

STONE WALLS DO NOT A PRISON MAKE: CHARLES DICKENS AND DEBTORS' PRISONS

**By: Patrick E. Mears
Presented at 2023 IEEI Annual Meeting
London, England, United Kingdom**

I. Introduction

This essay explores first the creation and evolution in England of prisons for the incarceration of individuals whose debts to creditors remained unpaid beyond their due date. This imprisonment resulted after such a creditor obtained a money judgment from a court and then initiated legal process for the arrest and imprisonment of the defaulting debtor in a prison system until (i) the debtor died, (ii) the debt was paid, or (iii) the creditor forgave the debt.

Although these prisons were established throughout England, this paper will focus on those prisons and their environments within the City of London in the Eighteenth and Nineteenth Centuries. It was during this period that in 1824, Charles Dickens' father, John, became unable to pay his debts and was thereafter sentenced to one of these prisons, the Marshalsea, then located along Borough High Street in Southwark, south of the Thames River. This imprisonment separated Charles not only from his father, but also from his mother and siblings. During the time of his father's three-month imprisonment and for some time thereafter, the then-twelve-year-old Charles lived in London alone and worked in Warren's Blacking Factory, located in a warehouse beside the Thames that made boot polish. This traumatic experience of forced separation coupled with abandonment at a tender age had a lifelong impact upon the author that is evidenced by a multitude of condemnatory references to and descriptions of London's debtors' prisons throughout his works.

In a letter written years later to his close friend and fellow writer, John Forster, Dickens described his reaction to this past trauma:

It is wonderful to me how I could have been so easily cast away at such an age. It is wonderful to me that, even after my descent into the poor little drudge I had been since we came to London, no one had compassion enough on me—a child of singular abilities: quick, eager, delicate and soon hurt, bodily or mentally—to suggest that something might have been spared, as certainly it might have been, to place me at any common school. Our friends, I take it, were tired out. No one made any sign. My father and mother were quite satisfied. They could hardly have been more so, if I had been twenty years of age, distinguished at a grammar school, and going to Cambridge.

II. A Brief Overview of Debtors' Imprisonment in England: The Legal Process Involved, its Evolution, Reform and Abolishment

English legislation creating the creditor's remedy of imprisonment for unpaid and past due indebtedness can be traced back to the thirteenth and fourteenth centuries. In 1238 by means of the statute of Acton Burnell, merchant creditors were granted the authority

*. . .to compel debtors to acknowledge their liabilities before a town mayor, and to distraint debtors' goods or imprison their bodies should they subsequently default on these obligations. Legislation of 1852 increased these powers dramatically, authorizing creditors to arrest and imprison the bodies of debtors who had made no public acknowledgement of their liabilities, and to continue this custody until the captives agreed to settle their accounts. 'From this statute,' Ralph Pugh observes, 'sprang all the imprisonings for debt, all the debtors' prisons or debtors' wards, and all the lamentations which they brought in their train.'*¹

The English law of imprisonment for debt evolved after the basic remedy had been established in the Thirteenth and Fourteenth Centuries. By 1800, the following essential laws and procedures had been established.

- (a) Two forms of imprisonment for debt had been fixed. The first permitted imprisonment on the mesne (pronounced "mean") process initiated by a *capias ad respondendum*. The second form was imprisonment in execution on the final process pursuant to a *capias ad satisfaciendum*. English law granted this remedy to creditors by right, without any requirement that the debtor's actions had been fraudulent.
- (b) Another process available to creditors to collect past-due indebtedness was commenced by the issuance and service of a summons, which did not invoke arrest and imprisonment.
- (c) Creditors had three possible remedies upon execution. The first was execution on the debtor's personal property via a writ of *feri facias*. The second was an execution against the debtor's land that was limited in scope. This writ was *med levari facias* or *elegit*. Debtors' intangible property could not be seized by creditors and used to satisfy their claims. The third remedy was execution against the debtor's "body," which required the debtor to be imprisoned until the debt was paid or forgiven.
- (d) Creditors nevertheless could not levy upon the debtor's property after he had acted against the debtor's physical "body" via its imprisonment until the debt would be paid, either by the debtor, his friends and/or relatives. In these circumstances the debtor could elect to remain in prison and live upon (i) money advanced directly to

¹ Margot C. Finn, *The Character of Credit: Personal Debt in English Culture, 1740-1914*, Cambridge University Press, Cambridge, United Kingdom (2007), at p. 110 (hereinafter cited as "Finn").

him by relatives/friends, (ii) the debtor's intangibles, and (iii) portions of the debtor's real estate that were exempt from execution.

