

Interpreting Dickens' *Hard Times* Based on Some Legal and Literary Theories

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Interpreting Dickens' *Hard Times* from the point of view of recent advances in theories of justice and literary criticism, it is possible to say that Dickens disapproves of the unfair treatment meted out to the poor and dispossessed in a society based on utilitarian economics and the welfare of the majority. Associated concepts of reduction of population and self-help further denigrate the concept of justice for all in a civil society based on fairness and equitable distribution of wealth. Dickens comes out to be a strong critic of hardcore rationalism which calculates benefit and loss in terms of numbers, but ignores the suffering of a large section of society. In *Hard Times* he satirizes utilitarianism and turns emotional witnessing the suffering of the working class and the downtrodden. It is possible to say that Dickens was much ahead of his times and used satire to undermine the gung-ho approach of late nineteenth century utilitarianists, rationalists and demographers who argued for the happiness of few based on laissez-faire ideals of capitalism. Dickens was more for communitarian ideals of welfare for all and support for the weak, something that emerged from his own experiences of working in a blackening factory in London. However Dickens is unable to resolve the dichotomy between social welfare and individual happiness. He finds both incommensurable and advances the Biblical 'golden' rule of tit-

for-tat. Though Dickens is no philosopher he nevertheless rejects the full-blown rationalism of utilitarian thought and campaigns for a more just society where everyone can become happy.

Literature has always been subject to interpretation based on new advances in the humanities and the social sciences. Literary criticism too has had a deep impact on the reinterpretation and reevaluation of literary texts. Literary criticism has always sought to interpret literature both from historical and contemporary perspective drawing out intended and imposed meaning of a given literary text. In every age critics have interpreted and will interpret literature to further their own agendas. However the understanding of a self-contained literary text has lost its sanctity after F. R. Leavis and I. A. Richards. Today a literary critic looks more for the contextual meaning and the sociological underpinnings of a literary text. Post-foundationalism and deconstruction has further destabilized a purist interpretation of a literary work. Both Foucault and Derrida have highlighted the production of a literary text and the hidden intentions of language that operates in it as art. Undoubtedly literary criticism and the literary text have been deeply influenced by advances in the realm of continental philosophy and historical analysis. Today it is possible for a literary critic to unearth notions of hegemony, dichotomy, paradox and uncertainty in any given literary text.

A lot of work has gone into a reevaluation of late nineteenth and early twentieth century English novelists such as Jane Austen and Charles Dickens. Recent studies on Jane Austen and Charles Dickens have revealed that she died of arsenic poisoning and that Dickens' own childhood environment had a paradoxical impact on his writings. Dickens' *Hard Times* has often been discussed from the viewpoint of anti-utilitarianism but advances in the area of ethics and jurisprudence has highlighted the importance of justice and fairness

in human interaction and social behavior. In every age, notions of justice have shaped standards of fairness, egalitarianism and communitarian politics from the biblical retributive justice to the modern notions of Levinasian redemptive justice. However even within the conceptions of justice, hegemonic notions of race, identity and difference come into play.

Our notions of justice have always been shaped by the way we conceptualize the world we live in, the society we create, the laws we write, the identities we imagine, and the social relations we develop. Justice is therefore contingent on human behavior, group intentions, institutional laws and the ways we interpret such laws. Mukesh Williams argues that, "Our modern conception of justice is based on the western idea of a universe governed by rational principles of fairness and communitarian ideals." (1) Postmodern theorists have also destabilized our conceptions of rationalism which seems to be the very foundation on which our conception of justice and fairness are built.

