

A comparison of justice in harper lee's 'to kill a mockingbird' and charles dicke...

[Literature](#), [American Literature](#)



While both Harper Lee and Charles Dickens have parallels in the way they portray justice and the legal system in their respective novels, there are contrasts in the way they portray both Victorian London and the Deep South in the 20th Century. Both novels choose to focus on the shortcomings of the legal system, highlighting the inequality in the way both race and class are treated in society. In today's society we consider the law to be above this kind of discrimination but this is not always the case, meaning the themes of both novels are as striking and relevant as when they were written. When examining how justice as a theme is depicted in the novels it can split it into three points: crime, innocence and law. Since crime is the source of most of the conflict in the novels, it makes sense to begin by looking at how Dickens and Lee portray this.

In 'Great Expectations', Dickens uses Magwitch to show one of the most significant flaws in the Victorian justice system: the cruel and widespread discrimination towards criminals at the time. Dickens believes that the 'criminals' were wronged by the justice system and creates a vulnerable character in Magwitch to express this, encouraging pathos from the reader in the process. By writing the novel in a first person perspective Dickens makes this subject highly psychological; we are shown how Pip's attitude towards criminals changes with age as well as how it is moulded by the people he meets. When Pip is first introduced to criminals as a child he is clearly intimidated, not only by Magwitch himself but by the presence of 'hulks' and the arrival of the police looking for the escaped convicts. This is explicitly shown by some of Magwitch's more aggressive behavior: for example when he turns Pip upside down, exclaiming "Keep still, you little devil, or I'll cut

your throat". Following this, Pip's very first line of dialogue in the novel is "O! Don't cut my throat Sir!", which he "pleaded in terror". His language here (including immediately referring to the man a "Sir") represent his immediate fear. Not only is this Dickens' way of showing how society feared criminals at the time, but also his way of introducing Pip as a rather passive character. The Atlantic went as far to call him "weak", "dreamy" and "inefficient" in a glowing review of the novel released shortly after it was published. However, while Pip is clearly afraid of criminals in situations like this, Dickens' language seems somewhat more sympathetic. For example, he refers to how the criminals are "penned", highlighting how criminals are essentially treated like animals in Victorian London. As Pip grows up and is exposed to the much more brutal side of London, he also becomes a lot more tolerant of criminals. He even goes as far as to help Magwitch escape towards the end of the novel. Pip's change of attitude towards Magwitch is highlighted in Chapter 54, when he says his "repugnance towards him had all melted away", referring to him as a "shrivelled creature". The word "shrivelled" suggests that Pip pities Magwitch much more than he fears him here but the word "creature" does suggest that he is still somewhat dehumanized because of his criminality. Not only is this done to reflect Pip's growth throughout the novel but is also done to encourage sympathy towards those 'criminals' who were wronged during the Victorian era. This shows 'Great Expectations' to be a bildungsroman of sorts, with Pip's emotional development being one of focal points of the second half of the novel.

Similar to 'Great Expectations', 'To Kill A Mockingbird' shows how the common discrimination against 'criminals' is a severe shortcoming of the justice system at the time. We can begin by comparing the characters of Magwitch and Boo Radley. Just like Pip when he meets Magwitch, Scout and Jem are originally afraid of Boo at the start of the novel when he is simply portrayed as a mysterious criminal. By presenting Boo as a reserved character who rarely leaves the house, Lee makes it easy for us to understand how, as children, Scout and Jem are intimidated by him. For example, since they know so little about him they simply fill in the gaps with their imagination, painting him as a sort of monster as shown when he is described as "shut up for a hundred years with nothin' but cats to eat". However, in a story arc closely reminiscent of Magwitch's redemption in 'Great Expectations', Boo, Scout and Jem eventually end up helping and protecting each other. For example, when Bob Ewell attacks Scout and Jem, Boo is the one who ends up saving them. Lee does not shy away from portraying Boo as a criminal since she depicts him fatally stabbing Bob but, like Dickens, she does show in a compassionate way since he only does this to protect the children. This leads to some clear growth on Jem's part when he says "I think I'm beginning to understand why Boo Radley's stayed shut up in the house all this time... it's because he wants to stay inside." Following this crucial event, the children learn a similar lesson to Pip: that criminals should not be discriminated against purely because of one of their actions. Boo is presented as a good man here and the children seem to agree when they ultimately protect him from incarceration.

