The limited scope for creativity of members of the legal profession recurs in Chapter 20 when, for light reading, Smallweed suggests that Jobling try the Law List.

Dickens' comments on the legal profession extend to a critique of its cliquy nature. Upon visiting Chesney Wold, Mr Guppy remarks upon the fact that it is not often that London lawyers vacate the city, further emphasising the narrow opportunities for personal development within the profession. It is through such anecdotes in his later novels that Dickens takes a closer insight into the mechanics of the profession of which he is so often critical. He seeks to establish the reasons why the profession has developed the cultures in which it is entrenched and suggests, in excursions such as Guppy's venture to Chesney Wold, that perhaps increased outings would broaden the minds of the legal

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<sup>33</sup> Dickens, Charles *Our Mutual Friend* (1862-1865) Edited by Stephen Gill Penguin Classics London 1985 p138



profession and give them a greater insight into the ordinary people for whom they act. Perhaps the most derogatory comment on the legal profession made by Dickens in *Bleak House* is his description of Mr Tulkinghorn's chambers in which "lawyers lie like maggots in nuts" (p182). Not only is this image grotesque, it also implies the parasitical and rotten state of the profession.

Dickens demonstrates an acute awareness of the stress, financial and emotional drains of litigation from the first chapter of *Bleak House*. In the opening pages of the novel he writes of the Court of Chancery which "so exhausts finances, patience, courage, hopes; so overthrows the brain and breaks the heart" (p51). For Dickens, the concepts of suffering and litigation are inextricably linked. Consequences of civil litigation include lunacy and resignation to a madhouse, and enduring the fate of a ruined suitor. The theme pervades the unravelling plot of *Bleak House*. When Esther Summerson attends the Court of Chancery with Richard in Chapter 24 she is repulsed by the juxtaposition between the comfort and affluence of the solicitors and the wretched life of the suitors. Such consequences of the law would seem to be minor casualties of litigation, however, when compared with the fates of characters such as Krook, Tom Jarndyce, Richard and Gridley. The body count in *Bleak House* is high. Even characters in ancillary legal roles such as Nemo the legal copywriter suffer fatal and brutal ends. Dickens uses the death metaphor to paint the most extreme view of litigation possible. This literary tool is effective in that it certainly portrays the consequences of court action as grim and undesirable. *Bleak House* as a complete work could easily be read as a literary deterrent to litigation.

Dickens perceives the advent of litigation as something that is antipathy to man's better nature. The law suit *Jarndyce* is an ongoing legal saga that has forced its participants into such devious activities as trickery, evasion, procrastination, spoliation, botheration and false pretences. Whilst not illegal, some of these activities could at least be classified as morally undesirable, surely not an outcome that a proper legal system should promote.

The self-perpetuating nature of litigation is suggested in *Bleak House* when it is confirmed that the current issue in *Jarndyce* is now one of costs, such suit being described metaphorically as a mere bud on the parent suit. The tragic outcome of *Jarndyce v Jarndyce*, that the estate has been consumed by costs, is

foreshadowed in Chapter 3 when it is noted that costs in the case already amount to sixty-seven thousand pounds. The case began as a case about wills and trusts and disintegrated into a case about costs. Grim as it may seem, however, Dickens paints a relatively realistic picture of litigation in his description of the *Jarndyce* matter. The issues involved in litigation naturally change as a case progresses and matters which seem of minor consequence at the outset of a matter can eventually become the deciding issues.

The male domination of the law is a noticeable aspect of *Bleak House*. The legal practitioners involved in the novel are all men, and most of the parties to the suit and ancillary staff of Chancery are similarly of the male gender. A layman's knowledge of the law is, at the best of times, depicted as narrow: "Chancery justice is difficult to follow" (p97) but Dickens presents women's knowledge of and participation in the legal system as especially limited. Volumnia Dedlock, like Rose Maylie in *Oliver Twist*, epitomises women's ignorance of even the most basic features of the English legal system with her request to be updated on proceedings relating to Mr George's arrest for the murder of Tulkinghorn: "Whether they are going to convict, or whatever it is ... Whether he had any accomplices, or whatever the thing is called in the law? And a great deal more to the like artless purpose" (p774). Although Guppy, perceiving a resemblance between Lady Dedlock and Esther, attempts to ascertain whether Esther has "a right to be made a party in Jarndyce and Jarndyce" (p463), Esther never joins the suit. Part of Dickens' call for social reform is greater education about the law and legal rights, a glaring deficiency - particularly for women and the poor - in his society. His portrayal of the level of public ignorance about the law and legal rights in his novels is one way in which the problem can receive public recognition and hopefully be addressed. The inequities of a society where those who are not informed of their rights are disadvantaged by lack of access to justice is a recurring theme in Dickens' novels and is developed to a greater extent in *Bleak House* than in *Oliver Twist*.

An awareness of the law and legal rights is only one arm of the problem. The financial outlay involved in ongoing litigation relegates it very much to those who can afford it. In this respect, the upper classes are at a distinct advantage in judicial proceedings. Dickens is aware of the exclusivity of litigation due to prohibitive costs and satirises the unavailability of justice to less fortunate classes

through his portrayal of Sir Leicester Dedlock. In Chapter 2 Dickens is decidedly acidic when he states that "Sir Leicester had no objection to an interminable Chancery suit. It is a slow, expensive, British, constitutional kind of thing." (p60) Such a statement also implies the problem of the staid snobbery entrenched in the law and the difficulty in effecting law reform when faced with such entrenched values. Dedlock is an example of the type of stalwart litigant for whom the cliché "justice delayed is justice denied" has no meaning. Reinforcing the upper classes' vested interest in preserving the legal system as an institution representing and upholding their own values and interests, Dickens adds that Sir Leicester feels that "to give the sanction of his countenance to any complaints respecting [the Court of Chancery], would be to encourage some person in the lower classes to rise up somewhere ..." (p61). Again, the prevention of changes to social strata through law reform by those empowered to make such changes is targeted. Later in Chapter 28 Sir Leicester Dedlock again emphasises the connections between the legal system and politics when he expounds his disgust at members of the lower classes entering the parliamentary system. Using language analogous to the standard effluvial metaphor about the two concurrent streams of law and equity, Sir Leicester Dedlock berates "the obliteration of landmarks, the opening of floodgates, and the uprooting of distinctions" (p449) that hallmark his contemporary legal system. Again, in respect of the effluvial metaphor of the law of Equity, Dickens comments on the two separate streams of law and Equity when he states that "Equity sends questions to Law, and Law sends questions back to Equity" (p145). He touches upon the inefficiency of the separate systems which operated in the Victorian legal system and was only resolved more than a century later by the fusion of the two streams of law into one administrative system.

The self-consciousness of the aristocratic classes about the tedious and debilitating processes of Chancery is again displayed when Miss Flite voices her suspicion in Chapter 14 that the anonymous donor of the pension she receives every Saturday from Conversation Kenge, or Guppy, is the Lord Chancellor himself. Miss Flite, the link between Lady Dedlock and the suit of *Jarndyce and Jarndyce*, states that she finds it very creditable of the Lord Chancellor "to confess in that way that he *is* a little slow for human life" (p251). Richard Carstone, however, in Chapter 24, finds himself chastised by the Court of Chancery for imposing upon its time when he makes a new application as an Infant and a Ward. The description of Richard as "a vexatious and capricious infant" (p391) is

hilarious in its irony and recognised as such by Richard who describes his rebuff for trifling with time as "a pretty good joke ... from that quarter" (p391). This section of the novel is interesting, however, in the way in which Dickens works equitable maxims into the text, increasing the strength and texture of the novel as legal fiction. Maxims of equity arose out of the development of the principles of equity and are generalisations as to how a court should exercise principles of equity. They are useful in regard to an explanation of the nature of equity and the broad concepts around which the law of equity has evolved.<sup>34</sup> When Richard is chastised for imposing upon the Court's time it is likely that the Lord Chancellor is bearing the maxim "Equity assists the diligent and not the tardy"<sup>35</sup> in mind. Under this maxim, delay in itself is no bar to equity but undue delay in proceeding with a suit can prejudice a claim.

Dickens refers to equitable doctrines throughout the text. In Chapter 39 he specifically refers to the doctrine of "clean hands" (p610), meaning the doctrine that "He who comes to equity must do so with clean hands."<sup>36</sup> Under this doctrine equity scrutinises the conduct of the party seeking equitable relief in relation to the transaction or arrangement which is the subject of the suit. If a petitioner is found guilty of a legal (but not moral) impropriety, equity may refuse to grant the relief sought.

The self-perpetuating and financially consuming nature of a Chancery suit such as that epitomised in *Jarndyce* is echoed on a smaller scale in Gridley's case. In that case, an initial dispute over three hundred pounds devoured nearly triple that sum in legal costs and the number of necessary witnesses multiplied on an extremely disproportionate scale. The dehumanising ability of Chancery transforms Gridley into "The Man from Shropshire" or "the joke of Chancery".

