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Modern American Justice in Theater's Les Misérables

Elizabeth A. Nielsen
Southern Illinois University Carbondale, eanielsen@siu.edu

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Modern American Justice in Theater's *Les Misérables*

Elizabeth Nielsen

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ABSTRACT:

Extracted directly for performance from Victor Hugo's novel of the same name, the themes of justice and democracy found in the wildly popular musical *Les Misérables* are intentionally universal. As foundational philosophies of the United States, those motifs are especially powerful to Americans. The finale song *Do You Hear the People Sing?* particularly prescribes rule by the people – democracy – as a medicine for the disease of injustice. This paper will juxtapose the contemporary United States with the world of the play *Les Mis,* through a window of democracy. A deliberate director can tailor a production specifically for an American audience, connecting concepts of the U.S. justice and governmental system with the events of the musical.

INTRODUCTION:

Inspired by a French revolution, written by French author Victor Hugo – the stage musical based on *Les Misérables* appears to have nothing to do with the United States. Superficially, it does not; yet today, it enthralls American audiences in theaters nationwide with its cross-continental message and powerful music as it has for nearly three decades. Like its source material, the musical questions justice through the story of a man who suffered nineteen years in prison for stealing a loaf of bread to feed his starving family. Songs sung late in the musical at the barricade present pro-democracy ideas. In mounting a production, a director and his company should examine these themes to communicate their

messages effectively with the specific audience.

In the United States, a nation born in revolution, there are two specific themes that remain relevant today: justice and democracy. *Les Misérables*, often known as *Les Mis,* speaks to modern justice through the story of Jean Valjean, seeking redemption; Inspector Javert, representing legalism; and the Thénardiers, circumventing the system. *Les Mis* revitalizes the need for democracy – people raising their voices to rule–- quite literally in song. With these themes in mind, a director can target a production of *Les Mis* so it more potently speaks to an American audience.

For clarity, this thesis is organized into four sections. The first delineates Victor Hugo's inspiration for *Les Misérables* and the story's evolution from novel to musical. The second inquires into the theme of justice in the musical as it relates to the United States. The third section focuses on connections the show highlights in support of democracy. The fourth and final segment details feasible applications for a theoretical theatrical production of *Les Mis*.

I. THE EVOLUTION OF *LES MISÉRABLES:* FROM PAGE TO STAGE

Author Victor Hugo published the novel *Les Misérables* in 1862 after seventeen years of writing and eleven years of exile from France (Scott). Though inspired by factual events, it is important to note the revolution in the novel is not the well-known French Revolution[1], but rather a smaller student revolt in Paris. Hugo witnessed these Parisian riots but was inspired even further by a similar uprising in 1848[2], from which he derived the violent realism of the barricades (Behr 36). The character of Jean Valjean is based on an actual pardoned ex-convict who used his success in business for generosity to the poor. Valjean's rescue of the prostitute Fantine parallels Hugo's own defense of a prostitute. Rather

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1 The French Revolution in which the French Monarchy was overthrown and Marie Antoinette beheaded, started in 1789, and ended a decade later, in 1799.

2 The 1848 uprising led to the second French Republic.

than plot action or character development, philosophical and political ideas fill many of the novel's pages[3]. The foundation in actual events makes the work more realistic than pure fiction.

Hugo wrote *Les Misérables* to inspire action that might make the world less miserable – to take the poor and lift them out of the gutters to join the growing middle-class. He did not consider his work to be just about France, but intended that the messages work universally, as he wrote in a letter to publisher of the Italian translation of *Les Misérables*, M. Daelli, which is included at the end of the novel:

> Les Misérables is written for all nations. I do not know whether it will be read by all, but I wrote it for all [...] Social problems overstep frontiers. The sores of the human race, those great sores which cover the globe, do not halt at the red or blue lines traced upon the map. In every place where man is ignorant and despairing, in every place where woman is sold for bread, wherever the child suffers for lack of the book which should instruct him and of the hearth which should warm him, the book of *Les Misérables* knocks at the door and says: 'Open to me, I come for you.' (Hugo)

Hugo's intent, taken from this statement, was to create a novel that speaks to everyone, in every country, though the events take place in, and concern, France. The universality found in the novel successfully translates to the musical.

The book was an immediate hit, "The first printing of '*Les Misérables*' of 7,000 copies in 1862 sold out within 24 hours" (Scott), and is considered a great classic novel today. Now in the public domain, it is legally accessible anywhere with an uncensored internet connection for all to enjoy.[4]

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3 Many published English translations of *Les Misérables* contain around 1,200 pages. In French, the novel's native tongue, it can have over 1,500 pages.

Originally published in five parts[5], the story of Jean Valjean, also includes long sections that equivocate with essays. These essays do not contribute substantially to the plot, but convey more clearly Hugo's philosophies on government and the treatment of the poor and destitute – "les misérables." He wrote *Les Misérables* intending that it stir his universal audience to consider their lives in respect to the powers ruling over them. The universality of the novel indicates the productions of the musical inspired by the novel should attempt to do the same.

Indeed, Victor Hugo's novel was not long contained to the page after its publishing, as it was translated into a stage play just years after its release. Notably, Hugo's son, Charles, adapted it for theater while living in Brussels. His play was so successful and controversial in its criticism of the current regime that France forbade its production (Behr 42). Numerous other theatrical adaptations were made, and decades later, in 1909, *Les Misérables* was among the first stories to be told by film. It holds the honor of being the very first feature-length film produced in the United States (Dirks). Many stage and film versions were made before the musical adaptation best known today. Ironically, Hugo specified to his estate that he never wanted his poems set to music – but never forbade the same for his novels.

