

Rival Fictions, Rival Names: Dickens and Bentham in *Bleak House*

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In Chapter 3 of *Bleak House*, the narrator Esther Summerson tells of the visit made to her childhood home by the lawyer Kenge after her godmother's death. Almost at the very beginning of the meeting and quite malapropos, as it were, Kenge introduces the subject of the Jarndyce and Jarndyce Chancery suit, in which he is professionally involved. He expresses his surprise that Esther should be unacquainted with it, even though he has no real occasion to speak of it except that it is "one of the greatest Chancery suits known" (36). Quite in his character of "Conversation Kenge," as he is known among the legal collegiate of London, the sleek lawyer proudly goes on to describe it as "in itself a monument of Chancery practice. In which (I would say) every difficulty, every contingency, every masterly fiction, every form of procedure known in that court, is represented over and over again" (ibid.) Towards the close of the novel, Kenge addresses a similarly florid encomium of the case to Alan Woodcourt: "Jarndyce and Jarndyce has been termed, not inaptly, a monument of Chancery practice ... on the numerous difficulties, contingencies, masterly fictions, and forms of procedure in this great cause, there has been expended study, ability, eloquence, knowledge, intellect, Mr. Woodcourt, high intellect" (868-9).

By "masterly fictions" Kenge means the legal fictions which Chancery, in his opinion, has so deftly used in its handling of the case. But Jarndyce and Jarndyce in *Bleak House* manifests qualities precisely the reverse of those so boastfully listed by Kenge. A model victim of the author's irony, the illustrious lawyer clearly shows the reasons why by 1850 Chancery had become the subject of a massive public criticism of its practice of procrastination, confusion and inaction. What is more, attempts at reform of this institution had met with obstinate resistance on the part of the professionals guilty of all the above abuses. Consequently, change was to come slowly and piecemeal, making the British

people justly skeptical about a positive outcome.¹ The continuing use of “masterly” legal fictions contributed not a little to the problem, yet the legal and political communities had been alerted to their pernicious impact decades before, by none other than the eminent philosopher and public thinker Jeremy Bentham. In her pioneering study of 1985, critic Marjorie Stone has extensively shown that all of Dickens’s novels and especially *Bleak House* reverberate with echoes and direct allusions to Bentham’s views on the subject of legal fictions. Here I want to extend her observations by taking a closer look at two aspects of its narrative world – those of character naming and of the making of fictions that parodically imitate and invert the fictions of the law.² My argument is that in this, his most law-centred novel, Dickens forges a relationship between the fundamental elements of narrative fiction to expose the inefficacy of this legal instrument and undermine the claims that it serves the purposes of truth and justice. My reading of *Bleak House* therefore shows Dickens’s use of the fiction of the law against itself. This essentially ironic strategy lends further support to the advocacy of reform of the legal system and of the whole system of governance, which is stated directly by the omniscient narrator in his rhetorical outbursts and is the point of convergence of the multiple narrative threads. Dickens’s “rival” system of naming and his parody of legal fictions offers the reader a critique rendered in terms that are accessible to those who mostly need such reform and will reap its benefits.

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A legal fiction is “a false assumption of fact made by a court, as the basis for resolving a legal issue. Its purpose is to reconcile a specific legal result with an established rule of law” (Gray 300). Though their application in the present day is limited, legal fictions are nevertheless still acceptable as a useful expedient when the facts of a case do not allow for its resolution. In the words of Richard A. Posner, they are “white lies designed to disguise legal creativity as continuity” (441). Originating in Roman law, they were adopted by English Common Law in the Middle Ages. Gradually and well into the nineteenth century, the creation of fictitious legal fact became one of the pillars of legal procedure in England. Indeed,

the names of John Doe and Richard Roe, familiar to us today as popular aliases in detective thrillers, were invented in a seventeenth-century eviction case to stand for fictitious personalities and continued to be used with a rising frequency until the mid-1950s. The use of legal fictions reached its heyday in the first half of the nineteenth century, after which the vigorous efforts of a number of prominent figures from the legal profession, the women's movement and parliamentarians like Lord Brougham led to their gradual abolition and replacement by acts of Parliament.