Richard Carstone is a more interesting character than Esther Summerson in relation to legal institutions and their role in social and moral reform in the novel in that he develops an interest in the legal profession and contemplates studying to

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<sup>34</sup> Evans, Michael *Outline of Equity and Trusts* Butterworths Sydney 1988 p10

<sup>35</sup> Ibid

<sup>36</sup> Ibid

become one of its members. The way in which Richard Carstone toys with the idea of becoming a lawyer is of interest from the point of view of Dickens as an autobiographical writer. As a young man working at the *Morning Chronicle* as a journalist, Dickens is said to have divulged that he intended entering at the bar, as soon as circumstances enabled him to do so.<sup>37</sup> Dickens introduces legal jargon into Mr Jarndyce's response when Richard queries him as to his view about the possibility of his ward entering the legal profession when Jarndyce states that "in the matter of the law, we will have a good trial before we decide" (p286). The virtues of prudence, caution and fairly weighing up determining factors are hence imparted to Jarndyce's character and the reader is allowed to perceive him as the "reasonable man" in the context of the surrounding litigation. It is interesting that the legal profession is not the only possible or reasonable career choice for Richard, however, and that in Chapter 18 he vacillates between undertaking study in the traditional fields of law or medicine and is, for a time, accepted as a medical student by the Bayham Badgers. The medical and legal professions are linked at this time in Richard's life through personal connections. Mr Bayham Badger, practising in Chelsea, happens to be a cousin of Conversation Kenge, who is John Jarndyce's solicitor. It seems that all roads lead to *Jarndyce* for Richard, and that even when he attempts to opt out of the law, circumstances keep drawing him towards his legal interests. By Chapter 23, however, *Jarndyce v Jarndyce* has managed to successfully slake all Richard's interest in the law and he then contemplates entering the military services.

In *Bleak House*, the common law tort for trespass appears when Boythorn and Sir Leicester bring suits upon each other for trespass in Chapter 9. Actions for assault and battery, also civil wrongs, occur between the same two parties. These two characters are perhaps representative of the concept of the vexatious litigant in Dickens' novels; characters who engage in constant and often frivolous litigation for their own amusement. Dickens uses the rivalry between these characters to comic effect but also to ridicule the abuse of legal processes by litigants with motives ulterior to the concerns for which the law was enacted to redress. Tortious actions form part of the ongoing chain of litigation in *Bleak House*, complicating the relationships between the characters of the novel and interweaving strands of the plot.

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<sup>37</sup> Ackroyd, Peter *Dickens* Minerva Books London 1990 p168

Although Equity is the focus of *Bleak House*, much of Dickens' study of civil law in his novels concerns family law and succession. Parentage and inheritance, as discussed by Amy Sadrin, are the mainstays of many of his plots. Dickens' use of legal metaphor works throughout his novels dealing with English civil law, in the field of family law leaving the reader with the legalistic fate that "The Court is, by solemn settlement of law, our grim old guardian" (p234). Through this metaphor Dickens reveals the entrenched notion that the law is a protective cover for its citizens and is an institution designed to protect the interests of the community. A custody application for Richard and Ada appears early in *Bleak House* with the conclusion that the children should be taken into the care of their relative John Jarndyce under the governership of Esther Summerson. This order, made by the Lord Chancellor himself, appears to be the best possible option in the interests of the orphaned minors.

Family law is portrayed as a lucrative area for astute members of the legal profession. When Mr Tulkinghorn visits Lady Dedlock in Chapter 2 of *Bleak House*, it is noted that he is "reputed to have made good thrift out of aristocratic marriage settlements and aristocratic wills, and to be very rich" (p58). Gridley, a chancery suitor and repeat offender in the law of contempt, entrenches public perceptions of the legal profession as a lucrative career when he states of Chancery lawyers, "I know they gain by it while I lose" (p268).

At the time at which Dickens was writing, divorce could only be obtained by Act of Parliament. Procedures settled by the Standing Orders of the House of Lords had to be followed. Initially, a petitioner for divorce had to obtain a "divorce a mensa et thoro" (literally, a divorce "from table and marriage bed")<sup>38</sup> which was effectively a judicial separation on the ground of adultery obtained from ecclesiastical courts. The adultery had to be proved in the common law courts by a successful action for criminal conversation i.e. an action in trespass by a husband against his wife's adulterer. The action of criminal conversation was exclusively available to men, effectively excluding women from the possibility of obtaining a divorce by

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<sup>38</sup> See Dickey, Anthony *Family Law* (Second Edition) Law Book Company Limited Sydney 1990 p158

statute.<sup>39</sup> After this a divorce Bill could be presented to the House of Lords, which would consider the Bill on its merits. If the Bill was passed by the House of Lords it would be introduced into the House of Commons where it was usually passed as a matter of course.<sup>40</sup> *Bleak House* makes reference to such procedures involved in obtaining divorce when, after Lady Dedlock absconds from Chesney Wold after insinuations of her involvement in Tulkinghorn's murder, rumour mongers are "already apprised of all the principal circumstances that will come out before the Lords, on Sir Leicester's application for a bill of divorce" (p842).

Similarly, upon proposal of marriage to Esther Summerson in Chapter 9 Mr Guppy, the articled clerk to Kenge and Carboy, seeks to ascertain whether his words have been interpreted as uttered "without prejudice." The idea of legal professional privilege in the arena of love and marriage proposals can only serve to caricature this member of the legal profession. When Mr Guppy renews his proposal in Chapter 18, and it is refused by Mr Jarndyce on Esther's behalf, Guppy enquires whether the refusal is "tantamount, sir, to acceptance, or rejection, or consideration?" (p918). Although a very comic response, this question shows Dickens painting an extremely narrow, legalistic interpretation of a legal character. The line clearly shows Guppy's emphasis on the contractual nature of marriage and his need to clarify the legal status of his offer through the cleverly employed puns of acceptance, rejection or consideration.

Guppy's terminology is particularly interesting in view of the prevalence of breach of promise actions by fiancées in the Victorian era. Indeed, the issue of breach of promise of marriage is a common study in Dickens' novels. Young Smallweed commits this morally reprehensible act in *Bleak House* in Chapter 20. Guppy, after discovering the physical changes in Esther caused by smallpox, is quick to revoke his proposal of marriage - "I cannot admit that I implied anything" (p599) - and even ensures that Caddy Jellyby is witness to the fact that there was never any promise of marriage between Guppy and Esther to discourage a suit for breach of promise. A law suit for breach of promise is perhaps one of the few

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<sup>39</sup> Ibid

<sup>40</sup> Ibid

areas of the law in which women in Victorian England, and in Dickens' novels, assert their legal rights.

Dickens retains the use of the Victorian legal system as the foundation of the novel in *Bleak House*. A progression from *Oliver Twist* is marked by the author's more complex inclusion of the rules of evidence in this novel and his more in-depth study of the nuances and strains of the litigation process. The legal system is still used as a convenient device to highlight social injustices resulting in a highly stratified social system in which only the upper classes are able to afford access to justice. In addition, Dickens' use of metaphor becomes more structured and sophisticated in this novel. Sustained metaphors such as the analogy between fog and the system of Equity, and the construction of the law out of the building blocks of language, are intrinsic to the form of the novel. Dickens continues his questioning of the legal system as a valid means of dispensing justice with the continued metaphor of the game operating as a subtext throughout this novel, as it did in *Oliver Twist*. The unnecessary complexities and delays involved in the legal system are the main problems targeted by Dickens in *Bleak House*. The conclusion of *Jarndyce v Jarndyce* ironically sums up Dickens' view on the matter: "It could not, sir ... have been stated more plainly and to the purpose, as if it had been a case at law" (p898).



## CHAPTER 3

### OUR MUTUAL FRIEND

Dickens' use of the law of succession is at its most inventive and dramatic in *Our Mutual Friend*, his last completed novel. *Our Mutual Friend* has a sophisticated plot constructed from the premise of a crime – that of the murder of Mr John Harmon – which in fact has never been perpetrated. It is essentially the single basic legal concept of the presumption of the death of John Harmon that propels the characters in the novel into important social and moral positions and gives rise to important questions about the prevailing legal system. In addition, Dickens devotes time to the examination of the legal profession as a whole and the delicate relationships between clients and lawyers. As in previous novels, the legal system is a way of focussing on Dickens' moral and social reform agendas.

Arnold Kettle, in his essay "Dickens and Class", pinpoints the fact that "John Harmon, alias Handford, alias Rokesmith, is the king-pin. It is his inheritance and his supposed murder that sets the whole thing going"<sup>41</sup>. Harmon is indeed the central character who links the characters in the novel. His orchestrated control over his identities prevents him from victimisation by society or the legal system, underlining the development of Dickens' writing since *Oliver Twist* and *Bleak House*. As a result of his various identities he is properly classified as "our mutual friend" by the characters whom he links in the text. The first reference to Rokesmith as "Our Mutual Friend" appears in Chapter 9 of Book I when the Boffins pay a visit to the Wilfer residence at which Rokesmith is residing. It is also in this chapter that there is the first indication that Bella suspects that Rokesmith admires her, prefacing the moral changes that will occur within Bella once she discovers the meaning of love. In terms of the moral changes that occur in the novel, Harmon is also the catalyst for enormous financial changes in fortune. Harmon effects moral change within the characters with whom he comes into contact, most of whom experience great changes in fortune throughout the novel.