In 1980, Alain Boubil (with Claude-Michel Schönberg) developed, produced, and staged the first musical version of *Les Mis* which premiered in Paris at the Palias des Sports (MTI). The musical was originally in French, for a French audience already familiar with the story of *Les Mis*, it lacked a real plot, but featured songs inspired by the story. For the English adaptation, additional lyrics and much more of the story needed to be included for comprehensibility. New songs with more music were

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4 A simple search engine query will bring up the text, or it can be "bought" for free in electronic form on Amazon, or at the iStore, among others.

5 The five volumes of *Les Misérables* are *Fantine, Cosette, Marius, Saint Denis,* and *Jean Valjean.*

necessary (Behr 86). The revamped English version premiered in 1985 in London. There it received mediocre to hostile critical reviews, much like Hugo novel had received at the release of the book; however, also like the book, the musical was hugely popular with the people (140). The show's international website attests that the original English production is the "the second longest-running musical in the world and the second longest-running show on the West End" (Makintosh), proving that critics' favorable opinions are not always critical to success.

A year later, in 1986, *Les Misérables* jumped the Atlantic Ocean where a multinational cast performed it in Washington D.C. before moving to Broadway shortly after, where it stayed until 2003. Both American critics and audiences (perhaps having taken a hint from the popular success of London's production) loved the show. Music Theater International confirms that it is the third-longest running show in Broadway history. Notable success in Japan proves the universality of the musical, where it transcended the cultural barrier between East and West. *Les Mis* has since been performed in 22 languages[6], and in 42 different nations[7] (Makintosh). Worldwide popularity provides further evidence for its universal appeal and content.

With the third-longest run in Broadway history[8], two revivals, and multiple touring productions,

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6 English, Japanese, Hebrew, Hungarian, Icelandic, Norwegian, German, Polish, Swedish, Dutch, Danish, French, Czech, Castillian, Mauritian Creole, Flemish, Finnish, Argentinian, Portuguese, Estonian, Mexican Spanish and Korean (Makintosh).

7 England, United States of America, Japan, Israel, Hungary, Australia, Iceland, Norway, Austria, Canada, Poland, Sweden, Holland, Denmark, New Zealand, France, The Czech Republic, Spain, Northern Ireland, Eire, Scotland, Wales, Bermuda, Malta, Philippines, Mauritius, Singapore, Germany, Hong Kong, Korea, South Africa, Belgium, Finland, Argentina, Brazil, Estonia, China, Mexico, Switzerland, Serbia, The Channel Islands, The Dominican Republic & Kuwait (Makintosh).

the musical was undoubtedly a commercial hit in the U.S[9]. When released for performance in amateur theaters, its popularity quickly extended to high schools and community theaters. In its first decade available to students, over 3,000 productions took place in educational institutions across the globe, making it the most produced musical in schools ever (Mackintosh). The first movie adaptation[10] of the musical was released in cinema theaters in December 2012. Released on Christmas day, the film starred big names such as Hugh Jackman, Russel Crowe, and Anne Hathaway, and attracted old and new fans alike. It will likely be remembered in the entertainment world for its live singing, an innovation for musicals on film. Though there are differences in the order of songs between the movie and stage versions, the film has a greater audience reach than any single previous stage production.

II. VALJEAN, JAVERT, AND THÉNARDIER: ILLUMINATING AMERICAN JUSTICE

Justice is the most significant theme at play throughout *Les Mis*. There are three primary characters that provide examples of different types of human justice. Jean Valjean represents a facet of "injustice;" Javert embodies the harshness of laws; and Thénardier exploits the inequality of the legal system. Governments are not perfect, and that of the United States is no exception. The musical's representation illuminates flaws found in the American justice system as practiced today.

This section is further organized into multiple subsections. The first highlights plot details which are critical for understanding subsequent analysis. The second reviews similarities between the play's justice system and that of the modern United States. Subsection three scrutinizes the issues of

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8 The original Broadway musical ran a full 16 years, from March 12, 1987-May 18, 2003 (IDBD).

9 There have been two Broadway revivals, one from November 9, 2006-January 2008, and another, which opened March 23, 2014 and is still running (IBDB). Notably, there have been four national tours produced, the first of which ran 17 years with over 7,000 performances (MTI).

10 *Les Misérables* (2012), directed by Tom Hooper, produced by Universal Pictures (IMDB).

inequality in both the play and American government before arriving at the democratic medicine for injustice that is the focus of the larger section three.

PLOT HIGHLIGHTS

Audiences sympathize with the plight of Jean Valjean, who tries to better himself and help others, but is limited by encounters with the law. In the libretto, his story begins just as he, prisoner 24601, is released on parole by Inspector Javert. He was incarcerated for stealing a loaf of bread from a house. The burglary alone earned him a five-year sentence, but multiple escape attempts (referenced, rather than fleshed out) extended his stay to nineteen years. Valjean goes out into the world where harsh conditions and the inability to find work drive him back to crime when he steals silver dishes from a kindly priest. When Valjean is caught by the authorities, the priest insists that he had given the accused silver as a gift, rather than let him be punished for stealing again. The priest tells Valjean that he "saved your [Valjean's] soul for God" with that act of mercy. Valjean takes this opportunity to start anew. He breaks his parole and uses the silver to pay for a new identity. With the jumpstart from the Priest's gift, accompanied by hard work, he becomes a well-respected and generous businessman – the mayor of his town.