Prior to 1828, English law provided two forms of mitigation for the benefit of debtors. Bail was the first such benefit, pursuant to which two "respectable property holders guaranteed that the debtor would appear at the trial or pay the judgment."² The second lifeline for debtors was extended by 1813 legislation, which

. . . created a permanent Insolvent Debtors Court on principles that had been in operation through temporary Acts for over a century. Debtors applied to the Court for relief, supplying a list of assets and assigning all of their property, including land and intangibles, for the ratable benefit of their creditors. If they had not acted in contravention of broadly defined commercial morality, the Court released them from prison, but not from their debts. Future acquired property remained liable to pay past debts. Creditors were barred from initiating this process against large debtors. . . . Thus by a complex and expensive procedure, creditors could force their imprisoned debtors to cede all of their property, and be released from goal. The financial limit meant that there was thus no effective remedy against large land and intangible property holders who refused to pay and were willing to remain in the comparative luxury of the major London prisons and their environs.³

In the year 1828, four years after John Dickens was released from the Marshalsea Prison in London upon payment of his debts by means of a legacy left to him in the will of his deceased grandmother, the first of a series of law reforms with respect to the creditors' remedy of imprisonment for debt was enacted. There were some palliative measures enacted by Parliament in the years leading up to this date, but they only marginally improved the lot of imprisoned debtors. In 1828, a liberal Member of Parliament representing Winchelsea, Henry Peter Brougham (1778-1868), made a speech advocating reforms to the laws governing imprisonment for debt. This action triggered a years-long process, that eventually ended with legislation enacted in 1869 that greatly limited the scope and impact of this creditors' remedy. This move for reform was apparently influenced in part by the publication of Charles Dickens' "The Posthumous Papers of the Pickwick Club" in serial form during 1836 and 1837, that featured in Chapters XV-XVI a graphic detailing of the experiences of Mr. Pickwick in the notorious Fleet Prison for failure to pay a debt, which Dickens later described in a fragment of his autobiography:

When I went to the Marshalsea of a night, I was always delighted to hear from my mother what she knew about the histories of the different debtors. . . . Their different peculiarities of dress, of face, of gait, of manner, were written indelibly upon my memory. . . . When I looked, with my mind's eye, into the Fleet Prison during Mr.

² Bruce Kercher, „The Transformation of Imprisonment for Debt in England, 1828 to 1838, 2 Australian Journal of Law and Society, 61, 12 (1984)(hereinafter cited as "Kercher").

³ Id.

*Pickwick's incarceration, I wonder whether half a dozen men were wanting from the Marshalsea crowd that came filing in again. . . .*⁴

In 1869 Parliament enacted a statute titled "Debtors Act 1869," which abolished the remedy of imprisonment for debt except in limited circumstances. Imprisonment for "run-of-the-mill" debtors was essentially abolished by this Act. Section 1 of the statute quoted below contains the "guts" of the legislation:

Abolition of imprisonment for debt, with exceptions.

With the exceptions herein-after mentioned, no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money.

There shall be excepted from the operation of the above enactment:

- 1. Default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of any contract.*
- 2. Default in payment of any sum recoverable summarily before a justice or justices of the peace.*
- 3. Default by a trustee or person acting in a fiduciary capacity and ordered to pay by a court of equity any sum in his possession or under his control.*
- 4. Default by an attorney or solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order.*
- 5. Default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which any court having jurisdiction in bankruptcy is authorized to make an order.*
- 6. Default in payment of sums in respect of the payment of which orders are in this Act authorized to be made.*

*Provided, first, that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year ; and, secondly, that nothing in this section shall alter the effect of any judgment or order of any court for payment of money except as regards the arrest and imprisonment of the person making default in paying such money.*⁵

III. Debtors' Experiences of Imprisonment

A. The Prisons Themselves

⁴ Introduction, *The Pickwick Papers*, p. x, Oxford University Press, Oxford, United Kingdom (1988).