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<sup>41</sup> Kettle, Arnold "Dickens and Class" in Page, Norman (Editor) *Dickens: Hard Times, Great Expectations and Our Mutual Friend - A Casebook* Macmillan Press Ltd 1979 p160

As in *Bleak House*, the law of succession is intrinsic to the plot of *Our Mutual Friend*. In both novels a large inheritance is at stake. *Bleak House* focuses on the prolonged and complex litigation arising from the contest of a will. In *Our Mutual Friend* Dickens chooses to focus on the legal and moral changes that occur to the beneficiaries of the will and other interested parties. The other axiomatic difference is that in *Bleak House* the distribution of assets under the will is legally valid because the testator is actually deceased, as opposed to the situation in *Our Mutual Friend* where the testator is, in reality, still alive.

Unlike *Oliver Twist*, the terms of the will in *Our Mutual Friend* are announced at the beginning of the novel as opposed to the end. The mysterious tale of John Harmon, the legatee of a substantial estate which is subsequently devolved upon the presumption of his own demise, is first raised in Chapter 2 of Book 1 when the story of Harmon becomes entitled the story of "The Man from Somewhere". The guests at a London dinner party hosted by Mr and Mrs Veneering, a pair of two-dimensional nouveau riche characters created by Dickens to reflect the increasing commercialisation of his society, clamour to be entertained by the story of Harmon's disappearance. Mortimer Lightwood obliges the gathering with the story of how Harmon's father passed away some ten or twelve months ago leaving a will. This will left a low range of mountains with a dwelling house at the foot to an old servant, who is the sole executor of the will. The remainder of the estate is bequeathed to his estranged son on condition that the son marries a girl who, at the date of the will, was three or four years old. This girl is now of a marriageable age. Aware of the will and its perpetuity, the estranged son has been informed of the demise of his parent and is currently en route to England to "succeed to a very large fortune, and to take a wife".<sup>42</sup>

The conditions of the will are then further examined, Lightwood reporting that in the event of the marriage condition not being fulfilled "by special testamentary clause it would then go to the old servant above mentioned, passing over and excluding the son; also, that if the son had not been living, the same old servant would have been sole residuary legatee" (p59).

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<sup>42</sup> Dickens, Charles *Our Mutual Friend* (1862-1865) Edited by Stephen Gill Penguin Classics London 1985 p58

It is at the conclusion of the dinner party that Lightwood receives urgent correspondence that the estranged son whose tale he has just recounted has drowned. The announcement of the demise of Mr Harmon Senior's beneficiary initiates a plot based around the devolution of the Harmon estate and the moral changes that occur in those that are connected with it.

The death of John Harmon provides Dickens with an opportunity to once again critique one of the cornerstones of the justice system, the institution of the jury. The verdict of the jury at the inquest into the death of Harmon is described in Chapter 3 of Book 1 as follows:

Upon the evidence adduced before them, the Jury found, that the body of Mr John Harmon had been discovered floating in the Thames, in an advanced state of decay, and much injured; and that the said Mr John Harmon had come by his death under highly suspicious circumstances, though by whose act or in what precise manner there was no evidence before this Jury to show. And they appended to their verdict, a recommendation to the Home Office ... to offer a reward for the solution of the mystery (p74).

Based on this conclusion, the characters in the novel are propelled into a number of fatalistic directions. Although the jury in this case probably came to the right conclusion in the sense that, at the stage that the coronial inquiry is called there is indeed virtually no available evidence to point to the perpetration of a misdeed, the absence of a recognisable corpse (the body having been described as "a horrible sight" (p68) when brought to the attention of a police inspector) and the lack of positive identification of Mr John Harmon make the jury's conclusion of Harmon's death in suspicious circumstances extremely questionable. On any view, in the absence of any concrete evidence, it seems that the decision of the jury in the Harmon matter is quite unsafe. As in *Bleak House*, with the jury decision at the inquest into Nemo's death, Dickens highlights the pressure on juries to make concrete findings, whether or not they reflect the truth, as a dangerous flaw in the legal system which, as Dickens demonstrates, can lead to far-reaching consequences for parties connected to the litigation.

The testimony of the articulate solicitor Mr Mortimer Lightwood in *Our Mutual Friend* who gives evidence to the coroner's court on the circumstances of the return of the deceased John Harmon to England is interesting. This evidence, in conjunction with the evidence of Job Potterson, the ship's steward, and Jacob Kibble, a fellow Passenger, to the effect that Mr Harmon had in his possession upon his return to England the sum of seven hundred pounds realised by the forced sale of his landed property, leads the jury to the conclusion that Mr Harmon's death occurred in suspicious circumstances. Such an example demonstrates that the effective communication of evidence is essential to the outcome of court proceedings in the adversarial process, confirming the conclusions Dickens draws in the Nemo hearing in *Bleak House*. Mr Lightwood's evidence is also of interest in that Dickens reverses and blurs the boundaries between lawyers and witnesses by having Mr Lightwood give evidence. Mr Lightwood is placed in the position often faced by his clients, in that he has to give evidence before a court. In this way Dickens adds a fresh dimension to his exploration of the relationship between members of the legal profession and the public in his novels. Wrayburn and Lightwood, as practising lawyers, are multi-dimensional characters in comparison to earlier legal figures such as Guppy, Conversation Kenge and Tulkinghorn and express a greater range of human emotions and desires.

The reasons for which people enter the legal profession still appear to interest Dickens in *Our Mutual Friend*. Contrary to Richard Carstone's voluntary dalliance with the profession in *Bleak House*, Wrayburn and Lightwood confess to each other early in the novel that the profession was forced upon them by their families and that neither of them has any real interest in it. Wrayburn states that, "I hate my profession ... It was forced upon me ... because it was understood that we wanted a barrister in the family" (p62). Lightwood rejoins with the fact that his profession was forced upon him "because it was understood that we wanted a solicitor in the family" (p62). How a profession can effectively function when staffed with uninterested members is a question Dickens poses to the reader for further consideration. It is interesting, however, that throughout the course of the novel the quality of legal work available to Wrayburn and Lightwood improves and they are able to hone their legal skills quite substantially on the Harmon case. In this way *Our Mutual Friend* conveys more hope for the future of the legal profession than *Bleak House* and is a sign that Dickens, as a maturing writer, is

prepared to take a more moderate and balanced view of the legal system than in previous novels in which his primary aim was to use the legal world to advocate his own agendas for social reform.

The changing legal position of Bella Wilfer throughout the novel is worthy of close examination in a study of her moral reform. The moral reform of Bella is, of course, a carefully contrived focal point of the novel to allow the novel to operate as an example of Victorian moral art. Bella undergoes the classic Victorian “change of heart”, being a conversion from selfishness and egotism to love and a sense of social responsibility. The circular transformation of Bella is facilitated by her changes in status from a relatively average background to the prospect of extreme wealth to the forfeiture of wealth for love. At the start of the novel it is revealed that Bella’s social origins are “commonplace” (p75) in that her family have, for generations, worked as clerks. Her legal status, however, is extremely unusual in that she is the subject of a perpetual clause in a will which elevates her social prospects above the expectations created by her social antecedents. The prospect of Bella’s future livelihood is virtually guaranteed at the start of the novel; if Harmon does not marry her he will not inherit his father’s estate. The fact that John Harmon’s inheritance depends upon his marriage to Bella puts Bella in something of a position of power in relation to Harmon at the start of the novel and allows her to assume particular materialistic approaches to life which stem from her material prospects. These approaches undergo drastic changes when her legal status is altered.

The change of heart undergone by Bella relates almost entirely to her material prospects. Bella’s initial attitude towards the future is overtly materialistic. She states that “I love money, and want money - want it dreadfully. I hate to be poor, offensively poor, miserably poor, beastly poor” ( p 81). Upon the jury’s conclusion that Harmon is dead, Bella finds herself in an extremely unusual legal position, lamenting that “... I am a very unfortunate girl. The idea of being a kind of a widow, and never having been married!” (p81). The change in Bella’s legal status immediately impacts upon her future financial prospects, a point she is quick to take up on stating “And the idea of being as poor as ever after all, and going into black, besides, for a man I never saw ...” (p81). Ironically, Bella sees Harmon a short time later that day in the form of John Rokesmith who takes rooms in the Wilfer household. A chain of events then unfolds which leads to the eventual

marriage of Bella to Rokesmith, the man to whom (in the form of Mr John Harmon) she had originally been bequeathed as little more than a chattel. After the passing of the Harmon inheritance into the hands of Mr Boffin she becomes something of a chattel to the Boffins. It is only through the gradual renunciation of her legal status and self-perception that her character grows and an example for moral change is set through her learned repudiation of materialism.