Jean Valjean is forced to leave his new-found success and reveal his forsaken identity to Inspector Javert in order to save a man mistaken for the escaped criminal 24601. As this scenario unfolds, Valjean encounters and rescues Fantine, a woman turned to prostitution to support her daughter, Cosette. Valjean swears to take care of the child as Fantine dies. Fantine had paid to leave young Cosette in the care of the devious Monsieur and Madame Thénardier, innkeepers who swindle and extort their customers for money. Valjean rescues the little girl and together they flee from Javert. Nine years later, in 1832, they are living and hiding in Paris, and are present during the civil unrest that leads to the barricade uprising.

Cosette falls in love at a glance with Marius, a young bourgeois-born rebel, at a street rally. In a moment of incredible coincidence, Valjean is momentarily distracted by none other than Monsieur Thénardier, who lost his family inn in economic crisis. Inspector Javert speaks to members of the crowd, briefly converses with Valjean, and nearly arrests Thénardier, who recognizes Valjean as the man who once took Cosette. Valjean avoids Inspector Javert's immediate recognition by escaping into the crowd. He prepares himself and Cosette to flee Paris. This plan is interrupted when Valjean learns that Cosette is in love with Marius, and that the revolutionary is planning to fight at the barricades. Valjean resolves to make his daughter happy, fulfill his promise to Fantine, and keep Marius alive at the risk of his own life and freedom.

Valjean arrives at the barricade and finds the rebels have captured Javert. They allow Valjean the opportunity to "administer justice" and kill the Inspector. Rather than rid the world of the man who chased him throughout his life, Valjean chooses to release Javert and even tells him where to find and arrest him later. When Marius is injured, Valjean escapes with him through the sewers where Javert and Valjean have a final encounter. Having grown to understand that mercy has a place in justice, Javert allows Valjean to return home. Valjean fears his criminal past will be revealed, so he leaves as Cosette and Marius are married, eager to prevent his ward from discovering his true identity as an ex-convict. His life's mission completed, he is ready to finish his time on earth. The musical ends with the entire ensemble onstage, singing about their collective dream for a better world.

JUSTICE SYSTEM SIMILARITIES

Should a man be punished for stealing food to feed his starving family? Though hundreds of years old, this situation continues to present a classic ethical dilemma, with disputed, nuanced answers. If Valjean appeared before a judge in the U.S. today, the mandatory minimum sentencing would dictate his punishment. The sentence he receives in the story may not be significantly different from what he would receive in the United States today, though that seems superficially unjust. In most states, just as

in the story, Valjean would have received more years in prison for his multiple escape attempts (Oncle). Taken from the perspective that Jean Valjean was a criminal, and a parole violator, he has every appearance of posing a public danger.

Certainly, the criminal justice system in the U.S. today is different from that of mid-1800s France, and though there are shocking similarities, the Constitution provides significant rights for the accused which are important to acknowledge before discussing the similarities between the American justice system today, and the justice system in play for *Les Mis*. Amendments to the U.S. Constitution, including the first ten (known as the Bill of Rights), and Fourteenth guarantee rights of citizens, and the accused. Accused persons are told they have the right to "due process of law" which includes a trial by jury, access to a lawyer, and in the case of conviction, protection from suffering cruel or unusual punishment. The U.S. Government is supposed to assume defendants are innocent, rather than guilty, so that the burden of proof is not on the accused, but on the prosecution.

The punishment for Valjean's crime in the story, and the sentence he could receive in the United States *today* for the same crimes are remarkably similar. It may seem ridiculous that someone could face such hefty charges for a petty crime akin to stealing a loaf of bread to feed a starving family, but the details cannot be overlooked. Most people would say Jean Valjean was originally imprisoned for stealing a loaf of bread. The state of Illinois defines this as petty theft, a Class A Misdemeanor punishable by a fine up to $2500 and less than a year in jail (NOLO). Listening closely to the details of the lyrics, however, Valjean actually committed a more grievous offense. He stole the bread from a house through a window that he broke. This means he enter the house unlawfully, and technically committed a burglary, which is not such a small crime. Had he done this in the state of Illinois today, this could be considered a felony. Depending on the exact charges brought, he might have received either a three to seven year sentence, or a sentence of up to twenty years in prison for that crime alone (NOLO). This is not taking into consideration his multiple escape attempts that would lengthen his

incarceration and perhaps impact the terms of his parole.

Mandatory minimum sentencing forces longer incarcerations in the United States today than it did twenty years in the past, even for first-time offenders who committed nonviolent crimes (Conyers 380). It would be difficult to find a case in the United States today in which someone committed burglary for food, but there are similar cases of small crimes that are seemingly unjust. A case decided in 2012 sentenced a young man to five years in prison: a mandatory minimum incarceration term for the crime of "selling" crack. The man had actually merely transported the illegal drug and earned only $140 for his work, but the system did not allow the judge to include the limit of his involvement. The judge said the trial "had all the solemnity of a driver's license renewal and took a small fraction of the time" (Conyers 385). Transportation of dangerous drugs may be a negative factor for the welfare of society, but it is disquieting that so little thought goes into imprisoning a man in the prime of his life for half a decade. This is further evidence that the American system is alarmingly similar to the world of *Les Mis*, and could indicate that without reform, criminal justice will continue to be unjustly harsh.