⁵ The provisions of the entire Act may be accessed here: <https://www.legislation.gov.uk/ukpga/Vict/32-33/62/part/I/crossheading/abolition-of-imprisonment-for-debt/enacted>.

As previously noted, debtors' prisons were located across England. In cities and boroughs outside of London, these places of incarceration were located throughout the state. London had numerous debtors' prisons within its limits, but the "Big Three" of this lot were (i) Fleet Street Prison, (ii) King's Bench Prison, and (iii) the Marshalsea Prison. The century that we are examining here, viz., 1760 to 1860, has been described by one author as having seen ". . .the birth of the penitentiary, but it also witnessed an effervescence of the unreformed debtors' prison. . . .(S)uccessive waves of economic crisis spurred by rapid economic growth similarly contributed to a significant increase of the number of imprisoned debtors."⁶ The author continues as follows, advancing the idea that as improvements were made in the conditions of debtors' prisons over time, the character of these debtors became more difficult to reform:

By the Victorian era, the criminal component of the prison's burgeoning population had clearly gained ascendancy. Now numerically dominant among inmates, convicted prisoners monopolized penal ideology of incarceration. But although disciplinary mechanisms designed for criminals ultimately prevailed in penal policy, their rise to even ideological dominance was halting, piecemeal and hotly contested. Like fictional representation of civil imprisonment, archival records of debtors' prisons suggest the limitations of change over time. Just as the expansion of consumer markets multiplied the personal credit connections of the debtor's prisons to persist (and even to expand) in the interstices of the emerging penal complex. Thus the institutional framework designed to discipline a growing body of convicted criminals also served to harbor an increasingly conspicuous element of unreformed, unrepentant and largely unrestrained insolvent debtors In English gaols.⁷

B. Experiences of Incarcerated Debtors in England.

Debtors who spent time in these prisons came from all walks of life. Many were poor to begin with and lived on credit extended to them by sellers of what were necessities to the debtors and their families. Unemployment, extended illness, or death of a husband or wife could immediately tip the scales for those living on the margins of the English economy. Another cause of a change for the worse in these household economies arose from what may be loosely called "bad habits," such as alcoholism and other means of dissolute living. For individual entrepreneurs, the financial collapse of their enterprises due to circumstances beyond their immediate control often triggered the entrepreneur's incarceration for nonpayment of debts.

Most records of the experiences of debtors consigned to debtors' prisons on account of the nonpayment of debts involve London jails. The details of the debtor's progress begin with the entry of a court judgment against the individual debtor for nonpayment of debts owed to one of his creditors and the issuance of a writ to take the debtor into custody. Although the debtor may have possessed some property of value, the creditor likely analyzed that the cash return on a forced sale would be substantially less than his debt, and so the creditor elected for the remedy of his debtor's incarceration. In many cases, this was a rational decision, especially when his

⁶ Finn at p. 109.

⁷ Id.

debtor had relatives and/or friends who could pay the judgment in full. The incarceration of the debtor would force the hand of such a relative or friend, and often this gambit was successful.

Those debtors who fell outside this category were simply incarcerated until a third party, such as a charitable institution or individual “guardian angel” came to his rescue and paid off his debt. Many debtors were not so fortunate and thereby faced the prospect, realized by many of this sort, of death in a debtors’ prison.

The typical process faced by these debtors began with the service of a writ of arrest of person upon the debtor and the transportation of him or her to what was then known as a “sponging house” in London. This place was outside prison boundaries and was used by the creditor’s agents as a place where they could pressure the arrested debtor to pay the debt due to their principal. If such a debtor had access to sufficient cash, either via his own financial resources or through relatives or friends, he might be able to secure his release. Often debtors spent more than one day in this “house,” while working on his connections for enough cash to obtain his release. If this effort proved unsuccessful, the debtor was then taken to a debtors’ prison for incarceration.

