

**“BARDELL V. PICKWICK”:  
THE SIGNIFICANCE OF THE LEGAL SYSTEM  
IN CHARLES DICKENS’ *THE PICKWICK PAPERS***

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This paper is an introduction to the importance of the legal system in Dickens’ writing. Dickens’ early beginnings as a clerk at a law office and as a journalist reporting on civil law cases are very much intertwined with the everyday life in the courts of Victorian England. This makes it no surprise that the legal system is present in almost any novel by Dickens. In this paper I aim to establish a connection between the legal system and Dickens’ character and world-building. This will be done based on Dickens’ first novel *The Pickwick Papers*.

**Key words:** Dickens, identity, society, legal system, hermeneutics

The problem of culture, and in extension existence, is something that instigates curiosity not only in literature, but also in real life. Culture is not an item though its presence in everyone’s identity cannot be denied. It is a phenomenon as old as time and humanity has never ceased attempting to comprehend it as well as it could. Every author, consciously or not, faces this theme when creating his or her characters. One of those authors, undoubtedly, is Charles Dickens, noted for his meticulous character and world-building. In this paper the focus will be placed on the legal system and the effects it has on the author’s process of establishing a continuity of culture and character in his novels. For this reason, we will be examining Dickens’ first novel, *The Posthumous Papers of the Pickwick Club* (also simply known as *The Pickwick Papers*), and more specifically the infamous court case of Bardell v. Pickwick. Even though it is definitely not the only time the legal system is mentioned in Dickens’ writing, it is rather interesting to see how he included it in his first novel, so that comparisons might be made with his later work. The other novels by Dickens just mentioned might include titles like *The Old Curiosity Shop*, where Nell

and her grandfather are forced by the legal system into poverty when the grandfather loses all his money in gambling. This situation is then exploited by the vicious Quilp, who takes possession of their home and renders Nell and her grandfather homeless. Or *Bleak House*, in which another famous court case in Dickens' writing appears with Jarndyce and Jarndyce, which concerns the fate of a large inheritance. The case has been going on for many years, so that legal costs have used up almost all the money of said inheritance, rendering the final verdict as pointless. Perhaps the only significant result of the case is the tragic death of Richard Carstone. Or *Hard Times*, in which Stephen Blackwell is virtually trapped in a marriage by the limitations of the legal system. He does not have enough money for a divorce and later on he is even wrongly accused of a crime he did not commit. And there is also Tom Grandgrind's trouble with the law. Or *Great Expectations*, in which Abel Magwitch's fate is an indirect result of the legal system. He committed a crime, but it is hinted that he received a longer sentence because of social-class. His fortune is then taken away, which leaves Pip in debt and almost arrested. All of these examples mentioned above prove that the inclusion of the legal system by Dickens was not a coincidence, but rather an unavoidable choice, and a more careful look at the "Bardell v. Pickwick" case will show us why. This connection between Dickens' life and his writing is also pointed out by Michael Allen in his short biography of Dickens: "A period of introspection developed as he started to write down an account of his life...but abandoned the project and wove much of the information into his new novel, *David Copperfield*, written in the first person and telling the early life of an author. Seventeen years later, in a preface to *Copperfield*, he wrote "Of all my books, I like this the best" (Allen 2008: 13). Although *David Copperfield* is specifically mentioned, it seems rational to apply this idea to all of his works.

### **Bardell v. Pickwick**

*The Pickwick Papers* follows the adventures of some of the members of the eponymous Pickwick Club, named after its founder and the novel's protagonist, Samuel Pickwick. This character proved to be popular and a comedic hit for Dickens, as pointed out by David Parker in his examination of *The Pickwick Papers*: "We rejoice both in his silliness and in his cultural heroism" (Parker 2008: 300). Samuel Pickwick and his close friends and fellow Pickwickians, the name associated with the members of the club, Winkle, Snodgrass, and Tupman, travel the country and record their interesting adventures. This sets out the plot for the novel. These three

friends, however, will also play a significant part in our main focus, *Bardell v. Pickwick*. Another important character of the case is of course Mrs. Martha Bardell. She is a widow and the landlady of our protagonist Samuel Pickwick. This living arrangement depicts Dickens' comedic talent very clearly. By putting these two characters, who are of similar age and without a partner, together in the same house, Dickens practically forces some misunderstanding to occur. Due to them spending time together, Mrs. Bardell begins to have feelings for Mr. Pickwick. However, these feelings are not reciprocated. This situation then escalates when Mrs. Bardell falsely assumes that Mr. Pickwick proposed marriage to her:

‘Oh, you dear –’ said Mrs. Bardell... ‘Mercy upon me,’ said Mr. Pickwick, struggling violently, ‘I hear somebody coming up the stairs. Don’t, don’t, there’s a good creature, don’t.’ But entreaty and remonstrance were alike unavailing; for Mrs. Bardell had fainted in Mr. Pickwick’s arms; and before he could gain time to deposit her on a chair, Master Bardell entered the room, ushering in Mr. Tupman, Mr. Winkle, and Mr. Snodgrass.