With their emergence in the public life of early modern Britain, one of the main areas in which legal fictions exercised their power was that of family law. Logically, therefore, nineteenth-century legal and social reformers focused much of their effort on the legal fiction of coverture, that is, the "oneness" of the husband and wife. Coverture combined vague juridical implications with the "sacred" status conferred to it by its genealogy in Christian religion. That is why its persistent application by the judiciary institutions stalled the struggle waged by the women's movement and its supporters, including J. S. Mill, to grant women the legal right to their own property and to the custody of their children in the case of divorce. Divorce itself remained statistically rare, again due to the entrenched beliefs in the immutability of coverture. Unsurprisingly, therefore, the process of reform in English family law turned out to be appallingly slow compared to legislation in other fields, such as electoral reform and trade law.

The chronology of legislative activity in that field is a good indication of the establishment's obstinate clinging to archaic laws and practices. The beginning was set in 1839 with the adoption of the Infants and Child Custody Act. However, civil divorce and the adoption of the Matrimonial Causes Act (which in fact punished allegedly adulterous wives by depriving them of custody over their children) had to wait until 1857. Only after another lengthy gap, in 1870, was the Married Women's Property Act passed by Parliament. Given the circumstances, it is hardly a coincidence that this same period between the mid-1830s to the mid-1870s also saw the unprecedented rise of the novel, in which the presence of the family plot is the common denominator. Nor is it surprising that legal issues crop up in all of Dickens's works and provide the complicating circumstances in the plot of each of

them. In his world, which teems with illegitimate children, lost parents, unhappy wives, impostors, murderers and the like, and where the individual's identity and survival are dependent on wills and testaments – in such a world the law is an active agent.³ Legal issues, including legal fictions, also have a great impact on the novelistic form of Dickens's works, since they bring together a diverse entity of genres and modes: social and psychological realism, sentimental and criminal romance, as well as the fantastic, which is always present in Dickens through his notorious use of coincidence.

Certainly, Dickens was not the first to point his finger at the English legal system and more specifically to legal fictions. By the beginning of the Victorian era, they had already become the subject of a vehement attack led by the legal philosopher and social reformer Jeremy Bentham. In the mid-eighteenth century, the eminent English jurist William Blackstone in his *Commentaries* had strongly defended their use for the purpose of facilitating Common Law practice. But these fictions, he contended, also carried the additional value conferred on them by time and the best of tradition. "We inherit an old Gothic castle," he stated, "erected in the days of chivalry, but fitted up for a modern inhabitant" (271). Yet Bentham, who had been among Blackstone's students, took the opposite view. Legal fictions, he indefatigably argued, served to perpetrate a deceit on the common citizenship, to line the pockets of innumerable lawyers and judges, and to displace Parliament's legislative authority. Consistently deployed in a mercilessly sarcastic tonality and using metaphors drawn from the contemporary medical discourse on contagious and fatal disease, the theme of the pernicious presence of legal fictions can be traced through most of Bentham's works. "Fiction, tautology, technicality, circuitry, irregularity, inconsistency remain. But above all the pestilential breath of Fiction poisons the sense of every instrument it comes near," he famously proclaims in his *Fragment on Government* (20)⁴. Bentham's denunciation was targeted at what he believed to be not only an obsolete and obscure practice but a most harmful distortion of the very purpose of law: to give justice. And although the Victorian Age of Reform was to come after his lifetime, his influence on the thinking of the next generation of philosophers and legislators in the area of British law was deep and long-lasting.⁵

Though vehemently opposed to Bentham's Utilitarian doctrine, Dickens was on this point in full accord with him, and took a similarly active critical stance toward the use and abuse of legal fictions.⁶ Passing allusions to their pernicious effects can be found in all of his novels but he also engages them in his overall satiric denunciation of English legal practices in general. One senses a glimpse of sympathy even for Mr. Bumble in *Oliver Twist*, a comic but fundamentally odious character who is henpecked by his similarly repugnant wife. On learning that the legal fiction postulated that the wife acts under the direction of her husband, he explodes in anger: "If the law supposes that," said Mr. Bumble, squeezing his hat emphatically in both hands, "the law is a ass – a idiot" (354).