At the prison, the debtor was admitted upon his appearance there and allotted a room, which for impecunious persons was often occupied by one or more other prisoners. Wealthier debtors with financial support from outside the prison could arrange for a private room and also for exclusive food service through the prison’s warden. Even alcoholic drinks could be purchased and consumed behind the prison walls. Some prisons had a dedicated tap room that would serve beer and other alcoholic drinks to inmates in exchange for payment. Washed and clean bedding could also be obtained through the warden. In some prisons, the prisoner could live in rooms located in nearby buildings beyond the prison walls, again for a price. These prisoners, who had financial support from outside, enjoyed the freedom to walk around the neighborhood and visit places of business there. These privileged areas were referred to as the “Rules.” Finally, some prisons allowed impecunious inmates to beg passers-by for charity by either sitting outside the walls or seated behind barred windows installed within the walls themselves. In 1824, Charles Dickens would have the opportunity to visit his father, mother and siblings, all of whom resided in the Marshalsea for a time, and his impressions of that environment would later be reflected in many of the author’s published writings.⁸

IV. Charles Dickens Birth and Interrupted Childhood

A. Portsmouth and Early London Days

Charles John Huffam Dickens was born into life on February 7, 1812 in Landport, a district within the city of Portsmouth on the southern coast of England, which city served as one of England’s chief naval bases. His father, John Dickens (1785-1851), worked there as a clerk in the Navy Post

⁸ As one would expect, there are few surviving, first-person accounts by former inmates of their experiences in these prisons. Perhaps the most extensive and informative account was that authored by John Grano, who was a prominent solo performer on the flute and trumpet, and who had composed music and performed in the Opera House on Haymarket Square as an orchestral musician in the early 1700s. Grano was incarcerated as a debtor in the Marshalsea in 1727 and remained there until at least 1729. Grano’s story as an incarcerated debtor is summarized from his notes in Chapter 3 of the book, *Mansions of Misery: A Biography of the Marshalsea Debtors’ Prison* authored by Jerry White and published by Vintage in 2016.

Office. John and his wife, Elizabeth Barrow (1789-1863), had married in 1809 and Charles was the second of their six surviving children. During their time together, the family spent more than John's salary permitted and were always living on a shoestring, such that later in life, Charles would use his father as a model for the spendthrift character, Mr. Wilkins Micawber, in his novel, "David Copperfield."

In 1814, the Dickens family decamped from Portsmouth and moved to London for a short time and then to the town of Chatham in Kent, where Charles spent most of his early childhood. In 1822 the family returned to London and resided in Camden Town, which at that time has been described as "dreary and unsettling."⁹ The character of young Charles during this early period of his life is further described by his biographer, Peter Ackroyd, as follows:

"Charles. . . was from infancy marked out as singular and precocious. He had no doubt inherited some of his (father's) gifts. His father was a talkative and cheerful man whose benign disposition did not prevent him from wishing to be known as a 'gentleman'; his mother was a vivacious woman with a sharp eye and a keen sense of humour. He admitted later that he had been born as an actor, and as a child became an astute singer of comic songs with all the actions and attitudes. In his later public readings he was hailed as the greatest performer of his age, but his genius was first nourished in the local taverns where his father had brought him to sing and dance. . . He was also a very nervous and sensitive boy, immensely susceptible to slights and disappointments of every kind, but at the same time wide-eyed and alert to all the details of his childhood world. . . But these happy and agreeable times did not endure. If they had lasted, it is possible to argue that Dickens would never have become the greatest novelist of his century. Misfortune, hardship and terror made him what he was."¹⁰

Dickens' family did not have to wait long for misfortune, hardship and terror to come knocking on their door in Camden Town. John Dickens was

