

“COLD VENAL ADVOCATE”: HENRY FIELDING’S LAWYERS

A Senior Honors Thesis

by

Joshua R. Lee

Submitted to the Office of Honors Programs
& Academic Scholarships
Texas A&M University
in partial fulfillment of the requirements of the

UNIVERSITY UNDERGRADUATE
RESEARCH FELLOWS

April 2002

Group: Art and Literature 2

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Approved as to style and content by



Margaret Ezell



Edward A. Funkhouser

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ABSTRACT

“Cold, Vena! Advocate”: Henry Fielding’s Lawyers. (April 2002)

Joshua R. Lee
Department of English
Texas A&M University

Fellows Advisor: Dr. Margaret Ezell
Department of English

Henry Fielding wrote frequently and harshly about lawyers. While many commentators have noted Fielding’s criticism of lawyers and studied Fielding’s concern with legal institutions generally, none have yet undertaken a systematic study of Fielding’s lawyer characters.

Fielding portrays law students as wholly affectatious and self-indulgent, and they never study the law. His practicing lawyers demonstrate an obsessive concern with money, and their greed determines how they understand others. They consistently act out this inner corruption in amoral ways that illustrate their complete selfishness (for Fielding, the most serious of vices). Lawyer Murphy of *Amelia* is the quintessential example of the “Fielding lawyer,” who lacks education, is consistently avaricious, and adheres to no moral or ethical standard—not even the law itself.

Fielding’s satire of lawyers must be seen as both a response to the dismal contemporary situation of the British legal profession (informed by his familial connections with the law and by his own work as a lawyer) as well as a piece of a long tradition of lawyer satire. Furthermore, his commentary on lawyers must be understood as a device that not only characterizes lawyers, but also supports Fielding’s larger themes, most notably, the destructive power of selfishness.

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Joshua R. Lee
Bryan, Texas

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Chapter I: Introduction

A serjeant of the law, wary and wise, ...
 Often he sat as justice in assize,
 By patent or commission from the crown;
 Because of learning and his high renown,
 He took large fees and many robes could own.
 So great a purchaser was never known.
 All was fee simple to him, in effect,
 Wherefore his claims could never be suspect.
 Nowhere a man so busy of his class,
 And yet he seemed much busier than he was. *Prologue to the Canterbury Tales,*
 Chaucer (1378)

religion, law, and physick were design'd
 by heaven the greatest blessing on mankind,
 but priests and lawyers and physicians made
 these general goods to each a private trade
 with each they rob, with each they fill their purses
 and turn our benefits into our curses. *Pasquin, Henry Fielding (1736)*

"A lawyer receives payment from an elderly client and notices that there are 2 one-hundred dollar bills stuck together instead of one. What is his moral dilemma?"

Should he tell his partner or not?" Posted at *Geocities*: www.geocities.com
 (November 28, 2001)

Henry Fielding wrote extensively about lawyers in both his dramatic works and in his novels. While Fielding is most remembered and best loved for his good-natured sense of humor, the legal world was one that he often took seriously, and his commentary on the profession was almost entirely disapproving. While no one has previously undertaken a study of Fielding's lawyer characters, many commentators have noted Fielding's sharp criticism of the legal world and its practitioners. John Peereboom, for example, writes, "The legal profession rarely comes in for the amount of

criticism that this eighteenth-century learned friend leveled at them" (9). Alayne

Hannaford elaborates:

Fielding describes in considerable detail a legal system that corrupts and imprisons, that fails to reward the good and punish evil, that is easily manipulated for unjust purposes, that was, in fact, by the eighteenth century desperately in need of reform. (xix)

However, satires of the professional classes – even satires as extensive and vehement as Fielding's – are nothing new, and lawyers have always been particularly popular targets. In fourteenth-century literature, in eighteenth-century plays, and on television today, everyone is talking about lawyers. Moreover, a surprising level of thematic continuity from the earliest times up to the present exists within this dialogue.

The fact that writers from Chaucer to Fielding have had similar observations and complaints has led many to focus exclusively on the continuity of literary representations of lawyers. E.F.J. Tucker contends in *Intruder into Eden:*

Representations of the Common Lawyer in English Literature, 1350-1750 that criticizing any kind of satire from a chronological (rather than thematic) perspective is unwise because consistency "threatens the historical study...with the possibility of monotonous repetition." Representations of lawyers, Tucker further contends, "remain relatively constant" (xii).

Fielding's satire confirms Tucker's broad argument that certain observations about lawyers seem to be timeless. The observation that lawyers are often fiercely attached to money, for example, was made in the fourteenth century, is present in Fielding's work, and is still relevant in 2002. With this and many other points,

Fielding's commentary fits neatly into the lawyer dialogue begun centuries earlier that continues to the present day.

However, though Fielding did reiterate many of his predecessors' observations about lawyers, he also made new ones. What makes an analysis of Fielding's work interesting and important are the historical context and personal experiences that lie behind it. Fielding wrote during an important point in the evolution of literary lawyer representations, following massive changes in the historical legal profession. Moreover, he had personal and familial experience with the profession: he was from a family of lawyers and became one himself. Thus, the context of Fielding's fiction and dramas is crucial to understanding his representations of lawyers. His commentaries on lawyers should be seen as a combination of continuity and innovation. That is, Fielding's work can be seen both expressing timeless lawyer themes and responding to the changing legal world of his time.

By 1750 Henry Fielding had been pioneering a new fictional form, the novel, and authored such as classics as *Joseph Andrews* and *Tom Jones* among others. But only a decade earlier he was headed down a remarkably different career path. In 1737 Prime Minister Robert Walpole, angered by Fielding's repeated lampooning of the government in his plays, effectively ended Fielding's prolific dramatic career with his Theatrical Licensing Act. (The act of censorship required that plays be approved by the government.) After three years of studying law, Fielding embarked on his new career as a lawyer in 1740. Only after Fielding's increasing illness (he suffered from gout and

asthma) prevented him from pursuing his legal career with any consistency did he begin to experiment with the novel.

That Fielding would choose the law is not surprising. He came from a family full of prominent lawyers. His grandfather Henry Gould was “one of the most distinguished lawyers of his time” and rocketed through the ranks of the profession until he became Judge of the King’s Bench, one of the highest courts in the kingdom (Battestin, *Henry Fielding* 6). Gould’s son, Fielding’s uncle Davidge, was a distinguished lawyer as well. Three of Fielding’s cousins continued the family tradition. One of these, Henry Gould (who also advanced to great renown), would become one of Fielding’s closest friends. Fielding attended his cousin’s, uncle’s, and grandfather’s alma mater to study law¹.

The British Legal Profession

The legal world that Henry Fielding joined in 1737 was in some ways the same and in others remarkably changed from that of his ancestors. The British legal profession, both before and after Fielding’s time, had (unlike the current American system) different classes of lawyers. From its origins the British system divided itself into two channels. The first was that of pleaders, “quick-witted and learned court-room lawyers” and the second that of attorneys, “managerial, clerky lawyers” (Baker, *Introduction* 179). Barristers grew from the first tradition of specialists, and the attorneys and solicitors grew out of the second tradition of general practitioners.

¹ For more biographical information about Henry Fielding see Martin Battestin’s *Henry Fielding: A Life*.

Attorneys and solicitors comprised, by far, the largest group of lawyers (Baker, *Legal Profession* 84). They studied at one of the Inns of Chancery, nine schools that gave students several years of rudimentary training in the law. As generalists, attorneys and solicitors pursued cases, advised clients on legal issues, drew up legal documents, and were allowed to represent clients in the lowest courts. Solicitors, which were not recognized as a separate classification from attorneys until the early seventeenth century, primarily “were lawyers who ‘solicited’ work for themselves in the promotion of delayed cases...” (Richardson 302). They also frequently also functioned as “servants or clerks to attorneys (Richardson 302). Initially, working as an attorney or solicitor and studying at an Inn of Chancery served as a stepping-stone to greater levels of the legal profession. But in the seventeenth century, Parliament took legislative and regulatory steps to exclude this lowest rung of lawyer from advancement, sharply distinguishing him from his more distinguished colleague, the barrister.

The barrister, socially and functionally divided from the attorneys and solicitors, was the aristocrat of the legal profession. He studied at one of the Inns of Court for a period generally lasting seven years before receiving his call to the bar (the process by which the officials of the Inn conferred upon a student the degree of barrister). The four Inns of Court (Gray’s Inn, Lincoln’s Inn, the Middle Temple, and the Inner Temple) eventually came to control the Inns of Chancery and were at one time so renowned as to serve as finishing schools for young gentlemen. The Inns of Court student (called “inner barrister” or “templer”) learned his profession by “attending courts, performing oral pleading exercises (called moots), attending lectures (called Readings), and keeping

commons with his fellows” (Baker, *Introduction* 184). The elders of each Inn, the “benchers,” presided over the educational system, giving readings and supervising the moots. Lastly, the Inns of Court served as important professional societies, and its barristers were members for life.

The barristers’ job consisted solely of arguing before the courts, and they alone had privilege of arguing in most of the country’s courts. Barristers attached themselves to one of the country’s traveling circuit courts and were provided with work by attorneys or solicitors whose clients had to appear before such courts. Barristers were supposed to maintain a degree of detached, professional objectivity. They were not allowed, for example, to negotiate their fee, to advertise their services, or to even speak to their clients directly. This etiquette was intended to prevent the barrister from compromising “the standards expected of him and the duty of honesty he owe[d] to the courts” (Daniell 15). Fielding and his family succeeded in this more exclusive branch of the legal profession and were all members of the Middle Temple.

An even more august group of practitioners, the serjeants-at-law, was drawn from the body of the barristers. Serjeant-at-law was a degree, like that of barrister, conferred on its lucky recipient by judges upon the nomination of the crown. “The most famous lawyers of every age, from very early times were of this body, and comprised the serjeants-at-law who were promoted from their Inn of Court to...one of the Serjeants’ Inns...” (Daniel 11). Serjeants were distinguished by a white head covering called a “coif” which the wearer was never required to remove, even in the presence of the monarch. Contemporaries believed that “the serjeants were the richest advocates in the

whole world” because of their exclusive right to argue before the Court of Common Pleas (Baker, *Introduction* 180). Traditionally, they were only about ten in number and three to four of these served as personal counselors for the king. Most serjeants eventually became judges in superior courts, and all such judges were, in fact, required to be serjeants. Both Fielding’s grandfather Judge Gould and his cousin and close friend Henry Gould were serjeants.

This is the hierarchical legal profession that Fielding participated in and commented on in the eighteenth century. When Fielding wrote of lawyers, he wrote of attorneys, serjeants, barristers, and “templers.” With this awareness, it is evident that an understanding of the classes of lawyers (their education, the terminology surrounding them, their social circumstances, etc.) is important in understanding Fielding’s representations of lawyers. In this respect, the historical context to Fielding’s work concurs with that of predecessors such as Jonson, Shakespeare, and Middleton. However, the massive changes in the legal profession that occurred immediately prior to and during Fielding’s life are perhaps an even more important component to understanding the historical situation about which he wrote.

The Eighteenth-Century Legal World

The English Civil War of the mid-seventeenth century, which threw the entire English state into upheaval, helped induce many of the changes that made the eighteenth century legal profession different from that of the preceding centuries. In 1642, the entire country divided itself into two camps (those who supported the king, Charles I, and those who supported Parliament). Brother fought brother, and father fought son.

