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厦门大学

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体制下的牺牲品： 《荒凉山庄》中的法律机器

Victims of the System:

Chancery as the State Apparatus in *Bleak House*

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Abstract

In Dickens's novel *Bleak House*, there is a very clear stand against Chancery of the 1850s' England. At that time, Chancery was a royal institution in British society. Under Chancery's jurisdiction, litigants suffered bankruptcy and exhaustion during its complicated legal process of inheritance succession. This M.A. thesis focuses on the Chancery subject in *Bleak House*. The theoretical base of this thesis is French Marxist Louis Althusser's theory of "Ideology and Ideological State Apparatuses (Notes towards an Investigation)" (1970). Based on Althusser's theory, I will discuss the essential nature of Chancery in *Bleak House* and Chancery's dualistic control over its litigants in Dickens's realistic literary world.

This thesis is divided into four chapters. The first chapter mainly introduces the historical setting of *Bleak House*. I conclude in this chapter that *Bleak House* is a strong denunciation of Chancery. To prove this, I will look at the origin of the Chancery cases in the novel, trace back to Dickens's personal experiences and analyze some newspaper reviews at Dickens's time.

Chapter two begins with a general introduction of Chancery in English history. Chancery has a historical span of about 500 years. Its jurisdictional operation deserves our special attention. Based on historical facts, Dickens's depiction of Chancery reflects Chancery in the 1850s in a realistic way. The novel contains various symbols and these symbols represent the chaotic, misty state of Chancery. Besides, in the novel Chancery control is destructive both to the dilapidated housing estates under the charge of the Chancery court, and to those innocent characters who get entangled in their Chancery cases. Referring to Althusser's theories, I'll define Chancery as is depicted in the novel as a powerful State apparatus. This fictional Chancery is not simply an administrative institution, but represents political authority and operates for the interest of the State. In the novel, privileged classes benefit a lot from Chancery because they have made it a lucrative business in the profession.

Chapter three argues that the Chancery control over the suitors in *Bleak House* has a distinct feature of duality from Althusser's theoretical perspective. This duality contains the Repressive State Apparatus (RSA) which functions mainly through repression and the Ideological State Apparatus (ISA) which functions mainly through ideology. Mr. Gridley and the Jarndyce family are obvious victims of the RSA because they are forced to go to court and forced to be engaged in their lawsuits. They are deprived of their freedom by laws, regulations and political violence. In contrast, Richard Carstone and Miss Flite are victims of the ISA because they are mentally deluded by the alleged "justice" that Chancery promises. They are captured by Chancery's ideologies and they worship the doctrines of the law. All those ISA victims painstakingly pursue their interests, but none of them ends well in the story.

In Chapter four, I will make a contrast between RSA and ISA control. The RSA traps one's physical body, but his heart and mind is free. Although Gridley fails in defying against Chancery throughout his lifetime, he presents to us a courageous hero appealing to the public to denounce the unjust Chancery system. In contrast to the RSA, the ISA damages one's youth and imprisons one's mind. Suitors willingly waste all their time and energy on their cases and submit to the Chancery court. This chapter exposes that while *Bleak House* has reconstructed the process of dualistic Chancery control as discussed in the previous chapter, the novel also deconstructs this duality by portraying characters like John Jarndyce and Esther Summerson who successfully refuse Chancery's interference. Mr. Jarndyce and Esther know that under Chancery's RSA oppression, an individual may be too insignificant to make any change to an established social system. But when encountering Chancery's ISA ideological infiltration, they can make their own choices by resisting the court's ISA distractions and living their lives conscientiously through their own efforts and diligence.

The final part briefly concludes the previous chapters. Quoting Althusser's theories as the backdrop has certain literary significance because it not only helps us understand the issues of class conflict and power relationship in literary works, but also reminds us to reflect upon the present world.