(Dickens 2012: 152)

When Pickwick declines to marry Mrs. Bardell, the legal system and its effect become apparent in the novel. Mrs. Bardell is convinced by lawyers to take action in court for breach of promise of marriage. This leads to a suit which ends in Pickwick being falsely convicted. After his refusal to pay the fines he is sent to Fleet prison. Ironically, and most likely used as criticism of the legal system by Dickens, Mrs. Bardell ends up in the same prison because she is unable to pay for the legal expenses. This forces Pickwick to accept his fate and pay his fines in order to free Mrs. Bardell.

### **The Social Aspect of the Legal System**

One way of gaining a better understanding of the significance of society, in this case in the form of the legal system, in connection with identity is to refer to hermeneutics since it establishes an historical-ethical connection between events and individuals. To elaborate more, Emmanuel Levinas suggests that everyone is “always enclosed within existence” and that there is “no escape” (Levinas 1999: 157). Surely consequences, which are part of “existence” as well, are also unavoidable. In this case the consequences we are talking about are Samuel Pickwick’s conviction and imprisonment. Despite us knowing that he is innocent, the fact that he is in prison makes the rest meaningless; even though he is not guilty, at that moment he is guilty in the eyes of history. In a similar manner, Paul Ricoeur’s work on personal and narrative identity in *Oneself as Another*

offers a basis for comprehending the influence of peripheral factors over our own being; it also helps us peruse the relation between time and existence as a fundamental feature of human becoming and of identity building.: “the person of whom we are speaking and the agent on whom the action depends have a history, are their own history” (Ricoeur 1990: 113). Ricoeur’s words thus suggest the ontological connection between time and personal identity (which is formed through history), actively involving society as a primary constituent of identity-development. Analogously, in *The Pact* Emmanuel Levinas not only confirms the inescapability of knowing time and the obligation of existence, but also produces the basic principles of society’s authority over identity with the statement of the “shared responsibility” and the inter-connection between human individuals through death: “each person feels simultaneously that he is related to humanity as a whole, and equally that he is alone and lost” (Levinas 1989: 212). Considering Levinas’ remark, the power of society in the formation of the self and identity is confirmed and explained at the same time. Hermeneutics, by virtue of these names and works, lays out the essential arguments of the patterns of identity building and their value, which constitute the theoretical skeleton of this research. Through Dickens’ works we can understand and assume that Dickens considered society as a whole – as an entity. That is why his narrative displays a connection between the characters – the plots demonstrate the characters as the entity called society. Dickens depicts members of society and their identities with realism, but he also does not ignore that they are connected by their mortality.

Even though Pickwick’s fate is not exactly the same, Dickens’ past should be mentioned here to establish a link between his writing and life: “Then, only two weeks after [Dickens’] start at Warren’s, his father was arrested for debt and confined to the Marshalsea Prison. It was a tearful, demeaning episode that forever left its mark and legacy in the mind, life, and books of Charles Dickens” (Allen 2008: 5). This observation by Michael Allen adds to the importance of the legal system in Dickens’ novels, since it connects Dickens’ personal life directly with his books.

With all this information, from the central role of the legal system in his first novel and its presence in the rest of his writing, one might argue that the legal system can be identified as a Dickensian Theme or Character. In other words, a fundamental building block of literature. This is also an argument by Jan-Melissa Schramm in her analysis of the connection between Dickens and the Law:

Dickens was not an historian of legal development as manifest in either institutional or conceptual terms. On many occasions, it suited his purposes as a satirist to reproduce a portrait of the law in all its unreformed excesses; on many occasions, he chose to denigrate and disparage the law in order to define for the mid-Victorian generation the heuristic power of fiction. So, too, his role as a dramatist required that he evoke the terror of procedures that were passing from regular usage – the brutality of the scaffold, and the clumsiness of detective processes based only upon superstition and rumor. Dickens documents for us many of these changes, yet he also retains an abiding interest in the primitive, atavistic superstitions that clustered around the sign of the scaffold.