The relatively stable English constitution was shredded, and a period of immense political instability set in. By 1649, Parliament had overthrown the Stuart monarchy, abolished the House of Lords, established a republic, and cut off the head of Charles I. Only a few years later, England found itself in a repressive military dictatorship under Oliver Cromwell. Then, after the death of Cromwell in 1658, Parliament changed its collective mind and recalled Charles II, son of the executed king, from exile. The period following the return of the monarchy in 1660 (giving the period its name, the Restoration) saw England recovering from the brutal period that had wreaked havoc throughout society; the legal profession saw no such recovery.

The Civil War hailed a period of precipitous and enduring decline in all levels of the British legal profession. The bottom level of the profession (represented by the attorneys and solicitors) suffered declining prestige and a deteriorating educational system. According to W.C. Richardson

The term "common attorney," originally an honorable title, came to be one of opprobrium denoting a rapidly increasing class of practitioners who were careless in their work, ignorant of the law, and unethical in their zeal for profit...who, lacking other means of support, looked pragmatically to lucrative practice rather than to the pursuit of legal competence (300).

The system for educating attorneys and solicitors declined and decayed as much as the practitioners. During the seventeenth century, the Inns of Chancery lost the prestige of being associated with the senior Inns because attorneys and solicitors were officially barred from becoming members of the Inns of Court. By "the eighteenth century...education was virtually nonexistent at the Inns of Chancery" (Tucker 26). Although an Act of 1729 made some attempts to regulate the profession, "many

practitioners had no legal training whatsoever” and “many unscrupulous individuals...took advantage of the laxity of eighteenth-century judicial control of the legal profession” and became attorneys or solicitors (Tucker 27). Pat Rogers contends that Fielding shared the attitudes of many satirists during his day in condemning these ‘vile attorneys’ (97).

The other branch of the legal profession (in which Fielding participated) suffered equally. The barrister’s situation is best represented by the well-documented deterioration of the Inns of Court. A.W.B. Simpson states, “The Civil War plunged the educational system of the Inn[s] into a state of disorder from which they never recovered...” (136). J.H. Baker concurs that the Civil War “fatally disrupted the educational life of the inns” and that post-1660 attempts at revival were “largely unsuccessful” (*Introduction* 185).

Theoretically, the educational standards at the Inn were maintained (their constitutions were not changed in this respect), but in practice the curriculum was first undermined by the political situation and then progressively ignored. In 1645, for example, the Middle Temple Parliament recorded that no Readings had been given in three years because of “the troubles and distractions of the times, by reason of these unnatural civil wars.” (quoted in Richardson 200). After the Restoration the Inns attempted to revive the Readings but were resisted by the students and by the lecturers themselves (called “Readers”). During the 1670s and 1680s the four Inns began to allow the substitute of a payment for the Reading requirement. The effect was as would be expected: Readings ceased altogether, the last being recorded in 1684. Interestingly, the

title “Reader” still existed and these, like their students, were permitted to “buy all the honors accruing to a Readership without, in fact, fulfilling any of the obligations” (Richardson 201).

Mooting exercises during the Civil War also fell into “a virtual abeyance from which they only partially emerged” (Richardson 206). Though exercises continued nominally into the eighteenth century, they had practically fallen into disuse by the end of the seventeenth century and had been declining as much as a century before. Even outside the end of lecturing and the decline of exercises, there was an “absence of any systematic supervision of students” (Richardson 208). Law students were generally “left to fend for themselves” and often “resorted to aimless reading” (Baker, *Introduction* 185; Richardson 208). Many students resorted to other diversions. The Inns of Court’s students became known for their drinking, gambling, fighting, and womanizing. In one incident demonstrating their utter boredom, Inns students were reprimanded by a Reader (according to an internal document) for the “procuring of horns to be blown about [the Inn]...in disturbance of the learning there” (quoted in Richardson 252). Not surprisingly, in the course of the Restoration period the Inns lost “both their prestige as cultural centers and their educational reputation as schools of law” (Richardson 312).

As would be expected, the product of these institutions—that is, the late seventeenth- and eighteen-century barristers—also suffered a sharp decline in quality. While the formal requirements for being called to the bar (such as attendance of readings and performing moots) remained much as the same as they were in the early seventeenth century, students after the Restoration came to be commonly called to the bar ‘by favour

of the bench', a practice which allowed its beneficiaries "a general dispensation from formal qualifications which they lacked" (Lemmings 64). Some of these premature calls were as a result of judicial recommendations, but by the early eighteenth century "payments made in commutation of qualifications demanded for the bar...had become common (Lemmings 65).

Popular perception of barristers also suffered. David Lemmings reports that during the years following the Civil War, anti-barrister sentiment increased to such a peak that it "threatened to sweep the legal profession away entirely" (149). It is worth noting that the barrister's image did benefit (as did their salaries) from their ability to vehemently distinguish themselves from the attorneys, and the seventeenth century has been dubbed by one scholar (W.R. Prest) "The Rise of the Barristers." It is probably most accurate to see the barristers as a group that did the best to stay afloat in a sinking ship of a system. By most external measures—such as their total numbers, the representation of their ranks in Parliament and the percentage of the members drawn from the nobility—the barristers were declining, not rising.

Not even the most exclusive group of lawyers, the serjeants-at-law, escaped decay in this period. During the seventeenth century, the exclusive character of the order was destroyed as ministers began to sell the title for bribes. By the eighteenth century there were "ten times as many serjeants as there had been in 1500, but with less for them to do" (Baker, *Introduction* 181). The severity and endurance of the degeneration of this once powerful order is demonstrated by their fate in the next century. The Common Pleas was opened to the whole bar, judges were no longer

required be members, and the last serjeant was created in 1875 after which they became extinct.

Fielding's Legal Career and Commentary

Both through his relatives and through his own experiences after his decision to enter the Middle Temple in 1737, Fielding experienced a legal profession which was becoming increasingly corrupted by the influence of money, and which had been declining in power, prestige, and in educational and professional competence for over half a century. The society that Fielding then joined was more a combination dinner club and fraternity house than an institution of higher learning. Most of Fielding's fellow students "were not much more than pleasure-seekers, young men with money and a taste for urban living" (Rogers 99).

Fielding himself, however, was different. Though he was very much the libertine in his youth, he was thirty years old by 1737 and had a wife and family to support. He needed the income that work as a barrister could provide him with and all accounts suggests that Fielding "applied himself with the utmost diligence to his studies," which probably consisted chiefly of pouring over whatever legal textbooks he could get his hands on (Rogers 98). As a student, Fielding also (like many templeers) attended Westminster Hall as a spectator regularly. Westminster housed some of the kingdoms most important courts, King's Bench, Chancery, and Common Pleas, and there Fielding gained significant first-hand experience with the profession.

Owing partly to "the force of his intellect and the diligence with which he applied himself" but also partly to his familial connections in the legal world, Fielding

completed in three years what took most seven (Battestin, *Henry Fielding* 269). He was called to the bar in 1740 and began working as barrister, following the grueling travel schedule of one of the circuit courts (the assizes on the Western Circuit). In this way, Fielding received further first-hand experience with the legal profession. Fielding's acquaintances suggest that he achieved not merely competence, but mastery of the law. But illness and the inability to earn enough money turned Fielding to other enterprises for which his better known. Later in his life, Fielding would be appointed Justice of the Peace, and this too would have a dramatic effect on his writing. In fact, Martin Battestin, in his introduction to *Amelia*, characterizes that entire work as a response to the corrupted legal system Fielding saw in his tenure as a magistrate.

An analysis of Fielding's commentary on lawyers must take into account the historical situation about which he was writing. Furthermore, it must recognize Fielding's personal experiences as an Inns of Court student, a barrister, and a magistrate. Nevertheless, Fielding's place within the tradition of legal satire must be considered as well. Some of his commentaries on lawyers are reiterations of those well-established lawyer themes. Many *would* make sense out of context. Many would (if transcribed into Middle English) be perfectly at home in a stanza of Chaucer or would (if interspersed with profanity) be perfect material for a modern standup comedian. Finally, Fielding's lawyer representations must be taken into another context, that of his work as a whole. None of Fielding's lawyers serve as a protagonist in his novels. Often in his work it is evident that a lawyer representation is meant, not only to stand on its own, but also to support a larger theme.

The outline of this study runs thematically. First, I consider the collective background of Fielding's lawyers (their lack of professional and moral education). Secondly, I address their inner life—their motivation and paradigm. Thirdly I present their actions logical manifestations of their inner motivation and subsequent moral relativity. Fourthly, I discuss the supreme example among Fielding's lawyers, Lawyer Murphy from *Amelia*. Finally, I posit Fielding's satire of lawyers both as a product of and response to a particular, critical moment in British Legal History as well as a part of a long tradition of lawyer satire.

Chapter II: The "Templers" and the Inns of Court

The Inns of Court of the eighteenth century were institutions that provided their London students with very little guidance or discipline in the pursuit of a legal education. Many inner barristers seemed to care more about the pleasures (and vices) of London than about gaining even a rudimentary knowledge of the legal system. Given the abysmal state of legal education and Fielding's intimate acquaintance with it as a member of a family of lawyers and as a law student himself, it is no wonder that he often wrote disparagingly of the Inns of Court and their students. Fielding's satire of contemporary "templers" and the institutions that produced them, however humorous it may be, is also biting and grounded in the historical reality of London's eighteenth-century system of legal education. The Inns of Court students in Fielding's fiction and drama never study law, indulge themselves widely and expensively, and lack all moral and professional substance. Affectation is the primary characteristic of Fielding's "templers," all of which are constantly pretending to be something they are not.

Interestingly, the majority of Fielding's satires of inner barristers and their alma maters appear in the dramatic works that precede his own personal experiences as a student. During these years Fielding's knowledge of Inns of Court students would probably be from popular reputation and family anecdotes. Apparently, this was enough to make them the object of much ridicule. One of Fielding's earliest commentaries on inner barristers can be found in *The Coffee-House Politician* (1730), a comedy written early in Fielding's career as a dramatist and seven years before he himself attended the Middle Temple.

The Coffee-House Politician involves a Justice of the Peace (appropriately named "Squeezum") who is extorting money from his prisoners. In Act II Scene I, a constable reports to Squeezum that he is holding four prisoners apprehended at a gaming house. One is a soldier, one is an attorney's clerk, and "the other two are young Gentlemen of the Temple" (15-16).

First, it should be recognized that Fielding did not take gambling as lightly many do today. In fact, he thought it such a serious social evil that he made it a cause of great misery for one of *Amelia's* protagonists, Captain Booth. It is Booth's weakness for "gaming" that makes him vulnerable to the conniving Trent, whose trap eventually brings Booth perhaps closer to complete ruin than anywhere else in the novel. Furthermore, as a magistrate, Fielding once "personally led a party of constables and footmen in a raid on a notorious gaming house..." (Battestin, *Henry Fielding* 503). The Fielding-led breakup of the enterprise and arrest of the owners were so vigorous that he later received death threats from the owners of the place (Battestin, *Henry Fielding* 510). The point here is that the fact that the students in *The Coffee-House Politician* were caught gambling should be seen as a serious, negative reflection on their characters—demonstrating that they are irresponsible about their finances and those of their families. A second, tangential, point that can be noted here is that, of the four people being held for this offence (in Fielding's mind, a very serious one), three are members of the legal profession.