How is it that a modern system for an advanced society could severely punish a man attempting to feed his family? The law demands retribution and punishment for crime, and while minimum sentencing has increased jail-time, the American criminal justice system may be developing flexibility in limited instances. There are mechanisms that allow early release, parole, and the relatively new concept of the poverty defense. First applied to a case in 1971, Michele Gilman in a 2013 article for the *University of Richmond Law Review* writes: "conduct that would otherwise be considered neglect is excused on account of a parent's poverty" (Gilman). In Valjean's, and similar cases, the poverty defense could contribute to their defense. Valjean, like many criminals, committed his crime because his poverty left him with little other option; he could steal food, or he could let his sister and her family starve to death. His crime was not necessarily violent, though it did include home-invasion burglary. The poverty defense would allow some less-dangerous crimes to be at least partially absolved due to

the defendant's resource scarcity. Some states consider the poverty defense legitimate although the poverty defense is largely theoretical and not common in practice, it shows promise for the future.

It is difficult for an American convict to ever fully escape a criminal history, just as Valjean struggles to escape his while on parole. Nearly every job application asks if a potential employee has a felony in their past, and many employers ask for past misdemeanors, including traffic violations. These will not bar an offender from obtaining a job in some instances, but in others, difficulty getting a job may drive ex-offenders back to a life of crime. Looking at the oft-ignored area of workplace diversity, those with a criminal past, Brandi Blessett, Ph.D. and researcher in social science writes: "tremendous barriers exist for ex-offenders as they attempt to navigate limited social networks, the stigma of incarceration, and returning to crime-ridden neighborhoods" (Blessett). Valjean overcomes this barrier with another crime, violating his parole and sacrificing the man he was to become a new one. American ex-convicts desiring escape from their criminal past would find much more difficulty pursuing Valjean's solution to escaping a criminal past – modern technology ensures that their backgrounds follow them everywhere.

By the time a crime reaches the legal system, it may be too late to redeem the poverty situation that originally inspired the crime's necessity. Neither the poverty defense, nor punishment can cure the problem of the poor committing crimes due to being poor. Nineteen years in prison did not solve Valjean's poverty problem, and his tarnished record made it more difficult to find employment opportunities. This drove him back to attempted crime. It was only the mercy of the priest that kept him from returning directly to the "justice" system again. If Valjean had been able to utilize the poverty defense in the first place, perhaps he would not have faced the original five years of jail time. Even so, the poverty defense does not solve the original problem: being victim to such poverty that crime seems to be the only option.

In the wake of the "War on Drugs," and other factors, the United States has largely increased its

prison populations. Today, 700 out of 100,000 Americans are incarcerated (Conyers, 377), a number that is much greater than that of comparable western nations. The hope in putting so many criminals behind bars is to rehabilitate them for safe living in society. Though prison may help some convicts to put their lives in order and start down a better path, it can further trap them and their families in poverty: "Mass incarceration has played a major role in increasing poverty rates" (DeFina 581). So, while punishment by prison might reform individuals, it does not redeem their poverty. The United States has made attempts to help relieve poverty. One solution that has yet to see complete success is the social welfare system put in place in various capacities by different state legislatures. Programs can help alleviate poverty and prevent crime. However, the musical *Les Mis* suggests that perhaps the most effective solution to poverty-induced crime is the generosity of individuals, exemplified by the priest.

Jean Valjean experiences and represents redemption in *Les Misérables* in what could be a good example for convicts looking to reform. He changes from a criminal, stealing from the priest, to a generous man. He selflessly risks his life to save Marius, who intends to take his daughter away through marriage. Valjean does not become a better man because of the law – he still tries to steal after serving his sentence – but his life turns around when the priest rescues him from the law. The priest says that in giving Valjean the silver, he has "saved [his] soul for God." It is this religious, moral awakening, rather than the criminal justice system, that begins the change in Valjean, and contributes to his later prosperity. This reformation is accessible to inspire change on a personal level in the modern world. "That message [redemption] appeals greatly to Judge Thomas Willmore of Logan's 1st District Court [...] the Cache County judge is fond of ordering criminal defendants to read Victor Hugo's epic novel and then write a report to help them reset their lives" (Fulton par. 33). Thoroughly reformed, Valjean does more than turn the other cheek when he releases Javert from the wrath of the barricade rebels.

Les Mis is not preaching a prosperity gospel – Valjean experiences hardship due as a result of his

religious conversion – rather the musical suggests that living a moral life is ultimately more rewarding. Simultaneously, Valjean's escapes from Javert suggest that the law is not always "right." Not much foreseeable good would have been done had Valjean actually been sent back to the slave life of a prisoner. In fact, Valjean's freedom enabled him to do more good. Was it wrong for Valjean to violate his parole? The law says yes, and demands punishment, but mercy (even accidental mercy) produced greater rewards in the lives of Cosette, Marius, and Valjean, as well as in the town that he served as mayor before he was forced to flee.

