SAMPLE THEME

[Note: Student work should be double-spaced. This sample is single-spaced to facilitate reading on a computer screen.]

Order in the Court: The Trials of Charles Darnay

Purpose: to compare and contrast the trials of Charles Darnay in the courts of England and France in A Tale of Two Cities.

Thesis: In the novel, the conduct of the trials of Charles Darnay reveals that the English courts are more just than the French courts.

Plan: 1. to introduce with a quotation, followed by statements of relevance 2. to contrast the prosecutions of Darnay 3. to contrast the defenses of Darnay 4. to contrast the crowd’s effect on the jury 5. to explain the difference between the two courts

I. Introduction
   A. Quotation regarding France and England
   B. Explanation of quotation
   C. Thesis

II. Contrast of the prosecutions of Darnay
   A. Details of the prosecution in the English trial
      1. Significance of the supposed crime
      2. Neutrality of the judge
   B. Details of the prosecution in the French trials
      1. Triviality of the supposed crime
      2. Direct involvement of the judge

III. Contrast of the defenses of Darnay
   A. Details of the defense in the English trial
      1. Employment of professional lawyers
      2. Ability to cross-examine witnesses
   B. Details of the defenses in French trials
      1. Employment of Dr. Manette
      2. Inability to cross-examine witnesses

IV. Comparison of the crowds’ effect on the juries
   A. Details of the crowd’s effect on the English jury
      1. The crowd’s desire for execution
      2. Lack of pressure on the jury
   B. Details of the crowd’s effect on the jury in the first French trial
      1. The crowds’ desire for an acquittal
      2. Pressure on the jury
   C. Details of the crowd’s effect on the jury in the second French trial
1. The crowd’s desire for an execution
2. Influence upon the jury

V. Conclusion
   A. Explanation of the differences between the courts
   B. Courts as reflection of society
   C. French courts providing a warning for the English

Order in the Court: the Trials of Charles Darnay

In Charles Dickens’ *A Tale of Two Cities*, the narrator states that France was “less favoured on the whole than as to matters spiritual than her sister of the shield and trident” (14). One method that Dickens uses to demonstrate this difference between France and England is the contrast between the trials of Charles Darnay in the two countries. Since courts and the individuals who make them up are dominated by the ideals of their sponsoring community, they are reflections upon their society. However, Dickens does not just present the outcome of the trials to contrast the two nations. In the novel, the conduct of the trials of Charles Darnay reveals that the English courts are more just than the French courts.

Spanning the novel, the trials of Charles Darnay range from being a prosecution for a serious crime overseen by an impartial magistrate in England to being a veritable hanging party led by the presiding Tribunal in France. The first trial occurs in the Old Bailey courthouse in London, where Charles is accused of having “habitually conveyed [British troop dispositions] to a hostile power” (74). The prosecution is trying to execute Darnay not for a trivial crime, but for a serious offense in which Charles would be spying for a foreign country, a capital crime in almost all countries. Such a case is certainly capable of making the reputation of all of those involved. However, the trial is not, unlike the later McCarthy hearings, overseen by a vindictive, biased judge intent on gaining fame. Instead, the judge remains neutral, saying little, and avoiding the prejudicing of the jury. This reserve allows the jury to deliberate solely on the basis of the testimony and thus insures a fair trial. In France, the procedures are not so admirable. Charles’s life is threatened twice because he has committed the crimes of being born into the aristocracy and returning to France after a “decree that banished all emigrants on pain of death” (280). These are both charges based on events beyond Charles’s control. Even though the charges are unworthy of carrying the death sentence, they are supported by the judge. He is the prosecution’s cross-examiner, such as when “he asked the prisoner whether or not it was true that he had lived many years in London?” (280). If the jury is not already biased, then the support of the prosecution by the highest official of the court might cause them to believe that the plaintiff has the more legitimate case. This influence definitely limits the possibility of an objective decision from the jury. The method of prosecution in the different cases indicates that the French courts are less concerned about a fair trial, and the possibility of an unjust punishment, than the English court.

