The Secret Courts of Men's Hearts: Code and Law in Harper Lee's To Kill a Mockingbird

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In Harper Lee's To Kill a Mockingbird, Atticus Finch's final hope in the defense of his black client accused of rape is that he may strike a favorable response in his summation to the south Alabama jury by appealing to the official legal code of the United States:

There is one way in this country in which all men are created equalthere is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States or the humblest J.P. court in the land, or this honorable court which you serve. Our courts have their 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.

Atticus is grieved by what he cannot at this moment say without jeopardizing his case, that the law of the land is one thing and the secret court of men's hearts (p. 244) quite another. To Kill A Mockingbird presents the argument that the forces that motivate society are not consonant with the democratic ideals embedded in its legal system and that the disjunction between the codes men and women profess and those they live by threatens to unravel individual lives as well as the social fabric. The novel is set in the 1930s, was written in the late 1950s, periods when the South, Alabama particularly, was a case study of that proposition. The three years at the end of the 1950s, When the novel was written, form one of the most turbulent periods of race relations in a state with a turbulent history, a time when a long-standing relationship between blacks and whites, maintained in refutation of the spirit of American democracy, was being tested in the courts. The novel reveals a time when rulings handed down from the secret courts of men's hearts became the laws they lived by openly, in defiance not only of all reason but of the laws they professed to have gone to war to uphold.

The historical context of the novel is replete with actual court cases bearing on the complex issues of constitutional and personal law. The notorious precursor to Alabama's legal battles of the fifties was the Scottsboro case of the 1930s. It is significant that only a few years before the setting of Lee's novel (1933 to 1935) about a black man accused of raping a white woman who had made sexual advances toward him, nine black men were charged in a notorious trial with raping two white women of easy virtue. Numerous celebrated legal battles arising from the Scottsboro trial were reported

in the Southern and Northern press during those years when Scout, the thinly-veiled autobiographical protagonist of the novel, was precociously reading The Montgomery Advertiser, The Mobile Register, and Time. Doubtless, the young Nell Harper Lee, daughter of a moderate Southern attorney who had encouraged her precocity in legal matters, consciously or unconsciously absorbed for later literary use the circumstances and arguments surrounding the numerous Scottsboro trials of her youth in the thirties. In the summer of 1935, Atticus and his son Jem have an extended discussion about the composition of juries after an all-male, all-white jury convicts Atticus' client, Tom Robinson, of rape. On April 2, 1935, the front page of The Montgomery Advertiser reported that new trials had been ordered by the Supreme Court for two of the Scottsboro boys, Clarence Norris and Haywood Patterson, on the grounds that no blacks had served on their juries. The South's dual system of justice is freely acknowledged in the Advertiser's editorial: blacks are not excluded from juries technically or legally, the editors claim, but in common practice they are, of course.

It is reasonable to believe that the issues in To Kill a Mockingbird were shaped by the 1950s when it was written as-well-as the 1930s chosen for its setting. The initiating circumstance in the South's history of that period was the 1954 Supreme Court ruling that school segregation was unconstitutional. In 1955, only months before Harper Lee began committing her fiction to paper, two of the most startling events in Alabama history had jarred the state, wrenching it irreversibly in a radically different direction. The central figures in both events were black women: Rosa Parks, who on November 30, 1955, refused to give up her bus seat to a white passenger; and Autherine Lucy, who, on February 3, 1956, presented herself for registration in the racially segregated University of Alabama where Harper Lee had been enrolled as a student of law a decade earlier.

From the opening pages of the novel, trappings of plot and dialogue direct the reader to the complexities of law, Southern style. The novel is prefaced with a line from Charles Lamb, Lawyers, I suppose were children once, an inscription in reference to both of Atticus Finch's children who presumably grow up to be lawyers. The lines obviously refer to his son, Jem, who, the family understands, wants to be a lawyer like his father and who, as a child, is able to follow with greater interest and acumen than most adults the nuances of a trial that is the central event of the novel. Less obviously, the lines from Lamb also refer to Atticus' daughter-narrator, taunted by the missionary ladies (because she attended the rape trial) for wanting to grow up to be a lawyer. The reader is not told if the narrator is a practicing attorney when she tells the story, but one does recognize her to be a student of the law in the broadest sense. The novel itself is, in part, her convincing brief for her father's sainthood, a reversal of the usual American cliche of adolescent patricide. That Lee's readers, who are in a sense her jury, so readily render a decision in Atticus' favor, closing the case as it were, may in some way account for the subsequent silence of this authorial voice.

