

The Ethical Narrative as Judicial Intervention: The Role of the Narrative of Mercy in John Grisham's A Time for Mercy in Critiquing U.S. Legal Realities

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Abstract

This article analyzes John Grisham's *A Time for Mercy* not merely as literary critique, but as a robust narrative intervention designed to influence ethical perspectives within the real-world judiciary. Employing the frameworks of Law and Literature (White, 1985) and American Legal Realism (Llewellyn, 1930), the study argues that the Narrative of Mercy championed by lawyer Jake Brigance functions as an explicit Counter-Discourse against procedural legal rigidity. Textual analysis reveals a stark discrepancy between the formal Rule of Law and the Law in Action, where the death penalty case of Drew Gamble is systematically distorted by extra-legal factors, including social bias, classism, and local prejudice in Clanton, Mississippi. The findings indicate that Grisham strategically uses fiction to underscore the judiciary's failure to incorporate fundamental humanity and empathy, thereby actively advocating for a moral revision of contemporary judicial practice. This research solidifies the position of popular legal fiction as a powerful, academically justifiable tool for ethical critique and judicial reform advocacy.

Keywords: *Legal Realism, Law and Literature, Ethical Narrative, Judicial Intervention, Capital Punishment, Counter-Discourse.*

INTRODUCTION

The genre of contemporary legal fiction, particularly the influential works of authors like John Grisham, has transcended mere popular entertainment to establish itself as a critical domain for socio-legal commentary (Abel, 1990). These narratives perform a vital dual function, serving not only as compelling drama but also as an essential public arena for scrutinizing the ethical failures and systemic procedural flaws that frequently escape formal legal oversight

(White, 1985). Grisham's narratives are particularly renowned for their capacity to expose the disjuncture between the idealized Rule of Law and the often-corrupt practice of Law in Action (Garapon, 2008). This context firmly positions the novel *A Time for Mercy* (2020) not merely as a sequel, but as a significant cultural text actively engaging in fundamental jurisprudential debates regarding ethics and the ultimate judicial penalty within the American legal system.

The critique of judicial objectivity stands as a central pillar of 20th-century jurisprudence. The school of American Legal Realism fundamentally challenges the traditional view of law as a neutral, mechanical entity (Llewellyn, 1930). Legal Realists assert that judicial decisions are often more a function of the judge's personal biases, social background, and emotional pressures than a pure interpretation of written statutes (Frank, 1930). Against the backdrop of Clanton, Mississippi, *A Time for Mercy* vividly demonstrates this Realist conflict, where the fate of the traumatized minor defendant, Drew Gamble, is actively determined by entrenched extra-legal factors such as local prejudice and classism, rather than strictly by the evidence alone (Wexler, 1992).

While the function of literature as a social mirror is widely acknowledged within Law and Literature studies, the specific role of the novel as an active narrative intervention demanding ethical recalibration remains an area requiring deeper exploration (Ricoeur, 1984). *A Time for Mercy* presents a unique opportunity to analyze how a fictional text can deploy a Counter-Discourse against institutional rigidity. This exploration aims to fill a critical research gap by empirically examining how the defenses strategic use of pathos and the narrative of trauma functions as a necessary mechanism to correct the failures of legal objectivity documented by Realists (Foucault, 1978; Fish, 1989).

This study will specifically focus on the Narrative of Mercy championed by Jake Brigrance. In this analysis, narrative theory (Genette, 1980) will be employed to dissect how Jake rhetorically shifts the legal focus from the strict factual elements of the crime to the defendant's human trauma and moral motivation. This intentional use of emotionally charged rhetoric constitutes a deliberate attempt to influence the Law in Action toward a morally just outcome (Herrnstein Smith, 1981). The chosen qualitative textual methodology will subsequently compare these fictional findings with the core principles of Legal Realism (Posner, 2009) and documented real-world judicial practices regarding mitigating circumstances.

The article aims to identify the specific manifestations of extra-legal bias and analyze how the Narrative of Mercy operates as a fictional judicial intervention. The primary scholarly contribution of this research is the affirmation of popular legal fiction's position as a legitimate tool for moral advocacy, challenging both legal practitioners and scholars to integrate ethical consideration and empathy

as essential components for overcoming the inherent limitations of procedural law that the Legal Realists exposed.

