# Analysis of the Law Embodied in Charles Dickens' Bleak House

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**Abstract.** As two independent disciplines, law and literature are possible and feasible to be integrated. The perspective of law and literature is pioneering for expanding the research boundary through an interdisciplinary approach. A task of studying the law and literature is to comprehensively use the methodology of social science to reflect on and dig out the legal problems hidden in literary works that can be connected with reality. By analyzing the legal elements and legal concepts embodied in Bleak House written by Charles Dickens, this paper attempts to interpret the novel plot from the legal perspective and study their mutually beneficial relationship and two-way influence, so as to reflect on the inspiration that law-related literature can draw from in the future and the experience that legal research can learn from.

**Keywords:** Bleak House; Charles Dickens; Law and Literature; Bentham's Utilitarian Jurisprudence.

## 1. Introduction

Bleak House is a masterpiece of Charles Dickens in his later years, whose plot twists and turns with vivid characters and far-reaching influence, deeply loved by readers at that time and later generations, drawing widespread attention among researchers. The outstanding characteristics of a legal novel make it one of the representative texts for research on law and literature. This paper intends to explore the legal elements and legal concepts embodied in Bleak House from the perspective of law in literature.

Through the literary analysis of its legal facts and legal interpretation, this paper will be divided into three parts. Briefly introducing the movement of Law and Literature as well as its branches, the first part also presents Dickens and his work Bleak House, so as to show the purpose of this paper. The second part introduces relevant legal concepts and legal elements before analyzing the legal description involved in this book. In addition to legal elements, this book also embodies in-depth legal concepts, so the third part analyzes the concrete embodiment of utilitarian jurisprudence put forward by Jeremy Bentham in Bleak House. Finally, the author concludes the previous research and tries to explore Dickens' writing intention, aiming to promote the reflection and innovation of literary creation and legal research.

## 2. Background and Significance of the Thesis Topic

### 2.1 Background of the Thesis Topic

Law formally embodies the will of the ruling class based on specific materials, while literature is subjective and active cognition of the objective world. They seem to have nothing to do with each other, but they are closely related. The movement of Law and Literature arising in the United States in the 1970s is an effective start to combine them, which can be traced back to the Legal Imagination published by James White, a professor at Law School at the University of Chicago in 1973. The emergence of this movement is pioneering for expanding the research boundaries of law and literature. On the one hand, the law provides a realistic basis for literature and endows humanistic values with ethical explanations. On the other hand, literature injects a humanistic atmosphere into law and makes laws easy for the public to understand, which is a bold attempt for legal communication materials to change the original framework.

After 30-years of development, the research in this field has formed four broad branches as follows, including the law in literature, the law as literature, law through literature, and law related to literature. "Works discovery" and "works interpreting" are necessary links to realize their combination [1], so law in literature has become primary research in this field. The law in literature refers to the legal phenomena in literature, such as the justice operation in society at different times, people's understanding of the law, etc. It is a "compensatory" model to solve problems in reality with the help of fictional problems. In this branch, Dickens has a decisive influence.

Charles Dickens, the greatest critical realist writer in Britain in the 19th century, inadvertently played the "legal historian", insinuating the real legal scene at that time with his works. Bleak House, his masterpiece in his later years, focuses on depicting the Victorian legal system and legal facts, which vividly depicts a dark but true legal panorama.

### 2.2 Overview of Bleak House and Significance of the Thesis Topic

The explicit plot of Jarndyce v. Jarndyce in Bleak House is a lawsuit for inheritance. Due to legal defects, the case ended 30 years after it was accepted. The clue revolves around Esther, Ada, and Richard. After staying in Bleak House as the ward of John Jarndyce, the three spent a carefree life, during which Richard and Ada loved each other and got married. But Richard has been immersed in the fantasy of getting a rich legacy and was used by Halls' lawyers who only seek personal gains. Finally, he personally destroyed his career, health, and youth, leaving Ada, children under the month, and huge debts behind. However, Esther can still keep her original rationality and kindness. After all obstacles, she got married to Doctor Allen.

Another implicit plot is the love affair between young Lady Dedlock and Captain Horton. Tulking Horn, a lawyer of the Dedlock family, noticed this affair and dug up the truth by all means. For example, he not only used and hurt Jo, a street child, but also extorted confessions from former subordinates of Captain Horton and intimidated Lady Dedlock. Just as Tulking found their love letters from a waste recycling merchant named Crook and prepared to use them for blackmail, he was shot dead by the maid fired by Lady Dedlock.

