

# Racial partiality in the 20th century American criminal justice system as seen from *To Kill a Mockingbird*

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## ABSTRACT

Racism against African Americans is a somber affair which, despite continuous efforts over the years, has never been wholly resolved. Several separate factors evolved in the 20th century - including severe economic recession and the perennial resentments towards Black people - have contributed towards the same result – grievous and unjustifiable racial sufferings. This paper aims to explore the portrayal of racial discrimination within the American criminal justice system in *To Kill a Mockingbird* (Lee, 1960) and how it corresponds with the various causes and events that plagued America in the 20th century.

**Keywords:** Racism, racial discrimination, criminal justice system.

**Subject:** Literature

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## INTRODUCTION

‘I ain’t ever seen any jury decide in favor of a colored man over a white man...’ this quote from Reverend Sykes in *To Kill a Mockingbird* sums up the one-sided tendency of the court against Black people. An award-winning novel written by American author Harper Lee, *To Kill a Mockingbird*, set in 1930s Alabama, revolves around the childhood of six-year-old Scout Finch. The book portrays her perception of race and class, prejudice and injustice, as well as the historical background of a post-depression America. This research paper aims to analyze the reasons for racial partiality behind the infamous trial in *To Kill a Mockingbird* and the various causes behind such a social phenomenon.

## METHODOLOGY

This research paper analyzed the contents of *To Kill a Mockingbird*, data showing exoneration rates in the United States as well as records documenting the events that are closely related to the reasons and socio-economic background behind racial discrimination in the 20th century.

## DISCUSSION & RESULTS

This research paper explored two major constituent reasons, namely (i) the deeply-rooted stereotypes enforced based on people’s skin color as well as (ii) economic failure - that facilitated a heavily biased judiciary system. As a result, as observed in both *To Kill a Mockingbird* and in real life circumstances, these brought about an array of jurors siding with White people and the Jim Crow laws further accentuating the segregation of races. Ultimately, these two crucial factors caused the emergence of flawed verdicts.

Although the effects of racial discrimination have greatly reduced, and laws prohibiting the discrimination of US citizens due to their race have been introduced in recent years, centuries-old hate and stereotypes remain as a product of the past. Knowledge on its history is of utmost importance in order to educate our generations and to increase visibility on the subject. To White youths, ignorance is dangerous as they might perpetuate racial hatred, whether intentionally or unintentionally. Racism is a horrifying truth that must not be neglected or masked, and it is essential to break this phenomenon that has haunted America for centuries.

### Historical and Social context

To understand the formation of such a phenomenon, we must first understand the social context that these people are placed in.

### Social mindset

The rigidity of the human mind and the danger of assumption without foundation is one of the culprits behind the belief that Black people are more prone to committing crimes. The deeply-rooted grudge that stereotypical White people have on Black and Brown-skinned people as well as the association formed between people of color and violence, crime and lawlessness caused a high percentage of Black proportion among incarceration numbers. The U.S. Department of Justice recorded an astonishing increase in the number of Black percentages, “From 1926 to 1986, the recorded Black percentage among admissions to State and Federal prisons more than doubled from 21% in 1926 to 44% in 1986. This growth is not explained by general population trends. The number of Blacks relative to the general population was about the same in both years: 10% in 1926 and 12% in 1986” (Langan, 1991).

A study from the National Registry of Exonerations states that, “The pre-1989 exonerations we have posted include a higher proportion of White exonerees than those since 1989 (53% to 39%), and lower proportions of Black and Hispanic exonerees (27% and 5% compared to 46% and 12%, respectively”. Up till 1989, not only were Black people wrongly convicted on a regular basis, the chances of them being declared innocent are also shockingly low. Considering the dominance of White people in the 1800s and the privilege they held over other races, it is not a surprise that the enforcers of law would side on their lines for the sake of integrating with the majority. It further proves that the social beliefs heavily embedded into the minds of White people have cultivated the prominent phenomenon that was racial partiality in the court (Cousino et al., 2018).

Additionally, research finds that aside from the “‘Black brute’ archetype, which portrays Black men as savages who use their imposing physical frame to threaten others”, (Hester & Gray, 2018), tall Black men are even more likely to be associated with violence. While many people may find tall, muscular White men “more intelligent, more successful, and more physically attractive”, a Black man’s built body may only strike fear in some (Hester & Gray, 2018). It highlights the disparity of the stereotypes and misconceptions labelled on White and Black people, particularly males. The pigeonholes give rise to different responses of people toward these two groups of people hence contributing to a difference in treatment when it comes to legal matters.

### The Great Depression

Catastrophe struck the entire globe during the 1920s, and even in the midst of disaster the struggle was even greater for Black workers. “Among male workers in thirteen large cities in 1931 the rate was 31.7 percent for whites and 52 percent for Blacks. And in spring 1933 while the general unemployment rate was 25 percent, for Blacks it was 50 percent.” (*Unit 11 1930s: The Great Depression*, n.d.) Piling on to the already hefty stack of social injustice, jobs, resources and welfare were prioritized to the White people, leaving people of other races distraught and desperate. It was in the already upset balance of social hierarchy that the disadvantaged end fell even further during trying times, which enlarged the gap between the two classes. Land owners and employers were also more likely to offer jobs to White men first before people of other races, silently reinforcing the mindset of segregation among the common people.

With the heavily stereotyped nature of Black people rooted into the depths of White society, as well as the accentuated impacts of discrimination during trying times, it is starkly visible that injustice in court would be amplified.