After Squeezum expresses particular interest in the possibilities that the "templers" present (presumably because they have money and can be easily cheated out

of it), the constable expresses fear of the student's powers as members of the legal profession—not wanting to "run [his] Finger into the Lion's Mouth" (16). Squeezum's retort is revealing: "Fear not; these bear no nearer Affinity to Lawyers, than a Militia Regiment of Squires do to Soldiers; the one gets no more by his Gown, than the other by his Sword." This simile reveals an observation that Fielding would later, as a novelist, make more explicit: inner barristers are merely an affectation, the appearance of the law with none of the substance. They are merely pretending to be lawyers. An implication here is that these inner barristers have no "legal substance" because they are spending their years as students gambling and getting into trouble rather than applying themselves to the law.

Squeezum further lampoons Inns of Court students by observing that they "bring Estates to the Temple, instead of getting them there." After the constable comments on their fine dress, Squeezum remarks that the "templer" who "sets out in Lace, always ends in rags." Both of Squeezum's statements characterize inner barristers as decadent: losing their wealth through indulgence and irresponsibility (e.g. gambling and getting arrested). Ironically, Fielding himself apparently ignored the first of these observations in choosing to enroll at the Inns for financial concerns. He discovered the hard way in 1740 what he had already written ten years before—working as a barrister would not help him financially.

The Coffee-House Politician characterizes Inns of Court students as morally questionable and irresponsible, as young men pretending to be lawyers but who have no real knowledge of the law. *Joseph Andrews*, written more than a decade later,

demonstrates that Fielding's own experiences at the Middle Temple did nothing to change his lowly opinion of its residents. Fielding criticism of the Inns in *Joseph Andrews* appears when Joseph and Abraham Adams meet Wilson and hear his history, an episode which has both been called a pointless digression and the "philosophical core of the novel" (Battestin, *Moral Basis* 93).

In his groundbreaking work, *The Moral Basis of Fielding's Art*, Martin Battestin describes Wilson's history as a highly morally charged tale. Wilson, lacking in his youth the guidance that Joseph has in Parson Adams, revels in the vices and vanities of London. Eventually, after facing near-ruin, he gains wisdom and maturity—retiring to the country with a loving wife and fulfilling "the classical ideal" by which Fielding was influenced. During Wilson's "rake's progress through London," (Battestin, *Moral Basis* 48) he indulges his vanity by (among other things) spending all his money on fine clothes, visiting coffee-houses, plays, and drawing rooms, intriguing with prostitutes, and joining a club of atheists.

What makes this incident worth our attention is that Wilson's tour of London's vanities includes a stop at the Inns of Court, where Wilson enrolls as a student. It is clear, from its mere inclusion in this episode, that Fielding intends the reader to recognize "the Temple" as one of London's primary corrupting influences. The Inns of Court, since Fielding saw them as havens of affectation and self-indulgence, make a perfect stop for Wilson. He, too, lacks all substance at what he is trying to be: a gentleman. (Ironically, he falls short of his own shallow definition of a gentleman, lacking ability in dancing, fencing, riding and music (170-171).) The only thing he does

acquire during this period is the fine clothing, the outer appearance of a gentleman. Like Wilson, Inns of Court students acquire nothing but the outer appearance of the law.

Wilson's adventure at the Temple is just one of many stops on his long, destructive journey; the people he meet there, however, are singled out for particularly vigorous ridicule and suffer in comparison with the rest of London's worthless characters. Wilson remarks contemptuously that

the beaus of the Temple are only the shadows of the others. They are the affectation of affectation. The vanity of these is still more ridiculous, if possible, than of the others. Here I met with smart fellows, who drank with lords they did not know, and intrigued with women they never saw. (173)

Wilson's diatribe is reminiscent of Justice Squeezum's comments in the *Coffee-House Politician*. In the *Coffee-House Politician*, Inns of Court students are merely pretending to study law. In *Joseph Andrews*, they are both pretending to study law and pretending to be playboys. Both groups of students are trying to advance their social and professional standing through superficial means.

Interestingly, nothing of any consequence whatsoever happens to Wilson while at the Temple. The episode is included only to further characterize Wilson's experiences in London as a waste of time and (perhaps more importantly) simply as a convenient opportunity to satirize the Inns and their students. After only a month Wilson quits the Temple in search of further exploits.

Both *The Coffee-House Politician* and *Joseph Andrews* provide excellent evidence of Fielding's censures of the Inns of Court and their students. However, the most extensive example of Fielding's satire in this area is to be found in his play *The Temple Beau* (1730). The title character, Young Wilding, is the prototypical example of

Fielding's inner barristers. Young Wilding possesses—to an extreme degree—all of the characteristics with which Fielding describes Inns of Court students in *The Coffee-House Politician* and *Joseph Andrews*. He is, like the preceding examples, immoral and self-indulgent. However, affectation and dishonesty are Wilding's primary characteristics. In fact, it is difficult to find a scene in which Wilding is not pretending to be something he is not.

Firstly, Young Wilding is pretending to be a student of the law—which he has done for six years in order to exact money from his father to spend on fine clothes, entertainment, and prostitutes. He sends his father detailed bills for studious expenses that exceed 250 pounds² that include fifty pounds for books as well as expenses for “Paper, Pens, Ink, Sand, Pencils, Penknives” and coaches back and forth to Westminster Hall (8). Young Wilding even convinces his father that he has been so hard at his studies that he will eventually become a judge. Later, in a hilarious scene filled with dramatic irony, the elder Wilding comes to town unannounced and discovers his son's deception. The father enters his son's chambers and, upon finding him not home, orders his servant: “show me where your Master keeps his Law-books” (16). The bewilderment of the servants reply is revealing: “Sir, he has no Law-books: what should he do with Law-books!” Of course, from what we know of legal education in the eighteenth century, if Young Wilding did not have books, he certainly would not get a legal education any other way. The only possible conclusion is that he has done literally nothing relating to his studies in six years. Later, Fielding implies that Young Wilding is

² *Joseph Andrews's* Parson Adams supported a wife and six children with twenty-three pounds a year (17).

far from alone in this regard. In debating with himself about how to escape from his present trouble Young Wilding says:

I'll e'en go and advise with trusty Pines [his servant]; for I believe he is (as well as several of my Brother Templers' servants) a better lawyer than his master (35).

After the elder Wilding fails to find his son's law library, he discovers how his money is actually being spent. A tailor, milliner, wigmaker, shoemaker, and a hosier all come to collect money from his son. Young Wilding's exorbitant allowance, it seems, was still not enough to satisfy his indulgence; he has acquired an enormous debt. Finally to add insult to injury, a certain "Mrs. Tricksy" enters looking for Young Wilding. The father adequately sums up Fielding's characterization of Young Wilding, declaring, "My Son is an extravagant Rake..." (17). Young Wilding's father confronts him and promises to disinherit him for "being a Beau, when I thought you a Lawyer" (31), but Young Wilding piles on lie after lie and somehow convinces his father that he is innocent. In the end Young Wilding cheats his father out of five thousand more pounds.

A second thing Young Wilding pretends to be is a true, honest lover of three different women. He is actually simply a womanizer. One of his victims is the prudish Lady Gravely, who he decides to try to corrupt on a bet. To win the affections of Gravely, Young Wilding must play the part of sober, respectable gentleman. Young Wilding makes his hypocrisy explicit in an aside: "So; now must I transform myself into a Shape as foreign to my natural one, as ever proteus did" (26). Wilding vows his love for Lady Gravely but is actually only trying to ruin her reputation for sport.

A second of his victims is Bellaria, with whom he pretends to be in love “to distraction” in front of his father because it makes a convenient excuse for the neglect of his studies. Young Wilding’s father believes he really loves Bellaria and arranges the match for his son. But later Young Wilding swears laughingly to his friends to “win her, wed her, love her, and grow weary of her in a Month...” (38). Wilding is willing to put up with a wife because, like his father, he is attracted to Bellaria’s twenty thousand pound inheritance.

A third of Young Wilding’s loves, Lady Lucy, is already married, but she seems to be as loose a character as Wilding himself. (She is his accomplice in the attempted corruption of Gravelly.) Young Wilding declares his love to Lady Lucy throughout the play in exaggerated language that demonstrates the extent of his affectation: “Rip open my Heart, that Fountain of Turth, and there you will see it with your own dear image” (49). But, when amongst his friends, he talks differently:

Dost thou think I confine my narrow Thoughts to one Woman! No; my Heart is already in the Possession of five hundred, and there is enough for five hundred more (14).

In the end, all of Young Wilding’s different affectations become too convoluted to be decipherable. Is he just acting in front of Lady Lucy? Or does he really love Lucy (who knows of all his other amours) and is just pretending to be a playboy in front of his friends? Even the audience becomes confused about what Young Wilding’s true intentions and motives are, but they must conclude that his self-indulgence and sexual immorality are exceeded only by his hypocrisy.

Fielding consistently satirizes the Inns of Court students in his drama and in his novels as corrupt and overindulgent. Although they are supposed to be students of the law, they never study it and certainly do not learn to support or maintain it as responsible members of the legal profession. The crux of Fielding's satire is that Inns of Court students are all show and no substance. His "templars" are always pretending to be something they are not, be it a law student, a gentleman, a playboy, or even a virtuous lover. Fielding's satirizing of the contemporary Inns of Court is important to this study because it reveals his thoughts about the institutions that produced lawyers – which he discovered firsthand to be critically flawed. If Fielding believed that the atmosphere and individuals detailed above were the pool from which society drew its lawyers, it is no wonder that his lawyers turn out so poorly both professionally and morally.

But Fielding's satire on the Inns of Court is important for another reason as well. It supports one of Fielding's most important general themes: the inadequacy of contemporary education and its detrimental effects on society. Batestin observes that,

So firmly did Fielding believe in this "Power" [of education] that in two important numbers of *The Covenant-Garden Journal*, Nos. 42 and 56, he traced the prevalence of vanity and folly in English society to faulty standards of education (*Moral Basis* 63).

Indeed, examples of Fielding's criticism of the educational standards of his day in general are present even in the works referred to above. In *Joseph Andrews*, Wilson has attended the university, but it is revealed in his discourse with Parson Adams that Wilson has absolutely no knowledge of the classics. In *The Temple Beau*, Young Pedant has seemingly read everything, but he has gained no moral benefit from his education. On the contrary, he has acquired a sort of general contempt for the human race and for

everything else except "his books." This is but a different species of the misanthropic renunciation of the world that characterizes the Man of the Hill in *Joseph Andrews* and which Fielding despised. In short, Fielding's satire of the contemporary educational institutions that produced lawyers should be seen as a part of his overall criticism of the English education system as well as a part of his satire of lawyers.

Chapter III: Avarice: The Lawyer's Lens

Y. Wilding: No one, I'm sure, ever heard me talk like a lawyer.

Bellaria: Indeed, you do now—very like one; for you talk for a fee. *The Temple Beau* (59)

Discussing the inner life of Fielding's characters is a precarious undertaking.

Primarily, this is because Fielding himself rarely does it. Ian Watt correctly points out that Fielding, in direct opposition to his contemporary Samuel Richardson, has a "predominantly external approach to character" (22). Fielding's characters do certainly have an inner life—just a clear, relatively simple one. As Fielding himself declares, genius in writing requires "a quick sagacious penetration into the true essence of all the objects of our contemplation" (*Tom Jones* 415).