This thesis is to make a comprehensive literary interpretation of Bleak House from the perspective of discipline integration and find out the relationship between law and literature, so as to promote the in-depth development of this "compensatory" model. At the same time, echoing the reality, this paper attempts to provide some reference and inspiration for future legal literature creation and ideas for legal research.

## 3. Legal Elements Embodied in Bleak House

It is said that "Dickens' novels have contributed far more to judicial reform than jurist Jeremy Bentham." Indeed, with Dickens as a "folk legal historian", the theme of "law" occupies an important position in his novels. As for Bleak House, Dickens condemned the Victorian legal procedure and judicial system in England, describing it as a rigid and inefficient shackle, which was used by foxy judges, greedy lawyers, and other public officials, while all the nobodies involved were reduced to facing the fate destructed. This chapter aims to analyze the legal phenomena in the novel from three aspects, including the court of chancery, the law enforcer, and the litigation procedure.

### 3.1 Court of Chancery

In the beginning, Dickens described the Court of Chancery as "a white-haired sinner who committed the most heinous crimes", which is related to almost everyone's tragedy in the novel. "Among the defenders in this court, those benevolent gentlemen always warn people that it is better to endure a great grievance rather than seek justice here". In the case of Jarndyce v. Jarndyce running through the whole book, generations have wasted their youth, wealth, and even lives for this "white-haired sinner." For instance, Tom Jarndyce chose to commit suicide, Richard personally destroyed his great career, and Miss Ferrard went mad.

Dickens didn't exaggerate in shaping these tragic characters. Equity is a law established in England in the 14th century to make up for the defects of common law, which takes justice, conscience, and fairness as the principle. Under the legal framework of equity, when the legal principle conflicts with that of fairness, the judge prefers the latter. The imperfection is that this form is too persistent in facts and inefficient. In the 19th century, the Court of Chancery became as rigid and conservative as the common law, triggering serious formalism. The accompanying harm was the protracted trial process and high litigation cost, which was vividly reflected in the detailed description of the novel. "There is a line between the red table of the clerk and the silk robe worn by the royal lawyer, with a pile of expensive and meaningless things putting in front, such as an indictment, counter-complaint, defense, second defense, injunction, affidavit, income report, power of attorney submitted to the assistant judge, and so on." Thus, Dickens explicitly presents the documents for litigation by listing and parallelism. At that time, these pleadings were time-consuming, labor-intensive, and meaningless but essential.

Redundant procedures make equity deviate from its original intention of "making up justice" and overlap with the jurisdiction of common law. Therefore, the real role of equity declines. People no longer regard the Court of Chancery as "the embodiment of fairness and conscience", but "the blame of late justice". Meanwhile, various judges and lawyers described by Dickens concretely showcased the tedious procrastination.

### 3.2 Law Enforcers

The existence of law is one thing, while its implementation is another. Whether the final result is fair or not depends on the law executor. In Bleak House, the Victorian justice depends on the chancellor in a stoat congressional robe and triangular hat, the mercenary virtual "out-of-court chancellor" named Krook, the inhuman Tulking, and the contradictory Halls. Failing to live up to people's trust in the law and their desire for justice, they became the target of Dickens' criticism.

As the highest judge of the Court of Chancery, the chancellor is the final adjudicator of the case and the final implementer of equity. At that time, the chancellor "not only went around according to some unclear precedents and argued with each other, but also repeatedly got stuck in some technical terms and played the game of words with a cool expression and a seemingly fair attitude." Dickens portrayed the dress and behavior of the chancellor exaggeratedly, so as to satirize the compromise of the chancellor in reality, which aggravated the rigidity and ineffectiveness of equity. In the 19th century, the British Court of Chancery practiced a single trial system different from the jury, which was only decided by the chancellor, while the rest of the staff only did auxiliary work. Although there are many staff, they can't preside over the trial of cases. In addition to judicial duties, they must participate in administrative and church affairs. As a result, a large number of cases are backlogged and unresolved, and justice cannot be demonstrated. Besides, it is precisely the chancellor's other duties that arouse different attributes of the court of equity, where various forces entangle with the operation in a black box, causing many adverse effects on the chancellors' work.