Dickens's engagement with the issue of legal fictions is by no means accidental. He had been introduced to Bentham's ideas early in his youth, when he began work as a law-clerk and soon after as a law-reporter for the *Morning Chronicle*. On joining the staff of that paper, he found himself among a group of staunch Benthamites headed by the chief editor John Black.⁷ Some twenty years later, when he had already become England's most famous literary figure and a powerful voice on behalf of social reform, Dickens used his own periodicals, *Household Words* and *All the Year Round* to bring to the fore matters of urgent public concern springing from the existence and the continuing application of legal fictions.⁸ His incisive pen and his fiery but wholly sincere rhetoric not only won the audience's hearts but also alerted them to a range of matters which might have remained obscure and barely noticeable to non-professionals. This active stance positions Dickens at the very heart of the controversy initiated by Bentham's criticism of the foundations of the British legal system, and of the central place occupied in them by the fictions of the law.

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Published in 1853-1853, *Bleak House* is Dickens's most topical work apart from *Hard Times*. In it the writer directly addresses the issues related to England's legal system and in particular the workings of the Court of Chancery and the vast system of legal practitioners who benefit from its interminable procedures at the

expense of the parties involved in its suits. Though, as *Humphrey House* has indicated (31-32), the novel's action is set some thirty years earlier and many of the practices described in the book had by the mid-century already been abolished, there was sufficient cause for complaint to raise a public debate, especially about the ways and methods of the Court of Chancery. In their *Dickens at Work* John Butt and Kathleen Tillotson bring in ample documentary evidence to show that with *Bleak House* Dickens joined in the loud protest already voiced in the *Times* against the interminable and costly delays and the confusion perpetrated by this obsolete and unreformed institution. And while his earlier works attack legal fictions mostly through passing allusions, here they are fully integrated into a more general criticism of all the governing institutional systems. Under its scope falls the whole public domain – the law and the state, organized philanthropy and religion, down even to the family institution in its obsolete aristocratic form represented by the Deadlocks. The establishment's lack of efficacy and benevolence to the individual citizen becomes the object of the novelist's satiric indictment because its claims to be serving the public good are, in his view, nothing but a fiction, in the sense given to the word by Bentham. Justice turns out to be fictitious to the point of being a lie perpetrated in the name of the survival and material enrichment of a clique of parasites. But once the guise of this pretense is removed, what Dickens discovers is a truly macabre truth. The establishment is guilty of a crime against the people, a crime that is both ubiquitous and serial in that it affects not just isolated individuals but their whole circle of family and friends, as well as generations of them. And one important element of their criminal behaviour is the use and the abuse of legal fictions.

Unlike Bentham, Dickens does not go into the technicalities of jurisprudence. Instead, he addresses his critique towards the manner in which it is presented to the general public – as a system that claims to be the ultimate source of truth and justice merely because, as Kenge so grandly puts it, it is founded on knowledge and high intellect. *Bleak House* projects its connection with Bentham's negative view of legal fictions from the very first page indirectly, through its master trope – that of pestilence, of which the famous mud and fog from the opening chapter are a symbolic extension. With a series of brief, categorical statements

presided over by “Fog everywhere,” his narrator begins a long description in which the whole of London and its environs appears submerged in the obscurity of the “implacable November weather” but also of the paralyzing chaos of the Court of Chancery. This, and not the English climate, is the real generator of the fog that fills the eyes and the throats of the “foot passengers, jostling one another in a general infection of ill-temper,” and the mud in which they “have been slipping and sliding since the day broke (if this day ever broke) (17). For, winding up the description is a return to the narrator’s initial point of observation and his real topic: “And hard by Temple Bar, in Lincoln’s Inn Hall, at the very heart of the fog, sits the Lord High Chancellor in his High Court of Chancery” (18).