In addition to Bella Wilfer's vicissitudinal fortunes, the jury verdict pertaining to Harmon triggers the moral journeys undertaken by other characters in *Our Mutual Friend*. Through the creation of an entire novel out of a fallacy, Dickens exposes the artificialities and fallacies of the prevailing legal system which can allow a large number of social injustices to arise.

One of the first examples of this is the ostracism of Riderhood and Gaffer from the Six Jolly Fellowship Porters, Dickens' colourful tavern of dropsical appearance. The suspicion that they were involved in the murder of John Harmon precludes their admission to this establishment. They are described as "both tarred with the same dirty brush" (p114), Dickens referring to the social stigma attached to murder suspects. The problems arising from the legal presumption of innocence until proof of guilt beyond reasonable doubt is then raised indirectly in Lizzie Hexam's feeling that "Of her father's being groundlessly suspected, she felt sure" (p114). Nonetheless Lizzie worries about "the frightful possibility that her father, being innocent, yet might come to be believed guilty" (p114). Further, Lizzie had heard of people "suffering Death for bloodshed of which they were afterwards proved pure" (p114). In this last phrase Dickens again raises the dangers of capital punishment as he did in *Oliver Twist*. The fallibility of the criminal justice system, in that the very high standard of proof beyond reasonable doubt, is no absolute safeguard for the innocent, is flagged through Lizzie's concerns.

The undulating moral voyage of Mr Boffin in *Our Mutual Friend* is also closely linked to his changes in legal and financial status. It is in Chapter 8 of Book 1 that Lightwood informs Boffin that Harmon's will has been proved, having been moved in the Court of Chancery, and that he has come into possession, as residuary legatee of Harmon's estate, of upwards of one hundred thousand pounds. Lightwood informs him that Harmon's legacy has left Boffin remarkably unencumbered in terms of legal obligations, there being "no estates to manage,

no rents to return ..." (p133). In fact, the inheritance amounts to a cash legacy. Boffin remarks upon the bizarre circumstances of his inheritance, stating that "By that murder me and Mrs Boffin mysteriously profit. For the apprehension and conviction of the murderer, we offer a reward of one tithe of the property - a reward of Ten Thousand Pounds" (p137). Lightwood warns the Boffins that such a large reward tempts a forced construction of the circumstances. The opportunity to obtain such a generous reward is indeed later exploited by Riderhood. The irony of a reward for a murder that has never been perpetrated, and the creation of a strong motive to find the murderer, allows Dickens a free license to set in train further events in the novel that strike at the core of the legal system in Victorian England.

The solicitor/client relationship between Boffin and Lightwood is interesting in terms of Dickens' portrayal of the profession throughout his novels. The need to engage the services of a lawyer upon his inheritance of property appears to inflate Mr Boffin's sense of self-importance. Upon giving Lightwood instructions to place a reward for Harmon's murderer in the probate notice he states rather pompously, "This is the first instruction that I, as owner of the property, give to my lawyer on coming into it" (p137). The irony of the situation is that Boffin, on whose instructions the advertisement is placed, is oblivious to the fact that Mr Handford, in the guise of his own secretary, is about to see the advertisement and ignore it. The chain of succession then puts Boffin in the immediate position of deciding to whom the fortune devolves upon his own demise. The beneficiary chosen is his spouse and Boffin instructs Lightwood to leave all his property to his wife Henrietta Boffin and to make the document a "tight will" which does not bind his wife to any conditions.

As Boffin leaves the legal office he is approached by a strange man on the street who informs Boffin that he is aware of his recent inheritance. Boffin is immediately suspicious of the motives, his first reaction being "What might you want with me? Not in the law, are you?" ( p 140). The concepts of money and the law are inextricably linked in the novel, reflecting the increasing commercialisation of Dickens' world. It transpires that the man, who turns out to be Rokesmith, is merely seeking employment as Boffin's Secretary and has no designs on Boffin's fortune which he himself forfeited through the pretence of death. Through this

incident Dickens foreshadows the apparent moral changes to occur in Boffin who seems to become the miserly guardian of his fortune.

Although she is largely the focus of the “change of heart” themes of the novel, Bella Wilfer is not the only woman in the novel who undergoes social and moral changes as a result of changed legal circumstances. Mrs Boffin, upon her husband’s inheritance of Harmon’s fortune, seeks to enter Fashionable Society. Mrs Boffin feels an obligation to live up to her new-found fortune which involves living in a good neighbourhood with good things and in good society. Mrs Boffin’s social conscience about her fortune, however, extends to making provision for Bella Wilfer who was “so cruelly disappointed ... both of her husband and his riches” (p145). The concept of philanthropy is prevalent in Dickens’ novels but usually arises through an older male character, such as Brownlow in *Oliver Twist* or John Jarndyce in *Bleak House*. *Our Mutual Friend* is unusual in that the notion of philanthropy arises through a female character. The establishment of Mrs Boffin as a philanthropic figure who also advocates to Mr Boffin the adoption of a suitable child from an underprivileged background is another progressive development for Dickens as his female characters undertake a more active role in social reform in his novels.

Not all relationships in *Our Mutual Friend* are based on love, a fact which again symbolises the increasing commercialisation of Dickens’ world. Chapter 10 of Book I is entitled “The Marriage Contract” and pertains to the wedding of Sophronia Akersham to Alfred Lamble. The term “contract” is perhaps more appropriate than usual in the context of the nuptial arrangement between these two mature parties. Both are described as persons of property although neither party is, in reality, in possession of any property. The groom “invests his property ... attends meetings of Directors, and has to do with traffic in Shares” (p159). The nouveau riche commercialisation of his society is summarised by Dickens in his encapsulation of Lamble’s personality and background as “Shares” (p159). The way in which Dickens first portrays Lamble’s character is exceptionally legalistic as it is couched in almost identical terms to a plea in mitigation on sentence in that Dickens describes him as “Have no antecedents, no established character, no cultivation, no ideas, no manners, have Shares” (p160). It is on the first day of their honeymoon on the Isle of Wight that Sophronia and Alfred discover that they have married each other on false pretences and that neither is a person of



property. Dickens' terminology becomes very legalistic as Sophronia describes the marriage as fraudulent, and the parties then begin to make "admission for admission" (p170). The outcome of the marital proceedings between Sophronia and Alfred becomes akin to a conspiracy in that the parties unite in a common purpose, agreeing to work together in furtherance of their own schemes, being any scheme in their joint interests.

Dickens pursues the development of the characters Wrayburn and Lightwood throughout the novel as part of his portrayal and humanisation of the legal profession, as seen earlier when they discuss their reasons for entering the profession. At the start of Chapter 12 of Book I, Wrayburn and Lightwood convene in Lightwood's office, having recently agreed to set up a joint establishment together. This joint venture shows an increasing motivation in relation to their careers. In a scene reminiscent of Dickens' examination of the pursuits of the legal profession during the court vacation in *Bleak House*, it is established that Wrayburn and Lightwood have taken a bachelor cottage near Hampton on the Thames with a boat house "to stream through the summer and the Long Vacation" ( p 191). Wrayburn idly proposes, in the course of conversation, the idea of keeping a lighthouse, stating to Lightwood that such a venture would cause him no more boredom than another, with the added advantage that there would be no Circuit to attend or Precedents to "hammer at" (p192). Lightwood adds that a further advantage would be the fact that no clients would be entailed. In such a humorous exchange, Dickens offers an alternative view of the legal profession to that documented in *Bleak House*. Lightwood and Wrayburn appear to have a sense of humour and a desire to seek out interests outside their legal environment.

It is during Wrayburn and Lightwood's soiree that Riderhood knocks on the door, enquiring if the alliterative "Lawyer Lightwood" is present and demanding to take an "Alfred David" which Eugene interprets as meaning an affidavit. The exchange that ensues between Wrayburn and Lightwood is a pun on the legal meaning of "affidavit" (sworn statement) and a social assumption built into the English class system that members of the professional classes do not stoop to profanity:

"I tell you, my good fellow," said Lightwood, with his indolent laugh, "that I have nothing to do with swearing."

“He can swear at you,” Eugene explained; “and so can I. But we can’t do more for you” (p196).

The irreverence with which the exchange occurs is also interesting in the context of Dickens’ examination of the relations between members of the legal profession and members of other social classes in that it appears to occur quite spontaneously when Wrayburn and Lightwood encounter a stranger who, due to the uneducated nature of his request and the way in which he addresses them as “Governors” (p196), they assume to be a member of a lower social class than themselves.

Upon further clarification of the purpose of the stranger’s visit, however, Lightwood accedes to the stranger’s request to record his statement in writing. In the absence of the law clerk Blight, Wrayburn fulfils the function of clerk or notary during the proceedings.