EMBODYING LAW

Theoretically, laws exist to support and protect citizens' rights, health, safety and welfare. Criminal codes are not intended to reform or elevate people, but rather, convict them. Even the Bible, as an ancient and revered inspiration for the laws of man, says "For by works of the law no human being will be justified in his sight, since through the law comes knowledge of sin" (Romans 3:20). The purpose of criminal law is not usually to redeem, but to define what is right, what is wrong, and declare proper punishment for wrongdoing. Inspector Javert, like the American criminal justice system, embraces this straightforward legalistic and merciless approach to the law as his definition of justice regarding law-breakers.

Javert acts as a human extension of the law. If *Les Misérables* is taken as a biblical analogy, Javert would have ignored the revolution of grace, and redemption from sins. To him, guilt is the only importance, and the name Jean Valjean is merely another term for criminal parole violator 24601. In forgetting Valjean's humanity, which is subject to change, Javert dehumanizes himself. He represents the law as a generally stable set of rules and regulations, as a nonliving document. In some ways, this is the task of American Police Officers: equally applied law enforcement that is not supposed to waiver.

Inspector Javert encounters Jean Valjean in the prologue song, when he gives the protagonist his

parole papers. Though Javert is clearly the antagonist to Valjean, and is often considered the villain of the story, he certainly does not see himself that way. He seeks the criminal 24601, because he believes that Valjean is a dangerous escapee whose incarceration would promote the safety and welfare of society; catching Valjean would serve the law's purpose. Javert is correct to some extent; Valjean is a criminal, and he is breaking the law by violating parole. Although the audience knows he is no longer dangerous, Javert does not – but he does know what the law demands. Javert would adhere to a school of thought today that says: "Too often it has seemed that, in showing compassion, justice has not been done—and much more *in*justice gets done to the innocent people in a society into which criminals are too easily released" (Pico). Javert is attempting to prevent further injustice by making his life's mission to free the streets of 24601's threat. This is precisely what the law tells him is right:

> "[I]t is, crucially, not Inspector Javert's personal malice or mercilessness, as legend has it and the musical suggests, that drives him to hunt down Jean Valjean; it is his absolute commitment to justice, which he interprets as a commitment to rules and their administration, to the parallel paper universe of absolute laws." (Gopnik)

Javert is not trying to be cruel to Valjean with his inflexibility in the justice of the law, but his job to administer the law blinds him to the impact that grace and mercy had to redirect Valjean from his dangerous criminal path. Likewise, Police Officers are usually not acting as villains in the individual stories of law-breakers, but they are endeavoring to pursue justice as the law dictates.

Javert's solo song, "Stars," shares his point of view best, as he prays "Lord let me find him, That I may see him Safe behind bars" (Behr 177), though it is not his prey that he wants to keep safe, it is the people that surround him. Javert references a fugitive running as "fallen from grace," but does not know that Valjean has in fact, newly found "grace." Trevor Nunn, one of the lyricists who worked on the English translation, wrote: "Stars for me was a fundamental element of the whole show: without it Javert is a cypher, a shadowy figure, and without it there is no tragic dimension to his suicide. The song

makes the audience aware of a man broken on the wheel of the intractability of his beliefs" (Behr 87). Javert is perhaps mistaken in "knowing" the meaning of the law, as he suggests Valjean will learn in the prologue (165) as Javert does not realize that the law cannot solve all problems, it cannot right all wrongs, and it does not independently reform criminals.

When Valjean shows him the real meaning of mercy and helps him escape the barricade, Javert does not know what to do with himself, since everything he knew about the nature of grace was untrue. Valjean repeatedly violated and evaded the law Javert revered as the solution for solving crime. With the criminal reformed, Javert and the law have no more work to do. "I am the Law and the Law is not mocked […] And must I now begin to doubt, who never doubted all these years? […] The world I have known is lost in shadow" (Behr 188). His entire belief system has crumbled, and his faith in the law as the only form of justice is shattered. With the law powerless to bring about good, Javert resolves his paradox by taking his own life.

Protecting society from dangerous criminals who would do innocents harm is a noble ideal for the criminal justice system. Why should a government exist if it does not at least attempt to help its citizens? Certainly that is well-intended aim of the United States, but the system falls short with mandatory sentencing, over-imprisonment, and unequal application of the law. Javert truly is a reflection of legal systems, with good intentions, rigid expectations, and human imperfections. Just as Javert commitment to the letter of the law shattered him internally, when the law is unable to serve its purpose, it is broken by more than criminals – people must recognize its faults and reform .

SCRUTINIZING INJUSTICE

Where there are laws, men will find ways to break them. The Thénardiers represent those who subvert the law, and slip through its loopholes to avoid punishment. The entire song "Master of the House" is dedicated to their dishonest practices, extortion of their customers, and repeated petty theft.

“Charge 'em for the lice, Extra for the mice, Two per cent for looking in the mirror twice” (Behr 174), they sing. Later, in Paris, Javert warns Valjean away from the trouble of Thénardier, who it appears Javert knows to be a criminal. He affirms this knowledge when he speaks to Valjean (without knowing his identity), about Thénardier and the mob, singing: “This swarm of worms and maggots could have picked you to the bone! I know this man over here, I know his name and his trade. And on your witness M'sieur, we'll see him suitably paid” (176). Javert may have arrested and prosecuted Thénardier, if Valjean had been the straightforward bourgeois man he was pretending to be, but tricky Thénardier puts the attention away from himself and back on Valjean to avoid more scrutiny. The Thénardiers benefit by the human limitations of the execution of the law.