***Hard Times* as a criticism of Benthamite Utilitarianism**

Benthamite utilitarianism presented the world in the harsh light of pitiless consumerism and progressive universalism which Dickens found somewhat hard to swallow. Many literary critics including F.R. Leavis understood the ambivalent position of Dickens vis-à-vis utilitarianism. F.R. Leavis saw Dickens' *Hard Times* as central to the English literary tradition as it offered a sharp criticism of Utilitarian values or "the world of Bentham." (2) In spite of John Halloway's charge that Dickens was not systematic enough as an anti-Benthamite, anti-Benthamism has still been the continual target in interpretation of *Hard Times*. (3) The biographical link between Dickens and the Utilitarianists such as J. S. Mill, Henry Cole, William Ellis suggests Dickens' deep understanding of

Utilitarianism. John Black, an editor of *The Morning Chronicle* was a friend of James Mill, one of the hard-core utilitarian thinkers and the father of John Stuart Mill. Dickens had associations with Henry Cole, superintendent of general management of the Department of Practical Art. Dickens was also on friendly terms with William Ellis, a friend of J.S.Mill, and founder of the Birkbeck schools. Both Cole and Ellis were supposedly satirized as parodies of “the (anonymous) third gentleman” and Gradgrind in *Hard Times*. (4)

As K. Blake calls the world “the Utilitarian Political Economy”, it encompasses “the Utilitarian doctrine of Jeremy Bentham and the capitalist economics of Adam Smith and such followers as Thomas Malthus and J. S. Mill”. Just like Gradgrind’s neckcloth, “trained to take him by the throat with unaccommodating grasp”, it represents that the world is hard, inflexible and inhumane, and also a prisonlike Foucauldian Panopticon. (5)

Notions of Utilitarianism and Justice

Within the last one hundred years the all-encompassing logic of utilitarianism has become suspect. New advances in jurisprudence and legal thought have further destabilized utilitarian rationalism. In recent years theoreticians of justice such as Rawls and Sen have questioned the contractual nature of utilitarianism and put forward the notion of fairness as a balanced view of society and social welfare. They argue that though human nature is by and large selfish, it also possesses a strong sense of morality which invariably stabilizes the cutthroat competition of free market economy. Before the publication of his most influential work, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776), Adam Smith examines the morality of his time and asserts that in spite of man’s natural inclinations toward self-interest, man has an ability to exercise moral judgment

in *The Theory of Moral Sentiments* (1759). This shows how he was concerned with the ethical aspect as well as the role of self-interest in social and economic activities. Smith introduces the idea of the approval of the “impartial spectator” and emphasizes the need for morality to stabilize a true “laissez-faire” economy in the free market and to expect the benefits of “an invisible hand.”

In contrast with Bentham, Mill distinguishes intellectual and moral pleasures from physical forms of pleasure and possesses the superiority of the former over the latter. According to his position dissatisfied Socrates is far more desirable and higher in value than a satisfied pig. John Rawls was a harsh critic of classical Utilitarianism, although he was mainly attacking Sidgwick, not Bentham. Rawls argues that though utilitarianism has been attacked, it has also evolved into different directions. He states,

There are many forms of utilitarianism, and the development of the theory has continued in recent years. I shall not survey these forms here, nor take account of the numerous refinements found in contemporary discussions. My aim is to work out a theory of justice that represents an alternative to utilitarian thought generally and so to all of these different versions of it. I believe that the contrast between the contract view and utilitarianism remains essentially the same in all these cases. Therefore I shall compare justice as fairness with familiar variants of intuitionism, perfectionism, and utilitarianism in order to bring out the underlying differences in the simplest way. (6)

Though there is a close connection between Rawls and Mill in their emphasis on individual right, both differ in their conceptions of social justice and communitarian ideals.

Rawls argues for basic liberties and distribution of social and economic goods to all in the spirit of Stuart Mill. He defines justice as fair play, contractual in nature and the creation of just institutions. Rawls' method was neither utilitarian nor tradition-based. He wanted to move away from the Anglo Saxon political philosophy and find a method of justice that was "systematic alternative to utilitarianism." He argued that utilitarianism cannot guarantee "basic rights and liberties" of citizens on a "free and equal" basis, a condition on which all democratic institutions rest. ... Rawls began with an original position by stating that we are all rational and self-interested persons but stand behind a 'veil of ignorance' if we are not aware of our sex, race, physical shortcomings, generation, and social class. (7)

Today historical, ideological, race and gender issues are intrinsically connected to concepts of fairness and justice and are not bound just by the logic of pure utilitarianism. Amartya Sen further sharpens the focus of utilitarian logic as it intersects civil society and fairness. He attempts an analysis of classical utilitarianism from the standpoint of informational constraints, which includes "consequentialism", "welfarism" (each individual's utility) and "sum-ranking" (the sum total). As for the different standpoint between Rawls and Sen, M. Williams makes a suggestive comment.

