

EXAMINING THE FACTORS WHICH AFFECT TRUTH AND PREVENT JUSTICE FROM PREVAILING IN JOHN GRISHAM'S NOVEL 'THE GUARDIANS'

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ABSTRACT

Who is the real culprit? How were the fake evidences planted in the crime scene? Does racism and corruption make the law blind? How do you prove your innocence from behind bars? How does political influence put a mask of innocence on the face of the real murderer? John Grisham's novel, 'The Guardians' covers various reasons which can make an innocent person bare punishment for no fault of his. Mr. Grisham describes a badly flawed system that can cause the victim to make the ultimate sacrifice. **John Grisham's** inspiration came from two sources one, a character; the other, a plot. He was impressed by the stories of Jim McCloskey and Joe Bryan who represent Cullen Post and Quincy Miller respectively. 'The Guardians' is John Grisham's best work that points out the flaws in the American justice system and has a lawyer working for those cheated by it. The methodology that has been undertaken herein in order to conduct this research will be primarily descriptive. The objective of the research would be to look into and study the various socio-legal aspects put forward by the author John Grisham in his story and make a critical analysis of the effect of various social wrongs on the life of an individual and the society.

INTRODUCTION

About the Author

The king of the legal thriller John Grisham is the bestselling author who has sold more than three million books worldwide which include classics like 'The Firm', 'A Time to Kill' and 'The Pelican Brief'. 'The Guardians' is Grisham's 40th novel. Most of his novels are legal thrillers, but he also wrote books related to rare books, sports and medicine.

About the Novel

The main character in the novel is Cullen Post who is a workaholic and he is referred to as an “innocence lawyer”. He worked at ‘The Guardian Ministries’ in Savannah, Ga. The story revolves around the efforts Post puts in and the investigation he does into the wrongful conviction of Quincy Miller who was a black man. Investigation and digging out exculpatory evidence put Post in danger. The Story revolves around the efforts of a litigator, the role society plays and its effect on Judiciary and the endless struggle and grievances an innocent person undergoes when he is in jail.

RESEARCH METHODOLOGY

The methodology that has been undertaken herein in order to conduct this research will be primarily descriptive. The objective of the research would be to look into and study the various socio-legal aspects put forward by the author John Grisham in his story and make a critical analysis of the effect of various social wrongs on the life of an individual and the society. This novel is related to the domain of law and the story shows the role of lawyers and their endless attempts to free the innocent and give a new life to them. The story explains and is related to the different social aspects which influence a person and prevent him from doing his duty properly. The researcher is using various research papers, articles, reviews, comments etc. related to the topics in his book which are corruption, justice, truth, racism and political influence.

The researcher is taking up a qualitative research. This method of researching is specifically about non-numerical data analysis. It is essentially used to gather and analyse the data to understand the concepts involved, the opinions presented or the experiences talked about. It involves gathering in-depth insights of the topic.

LITERATURE REVIEW

The researcher has referred to many sources like books, research papers, journal articles etc for carrying on with his research. He conducted his research based on the various important

social elements which affect the people of the society. To conduct an effective research and to understand the different views and perceptions various relevant literary sources were referred by the researcher. In the news article(**John Grisham tackles wrongful convictions and bogus forensics in new novel, "The Guardians", 2019**)' by CBS news John Grisham talks about his approach to the wrongful convictions and bogus forensics. He says "We have no forensic standards in this country. We're trying to adopt them. But there are thousands of people in prison who were put there by bogus experts. People who testify about bite-mark analysis or boot print analysis or blood spatter. Most of it's not based on science." He expresses that unskilled forensic scientists or precisely 'bogus' experts are the main reason why ultimately the judicial system fails to provide justice. He talks about his book 'The Guardians' and says that this story is based on real-life lawyers who have spent their lives and careers freeing the innocent. He said that he dedicates this book to one man in particular 'James McCloskey'.