Javert's single-minded approach toward protecting the world from one type of criminal becomes his failure to apprehend an actual threat to public. He is compelled by his commitment to his convictions to continue pursuing Valjean at the cost of apprehending actively practicing Thénardiers. It makes more sense to go after the more dangerous criminal, though ironically, Thénardier is repeatedly practicing theft, which while not burglary, is near the crime that Valjean committed. It may not be the exceptional level of malice Javert holds toward Valjean that causes him to give up on Thénardier, but rather that he believes Valjean is more dangerous, and the greater public threat.

The practice of going after the greater public threat is used by today's American Police, and for good reason. One accessible, everyday illustration is the matter of traffic violations, and speeding on highways. Even though going any number of miles over the speed limit is breaking the law, police are more likely to pull over a driver exceeding the speed limit by ten miles per hour or more. The driver going excessively fast is more dangerous than the driver going only two miles per hour over the limit, even though both are technically breaking the law.

Extending this traffic example, we can see that perhaps Valjean's noticeable, and dangerous offense was driving through a stop light in his one-time rush, so he needed to be ticketed, while

Thenarider drives nine mph over the speed limit, rolls through stop signs when no one is looking, and when pulled over, always talks himself into a warning. While Thénardier's "traffic violations" are against the law, and could be harmful if anyone noticed, "if the police stopped everyone going just a bit above the posted limit, they would spend all their days and nights stopping just about everyone. Aggressive speeders might then get a free pass" (Kettl 42). That is not to suggest that everyone is a criminal of Thénardier's caliber, but rather that Thénardier benefits by his intentional breaking of the law being only slightly less bad, or less obvious than others'. Since the police must exercise the option of issuing warnings rather than tickets, or targeting more dangerous crimes than others, some law-breakers (the Thénardiers) are bound to slip through. The arbitrary system of mercy and warnings is beneficial to many, and harmful to others – it is inconsistent, which is a form of injustice.

Law enforcement in the United States is inconsistent, especially in matters of non-violent crime, but whether or not this is more or less "just" is subject to debate. Countless people likely violate laws (albeit, petty ones) every day, such as jaywalking, or crossing a street outside a marked crosswalk. This is a law violation, but in most cases, the law will not be enforced. An officer would be fully within the realm of his responsibilities to issue a citizen a fine for breaking such a "petty" law: "Law is composed of laws but every law is the law; disobey one and you have disobeyed "the law." You cannot plead that you obey most all other laws; one-hundred percent obedience is required" (Mansfield 119). Jaywalking laws were made to protect the health and welfare of citizens at the sacrifice of efficiency and freedom to cross a street using one's own judgment of safety. Likewise, the legal drinking age of twenty-one-years-old was established to protect America's youth, but one needs look no farther than a college campus to see plain disregard for that law on a daily basis. The law serves to convict, and makes law-breakers of many citizens who hold at least certain parts of the law in contempt by their actions.

Not to absolve the Thénardiers' actual harmful crimes, but perhaps some laws should be stricken from the rulebooks so as not to make law-breakers of well-meaning citizens. The legalistic approach

says that any law violation deserves some sort of punishment, but if the law is unable to enforce itself, then perhaps some laws in non-violent instances should be eradicated. This would preserve the strength of the law as a whole, help keep it from breaking, and maintain its overall purpose of preserving the health, safety, and welfare of free citizens. Javert thought that he needed to kill himself when he realized that the effectiveness of the criminal justice system was broken by mercy. Would it not make more sense in the United States to prevent mockery and constant violation of non-violent laws in order to instill a better respect of the entire law? If one does not agree with a law, that does not mean they should break it. There are other means in place to see that the law is changed, both to be more powerful, and just.

The solution for injustice, both social and criminal, in *Les Mis* is rebellion. The United States already attempted that when the founders declared independence from England and fought a revolutionary war. Both the barricade attempt at revolution, and Valjean's parole violation are akin to protest. In 1832 France, just as in the founding of the United States, violent revolution and outright law-breaking may have been the only method for those seeking a better form of justice, but in the United States today, there is a different mechanism: democracy. In a system that theoretically uses "rule by the people," citizens have voice to make change happen.

III. "DO YOU HEAR THE PEOPLE SING?" MEDICINE FOR INJUSTICE

The Social Contract Theory of government holds that "the legal system is part of a larger social contract in which citizens agree to abide by the rules of the state as enforced by the government in return for safety and security […] Conversely, when the rules of society are unjust, the social contract is broken, and citizens are no longer obliged to follow the rules" (Gilman). The rebels at the barricade maintain that the social contract is already broken, so it is time to overthrow the government holding that contract and establish a new order that will actually provide safety and security.

The story of *Les Mis* does not necessarily condone violent rebellion as an effective solution for social problems. The protesters at the barricade are painted as sympathetic heroes, and though they believed it righteous, their cause was doomed from the start. The story portrayed in the musical speaks better to the importance of becoming involved in some way, and refreshes the cost of fighting for freedom: "Hugo maintains that if bourgeois readers become politically active, they will thereby reconcile their power with their moral obligations, and thus join the revolutionary movement" (Metzidakis 192). This reconciliation of power is not necessarily a bloody sacrifice of life, but could be an insistence on exercising power of the middle-class to bring about justice.