Relationships in the novel are often presented as legal arrangements. The cement of the fictional town of Maycomb, a community whose primary reason for existence was government (p. 133), is shown to be its formal and informal law: entailments (to which poor but honest Mr. Cunningham falls victim), compromises (between Scout and Atticus over her reading and going to school), state legislative bills (introduced by Atticus, a legislator), treaties (between the Finch children and their neighbor, Miss Maudie, over her azaleas), truancy laws (that the poor and lawless Ewell

children, but not Scout, are allowed to break), hunting and trapping laws (violated by Bob Ewell), and bending the law (an issue on which the novel closes). The pervasiveness of legal allusions extends even to their maid, Calpurnia, the Finch children's surrogate mother, who has been taught to read and teaches her son to read, using Blackstone's Commentaries.

The major subplots arise from breaches in the law: the ancient story of the arrest of the Finches' reclusive neighbor, Boo Radley, for disorderly conduct, and his later attack on his father, the children's trespassing on Radley property, the attempted lynching of the black prisoner, Tom Robinson, the alleged rape of Mayella Ewell, and the assault and murder that conclude the novel.

The narrator frequently presents legalistic community relationships by negation, portraying outlaws and outcasts, both sympathetic and unsympathetic, who deliberately or inadvertently violate community codes. Of course, Scout is herself an outlaw, an observation that ladies in the area, especially her Aunt Alexandra, had made from the moment Atticus was left alone to raise her and Jem with only the help of a black woman. Scout discovers her own oddity in first grade when her teacher scolds her for having already learned to read. She drags home from school, weary from the day's crimes (p. 34). So Scout is, understandably, immediately drawn to Dill, an outcast from a broken family that scolds him for not being a boy. Together, the three children, Scout, her brother, Jem, and Dill, are attracted to night-walkers, outlaws in truth (Boo Radley) and in fiction (Dracula). In addition to the Radleys, other eccentric neighbors who influence their lives, because in varying degrees they skirt accepted codes of behavior, are Miss Maudie, who is railed at by foot-washing Baptists for her azaleas, their blooms testimonies to her excessive love of the natural world, and Mrs. Dubose, an addict of morphine. Outside the court house, Scout is introduced to Dolphus Raymond, a man who has violated the southern code by preferring the company of blacks to whites, and has `got a colored woman and all sorts of mixed chillun' (p. 163). The mixed chillun are a new concept for Scout. She can empathize with their being just in-betweens, don't belong anywhere (p. 163). The trial brings together the victims and villains of both written and subterranean laws. Tom Robinson broke a code, no less powerful because unexpressed, by feeling sorry for a white woman, Mayella Ewell violated an equally powerful unwritten code by kissing a black man. Of her, Atticus says, `no code mattered to her before she broke it' (p. 206). The villainy of her father, Bob Ewell, arises from his unwillingness to be governed by any law, either internal or external; his crimes run from the petty breaking of hunting and truancy laws to incest and attempted murder. His counterpart in moral chaos on an international scale is Adolph Hitler.

Obviously the thematic scope of To Kill a Mockingbird goes beyond the narrow limits of written laws. It is rather a study of the law in its broadest sense: familial, communal, and regional codes; those of the drawing room and the school yard; those written and unwritten; some that lie beneath the surface in dark contradiction of established law. Although its attorney hero, Atticus Finch, and the son that will follow in his footsteps, maintain a simple Christ-like goodness and wisdom in the memory of the narrator, what she unfolds, in a story turning on her father and brother, is neither simple nor conclusive, for the codes that motivate people in this Alabama community promote destruction as often as they prevent it.

A drama founded on Maycomb's legal and social codes, extraordinarily complex

for such a tiny community, is played out not on just one but several different stages; one might even say courtrooms. The primary onesthe Finch house, the courthouse, the schoolhouse, and the Ewell houseare little communities unto themselves, each with its own scheme of relationships, often, like the community of Maycomb as a whole, with a hidden code as well as an open one and largely based on physical difference (gender, race, and age) as well as class.

