

Who is Oliver?
Unexecuted Wills and Threatened Legal Rights in Oliver Twist

Akiko Takei, Chukyo University, Japan

The European Conference on Arts & Humanities 2020
Official Conference Proceedings

Abstract

In this paper, I examine the unexecuted wills and the difficulty in exercising legal rights in *Oliver Twist* (1837–39). In Dickens's novels, the making and exercising of wills are extremely important because these actions are required for inheritance. Their choice of the beneficiary to their fortune exposes a character's desire for money, affects and manipulates their human relationships and life events, and propels the plot. *Oliver Twist* focuses on Monks's trick for depriving Oliver of his inheritance by annulling the wills and evidence that otherwise would have proved Oliver's identity and heirship. Monks's scheme goes considerably well because he effectively robs Oliver of the means of claiming his legal rights. He is debauched but clever enough to understand that every legal claim is void without documented evidence or witnesses, whereas Oliver's parents cannot properly make a will because of their obscurity and untimely deaths. Oliver's bitter experience demonstrates that not all people are equal under the law; the objective of the law is not justice, and the evil and wicked can lawfully deprive the good and honest of their property. The law and wills in *Oliver Twist* are not powerful monsters; they are controlled and arbitrarily put into practice depending on individuals' convenience and interests.

Keywords: Dickens, Family, Inheritance, Law, Money

iafor

The International Academic Forum
www.iafor.org

Introduction

In this paper, I focus on unexecuted wills in *Oliver Twist* and the unfairness in exercising legal rights. As Anny Sadrin mentions, a father's last will drives the plot in most of Dickens's novels (Sadrin, 1994, p.13). Making and exercising a will is crucial because these actions are required for inheritance. Their choice of the beneficiary to their fortunes exposes Dickens's characters' desire for money, affects their human relationships and life events, and propels the plot. For example, *Jarndyce v. Jarndyce* is a central plot element in *Bleak House*, and many people are involved in this case, wasting their money, time, and energy. Mark Fortier argues that inheritance has played an important role in maintaining a patriarchal society in which the dead control and dominate their offspring (Fortier, 2019, p.57). *Bleak House* is an undesirable example in which individuals' decision-making ability is dictated by persons long-dead. On the other hand, thanks to a sudden inheritance, the Micawbers are released from a debt-ridden life, and the Dorrits leave the Marshalsea Prison. Pip is promoted from a blacksmith to gentleman by a gift from Magwitch. It is not until Pip gives up his right to Magwitch's fortune that he acquires independence and fortitude. In Dickens's novels, money does not always guarantee happiness, but, with a moderate amount of money, people escape from care and worries and maintain their decency. Inheritance of a large fortune dramatically changes the characters' lives and future.

Oliver Twist's fate is likewise significantly affected by property inheritance. As Catherine Waters points out (Waters, 1997, p.29), the plot of *Oliver Twist* centers on the discovery of Oliver's identity and the recovery of his legal claim to his family name and fortune. His suffering runs parallel with the deep hatred felt by Mrs. Leeford and Oliver's half-brother Monks toward those connected with Mr. Leeford and Oliver's mother, Agnes Fleming. Except for the final part of the book, their scheme succeeds. The rescue of Oliver entirely depends on luck and third-party favor and help, for instance, by Brownlow, Rose, and Nancy. I choose to discuss the plight of Oliver because of his unclear parentage and legal status, which enable Monks's revenge.

The social stigma imposed on Oliver and his mother Agnes

Oliver Twist begins with the scene in which an unnamed young woman gives birth to a boy—later named Oliver Twist—in a workhouse. The descriptions in the first chapter predict the baby's forthcoming humiliation, misery, and unhappiness. First, he is born in a workhouse—the abode of the lowest social class in Victorian Britain. The passage “Now, if, during this brief period, Oliver had been surrounded by careful grandmothers, anxious aunts, experienced nurses, and doctors of profound wisdom, he would most inevitably and indubitably have been killed in no time” (ch.1), suggests that Oliver has no relative and guardian who is happy to take care of him. The narrator goes on as follows: “The result was, that, after a few struggles Oliver breathed, sneezed, and proceeded to advertise to the inmates of the workhouse the fact of a new burden having been imposed upon the parish” (ch.1). At the end of the first chapter, Oliver is “a parish child—the orphan of a workhouse—the humble, half-starved drudge—to be cuffed and buffeted through the world—despised by all, and pitied by none” (ch.1). Nobody welcomes Oliver's birth. For instance, Old Sally is drunk and does nothing helpful for midwifery. The parish surgeon offers minimal

help, and after Oliver is born, he tries not to involve himself with Oliver anymore. Although low-skilled and not successful, he belongs to the middle class and shows little sympathy for the poor of obscure parentage.