Besides, there is also an "out-of-court" chancellor named Krook, who makes a living by managing the old documents of the justice court. This waste recycling businessman stays in the wastepaper all day long, whose dirtiness, sophistication, and evilness all reflect the decay of chancellors by this novel. Krook was traced to both the implicit and explicit lines of two cases. The real will in the case of Jarndyce v. Jarndyce was found in his wastepaper pile and Lady Dedlock's lover, Captain Horton, died in the castle he rented, which is enough to manifest his importance in promoting the plot development of the novel. Krook killed by burning himself implies the demise of the old order of chancellors under Dickens' depiction.

Where there are cases, there are lawyers. Lawyers who parasitize legal procedures and bring people pain and misfortune are another major target of Dickens' criticism. Lawyers are originally a profession to help clients in complicated judicial procedures. With the rigidity and decay of judicature, lawyers chose to stick to the backward system and dealt with cumbersome procedures to safeguard their interests. Dickens described in his novel as follows, "Each person carrying a summary of 1,800

sheets suddenly stood up like eighteen hammers of a piano, bowed eighteen times and then sat down in eighteen dark places." A lawyer even invited eighteen debaters to participate in the court debate. Metaphors, exaggeration, and other techniques were used by Dickens to show the redundancy of personnel and waste of talents caused by cumbersome and ridiculous procedures.

Dickens embodied the "inhuman law" at that time by shaping a role without personal preferences and completely obeyed dogma, Tulking, the legal adviser of the Dedlock family. Regarding himself as the embodiment and watchman of the law, he was like a cold machine, with all his actions, thoughts, and speeches following the requirements of the law. To realize the law, Tulking did whatever it took, even breaking the law despite that he had legal knowledge and threatened others, which led to the death of Lady Dedlock and hurt Jo, an orphan. In addition to Tulking, Richard's legal adviser Halls is also a representative character. He took advantage of Richard's trust and constantly encouraged him to fight for the lawsuit result meaninglessly, so as to secretly collected money for his daughter and father, which unconsciously led Richard to death. If Dickens created Tulking to reflect the "inhuman law", then Halls in his works showed the "torturing law".

Through distinct characters, Dickens exposed the ill law enforcers with seemingly glamorous appearances for readers then, and reproduces the duty misconduct and decaying law enforcers under the Victorian British equity system to future readers, which is thought-provoking.

### 3.3 Litigation Procedures

The rigidity and procrastination of the equity justice system, the decadence and default of the justice, and the inhuman and torturing legal adviser are the main targets for criticism of Dickens in Bleak House, while the whole litigation procedure is the backbone of these elements. Procedural justice is a necessary condition for people to pursue social substantive justice in a society ruled by law, and the reasonable needs of procedures are reflected in actual operation [2]. In order to realize fairness and justice, procedural justice must be continuously improved. However, whether it is to seek and safeguard vested interests or limited by individual practicality and human nature, law enforcers often accept invalid procedures. Eventually, it is difficult to return to the ideal stage.

The litigation is to realize the justice of litigation results. Some may ignore litigation procedures and lead relevant practitioners to use whatever means for the justice of results, such as extorting confessions by torture as a common means [3]. In Dickens' works, Tulking took off humanity and put on the mask of law. For the so-called reasonable and just result, he blackmailed Lady Dedlock and extorted confessions from former subordinates of Captain Horton, resulting in the death of Lady Dedlock, the illness and injury of Joe, and the shooting of himself. It is more difficult to realize the result justice without the litigation procedure. Will strict adherence to the litigation procedure bring more effective result justice?

In Bleak House, Mr. Jarndyce said, "We always appear and withdraw from the court, swear, question, submit papers and rebuttal papers, argue, stamp, make motions, cite certificates, make reports, and walk around the chancellor and his entourage until we tire according to the law of equity." Therefore, too much emphasis on litigation procedure can only bring about a rigid trial process, hinder the realization of justice, and violate the original intention of litigation. Redundant procedures have led to many wills by old Mr. Jarndyce, which has unexpectedly become the blame for the death and madness of generations of possible successors. Richard, who was involved in the inheritance case, was forced to seek multi-party answers according to civil procedures when choosing his career. "This matter will be serious, waste a lot of breath, cause dissatisfaction, and cost money." Besides, the corrupt litigation procedure will bring absurd consequences to simple and free personal behavior.

Dickens, through the implicit and explicit description of two cases, satirized that "law" was a chaotic but cruel "fog" dominating people's destiny and enveloping the British capitalist world at that time. Faced with this disorderly and irrational judicial system, people are left with powerless and desperate fears, so the British judicial system in the 19th century needs to be reformed urgently. Meanwhile, Bleak House also reflects his profound thinking on the judicial system. Breaking away from and sticking to the litigation procedure are two extremes, and biasing towards either end may

lead to the absence of social justice. It is not an easy task to achieve their balance, which requires constant concentration and courage to summarize, break through, and improvement.