(Schramm 2008: 277)

In other words, Schramm confirms that not only did Dickens use the legal system actively in his writing, but he also considered it an effective tool of literature. And to further cement this viewpoint one has only to read the following by David Parker: “But it is in the Fleet Prison that [Pickwick] learns most...In the jail, however, he becomes ever more silent and subdued. What he sees and hears refines his sympathies and enlarges his self-knowledge...And he discovers a capacity for compassion, too, unrelated to theory or principle” (Parker 2008: 304). Pickwick’s identity becomes intertwined with society through the legal system, demonstrating once again Dickens’ use of it as a narrative building block of identity.

### **Dickens and History**

Up to this point Dickens’ writing has been discussed almost as a reflection of reality, meaning that the reader takes his writing as factual. This, of course, is never entirely accurate. Dickens, as any writer of fiction, has limits. However, it should be mentioned that Dickens’ writing has indeed been singled out multiple times by critics as representative of the Victorian era. For example, in his study of Victorian culture and literature in *Victorian Subjects*, J. Hillis Miller has described Dickens as “a perfect mirror reflecting reality as it is” (Miller 1990: 32). Nonetheless, there are some authors that have expressed criticism towards Dickens and his function as a “mirror” of Victorian society. One of the critics is Angus Wilson, who, in his analysis of the characters in Dickens’ novels, puts forward his concern about Dickens’ reliability as said “mirror” because of significant discrepancies between Dickens’ characters in his earlier and final works (cf. Wilson 2006: 85-86). This is a point that has been repeated by critics of Dickens many times and it could create some doubt in Dickens trustworthiness as a reflection of Victorian society. However, it is

my belief that one should perceive this discrepancy between Dickens' characters and novels as a natural aspect of society. Dickens and Victorian society during his earlier and later novels were different, so it seems only logical for Dickens to include this observation. This argument is supported by Robert L. Patten: "...Dickens's artistry has been reclaimed on many fronts, from the unmatched skill with which he structures sentences and prose rhythms to the profoundly observant and trenchant analyses of people and society he provides" (Patten 2006: 21). In other words, one could interpret this as understanding that Dickens' portrayal of Victorian society is thorough because he was able to depict these discrepancies. Another supporter of this idea is Catherine Waters, who singles Dickens out as an important Victorian figure in her study of Dickens and culture: "His fiction and journalism thus incorporate the times in which they were written in ways that go beyond the reflection of topical issues to reform culture, showing how the narratives we read produce the norms and values of our society, and shape the people we may become" (Waters 2006: 172). And, since we are discussing Dickens and society in a historical framework, one could also include the opinion of historian John Gardiner from his essay on Dickens and his connection to history: "Although [Dickens] made no claims to originality or authority as an historical commentator, his "uses" of history, and his adaptation of various models of historical writing to suit his novelistic purpose, make, I would argue, for a powerful and still too easily underrated intellectual achievement" (Gardiner 2008: 240). Taking all of this into consideration, Dickens' role as a "mirror" seems very much likely and acceptable. Dickens included Victorian society, in this case in the form of the legal system, in his writing after observing it first-hand and in this way gave us a platform to establish a connection between the legal system and identity.

### **Victorian Writers and the Legal System**

It seems of importance to mention here that Dickens was not alone in his inclusion of the legal system in his writing, which is only logical. The Law is a vital part of society and as such cannot be ignored by any author. One could mention here *Vanity Fair* by William Makepeace Thackeray. In this novel the lives of Emmy Sedley and Becky Sharp are full of obstacles and limitations. Becky's husband is even imprisoned for debt, a fate all-too-common to Dickens, with his father having been in the same situation, and to Pickwick. Or *The Tenant of Wildfell Hall* by Anne Brontë, in which the inability of Helen to break free is caused by the legal system once again. A pattern that reminds us of Stephen Blackwell from *Hard Times*.

Or *The Woman in White* by Wilkie Collins, a friend of Dickens, in which Sir Percival Glyde abuses many aspects of the legal system to obtain riches and power at the expense of Laura Fairlie and Anne Catherick.

Considering all the above, one cannot deny that the legal system is an integrated feature of society, and thus, existence. This was recognized by Victorian authors, even though they were not the first or the last to do it. It seems only logical for the legal system to be included in fiction, and even more so by Dickens, whose childhood was so very much shaped by the very same system. That is why Dickens not only includes the legal system in his writing, but rather he uses it as an essential narrative tool or, in other words, influential building block of identity. Hence, it should be of utmost importance to highlight its inevitable presence not only in this novel, but in Dickens' writing in general and to some extent in Victorian literature as a whole.

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