As early as the first chapter, the stigma around extramarital affairs and natural children is represented by the surgeon's attitude toward Agnes. He shows her some kindness because he is generous enough not to speak ill of the dying. However, as soon as she dies, he confirms she is a "Miss nobody" and does not have a wedding ring and concludes that she is a sinful woman, and her postnatal death is a punishment for extramarital sex. Evidently, he despises her and her baby.

While Oliver is in the workhouse, except for when he is forced to request further gruel, he is not on bad terms with his fellow boys, and they do not disapprove of his obscurity. Their common enemies are hunger and repeated punishments. They are all social failures and have no time to enquire into the private affairs of others. However, once Oliver starts in life, he meets those who abuse him for his origins more harshly than the surgeon. The first example is Noah Claypole, a senior apprentice in Sowerberry's shop. He is from a charity school and dependent on a local charity. His social standing is as low as Oliver's, but he believes that he is superior and entitled to insult Oliver's background merely because Oliver is a natural child of unknown parentage. Although his parents are low-born and poor, Noah's parentage is known to the public, and he is a legitimate child anyhow. He has the following conversation with Oliver:

'Yer know, Work'us,' continued Noah, emboldened by Oliver's silence, and speaking in a jeering tone of affected pity: of all tones the most annoying: 'Yer know, Work'us, it can't be helped now; and of course yer couldn't help it then; and I am very sorry for it; and I'm sure we all are, and pity yer very much. But yer must know, Work'us, yer mother was a regular right-down bad 'un.'

'What did you say?' inquired Oliver, looking up very quickly.

'A regular right-down bad 'un, Work'us,' replied Noah, coolly. 'And it's a great deal better, Work'us, that she died when she did, or else she'd have been hard labouring in Bridewell, or transported, or hung; which is more likely than either, isn't it?' (ch.6)

Oliver has no means of defending his mother against Noah's insult to her and his claim that she deserves punishment and death, except to knock Noah down. A court, including Bumble and a parish officer, is promptly founded. The Sowerberrys ignore Noah's offense and condemn Oliver's attack on Noah, referring to Oliver's parentage and asserting that his mother was a bad woman. The following is a part of their ill remarks about her:

'He called my mother names,' replied Oliver.

'Well, and what if he did, you little ungrateful wretch?' said Mrs Sowerberry. 'She deserved what he said, and worse.'

'She didn't,' said Oliver.

‘She did,’ said Mrs Sowerberry.

‘It's a lie,’ said Oliver. (ch.7)

This scene illustrates widespread aversion to extramarital affairs and natural children among the lower classes. They seem to go into hysterics and combine whatever they dislike about Oliver with their aversion to illicit affairs, reflecting Dickens’s distaste for the prevailing attitude toward illegitimate children (Adrian, 1984, p.91). Sowerberry is not always unkind to Oliver, but here he heavily beats Oliver because taking his side would mean approving of a natural child. Oliver’s powerlessness indicates that those who have an extramarital affair are denied respect, and natural children suffer for their parents’ sins.

At the end of the book, it is clarified that Rose Maylie is Oliver’s aunt, and she also suffers from the assumption of being a natural child of a bad woman because of Mrs. Leeford’s trick. She understands well that the lower classes unthinkingly attack extramarital affairs and bully illegitimate children, as exemplified by the Sowerberrys. Thanks to Mrs. Maylie, Rose is saved from abuse and poverty. However, possibly because of repeated insults to her identity, she internalizes the prejudice against natural children and decides not to accept Harry’s love for his worldly success. She says, “... there is a stain upon my name, which the world visits on innocent heads. I will carry it into no blood but my own; and the reproach shall rest alone on me” (ch.35).

Arthur Adrian notes that here Rose gives voice to Dickens’s disapproval of the prejudice against illegitimacy (Adrian, 1984, p.91). Hilary Schor writes that the reason for Rose’s refusal to marry Harry Maylie is not entirely because of the shame of marrying an illegitimate and penniless orphan but also out of love for her natural and foster mothers and her pride in not clinging to him (Schor, 1999, pp.26–27). However, even after her parentage is known, she never unlearns the shame of her sister’s affair with a married man and having a natural son, accommodating society’s views. Thus, she does not immediately accept Harry’s proposal:

“That a sense of his deep disgrace so worked upon my own father that he shunned all—there, we have said enough, Harry, we have said enough.” (ch.51)

Harry is heroic enough to give up venturing into politics and chooses a moderate living instead as a country clergyman for the woman he loves. His decision is described as affectionate and noble, but his sacrifice indicates that the social stigma on natural children remains permanent.