The Court of Chancery is the source and the emblem of the destructive impact of the law and the whole public establishment on England life. It engenders and spreads a deathly contagion that affects everyone, no matter how remote from its influence he or she might be. To ascertain its emblematic status, Dickens depicts the Court not just as an institution but as a composite entity which does not, however, serve to create unity between those who administer the law and those who seek to obtain justice through it. On the contrary, it contains and connects the human and legal realms in a common eschatological paradigm, in which individuals exist in a state of anonymity and are gradually expelled from social life:

§This is the Court of Chancery, which has its decaying houses and its blighted lands in every shire, which has its worn-out lunatic in every madhouse and its dead in every churchyard, which has its ruined suitor with his slipshod heels and threadbare dress borrowing and begging through the round of every man’s acquaintance.”(19)

Anonymity and, indeed, legal non-existence is the state in which the parties to any Chancery suit find themselves. Should they venture to appear in Court, whose rules did not allow them to testify in person,⁹ they are treated as intruders and a source of much needed amusement. None of the professionals or even the clerks engaged in the proceedings bother to learn their names even though they have been a permanent presence for years. At the same time, the procedure does not hesitate to “invent” names and lives for the truly non-existent John Does and Richard Roes of its fictions.

Dickens's pliant narrative technique reverses this situation and subjects it to the creative power of his literary imagination. Half of *Bleak House* is told by an anonymous, third-person narrator. In the novel's opening, this disembodied figure observes the murky panorama of a fog-enveloped London and its environs before plunging right into the similarly fog-enveloped Lincoln Inn Hall (the seat of Chancery) and focusing on the Lord High Chancellor "with a foggy glory round his head" (18). There are no names in this first chapter except those of lawyers, while the parties to Chancery causes are generically subsumed and thus dehumanized in the suit's name – Jarndyce and Jarndyce. It is the second narrator of the novel – Esther Summerson – who offers the alternative perspective, from which these legally non-existent figures become flesh-and-blood people and take on individual identities. Her ability to do so derives from the peculiar position granted to her by the author – she is the only one among the protagonists who is officially unrelated to the Jarndyce cause. Nevertheless, her movements in and around London and her close relationship with Chancery victims place her in direct contact with these places and individuals and enable her to give them concreteness and dramatic life.

Esther's narrative provides the counterpoint to the anonymity and the disembodiment of the human and material content of the legal action. In her story, each nameless place and person from the anonymous narrator's introduction to Chancery finds its named correlate. So, the "decaying houses and blighted lands" become the London property left in the original Jarndyce will and held by Chancery ever since. Esther learns about it on her arrival at Bleak House, when Mr. Jarndyce gives her his personal account of the suit in order to explain why he is determined to have nothing to do with it. Jarndyce and Jarndyce holds, according to him, a deadly power over everything that has fallen into its grasp. The property in question, he says, is "an eyesore and a heartsore ... a street of perishing blind houses, with their eyes stoned out," whose "every door might be death's door" (111). Mr. Jarndyce has inherited Bleak House from his great-uncle Tom Jarndyce, so it is quite possible that the property is the notorious Tom-all-Alone's where the anonymous narrator is shortly to take the action. This urban slum is a conglomeration of "tumbling tenements" that contain by night, a swarm of misery. As on the ruined human wretch vermin parasites appear, so these ruined shelters

have bred a crowd of foul existence that crawls in and out of gaps in walls and boards ... fetching and carrying fever and sowing more evil in its every footprint than Lord Coodle, and Sir Thomas Doodle, and the Duke of Foodle, and all the fine gentlemen in office, down to Zoodle, shall set right in five hundred years – though born expressly to do it (232).

Esther does not see Tom-all-Alone's personally but she, too, becomes its victim when she catches the unnamed disease from Jo, the crossing sweeper who lives there and is "fetching and carrying" the contagion. Taken by her into Bleak House when the police force him to "move on," he transmits the taint that emanates from the "pestiferous and obscene" paupers' burial ground. Yet because she is positioned within the fictional world rather than above it, as is the anonymous narrator, Esther's story serves most of all to lift the veil of anonymity from Chancery's victims. Her repeated encounters with their representatives – Miss Flite and Gridley – as well as her close relationship with Richard Carstone, literally driven to death by Chancery's procrastination and inaction, reveals their tragic fate and so engages the readers' sympathy and their indignation with its causes. In Esther's narrative the "worn-out lunatic" from the earlier passage takes a concrete human shape, that of Miss Flite, whom Esther meets on her first morning in London. Miss Flite is first appears in the anonymous narrative where she is introduced in the way she is regarded by the professionals in court. For them, her presence is nothing more than comic relief: she is "a little mad old woman in a squeezed bonnet who is always in court, from its sitting to its rising, and always expecting some incomprehensible judgment to be given in her favour" (19). When Esther first meets Miss Flite, she uses practically the same terms in her description: "a curious little old woman in a squeezed bonnet and carrying a reticule" (48). Very soon, however, she becomes "the poor old lady" (49), "the poor soul" (71). Miss Flite's description unites with her name in Chapter 11, when her landlord Krook calls out to her to fetch a doctor after his other lodger Nemo has been found dead. This chapter belongs to the third-person narrator and unlike Esther, his perspective and his language do nothing to reduce the distance: he still calls her "a crazy little woman" (152). It is Esther in Chapter 14 who projects a connecting line between the old lady's madness and her emblematic status as a life-long party to a Chancery