(Roach, 2005) in his research paper '*Miscarriages of Justice in the War Against Terrorism*' focuses on the topic 'Justice'. The author talks about miscarriage of justice related to terrorism and non-terrorism activities. The author opines that "Society suffers because, the wrongful conviction of an innocent person means, by definition, that a guilty person goes free". The paper focus on wrongful criminal convictions in relation to miscarriages of justice. The author gives a definition of miscarriages of justice that stresses the risk of detaining those who are innocent under even the expanded liability rules of immigration and military law. The book 'The Guardians' is mainly related to the struggle of a wrongly convicted person who is convicted for a murder. Corruption is another reason for wrongful convictions.

(Rose-Ackerman, 1999) in her book '*Corruption and Government: Causes, Consequences, and Reform*' defined corruption as "the misuse of public power for private gain". This book gives a clear cut picture of how high levels of corruption reduce investment and growth and lead to ineffective government. The author says that corruption is not only an economic problem but it is also linked with politics. The author suggests that reforms can reduce corruption and specially reforms may require changes in constitutional structure. The book has focused on public sector corruption. A chapter in the book even talks about the importance of corruption as cultural and a political problem and the author talks about

various issues like corrupt governments, organized crime and money laundering, importance of money and connections in democracy etc.

(Gill, 2000) in his book '*The Pathology of Corruption*' has pointed out five main players in the corruption scene, these are corrupt politician, the corrupt bureaucrat, the corrupt business, corrupt NGO and finally the criminal. '*Combating Corruption in India: A Role of Civil Society*' by (Sondhi, 2000) is a research paper which talks about Corruption, the causes of corruption etc. It even talks about the political leadership these days which is a major cause of corruption. This research paper explains the role of civil society in combating corruption in India. Civil society comprises of diverse groups which include citizens, religious organisation groups NGO's etc.

Even in the story of 'The Guardians' the author has portrayed politicians, and influenced people as sources of corruption. When people change the society changes therefore people should act as weapons to reduce corruption. (Vittal, 2002) in his article '*Applying Zero Tolerance to Corruption*' talks about the speech delivered by the Prime Minister of India Atal Bihari Vajpayee. The Prime Minister while addressing the nation focused on Zero Tolerance in relation to corruption. In his article he explains the concept of zero tolerance and gives many effective laws and acts as an attempt to reduce corruption, and he even explains the Zero tolerance action plan.

Another factor affecting the judicial system is the concept of racism. Although it is the duty of judges to be impartial, this concept of racism affects the mindset of individuals. Racial discrimination has also pervaded in the criminal justice system of the country. '*Racial discrimination in the criminal justice system: Findings and problems in the literature*' is an article by (Weitzer, 1996) examines the nature of racism and extent to which this racism can be observed in courts, correctional centres and by the police in United States. (Petersilia, 1985) points out in his article '*Racial Disparities in the Criminal Justice System: A Summary*' that in criminal justice systems of California, Texas etc the judges imposed heavier sentences on black people than on white people who were convicted of similar offences. He even provided statistical information that blacks make up 12% of the population of US but 48% of prisoner population. Alfred Blumstein (1982) expressed that "racial differences in arrest alone account for the bulk of racial differences in incarceration". Racism

exists everywhere but its effect is seen and felt mostly in the Justice system. *'Blind Injustice: The Supreme Court, Implicit Racial Bias, and the Racial Disparity in the Criminal Justice System'* is an article by (Tyler, 2014) which gives information about the current racial discrimination and a brief about implicit racial bias and the article even elaborates on the important decisions of the Court that have permitted and made the impact of implicit racial bias on the justice system more severe.

ANALYSIS

John Grisham's novel 'The Guardians' throws light on various concepts like corruption, racism, political influence, truth, equality and justice. The author shows how corruption can influence a person to act in a wrong manner. The story portrays how racism and political influence affect truth and how these factors prevent justice from prevailing. The book highlights the relation between truth and justice. These stones like racism, corruption and many more weaken and break the glass of truth which leads to injustice. There are some situations and instances which show the presence of these social elements in the book.