Most of Fielding's characters have a central characteristic—an essential quality—that serves as both their primary motivating factor in all situations *and* as the lens through which they see the world. For Fielding's most exemplary characters this essential quality is "good nature" (Fielding's cardinal virtue, which is a sort of innate sympathy and compassion for one's fellow human beings). Squire Allworthy is one of the many examples of characters whose essential quality is good nature. Almost everything Allworthy does—e.g. accepting a foundling into his household despite much opposition—can be traced back to his deep, natural concern for others. Yet, Allworthy's good nature also limits him. He always assumes the best about people, and he is unable to see deception and malice in others because he does not have such qualities inside himself. It is Allworthy's good nature that allows him to be deceived and Tom to be abused by Bilfil. Thus, Allworthy's good nature both motivates his actions and limits his ability to judge those around him.

As might be expected, if such “good nature” is Fielding’s cardinal virtue, his cardinal vice is selfishness. As Battestin observes, to the latitudinarian divines by which Fielding was so heavily influenced, self-love was “the chief vice subsuming all others, the root of all uncharitableness” (*Moral Basis* 53). Selfishness characterizes Fielding’s *least* exemplary creations, such as Bilfil, Parson Trulliber, and Lady Booby. This selfishness can take several more specific forms. For Lady Booby or for the Noble Lord in *Amelia*, lust is the form that selfishness takes. For others, including (as I will argue) almost all of Fielding’s lawyers, selfishness takes the form of avarice. In his famous dictionary, Samuel Johnson defined avarice in 1755 as an “insatiable desire,” but the more modern form of the term—referring specifically to an insatiable desire for **money**—best represents what is operating within Fielding’s lawyers. Avarice functions in the same way in Fielding’s lawyers that good nature does in characters like Allworthy. It motivates their actions and determines how they view the world.

Since the “collective background” of Fielding’s lawyers would either be the Inns of Court (discussed in the preceding chapter) or even worse (an Inn of Chancery or no education at all), it is not surprising that Fielding’s lawyers would be essentially selfish and avaricious. The Inns of Court of Fielding’s day provided a morally bankrupt environment where such “values” had room to grow, and they emphasized the power of money by allowing honors to be bought and by waiving requirements for a fee. In the work that dominated the preceding chapter, *The Temple Beau* (1730), the law student Young Wilding already seems to be often motivated by the desire for money (which he uses to pursue his pleasures). He first lies to and then cheats his father to acquire it.

When asked about his intended marriage of a phenomenally beautiful heiress, Wilding replies “Pox of her Beauty, I shall surfeit on’t in six days Enjoyment. The twenty thousand Pound! There’s the solid charm” (60). Furthermore, the lust for money dominates how Wilding understands those around him: “Gratitude may to some Women fall, but Money, powerful Money, charms them all” (15).

Thus, Fielding posited the connection between lawyers and avarice very early in his career as a playwright. But it continued throughout his years as a dramatist and as a novelist. In *An Old Man Taught Wisdom* (1735), one of Fielding’s later plays, one of his most consistently avaricious lawyers appears. Wormwood the attorney is invited with several other characters to his cousin’s estate. The wealthy cousin, Goodwill, is trying to determine which of his relatives should be given the opportunity to marry his heiress, Lucy. Immediately upon Wormwood’s arrival to the family gathering, Fielding lets us know that avarice is the lens through which he sees the world. During his long trip, Wormwood has obviously been dreaming of fees:

I am very glad to see you [Cousin]. I suppose by so many of our Relations being assembled this is a Family Law-suit I am come upon. I shall be glad to have my Instructions as soon as possible (32).

This speech is noteworthy for two reasons. First, because Wormwood **assumes** that a conflict over money and an opportunity for him to make money must be the reason he has been summoned. Secondly, because he twice uses the word “glad” in describing his emotions about what he assumes is a serious family conflict. Who cares if his relatives are quarrelling, so long as he gets his fee?

During his stay at his cousin's estate, Wormwood repeatedly tries to stir up lawsuits within his family. When a conflict predictably erupts over who has the right to marry Lucy, Wormwood's first thought is to exploit the situation: "Look Gentlemen, if any of you will employ me, I'll undertake we shall recover part of her Fortune" (35). When Wormwood fails to gain either Lucy's hand in marriage or to instigate a lawsuit, he simply decides to demand money outright, "I hope, Cousin, you don't expect I should lose my Time. I expect Six and Eight Pence for my Journey" (37). Again, his statement is notable for two reasons: first, because he has the audacity to bill hours for visiting his family and secondly, because he assumes his cousin will understand his demand. Avarice, as has been demonstrated, dominates Wormwood's motivations and thoughts. For Wormwood, as for many of Fielding's lawyers, money is assumed to be the motivation behind all human choices. Goodwill's response to Wormwood's above speech makes explicit the fact that the latter's avariciousness is a function of his being a lawyer: "Thy profession, I see, has made a Knave of whom Nature meant a Fool"

The lawyers in Fielding's novels, as much as those in his plays, have avarice at the core. Perhaps the best example of this is Lawyer Scout from *Joseph Andrews*. Fielding calls Lawyer Scout a member of a class of unlicensed lawyer which "are the pests of society, and a scandal to the profession" (244). Indeed, his scandalous actions will be discussed in detail in the following chapter. What interests us for the moment, however, is what Fielding would have termed Scout's "true essence," which is strikingly revealed in Scout's comments to Lady Booby. Lady Booby is trying to contrive a way to prevent Joseph's marriage to Fanny (which would, of course, frustrate her attempts at

seducing him). One way to do so would be to convince Parson Adams to refuse to marry them. In discussing such a possibility, Scout says to Lady Booby

I will see Mr. Adams, and I make no doubt of prevailing with him. His only objection is, doubtless, that he shall lose his fee; but that being once made easy, as it shall be, I am confident no farther objection will remain. No, no, it is impossible; but your ladyship can't discommend his unwillingness to depart from his fee. Every man ought to have a proper value for his fee. As to the matter in question, if your ladyship pleases to employ me in it, I will venture to promise you success (243).

This gross misjudgment of Adams arises from a central characteristic of Fielding's characters in general: that they "have difficulty recognizing qualities in others that do not correspond to those within themselves" (Hannaford 94). Lawyer Scout, whose essential characteristic is avariciousness, simply cannot imagine a benevolent motive or **any motive at all (even a selfish one) that does not stem from avarice**. Indeed, he deems any other motive "impossible." This passage, more than any other, reveals that avarice plays the same role for Fielding's lawyers as does good nature for characters like Allworthy and Parson Adams. It both motivates their own actions and limits their view of the world.

A major lawyer character whose motivation less obviously stems from avarice is Dowling from *Tom Jones*. Dowling is something of a gray character who seems not as completely depraved as most of Fielding's lawyers are. Though he plays a mainly obstructive and destructive role in the novel, Fielding does say (slyly) that Dowling "had not divested himself of humanity by being an attorney..." (574). Although he also notes, "Habit, it is true, lessens the horror of those actions which the profession makes

necessary....” Fielding’s references to Dowling’s avariciousness are vague or ambiguous, but they are nonetheless present.

One indirect reference to Dowling’s avariciousness is his dramatic busyness. During one dinner at Mrs. Whitefield’s, Dowling “lamented his great hurry of business, and wished he could divide himself into twenty pieces, in order to be at once in twenty places” (364). His haste is noted several other times, enough to be a heavy-handed characterization for a supporting character (e.g. 191, 197, 850, 853). The implication in Dowling’s hurriedness is that he is hustling for fees. Indeed, Dowling seems to recall Chaucer’s serjeant of the law who “took large fees.” Chaucer says of the serjeant: “Nowhere a man so busy of his class, / And yet he seemed much busier than he was.” Dowling, too, seems to be feigning at least some of his busyness. At Mrs. Whitefield’s he sits through a leisurely dinner and conversation before “deciding” (after the mind-numbing table chatter of the petty-fogger) that he is in a hurry. Thus, Fielding’s lawyer in *Tom Jones* is something of an echo of Chaucer’s lawyer—a type with whom many of Fielding’s readers would be familiar. While Dowling’s avariciousness may be less explicitly revealed than that of Lawyer Scout, it should be noted that without money as a motivating factor it is otherwise difficult to account for how someone who still pretended to some humanity could continue in professional practices that had such inhumane consequences (e.g. the suppression of Jones’ true birth and the prosecution of Jones despite his obvious innocence).

In addition to Fielding’s substantial lawyer characters, lawyers with “bit parts” in the novels frequently appear to reveal their avariciousness before quickly departing. In

Jonathan Wild, for example, Jack Swagger—a Newgate solicitor—aids Molly Straddle in stealing money from Jonathan. In *Tom Jones*, Fielding introduces “a petty-fogger,” who by very definition is one who exploits the law by trumping-up petty cases for financial gain (362). In Book X, the petty-fogger meets the fleeing Sophia and Mrs. Honour on the road. The two ladies are dismayed because he knows who they are, and they know he will betray their whereabouts to Sophia’s father in the hopes of reward money.

Joseph Andrews, like *Tom Jones* and *Jonathan Wild*, introduces “bit part” lawyers whose essential characteristic is blatant avariciousness. In chapter V of Book II, two lawyers appear at an inn immediately after a bloody fight between Parson Adams and a landlord. Just like Wormwood from *An Old Man Taught Wisdom*, the two lawyers immediately seek to exploit a bad situation for financial gain in the form of fees. One of the lawyers tells the landlord that he will be certain to “recover damages in that action which undoubtedly you intend to bring...” (101). Once again, statement is doubly instructive—first because the lawyer is trying to stir up suits for fee money, and secondly, because he assumes that the landlord (still bleeding from the fight) must already be thinking of money. Ironically, while one lawyer is “employed...on behalf of the landlord” the other is trying to convince Parson Adams to bring a suit for damages, which he thinks “must be considerable.” What makes this situation all the worse is that these men are *gentlemen* of the law (i.e. barristers). As such, they are not supposed to be soliciting work from or even advising potential clients. Fielding reminds his readers of this by having one of the lawyers say, “remember, I don’t advise you to go to law; but if

your jury were Christians, they must give swinging damages.” Barristers are supposed to be undesigning public servants—the guardians of a **public good**, not of a product to be exploited for private gain. In this scene Fielding hints to his readers that avariciousness in lawyers is scandalous on a number of levels, and not just a poor reflection on their characters.

In *Tom Jones* Fielding makes explicit what he hints at in *Joseph Andrews*: that lawyers motivated by avarice are deeply problematic, scandalous in multiple spheres. In a footnote, Fielding discusses a young clergyman he knew who was victimized by

the villainy of an attorney who, not contented with the exorbitant costs to which the poor man was put by a single action, brought afterwards another action on the judgement, as it was called. **A method frequently used to oppress the poor, and bring money into the pockets of attorneys, to the great scandal of the law, of the nation, of Christianity, and even of human nature itself** (840 emphasis added).