Key Words: Chancery; Repressive State Apparatus; Ideological State Apparatus

摘要

在狄更斯的小说《荒凉山庄》中，一个很清晰的主题便是对 19 世纪 50 年代英国大法官庭(Chancery)的控诉和批判。大法官庭作为法律的王权机构，代表的是上层王权贵族阶级的利益，给其管辖的底层市民生活方方面面都造成了巨大的负面影响，尤其是遗产继承法这一问题特别突出。本文结合马克思主义学派的文学理论，以法国马克思主义哲学家路易斯·阿尔都塞的文章“意识形态与意识形态国家机器（研究笔记）”为理论依据，就大法官庭的控制进行分析，着重对法的性质加以讨论，阐述法律是一部破坏性的国家机器，且这部国家机器对牵涉其中的人物的控制具有二元性的特点，从而对《荒凉山庄》中大法官庭这一中心主题有更好的理解。

本篇论文分为四个章节。第一章简介《荒凉山庄》的创作背景。通过了解文本中大法官庭的案件背景，作者本人和法律的种种纠葛，以及当时英国《泰晤士报》对法律这一话题的多次评论，很明显可以看出《荒凉山庄》这部小说充斥着对大法官庭的批判。

第二章首先简介大法官庭，包括大法官庭的历史沿革和运作情况。接着指出狄更斯运用象征的艺术手法，以及通过对大法官庭的毁灭性控制的描写（从大法官庭管辖下的房产到绝望的案件当事人），文本不仅对维多利亚时代大法官庭进行了文学重塑，而且马赛克式地利用各种意象打造了一个混乱不堪、萧条散乱的法的世界。之后引入阿尔都塞的理论，对大法官庭的性质加以重点探讨。根据阿尔都塞的理论，在这里大法官庭被定义为一种国家机器，而法庭的这种毁灭性控制归因于利益集团将其作为一部强大的权力机器。本章通过对大法官庭以及对律师的描写，着重说明大法官庭这个机构唯利是图、趋利拜金的性质。

第三章结合阿尔都塞的理论来论证大法官庭对人的控制是二元分立的，其作为一部强大的国家机器具有二元性特点，主要包括镇压性控制和意识形态控制两个方面，从阶级、权力的角度分析法庭对人的操控性。镇压性控制主要靠暴力镇压发挥功能，意识形态控制靠意识形态发挥功能。镇压性控制在文中主要体现在格里德利和贾迪斯家族的遭遇，他们被迫上法庭打官司，大法官庭通过其法令和

武力镇压，剥夺了他们的人身自由。意识形态控制在文中主要体现在理查德和福莱特女士的故事中，他们被大法官庭声称的“正义”所欺骗，盲目相信法律的信条，最终被法的意识形态捕获，在追逐他们自身利益的过程中，竹篮打水一场空。

《荒凉山庄》中法的这两种控制都让法庭的当事人成为法律机器的受害者，成为这种强大、异己而又冷酷的社会机器的牺牲品。

第四章进一步就这两种控制进行比较，论证意识形态国家机器的控制比镇压性国家机器的控制后果更严重，并简要评述大法官庭的系统性特征；强制性控制使受害者的身体遭禁锢，可是当事人的心灵和思想仍然是自由的，就像格里德利一样，尽管他在与法庭的较量中终究是个失败者，可是他呈现给我们的是一个不屈不挠斗争二十余年的勇士形象；而意识形态控制使得受害者思想遭禁锢，这不仅带来了身心的毁灭，更带来的是人性的泯灭。理查德就是将他的全部精力自主地投入到贾迪斯案当中，最终失去了一切。之后点明反控制的出路在于思想的自由与独立，需要有一种批判性的思维以及明辨善恶是非的能力。小说中约翰·贾迪斯和爱斯特就很好地说明了这一点。他们明白当体制过于强大时，镇压性控制下个人的反抗可能显得微不足道，可是当遭遇错误意识形态入侵思想时，他们懂得通过自己的踏实、勤勉、一步一个脚印的作风，理性地对待社会中意识形态所起的作用，不盲目反对，也不随波逐流。