The characters put forth by John Grisham in his book 'The Guardians' tell the readers how various factors like money, colour, status etc. can allure a person to commit a wrong. (Benjamin Carter Hett, 2014) said "The blindfold of Justitia symbolizes the most dreadful problem of legal life; Justitia strikes blindly about her, and often, for the sake of false problems and theories, destroys all human happiness, in the manner of a terrible force of nature". The element 'racism' can be seen when a court scene is explained by the author where a lawyer named Tyler Townsend fought on behalf of Quincy Miller (a black man who was the accused of murder), and tried to put forward all the evidences but failed in his attempt as the bench before him had white jurors in majority. Similarly false witnesses were produced in the court by the prosecution which shows the next element 'corruption'. (Wolfensohn, 2016) said "Let's not mince words: we need to deal with the cancer of corruption." Yes, in law and justice only when corruption ends truth will be heard and justice will prevail. A system becomes corrupt when the people in it become money minded. Not only police Grisham shows corrupt people even in forensic and science field. The author

expresses his grief by questioning himself “How many innocent people are serving long sentences because of unqualified experts and their unfounded theories of guilt?”

The author also draws the attention of the readers to the emotional and psychological trauma an individual undergoes when he is wrongly convicted and punished. A corrupt system locked him away and Quincy had no lawyer to represent him since many years. The lawyer representing Quincy after twenty two was Cullen Post. He felt that exonerating Quincy Miller was his goal. Finding the real killer was not a priority at least now after twenty two years after the sentence. The author also talks about various other clients he had to represent knowing that they were guilty. Here the moral- legal aspect comes into place when the author raises the question “How can you represent a person you know to be guilty and fight in the court for that person”? Do you go about and take a step ethically or abide by your duty as a lawyer? The author also addresses the issue of “bogus” forensic experts. The author talks about this in reference to Duke Russell (the man in death row) conviction in a backwater redneck town where half the jurors struggled to read and all were misled by two pompous and bogus experts. One of the expert was under the impression that “rape is not violent enough unless the rapist somehow manages to bite the victim hard enough to leave imprints”. Cullen Post puts out that “such an unfolded and ridiculous theory should have been exposed on the cross-examination but the Duke’s lawyer was either drunk or napping. The second expert was from State crime lab. Seven public hairs were found on Emily Broone’s (the alleged Duke’s victim) body. But this person convinced the jury they came from the Duke who was not the real rapist. This is how the author explains the corrupt and wrongjudicial system. He clearly points out the flaws existing in the judiciary and the society through his book ‘The Guardians’.

FINDINGS

- Many black people believe that the justice system becomes blind and unfair when corruption, racism take their role and play their part. Whereas most white people believe the opposite. These beliefs influence the interpretation of events quite differently. African Americans who view the system as unfair are much more suspicious of the police in confrontations with black civilians.

- Another observation which can be made is that people that is citizens of the country loose trust in justice and the judicial system that is it decreases public trust and weakens the capacity of judicial systems to guarantee the protection of human rights. Trust is a factor which motivates a person to stand with another and helps that person to gain confidence, corruption destroys 'trust' and it affects the tasks and duties of the judges, prosecutors, lawyers, and other legal professionals.

CONCLUSION

These key evils existing in the society and the effect they have on the people who are a part of the society and specially the Judiciary get influenced and effect their decisions. Far too often the guilty go free, whereas the innocent are sent to hard labour or the scaffold.

Exonerating the innocent was the job of the guardians. Trying to figure out the truth, searching for evidence and relieving the guiltless prisoners were their goals. As Cullen Post investigates the case, he finds himself at risk from the actual murderers who don't want the wrongful conviction reversed and won't hesitate to kill again to ensure it. Believing a person to be innocent and trying to save his life was a tough task but the Guardians were quite successful in it. Totally the story revolves around justice for the innocent and covers many themes and many socio-legal aspects and enlightens the readers about the role of these social evils in the society.

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