. . . borrowing money that he could not repay, and it is an open question as to whether he was drinking or gambling it away. . . Mrs. Dickens started a school, but nobody came. It was time, then, for the young Dickens to earn his keep. A friend of the family was managing a blacking warehouse by the Thames, and at the age of twelve, for a salary of six shillings a week, Charles Dickens was put to work there. His job was to seal the boot blacking in pots and paste on labels; it was dirty and smelly work, shared with two or three other poor boys. He believed that he would never be clean again.¹¹

Later in life, the famous author would write of the "secret agony of soul" that he suffered in this degrading employment:

No words can express the secret agony of my soul as I sunk into this companionship; compared these everyday associates with those of my happier childhood; and felt my early hopes of growing up to be a learned and distinguished man crushed in my breast. The deep remembrance of the sense I had of being utterly neglected and hopeless; of the

⁹ Peter Ackroyd, *Dickens: Public Life and Private Passion*, Hydra Publishing, Irvington, New York (2003) at p. 9.

¹⁰ *Id.* at pp. 8-9.

¹¹ *Id.*, at pp. 10-11.

*shame I felt in my misery, cannot be written. My whole nature was so penetrated by grief and humiliation of such considerations that even now, famous and caressed and happy, I often forget in my dreams that I have a dear wife and children; even that I am a man; and wander desolately back to that time of my life.*¹²

B. John Dickens' Arrest and Imprisonment in the Marshalsea Prison for Unpaid Debts

Things did go from bad to worse for the Dickens family in 1824 when John Dickens was arrested for unpaid debts and sentenced to imprisonment in the Marshalsea Prison in Southwark. Only eleven days after Charles began his employment in Warren's Blacking Factory, then situated in the City of London along the Thames, his father's arrest occurred. As was permitted in London's debtor prisons at this time, Elizabeth and her youngest four children joined John in the Marshalsea and resided there. While the family's eldest child, Fanny, was sent to a London music academy, Charles was forced to obtain lodgings in Southwark near the prison. In his later writings, Charles memorialized a visit to his father in prison:

*My father was waiting for me in the prison lodge and we went up to his room (on the top storey but one), and cried very much. And he told me, I remember, to take warning by the Marshalsea, and to observe that if a man had twenty pounds a year, and spent nineteen shillings and sixpence, he would be happy; but that a shilling spent the other way would make him wretched.*¹³

Nevertheless, this sad chapter in the life of the famed author had a fairy-tale ending. A few months after his imprisonment, John Dickens came into a legacy from his grandmother, the amount of which permitted John to pay his debts in full and to walk unimpeded away from the Marshalsea's prison gates. Yet, the trauma of this period of Dickens' life would remain with the author for the rest of his life, and notwithstanding the sadness produced by memories of this event, they would serve as a constant and intense inspiration for the author until his death.

V. The Works of Charles Dickens that Depict Prisons

Many of Charles Dickens works in his oeuvre contain passages about prisons in general and, in particular, debtors' prisons. Some passages from his works that involve "regular" prisons for criminals are unforgettable in their own right. One such scene comes from Chapter 6 in the novel, "The Tale of Two Cities," titled "The Shoemaker." This scene takes place after the French Revolution when Dr. Manette is rescued from his Paris prison garret that he had occupied alone for 18 years, making shoes to distract him from his surroundings. His rescuer is his former servant, Monsieur Defarge. Another remarkable passage written by the young Dickens in the 1830s and included in the volume of collected newspaper articles titled "Sketches by Boz" is the reportage entitled "A Visit to Newgate," which served as London's main prison in the Eighteenth

¹² Id., at p. 11.

¹³ Id., at p. 13. In his novel, *David Copperfield*, Dickens would transform these words and place them in the mouth of a fictional spendthrift, Wilkins Micawber: "'My other piece of advice, Copperfield,' said Mr. Micawber, 'you know. Annual income, twenty pounds, annual expenditure nineteen and six, result happiness. Annual income twenty pounds, annual expenditure twenty pounds ought and six, result misery. The blossom is blighted, the leaf is withered, the god of day goes down upon the dreary scene, and—and in short you are forever floored. As I am!'" Charles Dickens, *The Personal History of David Copperfield*, Penguin Classics (1985), in Chapter 12 at page 231.