suit. Infused with sympathy and understanding, her voice creates a sustained pattern of empathy for the “party” whose reason and personality have been totally destroyed by the Court’s refusal to treat individuals with the dignity they deserve.

Esther’s story also individualizes the nameless plurality of the “dead in every churchyard,” announced in the opening chapter as part of Chancery’s “property.” These dead become real and distinct human beings again by being named – Tom Jarndyce, who blew his brains out in sheer desperation at the hopelessness of the Chancery suit, Gridley, “the man from Shropshire” and all of his family, their lives worn out by the Court’s *de facto* refusal to bring their cases to a solution. Gridley and Miss Flite also match the generic “ruined suitor,” brought as they both are to complete destitution by the Court’s procrastination and wasteful “shirking and sharking” (21). Both characters, though marginal with respect to the plot, are lent a concrete and emotionally affective existence by Esther’s moving account of their suffering. In the first chapter the narrator introduces the pathetic figure of the anonymous suitor who vainly pleads to be heard but “can by no means be made to understand that the Chancellor is legally ignorant of his existence after making it desolate for a quarter of a century” (20). For Esther, on the contrary, he is initially the gruff but kindly man who takes care of Neckett’s orphaned children living in the same house as himself. Later, it is in Esther’s presence that he recounts the sad tale of his life and his psychological and financial ruin brought about by the Chancery suit he has been dragged into. Needless to say, Gridley, too, dies. Most importantly, Richard Carstone, the young Jarndyce suitor and one of the novel’s protagonists, goes the same way, unable to resist what Miss Flite aptly calls Chancery’s “dreadful attraction” (506).

As these characters’ tragic stories show, the law not only uses fictions as a matter of course but also creates them in order to inflate the status of its alleged professional expertise and efficacy. And these fictions are anything but expedient in an effort to administer justice and equity. As Dickens famously proclaims in Chapter 39:

“The one great principle of the English law is to make business for itself. There is no other principle distinctly, certainly, and consistently maintained through

all its narrow turnings. Viewed by this light it becomes a coherent scheme and not the monstrous maze the laity are apt to think it.” (555)

Not only does the law perpetrate injustice but it also makes it into history – for the army of barristers, solicitors and attorneys, who pass the business onto their sons, and for the parties to its causes, who are born, live and die without getting out of them. The law, Derrida points out, “as such should never give rise to any story. To be invested with categorical authority, the law must be without history, genesis, or any possible derivation” (191). Yet this is precisely what Chancery does: it creates history, each new unnecessary document and legal impediment to the final judgement becoming a new moment in the victim’s life. The anonymity of the material benefits that are effortlessly reaped by everyone working for Chancery, from the judges down to the last clerk and copyist, matches the namelessness and the facelessness that the law confers on its victims. This is an analogy that unites *Bleak House* with Dickens’s other novels and the concern expressed in all of them for the facile transformation of the human personality into a cog in the official mechanism, whether legal, administrative, or educational. Chancery’s disregard for the human life sacrificed to its ineffectuality and avarice opens an abyss between the people and the systems of social governance.