The revenge of Mrs. Leeford and Monks

In contrast to Agnes and Oliver, Mrs. Leeford and Monks are nasty and egocentric. It is hinted that Mrs. Leeford has been unfaithful while being separated from Mr. Leeford. Monks falls into bad company from an early age. However, their bad behaviors are not criticized at all, and their desires and needs are always respected because they are Mr. Leeford’s legitimate family. Mr. Leeford’s critical condition is reported to Mrs. Leeford, and she takes care of all of his property arrangements after his death. She burns a will that is unfavorable to her and wastes his fortune, together

with Monks. She makes every possible attempt to eliminate the trace of Agnes and her family and send them to the depth of misery. Despite her anger and hatred, Mrs. Leeford cleverly keeps the letter in which Mr. Leeford confesses his illicit love to prepare for further revenge. She carefully examines the evidence, destroys some, and preserves the rest. Later, Brownlow clarifies the process of Mr. Leeford's death and Mrs. Leeford's usurpation. However, the loss of Oliver's property is not reimbursed, and he gives up half of his inheritance. Her revenge succeeds on the whole.

The contrasts between Mrs. Leeford and the Flemings show that, under the law, formality is valued much more than reality. Mr. and Mrs. Leeford are separated for a long time, and their marriage has lost substance. However, as long as Mrs. Leeford is not legally divorced, she is allowed to abuse her right as a legitimate wife, and her interests are valued over those of the Flemings. On the other hand, owing to an illicit relationship, the Flemings can do nothing effective to counterattack Mrs. Leeford. Mr. Fleming does nothing to defend Agnes, blindly believes Mrs. Leeford's ill remarks, and abandons his family name and property. Agnes runs away, gives birth to an unwanted child, and dies as a "Miss nobody" in the workhouse. Rose puts up with the rumor of being illegitimate. Although Mr. Leeford and Agnes sincerely love each other, their affair is regarded as inappropriate in their lifetime as well as after their death. Sadrin comments that Oliver will pay dearly for the sins of his parents, and he will never be called by his father's family name (Sadrin, 1994, p.43). This suggestion is correct because Brownlow adopts Oliver, and Oliver is legally saved from the disgrace his parents incur.

On her deathbed, Mrs. Leeford leaves Monks all secrets and evidence, and he takes over her revenge. George Gissing wrote in *Immortal Dickens* (1925) that one of the two blemishes of *Oliver Twist* is the characterization of Monks, and his intrigue is absurd (ch.4;4). However, Gissing ignores the grudge of a woman whose husband is stolen, although she does not love and live with him, as well as Monks's loyalty to his mother. Monks perfectly inherits his mother's malice and vindictiveness and likewise destroys and preserves evidence. He bribes Mr. and Mrs. Bumble into selling him Agnes's wedding ring and locket and orders them to keep a secret. He is prudent enough to provide against emergencies and entrust Fagin with the evidence. As Juliet John says (John, 2001, p.124), Monks is a petty villain but wise enough to understand every legal claim is void without evidence. To counterattack him, all documentary proof is destroyed or hidden; Oliver has to resort to eavesdropping and peeking to save himself.

Unlike Mrs. Leeford and Monks, Mr. Leeford cannot conduct legal procedures properly. He dies offstage and is a shadowy character. Kelly Hager suggests that the failure of his marriage and his affair with Agnes are hidden well in the text (Hager, 2010, p.56), probably so as not to arouse the antipathy of Dickens's readers toward illicit love and illegitimacy. However, if his behaviors are analyzed in detail, he is no doubt weak-willed and imprudent. Waters notes that Oliver's illegitimacy causes his initial misery and misadventures (Waters, 1997, p.32) but ignores Mr. Leeford's faults. Hager explains that before the Divorce Act of 1857, divorces were to be granted by Parliament, and reasons were limited to adultery and were extremely expensive. However, well-off men without unfaithful wives could virtually end their matrimony by having a conveyancer draw up a separation agreement (Hager, 2010, p.37). However, there is no sign that Mr. Leeford makes such an arrangement in advance.

Purely motivated by his sexual desire, he has an affair with Agnes without letting her know that he is married, and this makes the Flemings and Oliver unhappy. He might love her, but, ultimately, he seduces her by hinting at marrying her someday and eventually plans to run away with her, reducing her to the status of a mistress. Although his marriage breaks up, his behavior is contrary to accepted morality. Moreover, his carelessness is seen in the process of making a will. As soon as he falls ill in Rome, he draws up a will and appoints Brownlow as the executor but takes no measure so that the letter is sure to be sent to Brownlow. He does not understand that a will is void without being acknowledged by the third party. Unlike Monks, he lacks caution and hardly attempts to leave a positive proof. The non-execution of his will is caused by his inability to take legal action properly. Oliver is a victim.