"Rawls campaigns for just institutions, while Sen sees human behavior and narrow interpretation of laws compromising the execution of global justice." ... Obviously there can be no single universal notion of justice, no ideal transcendent approach. But the need to ensure justice seems to be an emotional and a moral issue for many political philosophers. Amartya Sen states that , "It is sometimes claimed that justice is not a matter of reasoning at all; it is one of being appropriately sensitive and having the right nose for injustice" (Sen, 2009 4). (8)

A Theory of Justice and *Hard Times*

In *Hard Times* Dickens is highly critical of the utilitarian ideals especially the concept of wealth distribution which leaves the poor poorer and the rich more affluent. So Dickens is quite satirical of the gains of a utilitarian economy which proved to rather unfair, spreading misery all around. Furthermore Dickens rejects the Malthusian notion of population reduction and self-help as unjust and unfair to society at large. Dickens's criticism on utilitarianism and political economy is provoked by a dialogue between Sissy Jupe and Mr M'Choakumchild; whose name suggests a person who chokes children's creative imagination and fancy.

Sissy Jupe had not an easy time of it, between Mr M'Choakumchild and Mrs Gradgrind, and was not without strong impulses, in the first months of her probation, to run away. It hailed facts all day long so very hard, and life in general was opened to her as such a closely-ruled cyphering-book, that assuredly she would have run away, but for only one restraint.

It is lamentable to think of; but this restraint was the result of no arithmetical process, was self-imposed in defiance of all calculation, and went dead against any table of probabilities that any Actuary would have drawn up from the premises. The girl believed that her father had not deserted her; she lived in the hope that he would come back, and in the faith that he would be made the happier by her remaining where she was.

The wretched ignorance with which Jupe clung to this consolation, rejecting the superior comfort of knowing, on a sound arithmetical basis, that her father was an unnatural vagabond, filled Mr Gradgrind with pity. Yet, what was to be done? (9)

This passage not only shows the naïve nature of Gradgrindian facts, but also

reminds us of Bentham's theory of pleasure. Bentham defined utility according to his theory of pleasure and utility was a tendency to promote "the greatest happiness of the greatest people". Pleasure is a sort of experience so that only what can affect one's experience is considered substance of individual or public welfare to him. However mental states such as hope or excitement, which is sometimes not based on everyday experience, undoubtedly can be substance of happiness and welfare. Sissy surely "clung to" the hopeless consolation that her father would come back to her, and therefore she didn't "run away" from Gradgrind's house. Here Dickens' position may not be too far away from the recent utilitarian theory of preference and in a sense Gradgrind is very similar to Bentham in excluding others' desire or mental state as an element of happiness. Sen notes that pleasure itself does not contain information on the cause or motive of pleasure. Bentham's theory of pleasure is incompatible with individual liberty.

'Mr and Mrs M'Choakumchild never make any mistakes themselves, I suppose, Sissy?'

'O no! she eagerly returned. 'They know everything.'

'Tell me some of your mistakes.'

'I am almost ashamed,' said Sissy, with reluctance. 'But today, for instance, Mr M'Choakumchild was explaining to us about Natural Prosperity.'

'National, I think it must have been,' observed Louisa.

'Yes, it was. ... But isn't it the same? she timidly asked.

'You had better say, National, as he said so,' returned Louisa, with her dry reserve.

'National Prosperity. And he said, Now, this schoolroom is a Nation. And in this nation, there are fifty millions of money. Isn't this a prosperous nation? Girl number twenty, isn't this a prosperous nation, and an't you in a thriving state?'

'What did you say?' asked Louisa.