Thus, for Fielding, avariciousness in lawyers is much more than a simple moral flaw and creates much larger problems. First, Fielding says that lawyers’ exploitation of the poor for money is scandalous to the law and the nation. As noted above, this is because law is a public good. Lawyers are representatives of the **justice** system, a system that (in a free society) is supposed to equitably and ethically settle disputes. If lawyers are out to serve private gain rather than the public good and to exploit the populace rather than to serve it, then the entire system is corrupted and an important piece of the nation’s moral foundation is undermined. Therefore, having money as the primary motive is a much greater problem if one is a lawyer than if one is, for example, a merchant. Secondly, Fielding says that lawyers’ avariciousness is scandalous to Christianity. Anyone who has ever read the synoptic gospels must note Jesus’ denunciation of greed and of worldly

goods in general (e.g. “You cannot serve God and wealth,” Matt 6:24 and “...go, sell your possessions, and give the money to the poor,” Matt 19:21³). Thus, for Fielding avariciousness in lawyers is not only destructive to society, but also runs terribly afoul of a divine moral code. Finally, Fielding says that avariciousness in lawyers is scandalous to human nature itself. For Fielding, concern for others is the very definition of “humanity.” This is revealed in a scene noted above, when, after Dowling expresses genuine concern for Jones, Fielding notes that he still possesses some degree of humanity. The exploitation of the poor for personal gain, in addition to undermining society’s institutions and running afoul of a cosmic moral code, also reveals a loss of the very characteristic that makes one human.

Henry Fielding’s lawyers frequently reveal themselves as essentially selfish, as corrupt at the core. His lawyers developed their “professional ethics” and spent seven or so impressionable years in societies that provided them with no moral guidance or direction. In fact, the Inns of Court promoted the idea that money was more important than competence with policies that made prestigious positions (such as that of “Reader”) purchasable instead of attainable through achievement. Such experiences at the Inns of Court taught future lawyers that money could buy almost anything, even professional success, honors, and respect. Considering these facts, it is perhaps not surprising that Fielding’s lawyers are avaricious. The desire for money proves to be the primary motivation for all that they do. Furthermore, it determines how they assess the characters of others. Finally, lawyers’ avaricious nature is destructive to the nation’s

³ Biblical quotations are from the Revised Standard Version

institutions, runs contrary to the values of a Christian society, and reveals a loss of humanity itself. Avarice is the lens through which Fielding's lawyers see the world. With such an essential nature, the atrocious behavior of the vast majority of Fielding's lawyers is not at all surprising.

Chapter IV: The Strategies of Selfishness: Moral Relativity, Obfuscation, and Dishonesty

Having received neither moral edification nor any guide to professional ethics from their education at the Inns of Court and Inns of Chancery, Fielding's lawyers emerge as characters whose selfishness (and specifically their lust for money) is the essential quality that both motivates their actions and dictates how they understand other people. Consequently, they act in ways that reveal their lack of any guiding moral or ethical standards other than their own needs and desires. Ironically, the lawyers sometimes disregard the law itself. This moral relativity is specifically revealed in many different ways, but it is most often manifested in a complete disregard for the truth. In this way, Fielding's lawyers subvert the intended function of lawyers—who should act as illuminators rather than as barriers to the truth. Fielding's lawyers obstruct the truth with alarming frequency both with obfuscation and with outright lies.

In general Fielding's lawyers act in ways that reveal their amorality. In *Joseph Andrews*, lawyers persuade Wilson to contest his recently deceased father's will. Wilson and his lawyers clearly understand that his father intended Wilson's fortune to be kept from him "till [he] reached the age of twenty-five," when he would have enough maturity to use it responsibly (170). Yet, the lawyers—claiming that the clause is "obscurely worded"—help Wilson contest the document and subvert his father's wishes. This episode is alarming for several reasons. First, Wilson's lawyers set themselves up against the law. A will is (of course) a legal document, and Wilson's lawyers *know* that his father intends Wilson not to receive the money until he is twenty-five. Thus, in attacking the clear intentions of the will, the lawyers are attacking the law. In addition to

disregarding the law, the lawyers—in pitting a son against his dead father—are also entirely disregarding moral considerations. (A deep respect for one's parents and their wishes, whether living or not, was certainly a standard Christian value in Fielding's England.) Finally, it is notable that Wilson's father's will is obscurely worded in the first place. Since the father obviously possessed a notable fortune, he would certainly be able to afford competent lawyers. This raises the possibility that the loopholes in the will were deliberately placed and hints at yet another possible level of lawyer corruption.

The underlying motivation for this behavior is, of course, avarice. As money flows into Wilson's possession, either a percentage of such or a large fee is certain to fall to the lawyers. It is notable that one of the same attorneys who purported to "help" Wilson in this instance⁴ later laughs at his misfortunes and, after snide remarks about Wilson's poetry, refuses him a menial job that he badly needs and for which he is obviously well qualified.

A second example of a lawyer motivated entirely by selfishness is *Joseph Andrews'* biting parody of the 'Good Samaritan' parable. In chapter xxii of Book I, Joseph—like the victim in Luke (10:29-37)—is set upon by robbers, stripped of all his clothes and money, and beaten nearly to death. Likewise, Joseph is also rescued by complete strangers and conveyed safely to an inn. The similarities, however, end there. When the coach passes the moaning, injured Joseph, the coachman advises leaving him for fear of being robbed himself and the lady advises the same but because of her

⁴Wilson says that this attorney "had formerly transacted affairs for me..." (183).

prudish embarrassment at Joseph's nakedness. The lawyer's reaction to Joseph's misfortune is worth repeating in full:

A young man who belonged to the law answered, "He wished they had passed by without taking any notice; but that now they might be proved to have been *last in company*; if he should die, they might be called to some account for his murder. He therefore thought it advisable to save the poor creature's life, for their own sake..." (43).

Despite the fact that the lawyer's remarks end up saving Joseph's life, his reaction to Joseph's misfortune is perhaps the most contemptible. The lady's initial reaction is concern for Joseph. It is only her immense prudery that changes her initially sympathetic reaction. Likewise, the coachman (after hearing the lady's concern) orders the driver to stop to investigate the Joseph's situation. It is only after he hears of the robbery and he fears for the party's safety that he advises leaving Joseph. Certainly, the self-centeredness of the coachman and the all-consuming prudery of the lady are wrong, but it worth noting that these qualities are presented as *factors that weigh against a sympathetic initial reaction*. The lawyer, by contrast, has no sympathetic initial reaction; his selfishness does not weigh against any innate humanity or moral standard whatsoever.

Thus, the lawyer's rescue of Joseph, despite its good results, is an absolute manifestation of selfishness and moral relativity (or amorality—a lack of guiding principles other than one's own self-interested desires). It is doubtless that, had it been ever so slightly to the lawyer's personal advantage to leave Joseph, he would have let him die without a second thought. The lawyer's reason for rescuing Joseph ("for their own sake") is set in sharp contrast to the motivation of the Samaritan in the original

story who saved the victim because “he was moved with pity” (Luke 10:33). The Samaritan bandages and pours oil on the wounds of the man before arriving to the inn. The lawyer, on the other hand, taunts Joseph during the entire trip.

Amelia provides a third example of a lawyer acting in ways that demonstrate his essential amorality. After a young gentleman named Trent is pressed into the Navy, an attorney marries his mother, buries her, and secures her fortune of fifteen hundred pounds. When Trent returns home and applies to his stepfather for a share of the inheritance, the attorney refuses and disowns him. After Trent (in revenge) marries the attorney’s daughter (by another woman, not Trent’s mother), the attorney secures Trent a place in the military hoping that Trent will be killed in battle so that he “might marry his Daughter more agreeably to his own Ambition, and to her Advantage” (468). Later, the attorney is arrested for forgery (a crime that had recently been made a capital offense and that Fielding apparently took very seriously). At trial, he exploits a loophole in the rules of evidence to get himself unjustly acquitted. Since everyone knows he is guilty, however, the attorney—professionally ruined—commits suicide.

The attorney’s actions are, of course, problematic on numerable levels. First, he shows a complete lack of concern for the feelings and needs of others. Despite the fact that the attorney is amply supplied (fifteen hundred pounds being an immense sum), he refuses sharing with someone who has a definite right to the money and a greater need. Furthermore, he ignores the wishes of his dead wife—who certainly never intended to disinherit her son. The attorney also shows a lack of value for human life and ignores his daughter’s feelings (who married Trent because of her “very great Liking”) in trying

to get Trent killed and wishing her remarried (467). Secondly, the attorney demonstrates a disregard for the law itself by committing forgery and then by exploiting loopholes in the rules of evidence at his trial. Thirdly, in his final act of killing himself, the attorney disregards the Christian religious prohibition against suicide.

The role that avarice plays in *Amelia's* attorney's decisions is notable. Lust for money (in addition to a petty personal grievance too complicated to discuss here) is the reason that the attorney disinherits Trent. It also seems implied that the fortune he hoped to inherit was the reason for his marrying Trent's mother in the first place. Avarice also motivates the attorney's opposition to his daughter's marriage to Trent and dictates his hopes for his daughter's future marriage. Furthermore, the hope for financial gain is the most likely reason that he committed forgery. Finally, the reason Fielding gives for the attorney's suicide is that he "unhappily lost...his Business" (468). This is further implication that money—or at least his ability to professionally make it—is the attorney's only real reason for living.

Joseph Andrews and *Amelia* provide us with several examples of how Henry Fielding's lawyers act in various ways that demonstrate a general moral relativity. The behavior of Fielding's lawyers is the manifestation of a person both lacking internalized ethical standards and ignoring external ethical standards. It is the manifestation of complete selfishness and most often avarice. There are countless other instances of similar behavior. In chapter vi of Book I in *Jonathan Wild*, for example, Fielding depicts and condemns the practice of lawyers for creating fictitious persons (in this case simply "John Doe") as a false security for the prosecution of a debt. The most frequent

manifestation of Fielding's lawyer's amorality, however, is a "relativity" towards the truth—i.e. dishonesty both by obfuscation and by outright lying. Fielding's song at the end of *The Coffee-House Politician* makes explicit the fact that lawyers' obstruction of the truth is related to their lust for money and to their selfishness in general: "Truth forces from the lawyer power and wealth" (77).

The most obvious and probably most frequent method that Fielding's lawyers use to obstruct the truth is what might today be called "legalese," that is, using deliberately convoluted or even nonsensical legal jargon. Fielding's lawyers use legalese to as a source of power by confusing those around and complicating simple situations, both (of course) often to their advantage.

For example, in *Henry Fielding and the Language of Irony*, Glenn Hatfield posits Fielding's satire on legal jargon as part of wider critique on the jargon of the professional classes and of the misuse of language in general. Fielding's jargon-using lawyers, doctors, and priests

stand for the imminent breakdown of society into disparate groups unable to communicate with each other to comprehend the "great and general Ideas of Nature"... and their jargon is symptomatic of the loosening of "the great bond that holds society together" (Hatfield 141).

Moreover, Fielding's satire of professional jargon is also

A conventional comic device which can be traced back at least as far as the Italian commedia dell'arte and...owe[s] as much, probably, to the literary tradition represented by Ben Jonson, Molière, and Samuel Garth...as to his own independent observation and concern (Hatfield 132).

Nevertheless, in addition to being a common comedic device and to being a piece of a much larger criticism, Fielding's satire of legal jargon also simply characterizes his

lawyers. That is, it is also a satire specific to lawyers. Hatfield notes that Fielding's lawyers, unlike his doctors and parsons who use jargon to cover ignorance, often use jargon "as a means of circumventing justice" (135).