Throughout 'Great Expectations', Dickens usually only portrays those from lower classes as criminals. The most obvious example is Magwitch, who came from the very bottom of society. Like Pip, he struggled as a young boy and understood the struggles he endured, allowing them to relate to each other and create a rapport. One of the exceptions to this is Compeyson, who received a good education as a child and was apparently quite well mannered before he started his forgery business. However, Dickens seems to show the least sympathy towards this character, especially after we learn the way he treated Miss Havisham. For example, he chooses to paint this character as a middle-class man who has exploited Magwitch, eventually becoming the primary antagonist of the novel and generating a sense of animosity from the reader as well. This could reflect Dickens' general dislike of those in higher classes, which we also see in some of his other work (for example, *Oliver Twist*, his social commentary on those who were treated poorly in workhouses/orphanages). This is further described in Dr Andrzej Diniejko's essay 'Charles Dickens as Social Commentator and Critic' (1). He calls Dickens "one of the most important social commentators who used fiction effectively to criticize economic, social, and moral abuses in the Victorian era". The essay gives some context for Dickens' animosity towards the treatment of criminals in this time, explaining how Dickens' father was imprisoned when he was just twelve. Therefore it is no great surprise that *Great Expectations* provides us with one of Dickens' more biting criticisms of crime and the British justice system in general, as it is written from the perspective of a young boy who is exposed to this. Dickens clearly identifies

with Pip as a character so is able to explore his frustrations with the legal system through him.

Likewise, 'To Kill A Mockingbird' is just as much of a social commentary as 'Great Expectations'. However, Lee can be seen as substituting the idea of class for race. In the same way the privileged in 'Great Expectations' often associate those in lower classes with being criminals, white characters in 'To Kill a Mockingbird' often expect this of black people too. For the citizens of Maycomb, crime is just another way for them to discriminate against the minorities in their community. For example, Tom Robinson is widely accepted as guilty throughout the town weeks before his trial and it is immediately clear that when his trial does eventually come, he is convicted purely because of the color of his skin. As Atticus explains to his children, "In our courts, when it's a white man's word against a black man's, the white man always wins". Lee clearly sees this as a miscarriage of the justice system and uses the perspective of the young children, Scout and Jem, to underline just how bizarre racism seems if you are not taught it, which was often the case in the Deep South. Unlike most children in the town, Scout and Jem are raised by a father who believes in equality and never hides his frustration with the status quo in the community. This could be reflective of Lee's own experiences as her father, Amasa Coleman Lee, was also an attorney and a civil rights activist. While not as radical as Finch, he did fight for African-American rights including an occasion where he defended two black men accused of murder.

However, there may be fault in the way Lee portrays black people herself. Even Calpurnia is not presented as powerful as some white characters in the novel, despite the respect she receives from Atticus. For example when Scout describes how Calpurnia “ bent down and kissed (her)”, she creates a situation in which even she seems submissive. This simply does not appear to be down to pure affection; it is more of a form of apology. They often appear submissive which was quite unlike the behavior of many African-American's at the time; it was more of a time of change. Many critics agree that Lee's portrayal of minorities in the novel is concerning, with some even suggesting she could be racist herself. Roslyn Siegel suggested Lee intentionally presented black people as ‘ stupid, pathetic, defenseless and dependent on the fair dealing of whites’. Such statements could lead modern readers to think much of Lee's writing could be somewhat hypocritical.

Both novels accuse the justice system of stealing the innocence of those it affects with both the novels being an account of children losing their innocence as a result of flaws in the legal system. This can be seen right from the start of ‘ Great Expectations’. In fact, Pip's exposure to the convict (Magwitch) in the first chapter is the first instance in which we begin to see his innocence eroded as he is manipulated into stealing food for him and lying in order to protect the convict. This only escalates when Miss Havisham essentially chooses him to be her victim as she wreaks “ revenge on all the male sex”. From this line it could be argued that Miss Havisham is taking justice into her own hands by judging all men as guilty and deciding on her own punishment, beginning to erode Pip's innocence. The combination of

these experiences in his childhood on top of the fact that Magwitch eventually bestows his "great expectations" on Pip ultimately means that Pip lost his sense of innocence far before he should have. As he is sent to London, away from the security of Joe and Biddy, we find there is very little of the original Pip to be found in the latter half of the novel. A combination of Estella's influence, Pip's immersion in London and his active role in Jagger's legal practice lead to him showing behavior that is far more cold than what we saw from him as a child. This is most clearly seen when Joe comes to visit him in London and shockingly, Pip feels embarrassed by his presence and therefore tries to make him "less ignorant and common". Once again, it is reasonable to expect this is reflective of Dickens' experiences growing up and this novel is one of the outlets to his frustration. Dickens losing his father to the legal system is very similar to Pip being taken from Joe and naturally, since they both grew up in London, Dickens uses the nature of the city to reflect how it only serves to further steal a child's innocence.

Similarly, 'To Kill A Mockingbird' is an account of the children's loss of innocence as they gain a greater understanding of the injustice and prejudice found in the town they live in and the use of a child narrator is instrumental in helping us understand this. Some critics and friends of Harper Lee have pointed out autobiographical elements within the novel so, like Dickens, Lee's writing could also be a reflection of her frustration at the justice system's shortcomings. In Jem's case, he has witnessed the justice system for several years thanks to his father's involvement and believes that, since Tom Robinson is innocent, he will not be convicted. As far as he is

concerned, justice always prevails. However, when he sees how discrimination leads the jury to a guilty verdict, it is unsurprising that he loses faith in the justice system. This is a clear erosion of his innocence in general, as he is exposed to discrimination and hatred despite Atticus' efforts to shelter him. However, Lee portrays Scout's loss of innocence in a different way, particularly through her growing curiosity throughout the novel. For example, when Scout asks her father "What's rape?", we can not only see her awareness and curiosity for the darker things that she is briefly exposed to, but also her father's shock and disappointment. Lee presents this line abruptly, creating the same sense of shock in the reader that Atticus experiences. This highlights the contrast between the way Atticus sees his daughter (innocent and immature) and what she has actually become (impressionable, with her innocence being eroded away by the people she spends time with). It is clear that Atticus has become disillusioned with the justice system and this is likely down to the devastating impact it has, albeit indirectly, had on his family.