### The Scottsboro Trials

On the 25th of March 1931, a group of young black men boarded a train, where conflict with a group of white men commenced. They accused the Black youths of assaulting them, and soon after the nine boys were taken to Scottsboro jail. Two girls on board, Victoria Price and Ruby Bates, who were notorious for prostitution, ‘Fearful of being charged with vagrancy due to their failure to purchase a train ticket, the two accused the prisoners of rape’ (Bellamy, 2014). Ultimately, ‘eight of the nine were found guilty by all-White juries and sentenced to death in the electric chair.’ (*ACLU History: The Tragedy of the Scottsboro Boys*, n.d.).

Harper Lee based *To Kill a Mockingbird* on this infamous trial, and many similarities can be noted between the two cases, the most apparent being Black victims being sentenced under a White jury. Lee creates a replica of the actual case, diving into details and giving readers an authentic and comprehensive experience of the racial prejudice in the 20th century.

Both the fictional and original cases present similar elements that contribute to the same circumstance, being the jury and Jim Crow system.

### Criminal injustice in the 1900s

The climax of *To Kill a Mockingbird* builds on the court trial of Tom Robinson, a Black man, who was accused of raping Mayella Ewell. Atticus Finch, the protagonist’s father and also a lawyer regarded as the moralistic role model in the book, defended Robinson, despite being shamed on by his fellow townsmen.

### Jury

The array of men who collectively act as the deity known as the jury exercise the power to determine a person's fate, hence playing a key role in the outcome of the Robinson trial as well as Scottsboro's. In both cases, the Black people, who despite an abundance of evidence in their favor, were deemed guilty by an all-white jury. "Our courts have our faults, as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal." (Lee 274). Atticus' powerful closing speech left both the spectators and jury bewildered. But just as we were in high hopes that the book would end in Atticus' splendid victory, that the faint glow of humanity would ultimately prevail, we are left in shock at Tom Robinson's conviction for raping a White girl. This ironic outcome satires Atticus' message. All the jury, despite the powerful speech and strong evidence Atticus provides (like the fact that Tom, who suffered from a disability on his left arm, could not have assaulted Mayella), and the fact that Mayella and her father Bob are regarded by Maycomb residents as literal parasites of society (with their hostile manner toward their fellow inhabitants but also barbarian-esque style of life), would rather side with the Ewells than to seek the truth with Atticus. The court is flawed to a greater extent than the one in Atticus' narrative, and in them the men are certainly not equal.

Ultimately, the case's tragic end displays how ethical efforts to reason were unable to prove victorious against the unswaying sentiments of the human heart. Comforting a shaken Jem after the trial, Atticus explains that "The one place where a man ought to get a square deal is in the courtroom, be he any color of the rainbow, but people have a way of carrying their resentments right into the jury box." (Lee 295). The foundations of racial hatred were inlaid and would not be completely shaken even up to this day. The minds of the men sitting in the jury box were unable to be enlightened, confined to stubborn perseverance. It portrays the grim truth that the system of criminal justice turned a blind eye to the sufferings of people, drowning out the cries of powerless victims.

### Jim Crow

The Jim Crow system was a literal justification of anti-Black racism, where 'African Americans were relegated to the status of second class citizens' and 'Many Christian ministers and theologians taught that Whites were the 'Chosen people', meanwhile, Blacks were cursed to be servants, and God supported racial segregation.' (Pilgrim, 2000). The system was especially prominent in the southern states, one of them being Alabama, the very setting of *To Kill a Mockingbird*.

*To Kill a Mockingbird* explicitly portrays the enforcement of the Jim Crow spirit. "You ain't got no business bringin' White chillum here - they got their church, we got our'n. It is our church, ain't it, Miss Cal?" (Lee, 136). The quote highlights religious segregation, that although contradictory to Christian beliefs of equality the two races were to worship in separate churches.

Another prime example of the Jim Crow, or rather a challenge to its dominance, was Tom Robinson's accusation for calling Mayella a liar. By refuting Ewells' impeachment, he is violating the rule of 'Never assert or even intimate that a White person is lying.' (Pilgrim, 2000).

It is this very code which would impede and hinder the advances of innocent Black citizens defending themselves and, more importantly, directly upset the balance of justice between the Black and White races. Under this unbreachable rule, any vindication on the accused Black would simply be regarded as nothing more than lies and fabrication, then relentlessly cast aside by both jury and judge without another glance at the pleading criminal.

The futile attempt to combat the excesses of racial injustice in *To Kill a Mockingbird* aligns with reality that there was indeed a jury consisting wholly of White men carrying objective notions on people of African-American descent. Atticus sympathizes that they are not bad men, but instead were pressured into conforming. Whether it was the buried truth behind these antagonized men or is simply Atticus' wishful thinking, one thing is clear - they have directly brought about undeserved demise to a man (or group of men).

### CONCLUSION

It is safe to conclude that the 20th century was a time of harsh struggle for Black people in America. With advancing strikes on both economic devastation and the racially biased treatment in criminal justice, they face harsh cruelty on all aspects of life. Social defects and economic circumstances influenced judicial equality in the court. Even today, as recent as 2017, 'Black people constituted 28% of state residents, but 43% of people in jail and 54% of people in prison.' On the incarceration rates, 'Since 1990, the Black incarceration rate has increased 3 percent. In 2015, Black people were incarcerated at 2.1 times the rate of White people.' (Alabama, n.d.). Literature is a reflection of society's wrongs, and Harper Lee illustrates this grim reality in *To Kill a Mockingbird*.

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