Marius and his young friends stand in the fight for justice that is not directly related to criminal justice, but rather justice in the government itself. Marius and the other students fight for a better system in which the poor are not so easily trampled on and the people are better represented. American audiences approach *Les Misérables* knowing their own nation's founding history, of rebelling against a king ruling from over the sea and the injustice of taxation without representation. Constitutional rights promise Americans that they may assemble, protest, and even bear arms. This is not with the intent of allowing American rebellion, but rather to protect personal freedom. In *Les Mis*, Marius and the men at the barricade are trying to liberate their countrymen from a ruler proven to be just as unjust as the one who came before. Americans can imagine themselves in the shoes of those men fighting for liberty and see in them a piece of their own heritage. It may be for this reason that the barricade may resonate so strongly with Americans; they can sympathize with the idea, if not the action of revolution.

Pro-democracy leanings are easy to find in *Les Misérables*, and are strongly suggested in the lyrics of *Do You Hear the People Sing*,[11] which shares words with the preamble to the U.S.

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11 "Do You Hear the People Sing" occurs twice in the musical; once at the end of Act I, and the second time in the Finale at the end of Act II. Though the music is essentially the same, each rendition has slightly different verses.

Constitution:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

These preamble ideas are reflected in the song's lyrics. “They will put away the sword” is a more poetic way of saying “domestic Tranquility.” The people singing are looking for a more perfect world, better justice, and welfare. In the first rendition of the song, the chorus sings of liberty: “It is the music of a people who will not be slaves again!” (Behr 178). Part of the meaning of these words is that these people mean both that they do not want to be slaves to the injustice of their government, and they feel the social contract has been broken.

The song itself is like a declaration of independence as a people from the tyranny of injustice. It is a line that both calls to the people, and speaks for them. Phrased as a question, “do you hear the people sing?” demands a response, the action of speaking out, or joining in with the “song of angry men.” In democracy, the right, or power to govern is given by the will of that government's citizens. John Locke, a well-known and inspirational philosopher for the framers of the Constitution and the writers of the American Declaration of Independence said in his *Second Treatise of Government*: “[M]en are naturally free, and the examples of history shewing, that the governments of the world, […] were made by the consent of the people” (Locke Sect. 104). With the call from the song, the people (albeit, dead people) are stating that they no longer submit to the French Government. Yes, in the musical, this chorus both previews and follows violence, but the message remains the same to its audience: that people can rise together and make a noise about their government, which is one of the staples of a functional democracy.

“Do You Hear the People Sing” shares similar themes not only with the founding document of

the United States, but also with one of its songs- *The Battle Hymn of the Republic*. Both the imagery of the songs and their rhythms are similar, as exhibited in FIGURE ONE, particularly through repetition of a dotted eighth note, followed by a sixteenth note pattern[12]. This rhythm repeats over and over in both pieces. Examining a simplified piano version of each song (FIGURE ONE) the rhythms line up with each other, and break up the pattern with an alternate rhythm[13] in many of the same places in the example of the first 8-measure phrase. It is not unintentional that these songs excite people. One could imagine that repeated figure as a loose rhythmic approximation of a beating heart. Granted, the tempo in both songs may be faster than most human hearts with their users sitting at rest listening. This similarity in rhythm grants an opportunity for an evocative, Americanized auditory element in an accompanying lobby display for a theoretical production of *Les Misérables*, as expounded in section four.

Americans have non-violent methods of figurative "singing" in the United States, such as voting and protest/demonstration. However, whereas people in other nations remember to vote, the U.S. Census Bureau reports that just over half – 56% of Americans – reported having voted in 2012 (United States), with only 38% of possible voters between the ages of 18-24 having cast their votes. This stands in contrast to other nations that value their right to vote more. In India, another relatively new democracy, the poor make a point to come out and vote, because they feel that it is the time to make their voices heard. While everyday life may be a series of injustices against India's poor citizens, "On Election Day, the poor have the same rights as everyone else and are no longer dependent on the whims of the state. […] Therefore, in our view, they claim the act of voting as their right" (Ahuja 405). In *Les Misérables*, it is the poor and their bourgeois sympathizers that are demanding a chance for the

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12 See FIGURE ONE.

13 In *The Battle Hymn*, this alternate rhythm is often a quarter note, while in *Do You hear the People Sing*, it is a triplet figure.

government to listen. In a democracy with free and fair elections, such as that found in the United States, the opportunity to express opinions is built into the system.

American men and women fought in revolutions to secure their voting rights, and to some extent, the barricade rebellion can serve as an artistic reminder of the sacrifice people around the globe have made in pursuit of freedom. In the musical, the young men at the barricade fight to secure their own rights and a better life for the poor. Americans already have, in theory, what those fights were fought to secure, but in refusing to exercise those rights, they give them up to states that in turn lessen rights through laws such as those governing the drinking age, which criminalizes action that would have been acceptable in the world of *Les Misérables*, and for thousands of previous years. This continues to be law as Americans allow their rights to be diminished, and while young people do not vote. It is not as if criminal justice procedure is the only form of possible injustice. This is a different form of injustice from the one that Valjean experienced himself, but it can be solved by much the same remedy: not taking up arms in violent rebellion against the current regime, but rather, involvement in the democratic government which is already in place in the United States.