As the novel progresses, the ability of Charles’s legal defense varies greatly from trial to trial, as Dickens further shows the inequalities between the courts of the two countries. In his London trial Darnay is capably represented by Sydney Carton and “Stryver of the King’s Bar Bench” (148). Both men are well trained, and Stryver’s license to practice law at the King’s Bar indicates that he is competent to represent clients before
the court. This professional defense improves Darnay’s chance of acquittal since his lawyers are familiar with the rules of the court and methods of swaying the jury. Similarly, these two individuals are allowed to cross-examine the prosecution’s witnesses to expose weaknesses in the Attorney-General’s arguments. The ability to cross-examine is used with great effect in Darnay’s Old Bailey trial to show John Barsad’s and Roger Cly’s shadiness and the similarity between Darnay and Carton. The ability to cross-examine also places Charles’s defense on equal terms with the prosecution in terms of the jury’s perception of the defense’s legitimacy in relation to the prosecution. However, in Paris Darnay does not even have legal counsel, but he must instead act “according to Doctor Manette’s reiterated instructions” (281). While Dr. Manette’s considerable influence saves Charles in his first trial on the charge of being an emigrant, an individual without such powerful help, such as the seamstress or Charles in his second trial, is definitely in dire straits without the aid of a lawyer. Furthermore, Charles, given no chance directly to cross-examine his accusers, must allow their testimony to be accepted without challenge. The inability of the defense to cross-examine prevents crucial details, such as the reliability of the Defarges’ document from the Bastille, from surfacing. Dickens certainly demonstrates that the defendant’s right to defend himself is given more weight in the courts of England than in France.

Dickens additionally contrasts the courts by having the mob found within the French courts play a more important role in determining the fate of the accused than the crowds in England. In London, the crowd is definitely present at the trial to enjoy the spectacle of a public execution. Nevertheless, they do not intimidate the jury into finding Charles guilty. The spectators respond to the acquittal not by rioting, but by “dispersing in search of other carrion” (85). As the word carrion implies, they wish to find gory entertainment but do not begrudge an innocent man his survival. In Charles’s first Paris trial, the crowd has no qualms about influencing the Tribunal. After Dr. Manette’s name is called, the crowd becomes so sympathetic to Charles that “tears immediately rolled down several ferocious countenances which had been glaring at the prisoner a moment before . . . “ (280). It is not only because of Manette’s oratory that “the jury and the populace became one” (282), but also because of the mob’s power. Unfortunately, this trend condemns Charles as well as saves him. After Dr. Manette’s letter is read at the second Paris trial, there arises “A sound of craving and eagerness that had nothing articulate in it but blood” (325). The darker feelings of the crowd are aroused and “there was not a head in the nation but must have dropped before it” (326). The crowd’s intimidation is so complete that the jury convicts Darnay in only a few minutes, without awaiting a response from Charles to the letter. The French courts have no qualms about sacrificing the defendant to appease the crowd. Dickens makes it clear that there is little or no respect for an individual’s rights in either the courts or people of France, especially when compared to their counterparts in England.

In *A Tale of Two Cities*, Charles Dickens portrays sharp differences between the legal systems of England and France. However, the differences are not without cause. The English commoners, relatively well off, are content to allow justice to run its course instead of insisting on the public execution of possibly innocent men and women in order to satisfy a bloodlust. Consequently, the English courts are not under as much pressure to entertain the public with executions. The French, on the other hand, have suffered even more, and thus have a much greater desire for vengeance. This desire is translated into the massacre of hundreds
of people during the Reign of Terror. The actions of the court, like that of the Carmagnole, sweep up the partisan and the neutral, the guilty and the innocent, together. The flood of blood which results serves to wash away the positive features of the French Republic. Dickens reveals than when courts begin to work against the principles of justice and order, then they become lynch mobs which reflect the problems of their parent society. He also shows that while the English courts may be more just at the time, they are capable of becoming similar instruments of terror and retribution.

Work Cited


[This theme is based on the work of Lee Hampton, MBA ‘97]