Joseph Andrews provides an example of a lawyer using legalese to deliberately obscure the truth and circumvent justice for the benefit of client and, consequently, for his own gain. Lawyer Scout (as was discussed above) has been employed by Lady Booby to prevent Joseph's and Fanny's marriage on the grounds that they have not been settled residents of the parish for at least a year. When Lawyer Scout initially reports that Joseph and Fanny *are* settled residents and that the law is on their side, Lady Booby threatens to have him replaced. At this, the lawyer immediately changes his tune. While lawyers cannot alter the law, he tells the lady, it *is* within his and every other lawyer's power "to prevent the law's taking effect" (242). His way of circumventing justice is through the exploitation of a flurry of convoluted or nonsensical (not even I can tell) 'logical' arguments and legal concepts:

Madam, your ladyship, not being conversant in these matters, hath mistaken a difference: for I asserted that a man who served a year was settled. Now there is a material difference between being settled in law and settled in fact; and as I affirmed generally he was settled, and law is preferable to fact, my settlement must be understood in law, and not in fact. And suppose madam, we admit he was settled in law, what use will they make of it? How doth that relate to fact? He is not settled in fact; and if he be not settled in fact, he is not an inhabitant; and if he is not an inhabitant, he is not of this parish, and then undoubtedly he should not be [married] here (242-243).

Lady Booby rebukes Lawyer Scout for his "gibberish," but decides to accept his strategy anyway. Thus, Lawyer Scout uses legal jargon to obscure the truth and to circumvent justice (he *knows* that Joseph's and Fanny's marriage should be permissible

under the law). Moreover, he uses legal jargon in the service of immorality, serving Lady Booby's lust over the marriage of two honest lovers. All of this is done for *financial gain* (or perhaps, more accurately, to prevent financial loss). Lawyer Scout decides to exploit legal jargon only after Lady Booby threatens to fire him.

The use of legal jargon by Fielding's lawyers is pervasive—appearing sometimes even when there is neither discernible advantage nor seemingly any logical reason at all for the lawyer to obscure the situation. In *Tom Jones*, when Squire Western inquires to a lawyer's personal and legal opinion concerning young Bilfil's cruel releasing of Sophia's pet bird, the lawyer replies

If the case be put of a partridge, there can be no doubt but an action would lie; for though this be *feræ naturæ*, yet being reclaimed, property vests; but being the case of a singing bird, though reclaimed, as it is a thing of base nature, it must be considered as *nullius in bonis*. In this case, therefore, I conceive the plaintiff must be non-suited; and I should disadvise the bringing any such action (117).

There are several ways for this lawyer's obfuscation to be analyzed. First, it is likely (as Squire Western subsequently speculates) that the lawyer has absolutely no idea what he is talking about. Since Fielding's lawyers have little real knowledge of the law, the lawyer felt it necessary—having been asked his *legal opinion*—to cloud the issue to cover his ignorance. But perhaps there are deeper issues at work here. The lawyer was asked what he thought personally about the incident *and* for his legal opinion. Both of these are *objective* judgements requiring respectively an internalized moral code of some sort and an objective knowledge of law. As has been noted throughout this study, Fielding's lawyers have neither. With no personal stake in the issue, no selfish motivation towards one side or the other to guide him—the lawyer would be left

completely confused. This is another reason why the lawyer may have felt it necessary to cloud the issue: to hide not only his ignorance, but also his profound confusion at being forced to make an objective, disinterested moral and legal judgement.

Fielding's novels also reveal that lawyers can obscure the truth in other ways that do not directly involve legal jargon. Again, the obfuscation is frequently tied to their avarice. One additional way that lawyers use language to cloud the truth is with their ability and willingness to argue either side of issue irrespective of its merits (provided, of course, that the price is right). Fielding's brilliant satirical portrayal of London's greatest courtroom in *Joseph Andrews* is one example. He writes

I have seen, in the hall of Westminster, where Serjeant Bramble hath been retained on the right side, and Serjeant Puzzle on the left, the balance of opinion (so equal were their fees) alternatively incline to either scale. Now Bramble throws in an argument, and Puzzle's scale strikes the beam; again, Brambles shares the like fate, overpowered by the weight of Puzzle. Here Bramble hits, there Puzzle strikes; here one has you, there t'other has you; till at last all becomes one scene of confusion in the tortured minds of the hearers; equal wagers are laid on the success, and neither judge nor jury can possibly make anything of the matter; all things are so enveloped by the careful serjeants in doubt and obscurity (36-37).

As Serjeants, Bramble and Puzzle are supposed to be the most respectable and professionally competent members of their profession. But the Serjeants concern themselves only with their fees, which they obtain by clouding the truth rather than illuminating it. So much "doubt and obscurity" are fired into every issue that all concern for justice and truth are completely lost and forgotten in the chaos that passes for a legal proceeding.

In *Tom Jones*, Dowling serves a similar function in obstructing the truth by being able to take either side of an issue. Hannaford writes that Dowling represents "a letter-

of-the law ethic which can serve justice or injustice” and that “depend[s] upon the...selfishness of its practitioners” (158). Hannaford also believes that Dowling’s actions reveal, at least, *principles* of legal neutrality. However, it is more likely that Dowling is as essentially selfish as Fielding’s other lawyers—just slightly more scrupulous. Dowling is initially employed by Mr. Bilfil against Jones, but when Allworthy (who, it should be noted, has much more power and money) discovers Bilfil’s deception, Dowling immediately switches sides and uses everything he knows against Bilfil. He literally *demonstrates* the ability to serve good and evil equally. In fact, it is only after Allworthy threatens to remove Dowling from his favor and from his service that he can be prevailed upon to tell the truth (851).

Dowling acts as an barrier to the truth in several other ways as well. For one thing, he bribes witnesses while employed against Jones. In an obscure rationalization, Dowling tells Allworthy that he really did not suborn perjury, but rather told the witnesses that “if any Offers should be made them on the other Side, they should refuse them, and that they might be assured they should lose nothing by being honest Men, and telling the Truth” (852). Dowling presents his actions as merely honest advocacy of Bilfil’s cause, but he knows that “their logical outcome would have been Tom’s conviction and hanging” (Hannaford 158).

Dowling also actively obstructs the truth by hiding the facts about Tom’s birth. Furthermore, he deceives Allworthy about why he kept the secret. Dowling says that he conveyed the information to Bilfil who (at the time) promised to pass it on to Allworthy.

Since Allworthy never brought up the fact that Tom was his nephew to anyone else, Dowling says, he felt it proper to keep it concealed. But, Fielding says that this is

a lie in the words of truth.... In reality, the promises which Bilfil had made to Dowling were the motives which had induced him to secrecy; and, as he now very plainly saw Bilfil would not be able to keep them, he thought proper now to make his confession (853).

The phrase “a lie in the words of truth” captures the essence of how Fielding’s lawyers use language to obscure the truth—lying without directly doing so. It is the truth that Dowling conveyed the information to Bilfil, and it is the truth that Dowling felt it proper from thenceforth not to mention it. But the critical facts that Dowling *knew* Bilfil would not inform Allworthy of his nephew and that Dowling’s own motivation for thinking future concealment proper were Bilfil’s “promises” (certainly a bribe) are completely omitted. These omissions, by absolving an utterly guilty party (Dowling) of all responsibility and suspicion, render the truths that Dowling does tell just as deceptive as outright lies. In this way, Dowling, like many of Fielding’s other lawyers manipulates pieces of the truth—or the façade of truth—and appropriates it for the service of deception.

Furthermore, this passage clearly reveals the shallow, mercenary nature of Dowling’s ‘legal neutrality’ or, more accurately, his moral relativity. Dowling, like Fielding’s other lawyers, simply impulsively serves whoever has the most money to promise. If Bilfil had been able to ‘keep his promises’ to Dowling, it seems certain that he would have kept the truth of Tom’s birth secret and allowed him to die. Dowling, finally, should be seen as a figure reduced to a mere tool by his own selfishness. He is a character that lacks all agency.

Fielding's lawyers, as has been demonstrated, frequently obscure the truth, but they also simply lie as well. In Book 8 of *Tom Jones*, Fielding introduces "a most vile petty-fogger" who apparently does nothing but lie (362). The first thing to notice is Fielding's label for the man (who he never otherwise names). A "pettifogger" is someone who uses unethical means to create and try trumped-up cases. So, before he even speaks a word, the lawyer is heavy-handedly introduced as a dishonest and unscrupulous character. In dinner conversation at an inn, the petty-fogger tries to convince several of Mr. Allworthy's acquaintances that he is "an intimate friend" of the squire. However, in reality the petty-fogger "had never had the honour of speaking to any person in that family higher than the butler." Immediately after, the petty-fogger spreads (or starts) malicious rumors about Tom and then,

Calling to mind that he had not been sworn as he usually was, before he gave his evidence, [the petty-fogger] now bound what he had declared with so many oaths and imprecations that the landlady's ears were shocked, and she put a stop to his swearing by assuring him of her belief (363).

In insinuating that he is a close friend of Mr. Allworthy, the petty-fogger is apparently trying to bolster his reputation and, consequently, his business. If he can convince others that he is a respectable enough character to be befriended by Allworthy, then they can probably be convinced of his merit as a lawyer. Thus, the motivation for his first lie can be traced indirectly to avarice. Indeed, in addition to his appropriate title, the petty-fogger is directly characterized as avaricious by Fielding when he says that he is "one of those who...will ride more miles for a half-a-crown than a postboy" (362). The second string of lies against Tom is somewhat more perplexing. First, it is worth noting that when the petty-fogger considers whether or not he is under oath, he reveals

that he suspects the rumors about Tom to be false—even though he promises that “every syllable of what [he] has said is fact...” (364). Perhaps the petty-fogger’s motivation in slandering Tom is merely for the attention getting and entertainment value that such scandalous talk provides. If the petty-fogger is (like most of Fielding’s lawyers) completely morally relative, then he would be willing to ruin a man’s reputation for simply a few minutes of entertainment and attention.

The petty-fogger is, of course, not alone. Fielding’s novels are replete with other examples of lying lawyers. In *Joseph Andrews*, Parson Adams receives two completely contradictory assessments of a man’s character from two different lawyers (Book 1 chapter 8). One lawyer praises him as the most kindhearted man on earth, while the other calls him mean and tyrannical. In trying to determine which of the lawyers is telling the truth, Adams appeals to a third party and discovers that they are *both* lying. The man is simply an average citizen and all of the details that both lawyers used to ‘prove their case’ about the man were completely falsified.

In Fielding’s novels and dramatic works cited here, the reader witnesses lawyers swindling their fathers, disinheriting their sons, forging documents, framing suspects, concealing evidence, bribing witnesses, destroying reputations, and in general ignoring all moral and legal standards for conduct. In addition to noting the frequent immorality of lawyers’ conduct, one must notice their amoral orientation. This is illustrated by the lawyers’ eager willingness to work towards good when it happens to benefit them. (This is best demonstrated in the ‘Good Samaritan’ parody.) The lawyers’ poor conduct is most often manifested as “relativity” towards the truth. (That is, they will modify,

obstruct, or obscure the truth whenever it suits their needs.) The lawyers' amoral actions, obfuscation, and dishonesty are frequently tied to their lust for money. In short, the conduct of Fielding's lawyers demonstrates moral relativity in that concern for themselves (and most often concern for their *financial* well-being) completely guides their actions.

Chapter V: Lawyer Murphy

In *Amelia*, Lawyer Murphy plays similar and yet more crucial role than Lawyer Dowling does in *Tom Jones*. This, arguably Fielding's most well-developed and important lawyer character, is also the quintessential example of the "Fielding lawyer" for which I am arguing. By the end of the novel, Lawyer Murphy is shown to be completely shaped by avarice. In fact, Murphy's essential quality (that is, the central characteristic that guides his actions and limits his understanding of others) is avarice. With this essential selfishness unchecked by a decent education, all ethical standards are completely discounted against Murphy's lust for money. In his moral relativity, Murphy shows no concern for the law, for the well being of others, for justice, or for the truth in his pursuit of money.