The availability of laying legal claim

The availability of laying legal claim depends on environment and social standing, as well. I would like to examine the cases of Agnes and Old Sally. Agnes runs away from home and drops out of the middle class. Without friends and relatives, she gives birth to a baby in a workhouse—the abode of the lowest social group. On her deathbed, all she can do for the baby is pray for divine protection and entrust her wedding ring and locket—the only clue to Oliver’s identity—to anybody nearby. It is Old Sally, and, unsurprisingly, she misappropriates them. Ironically enough, upon death, Old Sally likewise leaves the ring and locket to Mrs. Corney to be disposed of by Monks. These cases demonstrate “the food chain” (Richardson, 2012, p.279), to borrow a term from Ruth Richardson, in which the weak are preyed upon by the strong. Located at the bottom of the chain, the poor and obscure such as Agnes and Old Sally are not allowed to document their will and cannot find an appropriate executor who is sure to exercise their oral will. It is almost impossible for the weak to lay legal claim to anything.

Chapters 49 and 51 in *Oliver Twist* bring climactic solutions to mysteries connected with Oliver’s identity. Brownlow does everything possible to expose Monks’s villainy and recover Oliver’s inheritance by making full use of legal action. He investigates Monks and goes to the West Indies. He meets witnesses, for instance, Nancy and Old Sally’s fellow inmates. He writes down the details of Monks’s defrauding and allows Monks to sign a statement in public. He does not repeat Mr. Leeford’s failure. Contrary to the will, he offers Monks one half of what was left of the property, respects the legitimate elder brother, and cuts his connection with Oliver. Despite being a minor character, Mr. Grimwig definitely contributes much with his legal knowledge and inquiry capabilities. Monks’s hatred toward Oliver is unchanged, but once the positive proof is ready, he is willing to tell the truth:

‘Set your hand to a statement of truth and facts, and repeat it before witnesses?’

‘That I promise too.’

‘Remain quietly here, until such a document is drawn up, and proceed with me to such a place as I may deem most advisable, for the purpose of attesting it?’

‘If you insist upon that, I'll do that also,’ replied Monks. (ch.49)

‘This is a painful task,’ said he [Brownlow], ‘but these declarations, which have been signed in London before many gentlemen, must be in substance repeated here. I would have spared you the degradation, but we must hear them from your own lips before we part, and you know why.’

‘Go on,’ said the person addressed [Monks], turning away his face. ‘Quick. I have almost done enough, I think. Don’t keep me here.’ (ch.51)

Waters asserts that from the beginning Oliver’s good birth and natural virtue are represented by his face and language (Waters, 1997, pp.29–31). However, these factors have no evident capability to return Oliver to where he should be, as Monks says, “what then?... a fancied resemblance in some young imp to an idle daub of a dead man’s” (ch.49). The dialogue between Brownlow and Monks shows that in legal proceedings, proof is everything. Without proof, facts cannot be found, and an individual’s desire and wishes matter little.

Conclusion

The difficulty in discovering Oliver’s identity and retrieving his inheritance suggests that not all people are equal under the law. Oliver has been nobody, and his social standing and inheritance are only restored through luck. Legal rights of the poor and weak can be easily violated, as seen in the cases of Agnes and Old Sally. Even though one can afford to make a will, it is not always valid and executed. Wills do not guarantee everything, and they can be easily destroyed. The objective of law is not justice, and the evil and wicked can lawfully deprive the good and honest of their property. In *Oliver Twist*, laws and wills are not monsters that ruin human beings; they are controlled, and arbitrarily executed, depending on individuals’ convenience, greed, and interests.

References

Adrian, Arthur A (1984). *Dickens and the Parent–Child Relationship*. Athens, OH: Ohio UP. Print.

Dickens, Charles (1994). *Oliver Twist*. London: Dent. Print.

Fortier, Mark (2019). *Literature and Law*. London: Routledge. Print.

Gissing, George (2014). *Complete Works of George Gissing*. Bexhill-on-Sea, East Sussex: Delphi. Kindle.

Hager, Kelly (2010). *Dickens and the Rise of Divorce: The Failed-Marriage Plot and the Novel Tradition*. Farnham, Surrey: Ashgate. Print.

John, Juliet (2001). *Dickens's Villains: Melodrama, Character, Popular Culture*. Oxford: OUP. Print.

Richardson, Ruth (2012). *Dickens and the Workhouse: Oliver Twist and the London Poor*. Oxford: OUP. Print.

Sadrin, Anny (1994). *Parentage and Inheritance in the Novels of Charles Dickens*. Cambridge: CUP. Print.

Schor, Hilary M (1999). *Dickens and the Daughter of the House*. Cambridge: CUP. Print.

Waters, Catherine (1997). *Dickens and the Politics of the Family*. Cambridge: CUP. Print.