The system’s indifference to the human needs of individuals like Gridley, Miss Flite and Richard is further ironically highlighted in *Bleak House* through Dickens’s use of the naming strategies of legal fictions to present and denounce the representatives of the legal and state establishment. As if to parallel the serial crimes that he accuses them of committing against the individual, he gives them serial names. Unlike the tell-tale names of his protagonists – Summerson, Carstone, Flite, Skimpole – these are coined on a principle analogous to the mechanical generation of the names of John Doe, Richard Roe, etc. for non-existent parties to a suit. Initially introduced through their social and professional roles through which enable them to influence the events of the narrative, these names serve to downplay their individuality, and ultimately deprive them of their humanity. The first to undergo this process are the lawyers present in the Court of Chancery on the day when the story opens: they are “Chizzle, Mizzle, and otherwise” (21). Then there are the guests at Sir Deadlock’s country home Chesney Wold, the “brilliant and

distinguished circle” (173). They are similarly placed in a serially constructed whole where personal distinction is of no importance: they are merely a “collection of faces.” According to the anonymous narrator, they all belong to illustrious figures and major factors in the political and social life of the country. Dickens, however, gives them names that form an undifferentiated totality. There is Lord Boodle “who has known what office is” (174) and who comments with great apprehension that should the Government fall, the Crown has a limited choice between Lord Coodle and Sir Thomas Moodle, or failing that, of the Duke of Foodle to act with Goodle, etc. But of the Chesney Wold “circle” is also the Right Honourable William Buffy, MP, who pontificates on the “shipwreck of the country” for which, according to him, the blame lies on Cuffy and the government’s failure to manœuvre Duffy, Fuffy, Guffy, Huffy, etc. in their interest. Racing through the alphabet, Dickens takes Buffy’s outpour of political wisdom to an ever higher pitch to conclude with “All this, instead of being as now you are, dependent on a mere caprice of Puffy!” (175).

Unlike the names of the characters from Esther’s narrative, the ones discussed above carry a derogatory meaning based purely on their vocal impression, and that effect changes only in intensity but not in its nature. Dickens’s virtual denominalization of the establishment’s representatives is not merely a strategy of satiric caricature-drawing but a sophisticated version of what Dorothy Van Ghent has singled out as a defining characteristic of Dickens’s art: the principle of reciprocal changes (160). It throws the higher order of society into a state of faceless anonymity, their existence being justified solely through the abstraction of their group identity. And when the personages who wield power become abstractions, their claim to be unique and irreplaceable is ironically cancelled by the serial names Dickens gives them, so that they become the John Does and Richard Roes of their own fiction. By contrast, the lower order, forcibly grouped together by institutional, authoritative language under generic references such as “parties” (a word with multiple meanings in this novel), or “lower animals,” becomes distilled into concrete members through the personal names and the more intimate nicknames used by the two narrators. The law refuses to see those who come to it as individuals, their separate destinies hanging by a thread whose end is held by this

institution. So what the law will not do becomes the task of the novelist to repair. As a result, its power of control is exposed not just as a fiction but as a lie that cannot be hidden any more.

There is, however, one character in the novel whose name falls in neither of the two groups outlined above. This is Jo, the destitute crossing sweeper whose figure turns out to be pivotal for the plot. As has already been mentioned, he is the conveyer of the symbolic and literal disease which emanates from Tom-all-Alone's and spreads throughout the country, disregarding age, sex, and social rank. He is also the unwitting centre of the intricate web of mysteries that connects the characters through a family plot whose driving force is the search of a family name – the real one of Esther Summerson, whose real parentage becomes the object of numerous quests. Jo lives in what today would be termed absolute anomie, and is all but anonymous, having nothing but this unnaturally shortened appellation to identify him. When interrogated during the inquest on the death of Nemo, the law writer who “wos wery good to me,” the only certain knowledge that he can impart is that “a broom's a broom,” and that his name is Jo:

“Name, Jo. Nothing else that he knows on. Don't know that everybody has two names. Never heerd of sich a think. Don't know that Jo is short for a longer name. Thinks it long enough for HIM. HE don't find no fault with it. Spell it? No. HE can't spell it. No father, no mother, no friends.” (162)