The novel is a study of how Jem and Scout begin to perceive the complexity of social codes and how the configuration of relationships dictated by or set off by those codes fails or nurtures the inhabitants of these small worlds. In the aftermath of the court case, which is a moral victory and legal defeat for their father, Jem and Scout discuss the heart of the matter, the postlapsarian fragmentation of the human community. Neither Scout nor Jem can account for what they have begun to observe, society's division of the human family into hostile camps. Scout, never able to get a satisfactory answer from Aunt Alexandra, for whom class, race, and gender are exclusionary categories, speculates momentarily that these isolating distinctions have something to do with whether a group likes fiddle music and pot liquor. Scout rejects Jem's theory, at which he has arrived after long deliberation, that the key is literacy: `Naw, Jem, I think there's just one kind of folks. Folks' (p. 230). Scout's magnanimity arises naturally from her experience as a child in the house of Actions Finch, their growing up coinciding with their exposure to the complex weave of codes in the social fabric of Maycomb. The children are first shaped by an Eden where love, truth, and wholeness have brought the household to a highly refined moral plane. As Tom Robinson's trial proceeds, the children become gradually aware of a world in sharp contrast to the one they had known. Bob Ewell is the antithesis of Atticus. As his realm surfaces, they become aware that perverse hidden codes and lawlessness, generally associated with the worst of bigotry and ignorance in a place called Old Sarum, have surfaced in the actions of the jury. Scout's suspicion of a dark underside of the community, first uncovered in the conviction of Tom, is alarming and unconsciously confirmed by Aunt Alexandra and the missionary society. In short, Old Sarum, the habitation of poor, hard-drinking, lynch-prone dirt farmers on the edge of town, has invaded polite Maycomb.

Scout's realization of the difference between Maycomb's idealistic law and its unacknowledged but real laws begins in a setting where this disjunction had not earlier existed, where the saint-like Atticus bestowed a benevolent order on the Finch household by his example. The chief lesson he had taught his children was to make every effort to walk in the shoes of other people in order to understand them. He is a peacemaker, refusing to hunt or carry arms, insisting that his children turn the other cheek rather than resort to violence against man or beast. It is wrong, he tells Scout, to hate anybody, even Hitler. Atticus' saintliness has nothing to do with cowardice or impotence. He is a savior, capable of facing a mad dog and a lynch mob. He is, Miss Maudie tells Jem, `born to do our unpleasant jobs for us' (p. 218). His brother, recognizing a holy agony in Atticus' description of the impending trial, is led to respond: `Let this cup pass from you, eh?' (p. 93). Further, in explaining true courage to Jem and Scout, Atticus defines a tragic hero, which, as it turns out, is a description of his own role in the case of Tom Robinson: `It's when you know you're licked before you begin but you begin anyway and you see it through no matter what. You rarely win, but sometimes you do' (p. 116). Atticus' heroism is a quality that Maycomb's black population fully recognize. In the most carefully crafted and emotionally packed moment of the novel, as Atticus

is leaving the courtroom after his defeat, simultaneously Scout realizes that all the spectators in the balcony are standing and is urged to her feet by the black preacher: `Miss Jean Louise, stand up. Your father's passin' ' (p. 214).

A house ordered by the laws of such a man might be expected to be as nurturing as it is eccentric. It is at one and the same time the most innocent and the most civilized of countries. Indeed as a family, the Finches seem to have moved upward through the various stages of civilization represented in the community. In their past is racial persecution (their slaveholding founder), incest (Atticus teases Alexandra, `would you say the Finches have an Incestuous Streak?'), and madness (Cousin Joshua St. Clair, long before institutionalized in Tuscaloosa). While most of Maycomb is still in a primordial stage, the higher evolution of Atticus is apparent in his achievement of a code that rises above hate, egocentricity, and madness. Bigotry has been superceded by a higher law: people are to be regarded as individuals, human beings, not as dehumanized types. This is the crux of his argument at trial: `You know the truth, and the truth is this: some Negroes lie, some Negroes are immoral, some Negro men are not to be trusted around womenblack or white. But this is a truth that applies to the human race and to no particular race of men' (p. 207). And it is a position that he argues outside the courtroom as well. About the lynch mob he says: `A mob's always made up of people, no matter what. Mr. Cunningham was part of a mob last night, but he was still a man' (p. 160).