Furthermore, the theme of innocence can be found in the title of the novel as well, as it is taken from the moment Atticus gives his children air rifles for Christmas. He tells them "Shoot the bluejays all you want, if you can hit 'em. But remember, it's a sin to kill a mockingbird". Lee uses the concept of mockingbirds in the book as a metaphor for innocence and justice in general. Mockingbirds are small birds which sometimes copy or 'mock' the songs of other birds - hence their name. They are innocent and do nothing wrong, so should not be harmed. The metaphor is explained further by Miss Maudie

when she is speaking to Scout. She tells her “ Mockingbirds don't do one thing but make music for us to enjoy. They don't eat up people's gardens, don't nest in corncribs, they don't do one thing but sing their hearts out for us. That's why it's a sin to kill a mockingbird.”

Additionally, Lee has placed significance in Atticus' surname (Finch) as in many respects he shares some characteristics with the birds described by Miss Maudie. He is only trying to protect the justice system and fulfil his role within it, so it is wrong for the rest of the town to antagonize him for this. Lee uses some symbolism to portray Atticus as a sort of protector of the town earlier in the novel when he reluctantly shoots the rabid dog when no one else will. We can also compare Tom Robinson to Lee's idea of a ' mockingbird' as well: he was found guilty despite his innocence which Lee would consider a ' sin'. The final example of an ' innocent' character in the novel is Boo Radley; he kills Mr Radley to protect the children which leaves Scout with a full understanding of the ' mockingbird' metaphor. She says: “ bringing Boo to court would be sort of like shootin' a mockingbird, wouldn't it?”, highlighting the link between the metaphor, innocence and the justice system is general. Once again, Lee uses symbolism to show how the justice system in the town is responsible for stealing the innocence of many of its constituents.

Finally, both novels are both very critical of the legal system in their respective settings, but they also pick apart quite different problems with the way the courts operate, focusing on how they can often be unjust. In ' Great Expectations', Pip first insight into the legal system is when he arrives in

London in Chapter 20 and visits Jaggers' office for the first time. It is located on a "grimy street" between both the Old Bailey and Newgate Prison. By placing the office in a dangerous, decrepit part of London, Dickens is able to use the office as a representation for the entire legal system in London at the time. It is corrupt and unforgiving, just like some of the worst parts of London in the novel. However, when it comes to actual evidence of injustice in the legal system, one of the best examples comes in Chapter 41. Here, Magwitch reveals his personal history, which involved him growing up as an orphan and surviving on the streets through crime. He eventually meets Compeyson, who exploited him into circulating his stolen notes for him. When they were both eventually arrested, Magwitch explains how their social class was one of the only factors when deciding their punishment: Compeyson (the more 'upper-class' of the two) was given a lesser sentence despite orchestrating the crime while Magwitch's was much more severe as he appeared as "a common sort of wretch" to the courts. This form of discrimination seems so common at the time that Magwitch seems as if he was barely surprised as he tells his story. As if to add insult to injury, Magwitch recalls how Compeyson told them they were to have "no communication" as he knew if he associated himself with Magwitch he would receive a harsher sentence. This is one of the clearest examples of the upper-class exploiting the poor in addition to them being favored by the legal system.

Moreover, the themes of corruption within the courts run parallel in 'To Kill A Mockingbird' as well as 'Great Expectations'. Just like Pip, Scout and Jem

observe the legal system from a child's perspective with no preconceptions and since the novel is from a first person perspective, what the reader learns is even more shocking. However, while 'Great Expectations' focuses on the corruption of lawyers and other officials, 'To Kill A Mockingbird' is more concerned with the jury. One the greatest problems Atticus has to overcome while presenting his defense is the fact he is in front of a an all-white jury. This is a clear example of one of the failings of the courts as the jury is only able to identify with the victim and not with the defendant, especially given the racism present at the time. This immediately sets up a biased, unfair trial which Atticus is destined to lose. Lee already shows us this when, earlier in the novel, the jury is shown deciding on Tommy Robinson's fate long before the trial. As far as this jury is concerned, justice is a privilege and not a right, especially when it comes to black people. This is possibly the most obvious shortcoming of the court system in the novel, with prejudice overriding any other virtues the legal system may have.

In summary, while both novels certainly portray the justice systems of their relative settings in an overwhelmingly negative light, we can see that the topics focused on by Lee and Dickens provide valuable insight into the differences between London and the American Deep South. While in London, the legal system is overridden by greed and class conflict, racism drives many of the decisions made within the American legal system at the time.

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