Dickens sums up Jo's social non-existence when he says “Jo lives – that is to say, Jo has not yet died – in a ruinous place known to the likes of him as Tom-all-Alone's” (232). Yet it is Jo who becomes involved in what most closely approximates the form and purpose of a legal fiction in the book, and which is constructed by the most unlikely personage among the many characters who crowd the scene. This is Mrs. Snagsby, the jealous wife of the mild law-stationer Mr. Snagsby. Mr. Snagsby, who sees Jo for the first time during the inquest on Nemo's death, takes pity on the boy and, unbeknown to his wife, gives him a few coins. Keeping a secret from “his little woman” is a source of inner torment for the hen-pecked husband, living as he does in constant terror of her violent temperament. Noticing his guilty behaviour, Mrs. Snagsby feels the irrepressible need to account for it – and administer the appropriate punishment, of course. She therefore

imagines a relationship between her husband and Jo – she “sees it all,” as the narrator ironically declares. “Why else should that look pass between them, why else should Mr. Snagsby be confused and cough a signal cough behind his hand? It is as clear as crystal that Mr. Snagsby is that boy’s father” (367). But Mrs. Snagsby is not, as J. Hillis Miller claims (19) merely one more unsuccessful amateur detective, as are Kenge’s clerk Guppy and, most importantly, the lawyer Tulkingthorn. A tyrant to both her husband and her servant, she needs to justify a “legal result” that she has already reached – that her husband is guilty and needs to be punished. It is for this purpose that she invents the filial relationship. However, though in her narrative of a prior history Jo is not a fictitious personality as are John Doe and Richard Roe (with whose surnames that of Jo neatly rhymes), for her and her circle he is no more a flesh-and-blood person than they are. Jo is, the narrator sarcastically states, “a lower animal” (234) for those who, like Mrs. Snagsby, in their complacency barely notice his existence. The upholders of the law, who keep a vigilant eye on him, have as their only interest that the boy is to “move on” and so put himself out of their sight and minds. To “move on” is, the narrator indignantly exclaims, “the one great recipe... the profound philosophical prescription – the be-all and end-all of your strange existence on earth” (277). Nor is he regarded as more human by those who claim to have their hearts set on the improvement of the human condition by bringing to it the light of religious faith. The sanctimonious preacher Mr. Chadband uses him as a prop in his rhetorical situation. Turning to him as “my good friend,” Chadband makes him the subject of his interminable oratory in which Jo is a “pearl”, a “gem and a jewel” because he is a human boy – but valuable only because he is “capable of receiving the lessons of wisdom,” of “profiting by this discourse which I now deliver for your good” (282). In the second of his “discourses,” the one on Truth (“Terewth” in Dickens’s comic transcription), Jo is not even the formal addressee any more but a rhetorical ploy, a nameless “he”, a “young heathen” standing in the way to the “Terewth” (370). During his oratory, Chadband fixes his eye on Mr. Snagsby and completely ignores the actual, physical Jo, who is his ostensible object of spiritual improvement. Like Mrs. Snagsby, he only exploits the young pauper’s “official” status: for the state, Jo is a statistical item, an “item of mortality,” as Dickens earlier in *Oliver Twist* ironically designates

those sharing his kind of life. In all of his perorations Chadband uses his unfortunate victim merely to validate a “truth” that contributes nothing to the alleviation of the boy’s plight. In that sense he, too, invents a fiction aiming to bring a specific result in harmony with an established rule of law – in this case the doctrine of alleviating the suffering of the poor by giving them words of faith rather than decent food and shelter.

In *Bleak House* therefore Dickens’s parodically reworks and deflates the mechanism of constructing legal fictions, including their politics of naming. This enables him to integrate into the novel’s narrative his reformist desire and in this way to add its energy to the impetus for social change shared by the majority of his readers. Certainly, as the public of the day recognized, any solution that does not involve the political will of the very institutions in need of reform would be provisional, unstable, and dependent on chance. Dickens’s own proposed remedy, which he announces in the voice of his anonymous narrator, is radical but permeated by a sense of desperation. Chancery, and by analogy the whole public system of government and control, should go up in smoke, he states. “If all the injustice it has committed,” he exclaims, “and all the misery it has caused could only be locked up with it, and the whole burnt away in a great funeral pyre – why so much the better for other parties than the parties in Jarndyce and Jarndyce!” (23). That such an outcome is unrealistic is suggested by the fantastic nature of its symbolic analogue – Krook’s spontaneous combustion. The Lord Chancellor of Krook’s Court burns and evaporates in a fire that miraculously starts from inside his alcohol-soaked body. The other no less unlikely solution is the benign Providence which Esther repeatedly thanks for bringing her under the protective wing of Mr. Jarndyce. Yet if, as critic D. A. Miller has pointed out, Chancery presents itself as “a system of control that can be all-encompassing because it cannot be compassed in turn” (89), “an all-englobing system of power” (92), Dickens’s appropriation of one of the mechanisms that sustain its stability enables him to expose the limitations it so diligently hides from view. By containing fictions that successfully rival the legal ones, *Bleak House* thus joins in Victorian England’s great liberal project of dismantling the institutional chains binding the individual. Through his novel Dickens rises not only against the iniquities of a particular institution or a particular