‘Miss Louisa, I said I didn’t know. I thought I couldn’t know whether it was a prosperous nation or not, and whether I was in a thriving state or not, unless I knew who had got the money, and whether any of it was mine. But that had nothing to do with it. It was not in the figures at all,’ said Sissy, wiping her eyes. (10)

Sissy’s seemingly absurd answer to M’Choakumchild’s question is clearly Dickens’ bitter satire on the utilitarian political economy. Dickens’ narrator sarcastically refers to the fair “distribution of wealth.” Like blind followers of the utility of political economy or *laissez-faire*, Gradgrind and M’Choakumchild firmly believe that distribution of wealth should be strictly controlled by the universal law of nature and they are completely blind to the possibility of unjust exploitation of others’ riches or labour. The “National Prosperity” was achieved by the sacrifice of a large majority of poor people, so the situation should be considered quite “unnatural” as well as “unfair” to Sissy. Instead of answering whether it is a thriving country or not, Sissy questioned M’Choakumchild or Louisa “*who* had got the money.” Even if John Rawls’ “veil of ignorance” was just an imaginary notion, Sissy’s question shows that the conditions does not reflect Rawls’ “basic rights and liberties” of citizens on a “free and equal” basis. Along with the criticism on distribution of the wealth of nation, the moral censure of “sum-ranking” is also detectable in the passage. From the standpoint of a theory of justice, we may ask instead of Sissy: Whose Justice is it?

‘That was a great mistake of yours,’ observed Louisa.

‘Yes, Miss Louisa, I know it was, now. Then Mr M’Choakumchild said he would try me again. And he said, This schoolroom is an immense town, and in it there are a million of inhabitants, and only five-and-twenty are starved to death in the streets, in the course of a year. What is your remark on that proportion?’

And my remark was ... for I couldn't think of a better one ... that I thought it must be just as hard upon those who were starved, whether the others were a million, or a million million. And that was wrong, too.'

'Of course it was.' (11)

At the beginning of the work Gradgrind emphasizes his absolute principle in his life by repetition of the word "fact": 'Now, what I want is, Facts. ... Stick to Facts, sir!' (12) Like Gradgrind, M'Choakumchild is a hard-core utilitarian and strongly believes in the concrete world picture constructed out of "facts". Nevertheless, his statement discloses that what he believes to be a fact is actually a false notion or just a "metaphor". Trying to ask the correct ratio of those who are starved to death, he innocently does not pay any attention to the difference between a schoolroom and a town. Likewise, he ignores the uniqueness of the individuality. In contrast to M'Choakumchild, Sissy feels profound compassion for individual human suffering.

'Then Mr M'Choakumchild said he would try me once more.

And he said, Here are the stutterings ...'

'Statistics,' said Louisa.

'Yes, Miss Louisa, ... they always remind me of stutterings, and that's another of my mistakes ... of accidents upon the sea. And I find (Mr M'Choakumchild said) that in a given time a hundred thousand persons went to sea on long voyages, and only five hundred of them were drowned or burnt to death. What is the percentage? And I said, Miss,' here Sissy fairly sobbed as confessing with extreme contrition to her greatest error; 'I said it was nothing.'

'Nothing, Sissy?'

'Nothing, Miss ... to the relations and friends of the people who were killed, I shall never learn,' said Sissy. 'And the worst of all is, that although my poor

father wished me so much to learn, and although I am so anxious to learn because he wished me to, I am afraid I don't like it.' (13)

To Sissy the term "statistics" is another name of "stutterings", not only because their sounds are similar but because statistics are something not to function effectively to her. Now Sissy's eyes are focused on the bereaved family and friends, which suggests the need or possibility of "solidarity" among those who are suffering. Asked about the percentage, she responds that it is "nothing", and her response is undoubtedly highly ironical because "nothing" signifies uselessness of a figure or statistics as well as of zero percent. If Sissy' answer "nothing" is a Socratic irony towards the Benthamite conception of "the greatest happiness of the greatest people", here by expressing her sympathy for sufferers, she supposedly shows that her position is closer to that of communitarians.

Malthus introduced the concept of surplus of population into political economy under the postulation that a growth rate in population would surpass food production. Although two of Gradgrind's sons are named after Adam Smith and Jeremy Bentham, Malthus as well as Smith and Bentham is also Thomas Gradgrind's icon. We can cite a comparable example in "Christmas Carol". When asked for a contribution to a charitable foundation on Christmas Eve, Mr. Scrooge in "A Christmas Carol", one of the most popular Utilitarian figures and followers of Self-Help among Dickens' characters, rejects the proposal by referring to "the surplus population" and "the Union Workhouses."