One of the keys to the benevolence of Atticus' law is that it blurs the lines that mark out gender and race, diminishing the superficial barriers thrown up to hamper and privilege. In the novel, the limitations of gender run parallel to the more obvious limitations of race. Scout, whose very nickname is boyish, is allowed to be herself, an adventurous tomboy whose customary attire is overalls, who rarely dons a skirt, who plays and fights with boys and is given a gun instead of a doll for Christmas. Even customs in recognition of age are often disregarded here. The children call Atticus by his first name, and Scout, learns to read before she is supposed to. The same can be said of class barriers. Walter Cunningham, a dirt-poor Old Sarum child outside their social class, is invited home to lunch and treated as an honored guest.

The children are taught to look and reach outward. Rising above self-protection and exclusion, they embrace difference. That they want to know about people unlike themselves is part of the explanation for their obsession with Boo Radley and with Scout's wish to visit black Calpurnia's house: I was curious, interested; I wanted to be her `company,' to see how she lived, who her friends were (p. 227).

Of all the societies that the children will ever encounter, this one is the most whole, therefore the most sane. Heart and head rule in harmony, inner and outer laws work in tandem, for there are no hidden agendas, no double standards, no dark secrets here. What Atticus has to say about race he will say in front of Calpurnia. When a child asks him something, he believes in answering truthfully. What Atticus preaches, he also practices: `I can't live one way in town and another way in my own house' (p. 276). It is with this wholeness of spirit that Atticus confronts the madness, just as he does a rabid dog in the street. But Atticus' code is a far remove from the realities of Maycomb, Alabama, as Jem senses after Tom Robinson's conviction: `It's like bein' a caterpillar in a cocoon, that's what it is,' he said. `Like somethin' asleep wrapped up in a warm place. I always

thought Maycomb folks were the best folks in the world, least that's what they seemed like (p. 218).

The agents that destroy the children's Eden, in which benevolent laws are blind to artificial distinctions, are the citizens of Old Sarum and Bob Ewell, whose house is an inversion of Atticus' house. Certain parallels between the two households invite contrast: both Scout and Mayella Ewell are without biological mothers and without girlfriends. Scout never mentions another young girl her age at school or at play and is even gradually being excluded from the companionship of Jem and Dill. Mayella seems not even to understand the concept of friendship, male or female. Both girls are more vulnerable in that their fathers are consequently accorded more power for good or evil than they would have had otherwise. Ewell and Atticus are pointedly opposite, however. Ewell hunts even out of season; Atticus refuses to hunt at all. Ewell takes his children from school, while Atticus will not allow the dissatisfied Scout to be a truant. Ewell obviously heats Mayella viciously; Atticus has never laid a hand on his children. Atticus is selfless in his love for Scout; Ewell is self-gratifying in his sexual abuse of Mayella. In sum, violence has been superceded in Atticus' life by love and laws; the violence of Ewell's life is untempered by sanity.

Jem, in particular, is traumatized because the law in theory had been sacred to him, but in practice it is mendacious, uncovering a powerful, concealed code at work in complete contradiction to written law. The democratic ideal is stated by Atticus in his summation: In this country our courts are the great levelers, and in our courts all men are created equal' (p. 208). It is a sentiment repeated by Scout at school: democracy, she parrots, means `equal rights for all, special privileges for none' (p. 248). However, even the apparatus of the court plainly countermands the official line. Only Negroes, not white men, are remanded to Maycomb's jail. In the court room, black men and women are restricted to the balcony. No women and no blacks serve on juries. But more pernicious than any of these contradictions is the existence, as the narrator puts it, of the secret court of men's hearts where madness makes a mockery of equality before the law. Society officially expects Atticus, as a court appointed lawyer, to defend Tom Robinson, but in the secret court of society's heart Atticus is faulted for doing the job it has given him: `Lemme tell you somethin' now, Billy,' a third said, `you know the court appointed him to defend this nigger.' `Yeah, but Atticus aims to defend him. That's what I don't like about it' (p. 166).