practice but also on behalf of Jo, who has neither the language nor the opportunity to proclaim his rights as a citizen of England. Certainly, Dickens speaks from the position of Mr. Jarndyce, the guardian and benefactor of his pseudo-family. Like him, Dickens in *Bleak House* emerges as a *pater familias* to the whole country, eager to protect his children against falling victim to obsolete, corrupt and pernicious public practices. In this work, which embraces some of the most pressing issues facing the nation in mid-Victorian England, he exposes and exploits the fictions that nourish these abuses. Bentham could hardly have wished for a better form in which his reformist zeal might find its way to reach the nation.

¹ Butt and Tillotson quote the *Times* from 1950 and 1851, where the writers had made a strong and well-argued appeal for judicial reform, especially as regards the Court of Chancery. For the topicality of Dickens's choice of the subject of Chancery and his merciless criticism of its inefficiency, for his novel, see their *Dickens at Work*, 182-187.

² In his influential *Introduction* to the 1971 Penguin edition of the novel, later reprinted as "Interpretation in *Bleak House*," D. H. Miller devotes a large part of his discussion to Dickens's choice of proper names, arguing that they inevitably "alienate the person named from the unspeakable individuality and assimilate him into a system of language" (22). Miller's deconstructive approach does not allow him to extend his observation that "each of these names... seems to shimmer with multiple meanings drawn from various contexts" (*ibid.*) to systems of naming in institutionalized uses of language, such as the law, or to their parodic use.

³ Dickens is widely discussed by scholars working in the field of law and literature. The pioneer in this area is William Holdsworth with his *Charles Dickens as a Legal Historian* (1928). Among the studies specifically devoted to *Bleak House*, Kieran Dolin's excellent analysis in his chapter "Reformist Critique in the Midvictorian Legal Novel" makes a powerful point about Dickens's ability to give artistic form to the issues of Equity – or the lack of it – which animated Britain at the time (*Fiction and the Law: Legal Discourse in Victorian and Modernist Literature*, pp. 71-96). Dieter Paul Polloczek in the chapter on *Bleak House* in his *Literature and Legal Discourse* offers an in-depth analysis of the conjunction of legal and literary discourse in the novel and especially Dickens's de-institutionalization of legal fictions. Unlike these authors, all of whom apply conceptual and analytical models derived from the sphere of the philosophy of law, I approach the book from the perspective of literary narratology.

⁴ Commenting on Bentham's attack against the fictions of law and Blackstone's defense of their expediency, Ross Harrison (26-46) points out that Bentham's argument does not drive towards truth, as he claimed, but towards the principle of utility, which makes his case more difficult than if he had simply denounced them as lies.

⁵ Marjorie Stone traces that influence on other writers besides Dickens, both before and after *Bleak House*.

⁶ For a detailed and insightful analysis of Bentham's reformist views and their impact on legislation in England during Dickens's time, see Dieter Paul Polloczek, 124-137.

⁷ For Dickens's acquaintance with Utilitarianism and with Black's radical views while working for *The Morning Chronicle*, see Schlicke, 385.

⁸ *Household Words* published in 1854 Eliza Lynn's article tellingly entitled "One of Our Legal Fictions," in which its author strongly criticized the wide currency the fictions of the law still enjoyed in the English judicial system. The following year there came out in the same magazine a review of Caroline Norton's pamphlet *A Letter to the Queen of England on Lord Chancellor Cranford's Marriage and Divorce Bill*, similarly devoted to the injustice towards women perpetrated by the proposed bill. For a discussion of the publications at the time devoted to a criticism of legal fictions, see Stone 132-136.

⁹ William Holdsworth (83-87) offers a detailed description of the rules of the Court of Chancery prior to the reforms which greatly simplified its procedures.

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