Century and was demolished in 1903, along with the Old Bailey. Dickens' description of the prison is extremely detailed and transports the reader within its walls, where readers follow in the footsteps of the author as he colorfully and in fine detail describes the building, its activities and its inhabitants. Finally, and once again in Newgate Prison, Dickens describes the last night alive of the criminal Fagin awaiting execution in Chapter 52 of "Oliver Twist:"

He cowered down upon his stone bed, and thought of the past. He had been wounded with some missiles from the crowd on the day of his capture, and his head was bandaged with a linen cloth. His red hair hung down upon his bloodless face; his beard was torn, and twisted into knots; his eyes shone with a terrible light; his unwashed flesh crackled with the fever that burnt him up. Eight — nine — then. If it was not a trick to frighten him, and those were the real hours treading on each other's heels, where would he be, when they came round again! Eleven! Another struck, before the voice of the previous hour had ceased to vibrate. At eight, he would be the only mourner in his own funeral train; at eleven —

Those dreadful walls of Newgate, which have hidden so much misery and such unspeakable anguish, not only from the eyes, but, too often, and too long, from the thoughts, of men, never held so dread a spectacle as that. The few who lingered as they passed, and wondered what the man was doing who was to be hanged to-morrow, would have slept but ill that night, if they could have seen him.¹⁴

Nevertheless, many of Dickens' published works focus, however, on debtors' prisons. Perhaps the most colorful and memorable descriptions of these gaols are contained in the following three novels: (i) "The Posthumous Papers of the Pickwick Club," (ii) "The Personal History of David Copperfield," and (iii) "Little Dorrit." Of these three, one would likely select the last named as having the most extensive descriptions of the prisons and the lives of their inhabitants. The majority of the action in "Little Dorrit" takes place in the Marshalsea Prison, where John Dickens spent three months as an impecunious debtor, and in its surrounding neighborhood in Southwark.

VI. Little Dorrit

A. Dickens' Themes in his Novel

There seems to be little doubt that Dickens' eleventh novel, "Little Dorrit," was a cathexis that served, in turn as a catharsis for his bottled-up and conflicting emotions that raged through his system resulting from his family's decision to force him to work in an industrial factory at age 12, quickly followed by his father's imprisonment for debt eleven days after the author's first appearance at Warren's Blacking Factory. Likely evidence of this process is Dickens' remarks in his Preface to the finished novel dated May, 1857, one month before the last monthly installment

¹⁴ Charles Dickens, *Oliver Twist*, Chapter 52 (1838).

of “Little Dorrit” was published. In this preface, the author describes his recent visit to the site of the then-closed Marshalsea Prison in relatively unemotional terms:

“Some of my readers may have an interest in being informed whether or not any portions of the Marshalsea Prison are yet standing. I did not know, myself, until the sixth of this present month (viz., May, 1857), when I went back to look. I found the outer front courtyard, often mentioned in this story, metamorphosed into a butter-shop; and I then almost gave up every brick of the jail for lost. Wandering, however down a certain adjacent ‘Angel Court, leading to Bermondsey,’ I came to ‘Marshalsea Place:’ the houses in which I recognized not only as the great block of the former prison, but as preserving the rooms that arose in my mind’s-eye when I became Little Dorrit’s biographer. . . .A little further on, I found the older and smaller wall, which used to enclose the pent-up inner prison where nobody was put, except for ceremony. But, whosoever goes into Marshalsea Place, turning out of Angel Court, leading to Bermondsey, will find his feet on the very paving stones of the extinct Marshalsea jail; will see its narrow yard to the right and to the left, very little altered if at all, except that the walls were lowered when the place got free; will look upon the rooms in which the debtor’s lived; and will stand among the crowding ghosts of many miserable years.”¹⁵

The Oxford University Press edition’s “Introduction” to the novel makes the following observations about how the autobiographical material in “Little Dorrit” transmutes “particular facts into art by giving them ironic distance and a universal application which is part of the novel’s central meaning.”¹⁶ The following passage is from this Introduction:

*(Dickens’) highly personal episodes become great impersonal art only through Dickens’ imagination and skill. His father’s imprisonment, a blow to his own private genteel aspirations, is transformed into the grand ironic and impersonal concept of a shabby society which, for all its genteel pretensions, is a prison.*¹⁷

The concept of deception, particularly self-deception, is then interwoven by Dickens into the theme of society as a prison:

The idea of deception also pervades the novel and lies at its thematic core, Dickens himself stressing the universal self-deceit: ‘. . .for we all know how we all deceive ourselves.’ A more comprehensive view of the theme, therefore, might hold that society is a prison of deception in which deceit and delusion are the walls separating the prisoners. Isolation

¹⁵Charles Dickens, Preface to „Little Dorrit” in the novel of the same name, Oxford University Press (1991), at pp. xxi-xxii.

¹⁶ Charles Dickens, Introduction to „Little Dorrit,” Oxford University Press (1991), at p. x.

¹⁷ Id., at p. xi.

*and ignorance, the ideas shared by prison and deception and thus enabling them to be yoked together, are stressed very early in the novel.*¹⁸

B. The Novel's Primary Characters

1. Amy "Little" Dorrit

Amy's nickname is "Little" due to her small stature and is the youngest daughter of Mr. William Dorrit. Amy was born in the Marshalsea and is twenty years old at the novel's beginning. She lives in the Marshalsea with her father and her two older siblings, Fanny and Edward, nicknamed "Tip." Because she, unlike her father, has not been imprisoned for nonpayment of debt, Amy is permitted to leave the prison grounds during daytime. Outside the prison, she works for Mrs. Clennam as a seamstress to earn money to pay the family's expenses incurred in the Marshalsea.

2. William Dorrit

William is the father of Amy, Fanny and Edward and is also a widower. His wife died when Amy was eight years old. William has been imprisoned in the Marshalsea for more than twenty years and, because of his seniority of tenure among the prison's inmates, he was granted the title of "Father of the Marshalsea" and is held in high esteem by the prison population and its overseers.

3. Arthur Clennam

Arthur is forty years old at the novel's beginning and has just returned from China after living there for twenty years with his recently deceased father. In the course of the novel, Amy becomes Arthur's love interest and his attraction to Amy is reciprocated by her. At the novel's conclusion, this couple marries.

4. Mrs. Clennam

Mrs. Clennam is the adoptive mother of Arthur and not his biological mother, who died while Arthur was a child. Mrs. Clennam was introduced to Amy by chance and she employed Amy as her seamstress for a number of years.

C. Settings for Action in the Novel

Most of the novel's action takes place in London, especially in the Marshalsea. Other places that the characters are depicted in are (i) other locations in London, (ii) Switzerland in its Alpine regions, (iii) France in the city of Marseilles, and (iv) Italy, in Venice and Rome.

¹⁸ Id., at pp. xi-xii.

Much of the novel's text describing action taking place within the walls of the Marshalsea Prison lies within "Book the First. Poverty." This "Book" contains thirty-five chapters, which amount to slightly more than one-half of the novel's text.

D. An Abbreviated Description of the Novel's Storyline

The novel begins in Marseilles, where an imprisoned French criminal relates to his cellmate the story of how he murdered his wife. The scene then shifts to a quarantined area in Marseilles, where the reader is introduced to Arthur Clennam along with other English travelers who have also been quarantined. Arthur is returning to England after his father's death in China while attending to the family business there. Arthur is carrying his father's watch along with a message for his "mother," Mrs. Clennam in London. The message is simply "do not forget," which Arthur's dying father said that his wife would understand.

Upon Arthur's arrival in London, he travelled directly to Mrs. Clennam's home and, upon her rising from sleep the next morning, Arthur quizzed her about his puzzling, deathbed conversation with his father. In this conversation, Arthur pressed her with questions about whether his father had caused serious injury to another person and, if so, Arthur wished to ameliorate promptly the effect of that injury. In response, Mrs. Clennam became furious, denied that any such injury to a third person had occurred, and refused to speak any longer about the matter.