Paralleling Jem's trauma in the male arena of the courthouse is Scout's enlightenment in the female arena of her aunt's missionary society. Aunt Alexandra brings with her a system of codification and segregation of the human family according to class, race, and, in Scout's case, sex. Even earlier from the Finch ancestral home, the Landing, Aunt Alexandra had presented a threat:

Aunt Alexandra was fanatical on the subject of my attire. I could not possibly hope to be a lady if I wore breeches; when I could do nothing in a dress, she said I wasn't supposed to be doing things that required pants. Aunt Alexandra's vision of my deportment involved playing with small stoves, tea sets, and wearing the Add-A-Pearl necklace she gave me when I was born (pp. 8586).

When Aunt Alexandra invades the Finch house in Maycomb as a feminine influence, Scout feels a pink cotton penitentiary closing in on me (p. 139). Aunt Alexandra brings with her a code that delineates very narrowly ladies and gentlemen, black and white people, good families and trash. She files them in their proper, neat, separate boxes. Fearing contamination, she forbids Scout to visit Calpurnia's house or to invite Walter Cunningham to the Finch home again. Scout concludes that Aunt Alexandra fitted into the world of Maycomb like a hand into a glove, but never into the world of Jem and me (p. 134).

The larger society into which families, church, school, and local government fit is characterized by many of the Finches' neighbors and friends in general and the missionary society in particular, longtime residents in the mainstream of the community. The perniciousness of this society arises from its system of dual, contradictory codes. Superficially the missionary ladies abide by the customs of gentility in a world, where on its surface fragrant ladies rocked slowly, fanned gently, and drank cool water. They also, superficially, respond to the dictates of their religion by gathering together on errands of Christian charity. The official topic of discussion on one afternoon after Tom Robinson's trial is the far-flung Mrundas, a primitive tribe infected with yaws and carworms and, the ladies fear, possessed of no sense of family, `the poverty ... the darkness ... the immorality ...' (p. 233). Their expression of sympathy for the Mrundas is a charitable, public formality. It is apparent, however, in a scene as primitive and tribal in its way as the Mrundas could ever be, that a greater countermanding force lies beneath the surface, one neither Christlike nor charitable nor gentle. Espousals to the contrary, it is this dark code that actually governs their lives. They cuttingly and cruelly censure Atticus in his own house and in the presence of his nine-year-old daughter and his sister, their hostess. The missionary ladies can safely exclude blacks from the sisterhood of the human race by failing to view them as other than types, establishing with heart and mind a segregation more pernicious than any system maintained by law. Mrs. Merryweather, the most prominent member of the society, who has devoted herself to bringing the word of Christ to the Mrundas, ironically speculates that trying to Christianize American black people may be useless. She and the other ladies are peevish and self-righteous in their plan to convert Tom Robinson's wife, regarding the black woman's membership in her own church as somewhat beside the point. They grudgingly agree to forgive her for being the widow of a black man wrongly convicted of raping a white woman. A corrective is provided by Scout who, untrained in their racial distinctions, believes, before they name Helen Robinson, that the ladies are speaking of the white woman, Mayella Ewell, who lodged the accusation against Tom Robinson.

The meeting of the missionary society undercuts Atticus' and Miss Maudie's attempts to reassure the children that Maycomb is not as bad as the jury that convicted Tom Robinson. The blind intolerance of the jury of rural, uneducated, white males does not, they had implied, characterize the larger community. The assurance given to Scout by the two adults she most respects in the world is shaken not only by the missionary society meeting but by her teacher, Mrs. Evans, who also illustrates that geographical distance makes her democratic and charitable propensities eminently easier to maintain. Mrs. Evans flies the national colors in deploring Hitler's persecution of the Jews as she writes across the blackboard in large letters, DEMOCRACY. But outside the courthouse after Tom Robinson's conviction, Scout has glimpsed a different set of rules by which the teacher lives. Scout hears Mrs. Evans

say, it's time somebody taught 'em a lesson, they were gettin' way above themselves, an' the next thing they think they can do is marry us (p. 247). Scout feels, but has not completely intellectualized, the same thing that is torturing Jem: beneath the surface of the world they belong to and must live in there lies another frightening force that threatens to unsettle it all. Just below the surface lie the poor Mrundas, Old Sarum, and Adolph Hitler.