Fundamental principles of the criminal law are addressed in this chapter. The need to establish a prima facie case in a criminal matter, requiring evidence to support allegations, is addressed when Riderhood declares that he wishes to make an affidavit to the effect that Jesse Hexam is John Harmon’s murderer. Riderhood’s allegation is completely unsupported by any credible evidence, the only grounds for this accusation appearing to be that Hexam was Riderhood’s partner in the barge business and had long held suspicions about his conduct. Furthermore, Riderhood’s motives for coming forward to authorities are particularly suspicious in that he only appears after the offer of a large reward for the capture of the murderer. Riderhood’s claims that he has been troubled by his conscience by harbouring information as to the identity of the murderer at a time when wild suspicions were afloat and several suspects were being investigated lack credibility. His insistence upon proceeding in the form of a sworn statement with an unsubstantiated allegation is also questionable. As Lightwood points out to Riderhood, “it is not enough to swear to your suspicion” (p198) in an affidavit alleging homicide. Without the evidence to prove a matter beyond reasonable doubt, “a man cannot be convicted” (p198) on suspicion. He points out to Riderhood that cogent and reliable evidence is required. Riderhood, “the informer”, then attempts to fortify his allegation by claiming that “Fort’nate for me I

had a witness" (p199). This witness, however, proves to be Jesse Hexam himself who Riderhood claims confessed to him that he had committed the crime, and that his motive was John Harmon's money. Riderhood can supply no details of the time, place or method by which the crime was committed, undermining his credibility as a witness who can supply evidence of a confession. Further clouding his credibility, Riderhood himself is under suspicion in the Harmon murder. His willingness to allege that Hexam is the real culprit is the standard attempt of a criminal suspect to exculpate himself from investigation and possible arrest.

Wrayburn does, however, investigate the possibility that Lizzie Hexam has knowledge of the crime. Riderhood repudiates this possibility, and states that Gaffer is the sole person implicated. Despite grave reservations about the veracity of Riderhood's denunciation of Gaffer, Wrayburn follows the appropriate procedure and accompanies Riderhood to the police station whereupon Mr Inspector reads the affidavit taken by Wrayburn. Having perused the document, Mr Inspector attempts to put the document into admissible form, asking Riderhood to declare that the contents are true and correct "as to the information you bring here and the evidence you mean to give"(p206). At this point Dickens continues to demonstrate his knowledge of the rules of evidence and of practice and procedure in the criminal law as he did throughout *Bleak House*.

After Riderhood has departed the police station, Lightwood engages Mr Inspector in discourse as to his opinion of the recent developments in the Harmon disappearance. A perception of the police forces as stoic and evasive is seen earlier in *Oliver Twist* and *Bleak House* when Dickens writes that "Mr Inspector replied, with due generality and reticence, that it was always more likely that a man had done a bad thing than that he hadn't" (p206). With such a remark, Dickens states that the presumption of innocence often has no pragmatic place in the world of investigative authorities. Such authorities, in the course of their investigations, are obliged to proceed from an assumption that an allegation is true. Apart from his assertion about the fact that, on the balance of probabilities, crimes have usually been committed (which of course falls short of the standard of proof necessary for a criminal conviction), Mr Inspector's vested interest in a belief in the truth of Riderhood's assertions about Gaffer's involvement in the Harmon murder is revealed in his statement that "he himself had several times "reckoned up" Gaffer, but had never been able to bring him to a satisfactory criminal total"

(p206). It appears that Mr Inspector is keen to secure a conviction for Gaffer, possibly by verballing him in a Record of Interview. Through this exposure of Mr Inspector's motives for accepting the evidence of Riderhood, Dickens demonstrates an awareness of the susceptibility of the police force to corruption.

Mr Inspector's visit to the Six Jolly Fellowship Porters in the company of Wrayburn and Lightwood provides a comic opportunity for Dickens to ridicule authorities, namely the police forces. Upon ordering a bottle of wine for his companions, Mr Inspector causes Bob Gliddery the drinks waiter to depart "in a becoming state of alacrity engendered by reverence for the majesty of the law" (p207).

It is in Chapter 16 of Book I that Rokesmith commences his employment as Boffin's secretary. Although Rokesmith establishes his office in Boffin's premises, he refuses to communicate with Boffin's solicitor. This is, of course, due to fear that his real identity will be revealed. Boffin questions him about his reticence, however, asking if Rokesmith has suffered from law suits. Rokesmith replies, "Not more than other men" (p242), continuing the theme of suffering and litigation that was so prevalent in *Bleak House*. Boffin then asks if Rokesmith is prejudiced against the race of lawyers, to which Rokesmith replies that he is not but would rather be excused from going between lawyer and client. In this way Rokesmith raises an objection to the task he is asked to undertake. Continuing the legalistic metaphors that Dickens employs throughout his novels, Rokesmith then states that "if you press it [the objection], I am ready to comply" (p242). Dickens uses Rokesmith's reluctance to communicate with Lightwood not only to highlight Rokesmith's fear of exposure but to explore the sacrosanct lawyer/client relationship in which there is very little room for intermediaries. This relationship does, however, allow for communication in a secretarial capacity. Boffin employs the literary capabilities of Rokesmith to write Lightwood a letter confirming instructions to seek Julius Handford through public advertisement.

The moral change to occur in Bella Wilfer is not yet evident when Rokesmith comes across her in a field near the Wilfer household in Chapter 16 of Book I and informs her that she will soon be a welcome fixture at the Boffin household. During this encounter, Bella is reading a book about money, not love. It is at this point that Rokesmith informs Bella that he is Boffin's new secretary. A further foundation for the novel is set in Chapter 1 of Book 2 when Charley Hexam points

out Eugene Wrayburn to Bradley Headstone and expresses his dislike for Wrayburn. Wrayburn's affections for Lizzie Hexam are also made known to Headstone. Throughout the course of the novel it transpires that Wrayburn's obligations in regard to Lizzie Hexam extend beyond merely legal obligations to moral obligations, evidenced by the way in which he offers her the opportunity to be educated and to escape the vicious cycle into which she has been plunged by her upbringing.

In Chapter 6 of Book II, Lightwood and Wrayburn go into partnership in the Temple. Dickens comments on the brand new furnishings with the inscription on the door looking recently painted, stating that "the Temple ... would soon get the better of all that" (p336). In this way Dickens perpetuates the portrayal of the dull nature of the legal profession that he so successfully established in *Bleak House*. Although Wrayburn and Lightwood show slightly more promise for the future of the profession than earlier legal characters in respect of their personalities and sense of social responsibility, Dickens is not prepared to completely relinquish his portrayal of the dull and oppressive nature of the profession in general.

The unexpected visit of Charley Hexam and Bradley Headstone to Lightwood and Wrayburn's chambers, in which Hexam asks Wrayburn to discontinue contact with his sister, leads Wrayburn to revert to a legalistic offer to Lightwood upon their departure: "If as a set-off (excuse the legal phrase from a barrister-at-law) you would like to ask Tippins to tea, I pledge myself to make love to her" (p347). The way in which Wrayburn barter with his partner for the prospect of a romantic relationship shows a playful and knowing use of legalistic language. A further example of this is when Wrayburn is interrogated by Lightwood as to whether he is in fact in communication with Lizzie Hexam. Wrayburn verifies the allegations of Charley Hexam and Headstone by replying, "I concede both admissions to my honourable and learned friend" (p348). Wrayburn's use of legal language can be contrasted with the legalistic terms in which Guppy couches his relationship with Esther Summerson in *Bleak House*. Guppy is trapped by legal language and appears unable to think outside its confines.

In Chapter 7 of Book II, Wegg expresses disgruntlement about the way in which Boffin has inherited the Bower. He speculates about the possibility of discovering evidence which might incriminate Mr Boffin, the person who has profited by the

murder of Harmon. It is a well-established principle that a murderer cannot inherit from his victim.<sup>43</sup> The rules of the law of succession are thus manipulated in a sophisticated way by Dickens to show the ulterior motives of Wegg and foreshadow the malicious intent he bears towards Boffin throughout the novel.

During this chapter, Venus speculates that Harmon probably made a number of wills and codicils, which may revoke the will under which property has devolved to Boffin. This in fact comes to fruition in Chapter 7 of Book III when Silas Wegg reveals that he has located a will that postdates the proved will, leaving Little Mound to Boffin and the rest and residue to the Crown. Wegg and Venus immediately recognise the potential of this document as a tool to blackmail Boffin, who has "GROWN TOO FOND OF MONEY" (p565). Through his use of the codicil, Dickens continually notes that the law of succession is an area of some uncertainty in that the testator's last intention governs the disposition of assets. In a comment equally applicable to the doctrine of precedent as the law of succession, Tambling states that "the impossibility of a final interpretation ... is the way in which the law secures power"<sup>44</sup>. Dickens demonstrates that it is not only the law but the novelist who can secure power from a flexible plot device such as the law of succession, using it to create changing fortunes and engineer the moral changes in his characters through the use of codicils in the Wegg/Venus subplot.