## 4. Legal Thinking Embodied in Bleak House

Literary works are not completely fabricated out of thin air, but always originate from and reflect life, which is influenced by mainstream ideas somehow. As a law-related literary work, Bleak House bears the mark of the mainstream legal concept of that era, that is, Jeremy Bentham's utilitarian jurisprudence.

Utilitarianism prevailed from the 1930s to the 1990s, and Bentham's utilitarianism principle influenced various legal departments and legislative activities in Britain at that time. According to Bentham's utilitarian principle of "pursuing the greatest happiness of the most people", the utilitarian legal trend of thought formed in Britain in the 19th century. He believed that "the law of life" is "seeking happiness and avoiding suffering." It is this human instinct that dominates all human behaviors and becomes the purpose of life [4]. Therefore, Bentham criticized all the old systems that hindered citizens from pursuing happiness and strongly called for reform to expand citizens' rights, so as to promote happiness. Bleak House reflects similar pursuits, that is, despising decadent things, advocating reforms that can achieve the greatest happiness, and advocating humanitarian care.

In the novel, the fatuity and incompetence of the justices, the selfish dogma of the legal advisers, and the decadent and jumbled proceedings all reflect Dickens' satire on the old system that hindered people from pursuing fairness and happiness at that time. The criticism of fictionalization is not the ultimate goal of his creation. In the final analysis, Dickens intended to expose the disadvantages of the equity system to the world with novels as the carrier and called on judicial institutions to rectify in time to protect the legal rights and freedoms of the vast majority of people, which is enough to reflect his application of Bentham's utilitarian jurisprudence in his novels.

In addition, Dickens also gave a prominent description of women's rights, happiness, and freedom in his book. The tragic death of Lady Dedlock reflects the low social status of women at that time. Dickens created this unfortunate role to express his reflection and pursuit of women's equal status and the right to pursue happiness. At the same time, women's autonomy in marriage and the legal status of illegitimate children is also reflected in Esther. However, unlike Lady Dedlock, Dickens gave Esther a happy ending, which may be the ideal legal picture he expected [5]. To a certain extent, this feminist thought reflects Bentham's utilitarian legal concept, Dickens' sympathy for women, and his denunciation of various unequal old systems.

Therefore, the description and criticism of the backward system in Bleak House reflect Dickens' utilitarian legal concept and his humanitarian feelings with the thought-provoking original intention and significance.

## 5. Conclusion

In the 19th century, British society was in the stage of accelerated changes in politics, economy, and thoughts. Reality is the foundation and source of literary creation, and the presentation of this change in literature is a strong critical realism style. Inadvertently assuming the role of "legal historian", Dickens painted a more realistic legal picture for readers to attract writers and jurists, aroused reflection and criticism on the legal system, and promoted the reform of the British judicial system to a certain extent, which embodied the significance of the "compensatory" model that "fictional problems" helped solve problems in reality.

Bleak House mainly depicts the equity system in Victorian England, criticizing the tedious redundancy of equity, the decadent selfishness of legal practitioners, and the procrastination and rigidity of judicial proceedings through the case of Jarndyce v. Jarndyce. Through the love affair of Lady Dedlock, she expressed her hope for women's autonomy in marriage and the legal status of their illegitimate children. In addition, it also involves legal elements such as inheritance and a

lawyer's professional system. It should be noted that Dickens didn't just criticize the shortcomings of the times through novels but exposed judicial shortcomings. Influenced by the mainstream Bentham utilitarianism, he also expressed his vision, that is, to promote the reform of the social judicial system, overthrow the backward existing system, expand civil liberties and democratic rights, and pursue the greatest happiness of most people.

According to A Tale of Two Cities written by Dickens, "This is the best time and the worst time … This is a bright season, and a dark season", which is the case in England where Dickens lived. The "glamorous" legal constraints did ensure the effective progress of the second industrial revolution in Britain and the stable development of society as a whole. However, under these auras, the evil darkness hidden deliberately existed and seriously destructed the people. This paper analyzes the legal facts and literary techniques in Bleak House, attempting to provide references for contemporary law-related literature creation and interdisciplinary perspectives for the extended study of contemporary jurisprudence.

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