In Chapter VI of Book One, we are introduced to the Marshalsea and its inhabitants, including the turnkey. Before the turnkey's death later on, he had a conversation with William Dorrit. At that time the turnkey remarked that, because both William and he were the oldest inhabitants of the prison, upon the turnkey's death William would succeed to the title of "Father of the Marshalsea." Three months later, the turnkey left this world and "that shabby old debtor with the soft manner and the white hair (became) the Father of the Marshalsea." As William aged and acted with respect and tenderness towards his fellow prisoners, nicknamed the "collegians," he became an honored and valued presence within the prison walls.

Although William's other two children were self-centered and flighty, Amy was just the opposite. She cared deeply for her father and took great pains to supply the household with funds to live at a somewhat better level than many other prisoners. Amy also took pains to disguise her place of residence and her status in the prison from her client, Mrs. Clennam. With many of the other prisoners, Amy was considered to be something of a guardian angel, assisting them with their problems however she could.

Later in the story, Arthur Clennam meets Amy Dorrit and develops a close friendship with her. Sometime thereafter, it was discovered by an acquaintance of Mr. Clennam's, a rent collector named Mr. Pancks, who conducted a side business of using his knowledge of genealogy to locate missing heirs of decedents, that William Dorrit was the lost heir of a substantial fortune. When this fact is revealed, Mr. Dorrit settled his debts, is immediately recognized and treated as a wealthy man, and leaves Marshalsea for good. However, William Dorrit forbids Amy from continuing any contact that she previously had with Arthur.

Sometime after William Dorrit's release from the Marshalsea, the family travels to Switzerland and Italy, enjoying their newly found freedom and riches. While in Rome, however, William Dorrit dies and the remaining family members return to London. In London, it is revealed that Amy Dorrit was the contingent beneficiary of the will of Arthur's uncle, Gilbert, and because that contingency has occurred, Amy will now inherit a substantial fortune. Amy, however, has other ideas. She destroys the papers that evidence her claim to this fortune and proceeds to marry Arthur.

VII. Conclusion

It would not be far-fetched to claim that, by writing "Little Dorrit," Charles Dickens consciously or unconsciously sought to exorcise the "demon" of his father's imprisonment in the Marshalsea Prison for his unpaid debts owing to creditors. John Dickens' jailing in 1824 came at the worst time for a young, brilliant, creative and sensitive child, who had been forced by his family to work in a dingy bootblacking factory only eleven days prior to his father's incarceration. As evidenced by his published works prior to the appearance of "Little Dorrit," many of them contained horrific descriptions of jails not only for debtors but for hardened criminals, this childhood trauma probably had not been resolved by the mature and world-famous writer. Whether Dickens' experience in writing and publishing "Little Dorrit" triggered an emotional catharsis may only be guessed at. Perhaps his visit to the remaining vestiges of the Marshalsea Prison in May 1857 granted him some relief by confronting those terrible childhood images that haunted him while providing him with source material that contributed to his fame.

It is also possible that the publication and subsequent popularity of "Little Dorrit" gave a helpful shove to Parliament's enactment of legislation in 1861 that broadened the category of individuals who could seek bankruptcy relief and obtain a discharge of indebtedness that protected his or her assets from seizure by creditors to satisfy pre-insolvency debts.¹⁹ This too is a matter of speculation. Yet if so, then the "imprisonment" of Charles Dickens' mind and emotions that tormented him throughout his life but stimulated his creative energies may have been worth the inevitable personal cost.

Addendum: I wish to thank my son, Edward O'Connor Mears, a corporate-law associate in the Tokyo office of the international law firm, DLA Piper, for assisting me in the layout and editing of this essay.

Copyright, Patrick E. Mears, 2023. All rights reserved.

¹⁹ See, e.g., Paul Johnson, *Making the Market: Victorian Origins of Corporate Capitalism*, Cambridge University Press (2013) in Chapter 2.