The status of women in Victorian society (and in particular their legal disempowerment) to which Dickens refers in *Oliver Twist* and *Bleak House*, is pursued in *Our Mutual Friend* in Chapter 8 of Book II in which Bella is described as "an acquisition to the Boffins" (p361). Bella never has any proprietary rights whatsoever in the Harmon estate and, after the proclaimed death of John Harmon, is reduced to accepting the charity of the Boffins, to whom the legacy has been bequeathed. Bella is well aware that her material prospects depend upon the marriage she makes: "to get money, I must marry money" (p375). Such legal and financial disempowerment can only be countered by sexual politics, Bella stating upon her betrothal to Rokesmith in Chapter 16 of Book III that "My will is his law" (p672).

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<sup>43</sup> Certoma, G.L. *The Law of Succession in New South Wales* Law Book Company Sydney 1992 p69

<sup>44</sup> Tambling, Jeremy (Editor) *Bleak House (Contemporary Critical Essays)* St Martins Press New York 1998 p12

The social status of members of the legal profession is questioned by Philip Collins in his essay "The Trained Teacher and Social Mobility"<sup>45</sup>. Collins points out that Headstone's envy of Wrayburn is exacerbated by his underlying social notion that he should not be usurped in matters of romance by an "indolent young briefless barrister" (p61). In *Dickens and Crime*, Collins suggests that Headstone's "sexual jealousy"<sup>46</sup>, the motive for his attempt on the life of Eugene Wrayburn, is exacerbated by class-feeling, for Headstone is a precarious new arrival in the middle class, while Eugene is, effortlessly and insolently, a gentleman<sup>47</sup>.

Dickens' outlook of the legal profession generating work for itself, as described in *Bleak House*, changes somewhat in *Our Mutual Friend*. Adhering to the idea of the legal profession as a business, Dickens makes it clear that supply and demand are as much features of the legal profession as any other business in Victorian England. This topic again touches upon the delicate relationship between lawyers and their clients and the dependency of lawyers upon a client base in order to survive in the commercial world. In *Our Mutual Friend* the dearth of work for certain members of the legal profession becomes evident when Mortimer Lightwood confesses to his friend Eugene Wrayburn that, "I have been, Eugene, upon the honourable roll of solicitors of the High Court of Chancery, and attorneys at Common Law, five years; and - except gratuitously taking instructions, on an average once a fortnight, for the will of Lady Tippins who has nothing to leave - I have had no scrap of business but this romantic business" (p61), referring of course to the Harmon affair. Wrayburn empathises with Lightwood's position: "And I ...have been called seven years, and have had no business at all, and never shall have any. ... And if I had, I shouldn't know how to do it" (p61). At this stage of the novel, Lightwood and Wrayburn appear to be surviving as a struggling breed of gentlemen lawyers who are able to survive on their inheritances and the pretence of maintaining professions. The realistic employment situation for Lightwood is in fact so desperate that his aptly-named

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<sup>45</sup> Collins, Philip, "The Trained Teacher and Social Mobility" (1963) in Page, Norman (Editor) *Hard Times, Great Expectations and Our Mutual Friend* (Casebook) Macmillan Press London 1979

<sup>46</sup> Collins, Philip *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p285

<sup>47</sup> Ibid

law clerk, Blight, is forced to create fictional clients for the firm's appointment book. This sad state of affairs is only rectified when the two lawyers become increasingly embroiled in the Harmon affair and are able to hone their legal skills to some extent in all the ramifications of the scandal. It must be imagined that it is only at this point in the novel that either lawyer experiences any degree of intellectual stimulation or career satisfaction from his chosen profession.

Wrayburn is painfully aware of the economic realities of survival in the legal profession and blatantly confesses the fact that "People's breaking promise and contracts and bargains of all sorts, makes good for my trade" (p289). Neither Wrayburn nor Lightwood is adept at attracting clients, Wrayburn asking early in the novel, "Am I to rush out into the street, collar the first man of a wealthy appearance that I meet, shake him, and say, "Go to law upon the spot, you dog, and retain me, or I'll be the death of you"? " (p62)

It should be noted that the dearth of work for Lightwood and Wrayburn in *Our Mutual Friend* is a diversion from Dickens' portrayal of overworked lawyers in *Bleak House*, although the problem of lack of work for lawyers had surfaced in *Oliver Twist* through Grimwig's character. It is likely that their vacant diaries at the start of the novel is a convenient way in which Dickens can consume their attention with the Harmon case for the course of the novel. Unlike the *Jamdyce* litigation in *Bleak House*, which had been ongoing for many years at the time of the commencement of events in the novel, the Harmon case evolves only after the novel commences. Dickens therefore ensures the availability of his counsel to work on the case by keeping their appointment books free of commitments. It should also be noted that Dickens does not draw any adverse inferences about the competence of his counsel as a result of their lack of work prior to the Harmon case. The reasons for which they are not in regular employment are never explained.

In Chapter 12 of Book II, Riderhood is approached by a stranger who informs him that he knows of Riderhood's conspiracy to frame Jesse Hexam as the Harmon murderer. The stranger, who turns out to be Rokesmith, informs him that he knows of Riderhood and George Radfoot's conspiracy to frame Harmon and states that "This accusation of yours must not be left half made and half done. What was done for the blood-money must be thoroughly undone" (p418). The expression "dull Old Bailey evasion" (p415) in relation to Riderhood's answers,



when it is put to him that the story he has told Lightwood about Hexam's involvement in Harmon's death is fictional, indicates that Riderhood is a liar, but not necessarily a good one, when cross-examined. In a desperate attempt to exculpate himself from suspicion, Riderhood suggests to Rokesmith that he himself was Harmon's murderer. To this suggestion Rokesmith replies that "I alone know ... the mysteries of that crime" (p417). There is an axiomatic irony in this remark. Rokesmith then states that he has not gone to Lightwood with information for reasons known only to himself. Riderhood then points out that Gaffer is dead, and suggests that no harm can come of a public perception that he was Harmon's murderer. Rokesmith, however, pursues the problems of the stigma of crime explored in Dickens' earlier novels by stating that such a perception can hurt his surviving relatives. In fact, the word "stigma" is employed in direct speech in Chapter 14 of Book II when Rokesmith questions Headstone about whether Lizzie Hexam has suffered as a result of any stigma because of the accusation, which was later substantially withdrawn, against her father.

The question of identity for John Harmon is inextricably linked with the question of the legal identities of Harmon, Handford and Rokesmith. Julius Handford has disappeared, although there is no legal presumption of death. Harmon has been proclaimed dead at an inquest and his property, as a result, has passed to the Boffins. Rokesmith as a legal identity is a man of little property. In Chapter 13 of Book II, a point that is almost precisely the halfway point of the novel, the real circumstances of the disappearance of Harmon are revealed. It transpires that Harmon, en voyage to England, recoiled from the notions of his father's money and the mercenary bride-to-be awaiting his arrival. On board the ship he had met George Radfoot, a man with a similar physical appearance to him. A plot was formed to enable Harmon to establish some pre-nuptial opinion of Bella Wilfer without her having knowledge of his real identity. This was to be achieved by Harmon and Radfoot acquiring common sailors' outfits, and for this purpose Harmon waited for Radfoot near Limehouse Church after disembarking from the vessel. At this stage Radfoot escorted him to Riderhood's to acquire the outfits. Rokesmith suspects that Riderhood drugged him at this point. Dickens again demonstrates his knowledge of the rules of evidence when Rokesmith forms this conclusion from inferences drawn from first hand observations and propensity evidence. The first hand observation is his recollection of Riderhood changing a small folded paper from one pocket to another. The propensity evidence is that "I

now know Riderhood to have been previously taken up for being concerned in the robbery of an unlucky seaman, to whom some such poison had been given” (p425).

Harmon weighs up the encumbrances of his different identities and resolves, for the present, to remain disguised as Rokesmith. He decides to ask Bella to marry him in the form of Rokesmith in order to confirm whether or not she would ever accept him for himself. This calculated gamble ultimately succeeds when Bella, who has undergone a moral change, accepts his proposal and dispenses with the mercenary conditioning with which she has been raised due to her social prospects.

The theme of disappearance in the novel is largely linked to the legal identities of those who disappear. Julius Handford disappears because he is merely the guise for John Harmon. Lizzie Hexam disappears because she is concerned about the ramifications of Headstone’s obsession with her for Wrayburn, a man with whom there is the prospect of a legally binding marital union. The greatest disappearance of all, however, is the disappearance of the murderer of John Harmon. The legal identity of a murderer at large, an extremely wanted criminal, casts a veil of mystery over the novel. The disappearance of Harmon’s murderer will never be resolved, however, as no such person in fact exists.

The moral problems that the disappearance of Rokesmith’s murderer causes Harmon himself are very clear in Chapter 14 of Book II. The events of the disappearance were so sudden that a “consequence that he had never foreshadowed, was the implication of an innocent man in his supposed murder” (p437). Rokesmith has grave moral qualms about this situation and resolves to ameliorate the situation by obtaining a complete retraction of the accusation from Riderhood. Rokesmith takes moral responsibility for the situation in which Gaffer’s memory is placed, Dickens stating that “clearly the wrong could never have been done if he had never planned a deception” (p437). To this end Rokesmith assumes something of the role of a lawyer, drafting a document for Riderhood to sign which proclaims the falsity of his accusation of Gaffer Hexam. He resolves to dispatch this document directly to Hexam’s daughter. Rokesmith then contrives a channel to obtain knowledge of Lizzie’s receipt of the exonerating document independently of Lightwood who might recognise him as Julius

Handford. This channel is established through Bradley Headstone, who has a vested interest in clearing the name of Gaffer Hexam due to his romantic interest in Lizzie.