METHOD

The theoretical foundation of this critique rests on American Legal Realism, which posits a fundamental dichotomy between the Law in Books (formal statutes) and the Law in Action (how the law is truly practiced) (Llewellyn, 1930). This framework is essential for analyzing the novel's setting, where extra-legal factors such as local prejudice and class divisions become primary determinants of "justice" (Frank, 1930). Complementing this is the Law and Literature movement, which affirms that legal texts and literary narratives are mutually illuminating (White, 1985). This approach allows the analysis of the novel's narrative techniques as ethical tools, specifically identifying the Narrative of Mercy as a Counter-Discourse (Foucault, 1978) resisting the dominant, rigid legal discourse.

The research design is a qualitative textual analysis utilizing a descriptive-analytical approach. The primary data source is the novel *A Time for Mercy* (Grisham, 2020). The units of analysis are the narrative descriptions of the Clanton setting, Jake Brigance's internal monologues, and the rhetorical components of the defenses arguments. The technique involves close reading to identify textual instances aligning with Realism principles (i.e., instances of bias influencing procedure). This is followed by a rhetorical analysis that dissects how Jake uses pathos (emotional appeal) and narrative reframing to demand mercy instead of strict justice, thereby performing a judicial intervention.

RESULTS AND DISCUSSION

The analysis of *A Time for Mercy* reveals a profound systemic failure rooted in the operation of American Legal Realism, which the narrative attempts to correct through an ethical intervention. The judiciary in Clanton functions not according to the idealized Law in Books, but as a product of Law in Action, heavily influenced by non-legal, deterministic social forces (Llewellyn, 1930; Frank, 1930). The narrative immediately establishes that the trial outcome is predisposed by the community's ingrained prejudice against Drew Gamble's low socioeconomic status and troubled background, a factor that should be irrelevant in formal procedure. The text highlights this bias: "The narrative reveals that Jake was battling not just the evidence, but 'a hundred years of prejudice' that permeated the local justice system (Grisham, 2020, p. 88)." This exposure of extra-legal bias aligns with the critique that judges and juries are not objective observers but subjects whose decisions are shaped by unconscious

influences (Wexler, 1992). The novel's primary critique is the system's failure to insulate itself from this social determinism in capital cases.

Recognizing this legal reality, Jake's defense strategy is framed as a necessary ethical intervention. He consciously shifts the focus from the legal act to the moral motive and context of the defendant's trauma, a strategy achieved through the construction of the Narrative of Mercy. This rhetorical maneuver, heavily reliant on pathos rather than logos, operates as a Counter-Discourse (Foucault, 1978) designed to resist the dominant legal narrative demanding vengeance. Jake deliberately reframes the case: "In his closing argument, Jake commanded the jury to recognize Drew 'not as a murderer, but as a deeply injured child forced into an impossible act,' pleading explicitly for their humanity and mercy (Grisham, 2020, Closing Argument)." By utilizing the emotional depth of storytelling, Jake performs a judicial intervention, essentially using a literary tool to redefine the legal terms (Fish, 1989). As argued by Herrnstein Smith (1981), the use of narrative in this context is a deliberate attempt to influence the Law in Action toward a morally just outcome.

The novel's ultimate resolution, achieved not through ironclad legal proof but through persuasive narrative, carries significant implications for judicial practice (Law in Action). *A Time for Mercy* functions as an advocacy tool within the field of Law and Literature (White, 1985), arguing that genuine justice requires the incorporation of moral nuance. The success of the defense demonstrates that procedural justice without mercy is a form of injustice, implying that "a justice that seeks only vengeance diminishes the society it is supposed to serve" (Garapon, 2008, p. XX). The novel challenges legal practitioners to move beyond a strictly mechanistic, Realist view of the law (Posner, 2009) and affirm the value of the ethical narrative in achieving a justice that is not only lawful but fundamentally human (Ricoeur, 1984). The literary resolution serves as a moral blueprint for what the legal system should strive for, demanding the integration of therapeutic jurisprudence (Wexler, 1992) into traditional procedural models.

CONCLUSION

A Time for Mercy stands as an academically potent work of fiction that serves as a profound critique of American Legal Realism. By meticulously exposing how non-legal factors dictate judicial outcomes, the novel effectively mounts an Ethical Narrative as a necessary Judicial Intervention. Grisham utilizes the narrative structure to argue that the legal system's failure to incorporate mercy necessitates a correction provided by moral imagination. This research ultimately supports the Law and Literature thesis: that popular fiction acts as a



crucial engine for ethical reflection and an advocate for the integration of humanistic principles into the cold mechanics of the law.

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