'Are there no prisons?' asked Scrooge.

'Plenty of prisons,' said the gentleman, laying down the pen again.

'And the Union workhouses?' demanded Scrooge.

'Are they still in operation?'

'They are. Still,' returned the gentleman, 'I wish I could say they were not.'

'The treadmill and the Poor Law are in full vigour, then?' said Scrooge.

'Both very busy, sir.'

'Oh! I was afraid, from what you said at first, that something had occurred to stop them in their useful course,' said Scrooge. 'I'm very glad to hear it.' ...

'I wish to be left alone,' said Scrooge. 'Since you ask me what I wish, gentleman, that is my answer. I don't make merry myself at Christmas and I can't afford to make idle people merry. I help to support the establishments I have mentioned ... they cost enough; and those who are badly off must go there.'

'Many can't go there; and many would rather die.'

'If they would rather die,' said Scrooge, 'they had better do it, and decrease the surplus population. Besides —excuse me— I don't know that.' (14)

Although his name is clearly a parody of the slang "screw", which means 'a miser', Scrooge is not merely stingy. His refusal to help to the poor people is not an emotional decision but a logical one based on the principle of the self-help ideology, which was also a desire to climb the social ladder. To him poor people are "idle people" and he does not feel any need to help them. Besides, Scrooge fulfills a legal obligation to pay his taxes to run "the establishments" such as the workhouses and prisons, so donation is quite illogical and even unfair to him. He also expresses his belief that if the surplus population should be decreased, then the idle people should be eliminated first. He is also a utilitarian political economist as well as a self-made man. Utilitarian political economists were on the side of the 1834 New Poor Law as a countermeasure. (15)

Dickens' narrator keenly satirizes the different trajectories of Victorian political economy. When asked "what is the first principle of political economy?" Sissy Jupe returned quite an incoherent answer using the golden rule deriving from the passage of the Catechism of the Church of England.

M'Choakumchild reported that she had a very dense head for figures; that, once possessed with a general idea of the globe, she took the smallest conceivable interest in its exact measurements; that she was extremely slow in the acquisition of dates, unless some pitiful incident happened to be connected therewith; that she would burst into tears on being required (by the mental process) immediately to name the cost of two hundred and forty-seven muslin caps at fourteenpence halfpenny; that she was as low down, in the school, as low could be; that after eight weeks of induction into the elements of Political Economy, she had only yesterday been set right by a prattler three feet high, for returning to the question, 'What is the first principle of this science? the absurd answer, 'To do unto others as I would that they should do unto me.' (16)

This is an emendation of the language of the Catechism of the Anglican Church, in the Book of Common Prayer: 'My duty towards my neighbour is ... to do to all men as I would that they should do unto me,' and the answer to the question in the Catechism "What is thy duty towards thy Neighbour?". Matthew 7:12, reads "Therefore all things whatsoever ye would that men should do to you, do ye even so to them.' (17)

What would be the right answer M'Choakumchild would have expected? Maximizing self-interest? There is no reference to M'Choakumchild's answer, partly because Dickens' intention is to ask about the ethics in capitalism or utilitarianism. On 28 January 1854 the *Preston Guardian* reported that George Cowell, one of the strike leaders, criticized political economy as useless.

When the working classes begin to want more money, they are taunted about their ignorance. ... Political economy! What is it? The doctrine of

buying cheap and selling dear—a doctrine utterly irreconcilable with the divine precept “Do unto others as you would that they should do unto you.” (18)

In *Utilitarianism* (1861-63), John Stuart Mill also asserted that “the golden rule of Jesus of Nazareth” shows “the complete spirit of the ethics of utility”. Mill writes,

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one’s neighbor as oneself, constitute the ideal perfection of utilitarian morality.—As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual, as nearly as possible in harmony with the interest of the whole; ... (19)

Ironically Sssy’s comical mistake in conversation with M’Choakumchild as a result anticipates J.S.Mill’s future criticism of Benthamite utilitarianism from an ethical standpoint. It would not be a mere coincidence both Dickens and Mill referred to the golden rules. Mill might have answered Dickens’ satire in *Hard Times*. (20)

The whirligig of literary responses to *Hard Times* is succinctly summed up by Catherine Gallagher when she writes,

There was a time, back in the last century, when most literary critics despised nineteenth-century British political economy. Our disdainful view of it had many sources ... the American New Critics, the Leavisites, the Marxists, the early Victorian literati ... We were the Kantians (or Coleridgeans), they were the Benthamites, and we lacked John Stuart Mill's reasons for attempting a dialectical synthesis. (21)

Once more new advances in literary criticism and continental philosophy have altered our interpretation and understanding of literary texts with utilitarian idealism.