In *Our Mutual Friend* Dickens refers to the idea of the admissibility of evidence, the marriage of Bella and Rokesmith becoming known to Bella's family by means of an epistle forwarded to them in Chapter 4 of Book IV. Mrs Wilfer admits the letter as "documentary proof" (p739) of the fact of Bella and Rokesmith's nuptials. The letter is, for the Wilfers, the best evidence available of the pending marriage as Bella does not feel comfortable communicating her intention to marry Rokesmith to them orally. Bella's decision to marry Rokesmith is the ultimate surrender of her mercenariness and it is through the production of Bella's letter that Dickens provides documentary evidence of moral change in the novel. Bella renounces the idea of herself as chattel willed to Harmon, an unmarried widow, and becomes free to marry Rokesmith in a disinterested context (the irony being that they are the same person).

The subplot of false identity continues until Chapter 12 of Book IV when Rokesmith and his wife Bella Wilfer chance upon Lightwood in town. At this point Lightwood feels obliged, against his personal inclination, to have Rokesmith taken into police custody for questioning in regard to the Harmon murder. It is interesting that Dickens makes it clear that Rokesmith is properly cautioned by the Inspector before official questioning commences, the Inspector informing him that anything he may say may be used in evidence against him, to which Rokesmith ironically replies that he does not think that it will. Fundamental legal institutions, such as the caution which serves as a formal warning against self-incrimination, are subverted by Dickens in this part of the novel. Mr Kibble and Job Potterson are summoned to the police station where Rokesmith is detained for the purposes of making a positive identification of him as the missing suspect Julius Handford.

The theme of crimes that do not exist in *Our Mutual Friend* recurs as a subplot in Chapter 13 of Book III when Fledgeby is found in the counting house looking for evidence that Riah is cheating him. Evidence of a crime such as embezzlement, theft or fraud does not exist, which Fledgeby attributes not to Riah's honesty but to his own precaution.

The moral change in Bella Wilfer reaches its zenith in Chapter 15 of Book III when Bella terms Mr Boffin a demon and leaves with Rokesmith under threat of being cut off from her inheritance. At this point Dickens achieves his purpose in *Our Mutual Friend* of establishing the novel as an example of moral art and promoting the value of love above money.

The attempted murder of Eugene Wrayburn by Bradley Headstone occurs in Chapter 6 of Book IV. The actual commission of a heinous offence counterbalances the plot device of an offence that has in fact never occurred. Dickens, as in *Oliver Twist*, is characteristically grotesque in his description of the injuries inflicted upon Wrayburn. Lizzie, who is an aural witness to the events, hears a sickening sound of blows when Headstone strikes Wrayburn. In a gory description reminiscent of the hanging of Sikes in *Oliver Twist*, Lizzie notices bloody grass near the riverbank, then "Following the drops and smears, she saw that the watery margin of the bank was bloody" (p767).

The description of Wrayburn's body as "insensible, if not virtually dead"(p769) and "mutilated" (p769) is shocking, with Dickens reverting to the concept of the attraction to repulsion to alert his audience to the horrors of a violent society. After kissing Wrayburn's disfigured forehead, Lizzie is somehow able to get Wrayburn to treating surgeons and is herself treated for shock.

In Chapter 11 of Book IV, Dickens explores the onset of homicidal emotions through Bradley Headstone, a man consumed with insane jealousy towards Eugene Wrayburn. In contrast to the murderers of previous novels, "Bradley Headstone is seen from within"<sup>48</sup> as "a very abnormal psychological case"<sup>49</sup>. Dickens expresses Headstone's murderous mens rea as a fully conscious feeling: "The state of the man was murderous, and he knew it" (p609). In contrast to the mental states of Sikes and Fagin, to whom Dickens offers the defence of insanity, Headstone, although crazy, is presented as "morally and legally responsible for his actions"<sup>50</sup>. Reinforcing this point, Dickens states that "If great criminals told

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<sup>48</sup> Collins, Philip *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p285

<sup>49</sup> Ibid

<sup>50</sup> Ibid

the truth - which, being great criminals, they do not - they would rarely tell of their struggles against the crime. Their struggles are towards it" (p609). Headstone, nonetheless, contemplates a possible defence of "provocation" in that Wrayburn is the amorous object of Lizzie Hexam.

The changing processes of the mind of a criminal who perpetrates shocking violence are explored in some detail in *Our Mutual Friend*. In Chapter 7 of Book IV, Dickens delves into the mind of a criminal who revisits the steps of his crime and begins to contemplate any errors that may have been made. The torture with which Headstone is cursed is described as follows:

"a state of mind more wearing and more wearisome than remorse. He had no remorse; but the evil-doer who can hold that avenger at bay, cannot escape the slower torture of incessantly doing the evil deed again and doing it more efficiently. In the defensive declarations and pretended confessions of murderers, the pursuing shadow of this torture may be traced through every lie they tell. If I had done it as alleged, is it conceivable that I would have made this and this mistake? If I had done it as alleged, should I have left that unguarded place which that false and wicked witness against me so infamously deposed to? The state of that wretch who continually finds the weak spots in his own crime, and strives to strengthen them when it is unchangeable, is a state that aggravates the offence by doing the deed a thousand times instead of once; but it is a state, too, that tauntingly visits the offence upon a sullen unrepentant nature with its heaviest punishment every time" (p777).

The mental anguish endured by Headstone is reminiscent of the anguish suffered by Fagin shortly before his fate is sealed. The mental processes of the criminal are, however, examined in detail to an extent never seen in *Oliver Twist*. Carey's suggestion that Headstone is merely "a model to illustrate another of Dickens' pet social theories: that the murderer is never sorry for his crime"<sup>51</sup> is supported by the above passage. Dickens does not waver in his novels from the ultimate principle that crime does not pay. He emphasises moral as well as legal

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<sup>51</sup> Carey, John *The Violent Effigy* Faber and Faber London 1973 p28

punishments when the criminal's conscience comes to the fore. It is apparent that Headstone's suffering, in terms of his perpetual cogitation about the inadequacy of his actus reus, is as severe after the perpetration of his heinous act as it was before the offence was committed. Headstone becomes the ultimate failure. As Collins succinctly puts it, "Fear of detection is followed by the galling discovery that he has failed to kill Eugene, that his attack has in fact brought Lizzie and Eugene together, as nothing else could have done, and that he owes his immunity to prosecution to his successful rival's forbearance"<sup>52</sup>.

Wrayburn's decision not to pursue charges against Headstone for his attempted murder because of the ramifications of the stigma for Lizzie is interesting in that Dickens explores the extent to which the law can really assist the public it serves. Wrayburn is of the view that the public interest in bringing an attempted murderer to justice is outweighed by the damage that would result to Lizzie's reputation in the event of a conviction. He tells Lightwood on his deathbed, "Don't think of avenging me; think only of hushing the story and protecting her" (p808). He further states that, "The guilty man, brought to justice, would poison her name" (p808). In this way Dickens presents a very human perspective on the use of the law as a double-edged sword in the achievement of justice. The literary conclusion to be drawn is that the law is not the instrument through which justice can be attained. Dickens reserves a place for human insight and conclusions as a valid alternative to the application of substantive legal principles in the achievement of justice.

The use of language that Dickens examined in *Bleak House* reappears in *Our Mutual Friend*. Dickens reverts to his exploration of the necessity of articulation in the Victorian legal system and takes the idea of the legal profession's ability to twist people's words to the benefit of their own case when Fledgeby remarks that,

"I once saw a man examined as a witness in Westminster Hall. Questions put to him seemed the simplest in the world, but turned out to be anything rather than that, after he had answered 'em ... he should have held his tongue. If he had held his tongue he would have kept out of scrapes that he got into" (p321).

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<sup>52</sup> Collins, Philip *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p285

In this extract Dickens refers to the trickeries of cross-examination and again highlights the difficulties faced by uneducated and inarticulate witnesses in the Victorian legal system, a subject first broached in detail through Jo in *Bleak House*.