Harper Lee doubtless could write about her fiction what Nathaniel Hawthorne wrote of The Scarlet Letter, that the events of those years in which the work was conceived had a decided effect on the novel itself. The trial of Tom Robinson in To Kill a Mockingbird represents a pattern of actual occurrences in Alabama during the late 1950s. The jury that condemned Tom was made up of ignorant and bigoted rural Old Sarum Southerners because women and blacks were in practice excluded from juries and because educated middle- and upper-class whites refused to jeopardize their positions by serving on juries. Atticus clarifies:

Our stout Maycomb citizens aren't interested, in the first place. In the second place, they're afraid. ... Say, Mr. Link Deas had to decide the amount of damages to award, say Miss Maudie, when Miss Rachel ran over her with a car, Link wouldn't like the thought of losing either lady's business at his store, would he? So he tells Judge Taylor that he can't serve on the jury because he doesn't have anybody to keep the store while he's gone. So Judge Taylor excuses him (p. 224).

This circumstance parallels events in Alabama in 1956, when, metaphorically speaking, Old Sarum and Old Hitler (as Scout's classmate insists on calling the dictator) had surfaced in white Southern society, coming in from the dark to take action while reasonable citizens, to protect themselves, abdicated responsibility. Throughout 1957 and 1958, for instance, newspapers reported repeated attempts, some successful, to bomb the homes and churches of black civil rights workers in Alabama, culminating in the death of four black children in a church bombing in Birmingham in 1963. Like practitioners of witchcraft, the Ku Klux Klan of the 1950s and the fictional Old Sarum and Bob Ewell of the 1930s are inversions of the religious and political principles they profess, actually and symbolically burning the cross under cover of darkness.

The policy of nonviolence practiced by Martin Luther King and his followers was not as successful as Atticus' nonviolent encounter with the Old Sarum lynch mob. In a similar real-life event, the wife of University of Alabama president O. C. Carmichael was pelted with eggs and stones when she appeared on the steps of her house to speak to a mob objecting to the admission of Autherine Lucy, one instance in a series of events that showed the apparent triumph of mob violence over the law of the land, as Suzanne Rau Wolfe notes in The University of Alabama: A Pictorial History. Ironically, it is with reciprocal violence, perpetrated entirely outside the law and by a madman in darkness that the fictional children in To Kill a Mockingbird are saved while the real black offspring of disciples (like Atticus) of non-violence are bombed in a church. In short, in the dark hour of the novel, Atticus' higher law is an ineffective defense against Bob Ewell's chaos, as useless as facing a mad dog in the street without a gun. Only a miracle, some deus ex machina, in this case Boo Radley, can overcome chaos. Even a human and civilized system of law becomes at some point,

and under certain circumstances, severely limited when primitive, hidden codes or lawlessness merge so powerfully. In the case of Boo Radley's killing of Bob Ewell, law is proven inadequate for another reason, because on occasion laws must be overridden for justice to be done. Circumstance must override honor; an individual human being's needs must supercede principle. Ewell's death must be reported as an accidental suicide instead of as a homicide. It is not a step that Atticus takes lightly.

If this thing's hushed up it'll be a simple denial to Jem of the way I've tried to raise him. ... Jem and Scout know what happened. If they hear of me saying down town something different happenedHeck, I won't have them any more. I can't live one way in town and another way in my home (p. 276).

But Atticus has always been more insistent that he and his own strong kind obey a higher law (pulling them up the evolutionary ladder) than the weak Ewells and Cunninghams. Only when he finds that it is not Jem but Boo who has killed Bob Ewell does he relent to the secrecy that will circumvent a legal hearing. For Atticus knows Boo to be one of the least of these, as scripture delineates the earth's dispossessed, those who stand in for Christ. In a final act that secures Atticus' sainthood, he momentarily, hesitantly relinquishes for Boo Radley's sake what is more sacred to him, the code he lives by.

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