Mill, however, does not enunciate an “ideal perfection of utilitarian morality.” His arguments vis-à-vis modernity and dialectical synthesis lack both logic and coherence.. Mill's comment also leads to the postmodern issue like unavoidable incompatibility or incommensurability between the happiness of the whole and individual happiness. Both Dickens and Mill resort to the biblical conceptions of justice rather than legal or political notions of justice. The golden rule, however, lies at the center of Christian ethical inquiry.

Lady Justitia's sword and scales against Gradgrind's rule and scales

The very conceptions of fairness and justice have undergone dramatic changes in the last two decades and they in turn have affected literary thought and literary analysis. Dickens was thinking ahead of his times when he satirized the dominant ideology of the early twentieth century—utilitarianism. Thinkers

of jurisprudence have highlighted various hegemonies, elision and subterfuges that affect our understanding of the golden rule, justice and fairness in modern society. Dickens was obviously quite aware of the injustices that utilitarianism brought to English society, especially the poor and the downtrodden. Thomas Gradgrind is a person who is always ready to introduce himself as “a man of fact and calculations” to anyone.

Thomas Gradgrind, sir. ... peremptorily Thomas—Thomas Gradgrind. With a rule and a pair of scales, and the multiplication table always in his pocket, sir, ready to weigh and measure any parcel of human nature, and tell you exactly what it comes to. It is a mere question of figures, a case of simple arithmetic. (22)

Like Lady Justitia, Gradgrind always carries “a pair of scales” of secular justice for the utilitarians and believes with the scale of utilitarian “sum ranking,” it is quite easy for anyone even to “weigh and measure any parcel of human nature.” In Benthamite classical utilitarianism she is depicted as “the compassionate and impartial observer” and the total sum of people’s pleasure and pain is weighed on the scales, so whose pain or pleasure is not taken into consideration: The utilitarian goddess of justice has definitely a blind spot or is blind.

According to the figure of the goddess of justice molded in the modern era, she puts on a blindfold and carrying a sword on the right hand and a pair of scales on the left hand. Her pair of scales is considered to represent a fair judgment on all and the sword justice for all. That being so, what does the blindfold signifies? Wakamatsu compares her blindfold to a metaphor of Sen’s theory of “informational constraints” but as M. Williams notes, it also represents unfathomable “hidden human intentions” (23)

According to A. Sen's theory of "informational constraints", for instance, the foundational information of the golden rule is concentrated on "what I do not like the others to do to me" and "what I like to do to the others" is excluded as unnecessary information.

Conclusion

It is hard to say whether theories of justice are useful to individuals and society or do they merely expose social and political injustice. At the heart of our discussion lies a paradox: are individual rights and communitarian virtues inimical and paradoxical? Human motives are largely fathomless, moving from one extreme to the other. On one side is self-sacrificing glory and on the other rabid self-interest. Though theories of justice have always responded to social, economic and legal changes, it has always maintained the ethical criterion. Thinkers and scholars have continued to ask the question whether justice is limited to a chosen few or is for everyone. We still feel that Lady Justitia remains blind to these issues. Dickens had tried to answer the questions of social justice, hegemony and control through his reevaluation of retributive justice and socio-political theories of his time. He saw the fundamental incompatibility between individual happiness and social well-being. He argued for the inclusion of all in the project of utilitarian happiness. His position was not just economic but ethical in nature based on fairness for all. However, intellectually Dickens found it difficult to reconcile social justice with hardcore utilitarian rationalism. Today our conception of justice requires us to shift from a regional perspective to a more global one, something that Dickens campaigned for.

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