最后一部分对前几章内容进行简要总结。引用阿尔都塞的理论具有一定的文学意义，因为这不仅能更好地帮助我们理解小说中关于阶级斗争以及权力压迫的主题，更能够警醒我们对当下社会问题进行反思。

关键词：大法官庭；镇压性国家机器；意识形态国家机器

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Introduction

With the coming of the bicentenary celebration of Charles Dickens's birth in February 2012, Dickens's works continue to enjoy immense popularity across the world. More than 50 countries worldwide took part in this exciting celebration to refresh the memory of this literary genius, whose characters have entertained and moved his readers all over the years. Dickens's works reflect and remold what happened in the nineteenth-century Victorian period. BBC news (2 February 2012) comments on his writings that it "adds another dimension to our historical records; there is an incredible amount of information and images that survive from the Victorian era. One can look at the Victorian London in a new way alongside Dickens's texts that he is writing". Jacob Korg states that "a Dickens novel is an experience of laughter, tears, suspense, and a final emphatic confirmation of the conventional attitudes toward love, marriage, family life and philanthropic obligations" (Korg 5). Korg points out that a Dickensian story is full of variety and richness. It is this unique effect of laughter and tears created by Dickens's novels that lasts from the mid-nineteenth century directly to the present world.

Being one of the most prolific and influential novelists in the UK, Charles Dickens (1812-1870) enjoyed unprecedented fame and popularity during his lifetime. However, part of his success came from his early impoverishment. Born into a sailor's family, in Portsmouth, England, Dickens had a poor life ever since he was a young boy. After only a few years of education, Dickens had to work in a nearby blacking factory as a child laborer because his father was heavily in debt and was sent into a debtor's prison. The months Dickens spent at the blacking factory and the lonely walks in front of the prison gate were unhappy memories that could not be erased for the young boy. In *The Pickwick Papers*, the first novel written by Dickens, there is a detailed description of what a debtor's prison is like and how horrible it can be. These early experiences probably strengthened Dickens' detestation of

English law in later years. As he entered adulthood, Dickens worked as a clerk in a lawyer's office and as a reporter in a parliament courtroom respectively. These working experiences made him become very familiar with the legal issues. It's no wonder that in Dickens's works, law is one of his central subjects.

Dickens is regarded as one of the most renowned representatives of the nineteenth-century British critical realism. Georg Lukács, in his "Realism in the Balance", points out that a realist "knows how thoughts and feelings grow out of the life of society and how experiences and emotions are parts of the total complex of reality" (Lukács 1039). Lukács says a true realist is able to assign those experiences and emotions "to their rightful place within the total life context" (Lukács 1039), and "penetrate the laws governing objective reality and uncover the deeper, hidden, mediated, not immediately perceptible network of relationships that go to make up society" (Lukács 1039). Lukács's description draws a basic picture of what a realist is. Dickens is exactly the kind of realist. He turns real life into picturesque and vivid literature. He captures qualities of real people and events and shows the multifaceted life of the Victorian society. Though Dickens did not have much education in his early years, he worked hard as an editor and writer when he grew up. He wrote letters indefatigably, lectured extensively, and observed life carefully. By reading Dickens, we can always see that his own experiences and emotions are closely combined with his writings, which have realistically reshaped the total life context of the Victorian past.

Dickens's novel *Bleak House* is a representative work of his critical realism. The novel is a realistic reflection of nineteenth-century England. It was published in monthly installments from March 1852 to September 1853. In the novel there is a range of different characters and places which originate from real history because Dickens extracted writing materials from what he saw and what he knew. According to the report from the *Pall Mall Magazine* (July 1896), the burying ground where Captain Hawdon was laid is between Catherine Street and Drury Lane, and in the east part of the area is the Lincoln's Inn Fields and Mr Tulkinghorn's house. Mr Snagsby's house is in Took's Court, Cursitor Street, and Mr Jellyby's in Thavies Inn.

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