Plain English is a topic to which Dickens often adverts in his novels. Dickens highlights the unnecessary complexity of legal jargon when the uneducated characters Boffin and Riderhood in *Our Mutual Friend* refer to “Doctor Sccommons” and an “Alfred David” (affidavit) respectively. Collins offers some discussion on the question of Plain English in *Dickens and Crime*, stating that “Dickens had ... some positive ideas about the state of the law. He shared the common layman’s opinion that legal language was a mumbo-jumbo devised by lawyers to render themselves necessary and valuable.”<sup>53</sup>

Boffin in *Our Mutual Friend* is confronted with the necessity of becoming a better-educated man as a commensurate quality with his social ascension, forcing him to hire Silas Wegg as a reader as he himself has “severe literary difficulties” (p226). Education is presented in the novel as an alternative to the commercial values of his society, but by and large it is avarice and greed rather than culture that prevail as the dominant values of the society in *Our Mutual Friend*. The inheritance of a fortune makes the acquisition of education easier but Dickens is critical of this type of pseudo-intellectualism in his society. Boffin aspires to education not from a genuine desire to acquire knowledge but out of a need to acquire an intangible indicator of his changed social status. The way in which Boffin acquires his education is characteristic of the nouveau riche classes, represented by the Veneerings, who are “bran-new people in a bran-new quarter of London” (p48) and subjected to brazen satire by Dickens.

Dickens’ increasing knowledge of the law in *Our Mutual Friend* seems to lead him to the conclusion that it has virtually no valid purpose at all in the preservation or development of moral standards in his society. The law is presented as an instrument that increasingly services the commercial world and nouveau riche members of Victorian society. Dickens is confronted with the problem of

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<sup>53</sup> Collins, Philip *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p190

reconciling the agenda of the Victorian novel as moral art with a realistic portrayal of a legal system that primarily represents the interests of a mercenary commercial world. He achieves his moral purpose in part by demonstrating the way in which the legal system can rebound on the morally bankrupt. In *Our Mutual Friend* this occurs through the characters Sophronia Akershem and Alfred Lamble. The mutual pretence of having property leads these parties to an unfortunate legally binding union and great unhappiness when the truth of each other's legal and financial positions is discovered.

The poor laws of England, which received much attention in *Oliver Twist*, are briefly addressed in *Our Mutual Friend* at a dinner party scene in which a meek man argues with Mr Podsnap over their inefficiency. In this way Dickens picks up the threads of former novels and reminds his audience of his socially reformist agendas but shows a development as a writer by concentrating on other issues.

The Victorian legal system can be said to constitute the spine of *Our Mutual Friend*. The progression from *Oliver Twist* through *Bleak House* to *Our Mutual Friend* is clear. Dickens demonstrates his knowledge of the rules of evidence in *Our Mutual Friend* but applies them in such a way as to fundamentally question the validity of the legal system in toto. The premise of the crime that has never been committed is an extremely sophisticated plot device that, through its many ramifications, ultimately presents the prevailing English legal system as a farce that merely sustains undesirable moral values in society. Through the ascension of characters such as Boffin to wealth and increased social status, and his subsequent ability to afford the legal representation of Lightwood, Dickens reinforces the problem raised in *Bleak House* that access to justice in Victorian England is reserved for the wealthy. The plights of those less fortunate continue to prevail in *Our Mutual Friend*. Dickens also reinforces the peculiar idiolects of the law and the unfortunate way in which a highly qualified legal profession is required to unravel legal jargon for unwitting participants in litigation.

In the tradition of the Victorian novel, loose ends are tied up at the end of *Our Mutual Friend*. The central premise of the crime that has never been committed and the consequences that result therefrom requires the unravelling of a great number of threads, particularly for Bella and Boffin. In deference to the central premise, and as the final touch in his satiric overview of legal processes and



procedures in the novel, John Harmon neatly grants Mr Inspector a reimbursement of the government reward he has lost for solving a murder that never occurred. In this way, Dickens' use of the legal system to highlight his moral and social agendas is complete.

## CONCLUSION

The progression of Dickens' career as a writer over a period of nearly thirty years from *Oliver Twist* (1837) to *Our Mutual Friend* (1862 - 1865) is clear. Dickens' novels become more lengthy and complex in terms of the structures of the plot as his career progresses. His ideas also undergo transformation and, at the time of *Our Mutual Friend*, there is something of a sense of acceptance that society and its legal system are inherently flawed. The input of human nature is a factor that plays a major role in the imperfections of these institutions.

Dickens adheres to the legal system as the vertebral structure of all three novels, using the law to his advantage to showcase defects in society, such as "the gordian knot of the Poor-Laws"<sup>54</sup> and the ways in which improvements might be made for the betterment of the Victorian world. The criminal justice system comes under particular scrutiny in his novels as a clear mirror of dysfunctional aspects of society. The criminal justice system, in dealing with individuals, also allows Dickens to highlight the way in which individuals are treated in his society and the social deficiencies that propagate antisocial behaviour. Over the course of his writing career, however, Dickens moves away from a specific focus on the criminal justice system to an overall view of the legal system which maintains a balance between the civil and criminal systems. The plot of *Our Mutual Friend*, in which almost equal space is divided between the criminal plot of Harmon's murder and the civil plot of Harmon's will and the law of succession, shows the balance Dickens eventually achieves in his work.

Dickens uses the law of succession as a springboard to propel his characters into particular moral and social outcomes by legal concepts and precepts that are often beyond their control. He becomes increasingly sophisticated in his use of the law of succession over the course of his writing career. The stock device in *Oliver Twist* of an impoverished orphan with a secret inheritance but very little participation in, or control over, his legal rights mutates into an unsuccessful attempt to exercise legal rights by Richard Carstone in *Bleak House* and culminates in the highly sophisticated manipulation of wills, codicils and the laws

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<sup>54</sup> Foucault, Michel "The Structures of Punishment" in Latimer, Dan (Editor) *Contemporary Critical Theory* Harcourt Brace Jovanovich 1989 p113

culminates in the highly sophisticated manipulation of wills, codicils and the laws of inheritance to engineer the development of the plot and the moral changes within the characters in *Our Mutual Friend*. The developmental stages of the characters Twist, Carstone and Harmon/Handford/Rokesmith correspond to the developmental stages of Dickens as a writer.

Dickens uses legal metaphors continuously throughout this novels. These become markedly more complex and sophisticated during the course of his career. The legal characters in Dickens' works are endowed with legal idiolects that deliberately make the separation of their human and legal identities virtually impossible. The legal characters in Dickens' novels effectively illustrate the entrenchment of legal institutions in society and are active in the moral and social outcomes of the non-legal characters through the application of the law to the non-legal characters.

Dickens own experience of, and interest in, the law assists him greatly in his novels and he continually demonstrates a solid knowledge of legal principles and rules of practice and procedure. Despite Sir James Fitzjames Stephen's criticism of Dickens' legal abilities in the *Edinburgh Review* - "His notions of the law ... are precisely those of an attorney's clerk"<sup>55</sup> - the result is that his legal scenes, although often hyperbolised to satirise problems with specific aspects of the law, are relatively accurate and realistic. Dickens' familiarity with the law provides him with a sound background to examine the flaws in the system and present his socially and morally reformist agendas from a credible perspective.

*Our Mutual Friend* is Dickens' last completed novel. The spontaneity of *Oliver Twist*, in which Dickens definitely succeeds in the ambition expressed in his preface to paint his underworld characters "in all their deformity, in all their wretchedness, in all the squalid misery of their lives; to show them as they really are" gives way to a more mature and carefully crafted work in *Our Mutual Friend* (although Dickens, as a socially reformist writer, never shies away from the use of grotesquerie to highlight the heinous realities of violent crimes). The plot of *Our Mutual Friend* is elaborate and Dickens' focus on money as the cause of social

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<sup>55</sup> Collins, Philip *Dickens and Crime* (Second Edition) Macmillan and Co Ltd London 1964 p174

evils becomes more closely associated with the ideas of pure avarice and mercenariness than in, for example, *Oliver Twist* where financial necessity played a significant role in the nexus between money and crime. This focus has, of course, developed through *Bleak House* in which the prolonged litigation over a will, eventually resulting in the consumption of the proceeds into legal expenses, paves the way for Dickens to explore the extreme downfalls that can result from avarice and greed.

Dickens' novels all successfully use the law of succession to combine plot and character development with substantive law and criminological theory. The ways in which he addresses the aims, purposes and functions of law are still pertinent to modern society. The three novels *Oliver Twist*, *Bleak House* and *Our Mutual Friend* all portray and condemn the social condition. Through the course of his novels and his increasing life experience, the improbability of characters such as Oliver give way to more realistic victims of the social condition such as Jo and Mr Dolls. The legal system is ultimately portrayed as an inadequate means of procuring justice. This proposition is ultimately highlighted by the way in which Wrayburn, himself a lawyer, resorts to engineering moral and social justice in respect of Headstone's criminal actions without resort to the legal system.

There is no way in which to measure the success of Dickens' novels as, for example, a deterrent to crime as envisaged by Dickens in his preface to *Oliver Twist*. Nicola Bradbury suggests that Dickens ultimately reaches an "accommodation rather than a rejection of the system"<sup>56</sup> in *Bleak House*. This view is not inconsistent with the hypothesis that, by the conclusion of *Our Mutual Friend*, Dickens advocates the position that, with the employment of an adequate change of heart, the adverse conditions of Victorian society as reflected in its legal institutions can be improved and that the social and moral agendas, to the extent that they are agendas, advocated in his novels can be achieved.

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<sup>56</sup> Bradbury Introduction to *Bleak House* Penguin Classics London 1996 pxxvi

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