Unlike Fielding's other prominent lawyer character, Dowling, Murphy's lack of adequate legal and general education is glaringly obvious. When Mrs. Matthews complains that she is very ignorant of the law, Murphy replies,

Yes, Madam...it can't be expected you should understand it. There are very few of us who profess it, that understand the whole;—nor is it necessary we should. There is a great deal of Rubbish of little Use about Indictments and Abatements, and Bars, and Ejectments, and Trovers, and such Stuff, with which People cram their Heads to little Purpose. The Chapter of Evidence is the main Business; that is the Sheet-Anchor: that is the Rudder, which brings the Vessel safe in Portum. Evidence is indeed the Whole, the *Summa totidis*, for *de non apparentibus et non insistentibus eandem est ratio* (61).

First, as Battestin footnotes to *Amelia* declare, Murphy's Latin "is not good..." (61). He is trying to quote Sir Edward Coke's maxim, "That which is not seen must be treated as if it did not exist." But his corrupted rendering is more like, "The rule for the unapparent and the uninsistent is the same" (see Battestin's footnote). In the next paragraph Murphy

somehow mistakes the Latin for “be silent” (*tace*) for the word for Latin for “candle” (*cereus*).

More importantly, in a short rant, Murphy dismisses nearly the whole of the law as irrelevant—revealing that he, like Matthews, is essentially ignorant of it. His insistence that the “chapter” on evidence is the only important one suggests that his study of the law was confined to one book alone. The other subjects he lists might well be chapter titles that he skipped over. Moreover, while Mrs. Matthews is modest about her lack of knowledge of the law, Murphy is aggressively ignorant. That is, he arrogantly presents his lack of knowledge about legal specifics as a sort of higher, greater understanding of the law. Murphy, though he clearly understands little more than Mrs. Matthews about the law, apparently thinks he has a special mastery of it—an ability to judge what is essential and what is superfluous “rubbish.” His arrogance aside, Murphy’s lack of education would certainly contribute to the professional irresponsibility and lack of internal ethical guidance that he demonstrates throughout the novel.

Hannaford, in the surprisingly brief treatment of Murphy in her dissertation *Law in the Novels of Henry Fielding* writes that Murphy is “genuinely sinister and evil” (196). She implies that Murphy is somehow qualitatively different than Dowling in this respect. Indeed, the modern connotation of evil suggests one whose motivations are an inclination to injurious behavior *for its own sake*. Someone who is evil in the modern sense is really more sadistic than selfish. But Murphy is *not* evil in this sense. Labeling Murphy “evil” calls attention to the *immorality* of his actions, but it fails to adequately

highlight their *amorality*, which is even more important to notice. Furthermore, perceiving Murphy as evil in the way that Hannaford does robs Fielding's character of its universal significance and makes Murphy into something of a cartoon-like, easily dismissed villain. Murphy, as I will demonstrate below, is purely selfish—not sadistic. As *Amelia* is Fielding's most pessimistic novel, Murphy is simply a more pessimistic version of the lawyer that Fielding had been creating since his earliest days as a dramatist.

Murphy is representative of all the vicious legal dangers that oppress and entrap the Booths throughout the novel. He is constantly on the periphery of the novel's immediate setting as a vague threat. He is often reported to be contriving with the Booths' creditors and to be literally hunting the Booths. When Murphy cannot find a way to capture Booth and imprison him for his debts, he confines him with the threat of the former to the small area of London that offers sanctuary—the verge of court. But Murphy's motivation for oppressing the Booths in this way is not simply a sadistic inclination to injure them, but a desire to secure a cut of whatever money he can take from them. This is very clearly indicated in Book VI chapter ix when Fielding reveals that "Murphy himself, or one of his Emissaries" has broken into Booth's residence to determine whether he owned enough of value to make it worthwhile "to plunder him by Law" (261). This chapter demonstrates that Murphy's motivation is not simple malice. Since he finds "several things of great Value," Murphy decides that he will continue to pursue Booth, but the reader must conclude that had Booth not owned valuables from which Murphy could expect a sizable cut, the attorney would not have bothered with

him. Thus, Murphy's oppression of the Booths—his principal function in the novel—is directly related to and dependent upon his avariciousness.

Murphy's avariciousness, like that of Fielding's other lawyers, simply allows no room for any moral or ethical considerations. As a result, Murphy emerges as completely amoral, demonstrating no concern for the law, for the well being of others, or for justice. Like Fielding's other lawyers, Murphy's moral relativity is most often demonstrated in his willingness to aggressively obstruct and obscure the truth when it is in his interest. In Book I, Murphy is introduced to both the reader and to Booth as "the best Man in England at Defense..." because he "often succeed[s] against the most positive evidence" (60). Murphy, of course, takes this description of his ability to promote injustice as a compliment and then implores Mrs. Matthews to employ him for her cause. After Mrs. Matthews clearly admits to murdering her victim, Murphy's only concern is that they will have to bribe the servant who witnessed it. Of course, Murphy insists that Mrs. Matthews "must furnish [him] with Money sufficient for this Purpose" (63). Next, Murphy expresses regret that the murder did not happen in the street because this would have furnished them with more witnesses to bribe. The suggestion that more witnesses to the murder would actually be *favorable* to Mrs. Matthew's cause is deeply ironic and reveals that Murphy is well experienced in bribery. Fielding's introduction of Murphy shows the reader that the attorney is willing to subvert justice and obscure the truth by illegal means. The situation implies that Murphy's willingness to engage in such illegal and unethical action is a direct result of his hope of securing fees, completely divorced from any self-conscious desire to serve justice or his client.

Book VIII contains an incident that further suggests the avaricious orientation of Murphy's moral relativity and highlights his willingness to serve good or ill each without qualm. Dr. Harrison, after hearing slanderous rumors about Booth, had employed Murphy against him. Murphy has Booth confined in a sponging house (a place kept by a bailiff where creditors placed debtors in attempt to extract money from the debtor's friends or family by, in effect, holding them for ransom). While Booth is languishing in confinement, Dr. Harrison (after hearing the truth about Booth and having a change of heart) appears with Murphy who is to "perform all the necessary Ceremonials" to get Booth released (255). Thus, Murphy—in a very short time—has been employed to both the service of justice and injustice. It is Dr. Harrison, not Murphy, who has the change of heart about Booth. The attorney obviously does not care what ends he serves, so long as his fee from Dr. Harrison is forthcoming. Murphy talks with Booth civilly and expresses no reservations about releasing him. This obvious demonstration of self-interested "legal neutrality" damages the argument that there is a qualitative difference between Murphy and Dowling and demonstrates the fact that Murphy is not motivated by an inclination to injurious behavior for its own sake.

The full extent of Murphy's villainy is not revealed until the end of novel. Echoing the philosopher Square's deathbed confession in *Tom Jones*, a very sick, philosophically minded gambler named Robinson reveals the fact that he and Murphy had helped to forge the will that disinherited Amelia and caused the Booths' financial woes. While an original will left Amelia with the greatest part of a large fortune, the one

forged by Robinson and Murphy at Amelia's sister's behest, left her with a mere ten pounds.

Murphy's forging of the will represents the ultimate in moral relativity. First, he shows a complete lack of respect for the law, breaking it egregiously. Secondly, he demonstrates his willingness to obstruct the truth by officially signing into existence a complete fabrication. Thirdly, he shows a complete lack of concern for the well being of others by nearly ruining an innocent family who—as a result of his forgery—would be oppressed with debt throughout the novel. Of course, the motivation for all of Murphy's villainy is the fact that the will of Amelia's wealthy mother involves vast amounts of money. Robinson got two hundred pounds for his role in the forgery, and he suggests that the "Reward Murphy himself had" may have been much greater (517). Later some letters of Murphy's sent to Amelia's conniving sister are found the former's residence. They reveal that the attorney made "frequent Demands of Money for Secrecy..." (523). Thus, the whole of Murphy's villainy in this situation is again explained by avarice.

Finally, as Hannaford notes, Murphy serves an ultimately "Dowling-like function in the novel" in that he is a barrier to the secret that lies at the heart of the story (196). "Like Dowling...he serves as the only character in the novel other than Amelia's sister who knows the secret behind Amelia's loss of inheritance...." Hannaford obviously overlooked the fact that Robinson (a minor character) also knew the secret, but the insight is still valid. *Amelia* is the second of Fielding's four major novels in which a lawyer's obstruction of a crucial truth allows an essentially static plot to proceed.

Thus, Murphy's role in *Amelia* is very similar to Dowling's in *Tom Jones*, and in general, Murphy is an excellent example (if an even more pessimistic one) of the type of satirical lawyer character that Fielding had been creating since 1730. From the reader's first encounter with the attorney, Murphy is marked by his poor education and demonstrates little real knowledge of the law. Murphy is further revealed as completely selfish and avaricious and, as a result, demonstrates a complete lack of concern for the well being of others, the truth, justice, and even for the law itself. In the end, Murphy is hanged for his crime. In the final chapter of *Amelia*, Fielding, as if realizing he forgot something in the perfect satirical lawyer characterization, notes that at his trial Murphy engaged in "much quibbling about the Meaning of a very plain Act of Parliament" before he was "at length convicted" (532). Thus, at the very close of the novel, Fielding gives one final example of Murphy's moral relativity: in his final act, he obscures the truth through legalese in a desperate but ultimately unsuccessful attempt to save his skin.

Chapter VI: Conclusions

Lawyer Murphy's being "brought to justice" in the end provides a fitting conclusion to Henry Fielding's commentary on lawyers and on the justice system at large. Murphy is arrested and taken "Away...to the Justice" at the demand of a London mob (520). Later, "the Attorney was committed to Newgate; whither he was escorted amidst the Acclamations of the Populace" (524). This portrait of a legal action proceeding at the behest of mob should be read—not, of course, in a Marxist sense of the justice system being revolutionarily co-opted by "the common people"—but (more basically) as a lone example in Fielding's fiction of a legal proceeding that is obviously done in the public interest. With the legal action that justly determines Murphy's fate, Fielding provides an example of how the law should operate (i.e. in the public interest), setting Murphy's trial in sharp contrast to the corrupt manifestations of the law that appear throughout the rest of the novel.

Justice, Fielding demonstrates, *can* happen through human institutions. With this scene, Fielding reminds his readers (after a novel, and in fact, a career, that blasts the law in all of its contemporary manifestations) that law in the abstract sense—as a true instrument of justice—is not his target. With this in mind, the last scene of Fielding's last novel can be read as a sort of allegory. Murphy—who represents contemporary lawyers and all their corruption—is being judged and overtaken by the collective will of a Christian public—which represents (for Fielding) TRUE justice, or just law serving the public interest. Thus, Fielding's bleakest novel actually provides hope for the justice system. True justice, in the end, will triumph in spite of the "cold, venal advocat[e]s]"

(*Tom Jones* 70). True justice will triumph over the actual targets of Fielding's satire—wholly ineffective institutions of legal education; disingenuous, self-indulgent law students; and greedy, amoral, incompetent lawyers.

In both his dramatic works and novels, Fielding frequently satirizes Inns of Court students. Fielding's "templars" are self-indulgent and immoral. They never study and seem wholly unconcerned that they are not receiving even a minimal of professional competence in the law. A unifying theme of his portrayal of Inns of Court students is their concern with appearances over substance, and affectation is the most glaring characteristic of all of Fielding's inner barristers. Fielding's portrayal of Inns of Court students serves three functions in addition to its direct criticism of the students themselves. First, it makes a sharp but implicit critique of the institutions (the Inns of Court) that allow such poor students to continue. Secondly, it supports his larger theme of the failure of the contemporary system of education generally and its dire consequences. Lastly, it provides a sort of collective educational background for the rest of Fielding's lawyers. This collective educational background, in institutions that highlighted the power of money with policies that allowed honor and titles to be purchased, helps to explain why Fielding's lawyers perform so poorly morally and professionally.

Fielding's practicing lawyers demonstrate a consistent greediness unmatched by any of his other characters. In fact, avarice serves as each of Fielding's lawyer's primary characteristic. It functions just as "good nature" does for characters like Allworthy and Dr. Harrison. That is, in Fielding's lawyers, the lust for money serves as both the

motivation for their actions and critically limits how they understand other people. This essential avariciousness both explains the amoral actions of Fielding's lawyers and, like his portrayal of "templers," also serves to support one of his larger themes.

Selfishness, of which avarice is certainly an example, is derided by Fielding in all of its forms. Lady Booby's all-consuming lust makes her ridiculous and contemptible, and it nearly leads to the downfall of two virtuous lovers. Jonathan Wild's never-ending hunger for power renders him a criminal and immiserates the innocent Heartfree. It is important to note that the lawyer's avarice fits into this more generalized theme and is as much a part of a larger commentary on selfishness generally as it is specifically a commentary on lawyers. When lawyers like Scout and Murphy abuse Fielding's more worthy characters, it is, in one sense, simply one more example of that great struggle between selfishness and good-nature that is a critical theme throughout his work.

The essential selfish and avaricious nature of Fielding's lawyers leads them to act in often immoral—but more importantly—consistently *amoral* ways. With no guiding principles other than their own desires, Fielding's substantial lawyer characters uniformly serve as destructive and obstructive forces in his novels and plays. Most often, the lawyers' moral relativity is demonstrated by their willingness to lie and to obscure the truth when it benefits them. Some of Fielding's lawyers, like the petty-fogger in *Tom Jones*, simply lie when it benefits them. More often, however, lawyers obscure the truth. Whether demonstrating the ability and willingness to argue vehemently for either side of an issue or using deliberately convoluted legal jargon, Fielding's lawyers frequently use language to obstruct the truth. Telling "a lie in the

words of truth" (*Tom Jones* 853) rather than directly lying, lawyers use pieces of the truth or the appearance of truth to strike at the essential truth.

Fielding, like many others, saw the lawyers' use of legalese as simply one example of the professional classes (i.e. lawyers, physicians, politicians, and the clergy) using deliberately confusing jargon in order to increase the exclusiveness of their craft. Jargon left other groups unable to communicate with the professional classes, thereby increasing their importance and power. Yet his concern with language went beyond even this. Glenn Hatfield argues in *Henry Fielding and the Language of Irony* that Fielding was engaged in a lifelong struggle against what he saw as the corruption of the language. Fielding was frustrated by the fact that the ubiquitous linguistic insincerity of the age left him without an effective means to sincerely express the truth. Hatfield writes that

everywhere one turns in his works, from the earliest plays through the great novels, one comes upon expressions of the theme and sees evidence of Fielding's personal struggle with a corrupt and intractable medium (5).

Fielding's work is replete with examples of what appear to be his trying to take back language from the clutches of insincerity and hypocrisy. He chastises—both directly through the narrator and with satire—those who use the word "love" when they really mean "lust." Another example is the motif in *Jonathan Wild* concerning the word "great." Ironically through the narrator, Fielding laments the fact that the word "great" (especially when people dubbed the likes of Robert Walpole "the Great Man") had come to simply signify someone who was powerful rather than someone who was exemplary.

Thus, Fielding's lawyers' obfuscation, in addition to being a critique specific to lawyers, also forms a piece of his larger critique of the misappropriation of language in general.

Fielding's two most prominent lawyer characters, Dowling of *Tom Jones* and Murphy of *Amelia*, engage in obfuscation and dishonesty. Murphy, for example, tries to find linguistic loopholes in "a very plain Act of Parliament" (*Amelia* 532), and Dowling uses pieces of the truth to deliberately deceive Allworthy about exactly how and why the truth about Tom Jones's birth was concealed for so long. It is also notable that a primary function of both Dowling and Murphy in the plots of their respective novels is as an obstructor of the truth. Both Dowling and Murphy know a crucial piece of information that could resolve the central conflict of each novel. (Dowling knows the truth about Jones's birth and Murphy knows the truth about Amelia's inheritance.)

Dowling and Murphy are similar in other respects as well. Although some commentators have, like the good-natured Allworthy, been fooled by Dowling's façade of 'legal neutrality,' in reality, he, like Murphy, consistently demonstrates his moral relativity motivated by avarice. But, because Murphy's lack of education is apparent, and because the examples of his selfish, amoral behavior (motivated by avarice) are many, it is he who is the quintessential example of the "Fielding lawyer."

While the villainous Murphy may be the best example of the typical Fielding lawyer, it is worth noting that Fielding's portrayals of the law and even of legal practitioners—though overwhelmingly negative—are not uniformly so. Allworthy, for example, is a Justice of the Peace, and he is, of course, a just and competent one.

Fielding also provides a phenomenally positive description of “the Lord High Chancellor of this kingdom,” who he says

governs, directs, judges, acquits, and condemns according to merit and justice, with a knowledge which nothing escapes, a penetration which nothing can deceive, and an integrity which nothing can corrupt (*Tom Jones* 124).

The competence and fairness of Allworthy and the Lord High Chancellor reinforces Fielding’s belief, most obviously revealed in Murphy’s trial, that it is possible for true justice to happen through human institutions. The glowing description of the Lord High Chancellor highlights an important point about Fielding’s feelings about lawyers. For Fielding, lawyers higher on the hierarchy of the legal profession were more likely to be competent and ethical practitioners. He certainly does criticize barristers and even serjeants (note his description of serjeants Bramble and Puzzle in *Tom Jones* for example), but the criticism is not nearly as harsh or universal as that Fielding leveled at attorneys like Dowling or Murphy. Perhaps his most virulent criticism is of *Joseph Andrews’s* Lawyer Scout—an unlicensed attorney and thus even lower on the hierarchy than Murphy. (Fielding called unlicensed attorneys like Scout “the pests of society, and a scandal to the profession” (244).) Thus Fielding (though he meted out reproach to all lawyers) saw, like many of his contemporaries, a dramatic difference between upper class, respectable legal practitioners and petty attorneys eking out a living from the law.

Both the historical situation of the British legal profession in the eighteenth century and Henry Fielding’s own extensive personal experience in the legal world contributed significantly to his portrayals of lawyers. He came from a family filled with

prominent lawyers and became a practicing barrister himself after three years at the Middle Temple. The legal profession which he experienced as a privileged observer before 1737 and participated in afterwards would have left anyone with little positive to say about the institution. Legal education had essentially collapsed, and both the Inns of Chancery and the formerly exclusive Inns of Court had simply ceased to effectively train lawyers. The legal profession on every level—from the lowly attorneys, through the noble barristers, to the princely sergeants-at-law—had reached a nadir in terms of professional competence and respectability.

Fielding's dismal portrayal of the Inns of Court and of Inns of Court students would certainly be influenced by the historical situation of legal education. Even during his playwriting years, Fielding would—especially in coming from such a legally inclined family—know a lot about the Inns of Court. He almost certainly would not have written his *Temple Beau*, the dramatic work lampooning the outrageous exploits and delinquency of an Inns of Court student, had he been writing a century earlier when the Inns were respected institutes of higher learning. During his years as a novelist, it would have been impossible for him to comment on the Inns and their students without drawing on his three years of personal experience at the Middle Temple and with its lackluster students.

In addition, many of the details of Fielding's satire of lawyers were drawn from personal experience and are probably specific to the situation of the British legal profession. His prose painting of Westminster Hall and its combatants Serjeant Bramble and Serjeant Puzzle in *Joseph Andrews* probably could not have been written had

Fielding not had personal experiences within its courtrooms. The virulence of Fielding's criticisms of attorneys and their fervor for monetary gain at any cost was certainly influenced by the historical situation. Historian W.C. Richardson's description of actual eighteenth-century attorneys as "ignorant of the law, and unethical in their zeal for profit," (300) could just as easily be a character analysis of Lawyer Scout and Lawyer Murphy.

Yet, however much Fielding's concerns with the institution of justice and with lawyers specifically match those of his contemporaries and mirror the obvious problems with the British legal profession in the eighteenth century, Fielding's satire cannot be explained merely as commentary on the legal institutions of his specific place and time. In general, his criticisms of lawyers as avaricious and as amoral or immoral are far from unique. Throughout Anglo-American legal history, voices have decried the unnatural conflation of profit and justice. Lawyers—in Henry IV's London or in George W. Bush's Washington D.C.—appear in court because they are paid to do so, generally represent one side or the other because they are paid to do so, and consequently care more about their own salaries or billable hours than about any abstract notions of justice. The justice system is supposed to be the institution that forms the ethical foundation of a society, but when all of the actors in such a system are motivated by private, financial concerns, the purpose is corrupted in practice.

Thus, Fielding's criticisms of lawyers and of the justice system in general must be seen as both a criticism of the specific manifestation of justice in eighteenth-century England and as a timeless criticism of Anglo-American (or even Western) legal

institutions that echoes criticisms from ages past and has been echoed down to the present day. Fielding's work speaks to us today and to the current situation of our own system of justice. With characters like Dowling and Murphy, he asks us tough questions with contemporary relevance. What is the difference, for example, between principles of 'legal neutrality' and self-serving amorality? Does our legal system distinguish between the two? Unfortunately, Fielding—like many critical thinkers—highlights myriad problems while suggesting few solutions. But perhaps no real solutions exist. Perhaps the corruption of what is supposed to be a public institution by private concerns is one of those irresolvable problems of living in society. In this case we owe a debt to the loud voices such as Henry Fielding's that, by simply exposing the system's inherent tendency toward corruption, strive to keep the influence of such a massive problem at a minimum. As a voice from the inside, Fielding was obviously one who knew the legal system, who cared deeply about it, and who—in pointing a finger at the corruption of lawyers—was, in a sense, pointing at himself as well. These facts demonstrate that Fielding's often-harsh satire of lawyers holds tremendous import for understanding the eighteenth-century legal profession, for understanding Fielding's fiction and drama, and for understanding Fielding himself.

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Vita

Biographical

Joshua Ryan Lee

Born August 24, 1979, Texarkana, TX

Permanent Address: 8 Woodridge
Texarkana, AR 71854

Honors

Lechner Scholarship, Texas A&M University (1998)

University Scholar Award, Texas A&M University (1999)

Education

B.A. (Summa Cum Laude) – English and History, Texas A&M University
(2002)

J.D. – Will enter Yale Law School in September 2002

Research Experience

Research Assistant for Dr. Douglas Brooks, Renaissance Literature (2001)

Research Assistant for Dr. Arnold Krammer, Twentieth-Century German History
(2002)