Do the people of America "sing" to their government when they disagree with laws passed down by congress or their states? To some extent, yes, as they have multiple avenues for making their voices heard: in the election booth, with the almighty dollar, and by communicating with their elected representation. With nearly half of the eligible voting population refusing to cast their votes in most elections, it could be said that half the population chooses to be mute to their government's "ears." Americans can vote in more than just the ballot box; they also vote with their dollars and buy items they like, from manufacturers who support their ideals, and with their money they can contribute to organizations that serve their interests, both political and charitable. American legislators and other elected officials are accessible to their constituents through email and snail mail contacts which are convenient to locate online. The relatively new petition.whitehouse.gov website requires a response

from the White House with 100,000 or more signatures. These alternate methods are not the same as voting in elections, but they too can have significant impact. Participation in the democracy is like answering "yes" to "Will you join in our crusade" (Behr 191), only nonviolent manner. It is participation that might make the world one "you long to see."

IV. THEATRICAL APPLICATION

Although there have been numerous professional, academic, and amateur American productions of *Les Misérables* across the nation, perhaps none have embraced a production that highlights the relationship between the fictional justice onstage, and that found in American democracy. In a theoretical production of *Les Misérables*, elements of theatrical staging and audience education could be used to better tailor the performance to inspire Americans. Simply knowing how the universal messages found in the musical *Les Misérables* apply to the United States today, leaves the question of how to convey those applications so that the average audience member will walk away with the intended message in mind. Through emphasizing certain lines and themes in deliberately staging the spectacle with American-inspired costume, and educational dramaturgical display, the message might be driven home.

Musical theater, like any form of art or entertainment, can be used to convey messages that might lead to influencing minds. A 2012 study by Alliant International University surveyed an audience at a performance of *Guys and Dolls*, and discovered that their study participants did experience changed attitudes that related to the emotions triggered by the performance (Heide 227). *Les Misérables* too has the power to inspire emotions with its moving music, powerful lyrics, and "tragic" characters. Regarding the first Broadway production of the show, Richard Hummler wrote this in concluding his review for *Variety*: "the insistent tugging at the heartstrings will not hurt its popularity with a public that wants the theater to provide a unique experience," (Hummler) indicating that the

musical has emotional pull. Carefully written music, such as that in “Do You Hear the People Sing?” is especially good at exciting human reactions. *Les Misérables* is a perfect opportunity to evoke emotion and inspire change in audience attitudes for the betterment of the nation and world.

A color pallet of red, white, and blue at different points in the show may seem natural for *Les Misérables;* as with many nations, France's colors are a combination of the three. American audiences will recognize the colors of a French flag for what they are, but the placement of those colors, and in certain patterns might suggest something more American. For instance, a red and cream striped skirt, with a dark blue bodice embroidered with dirty white could subtly suggest an American flag, without explicitly displaying or dishonoring either flag, or the time period and place. Hints of American flag patterns in key locations might help enhance the intended symbolism. Outright replacing a French Flag with an American flag would be unfaithful to the source material, and could be taken as blasphemy to the history of the revolution portrayed onstage, but careful use of patterns seen as more “American” than “French,” using the same colors could be beautifully provocative.

The Act II finale rendition of “Do You Hear the People Sing” is significantly different from its predecessor in Act I; as it never explicitly mentions France. While replacing a French flag with an American one would be inappropriate, showing flags of many democratic nations throughout the world could make an “in-your-face” powerful statement. Since *Les Misérables* was intended for every nation, the song could be sung by every nation whose citizens will “not be slaves again.” While this interrupts a strictly red, white, and blue color scheme, the picture it paints is one of freedom, liberty, and the universality of *Les Mis*.

Directors could make conscious choices in the staging of the show to evoke thoughts of American iconic images. The barricade in particular is an opportunity for this, especially with the waving of the red flag. One image a director could block (meaning to dictate the paths of movement, and/or positions of actors during a scene) could imitate the iconic picture of the *Flag Raising at Iwo*

Jima.[14] It would not be overly difficult with a deliberately designed set[15] to stage, with multiple rebels helping to raise the red flag before waving it. The image would be subtle and short-lived, but to aware audience members, it might be a symbol for fighting for the side of freedom.

There may be time and space before and after a show, or during intermission, to have educational, or dramaturgical displays meant to educate the audience and give them a perspective in which to view the show. Audience members can learn from decorated posters, billboards, or playbill inserts, while they are entertained. Including information about local efforts to help the homeless and poor in educational material accompanying the production may help inspire action. Many cities have charities run by churches or religious organizations, and many states have food banks meant to help feed the hungry. Certain overseas charities do their best to make a little American money stretch to feed many of the impoverished. After witnessing Fantine's story, and the chorus singing "At the End of the Day," audience members may have the plight of the poor fresh in their minds and may be more interested than usual in lending aid, both in monetary and service forms.

An educational, dramaturgical display also presents the opportunity to explicitly inform audiences of the similarities between the world of *Les Mis* and the United States today. Like the show itself, a display should share some coloring similarities and deliberate choice that will both subtly and consciously communicate the greater purpose. To that end, a display specifically looking at democratic ideas found in the show might include grey stars on a navy blue background, or red and white fabric as a backdrop for the actual information. This will give a lens with which to view the show, and perhaps spark thoughts that may not have occurred with a less informed viewing. This kind of display presents a forum for comparing Jean Valjean's sentence in the story for what he would receive if he committed

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14 See FIGURE 2.

15 Many sets for *Les Mis* use a series of wagons with furniture nailed down for staging the barricade.

the same crime today in Illinois. That sort of information cannot be presented during a performance, but it does offer a perspective that might better prepare personal consideration of justice in the world, and at home, while forming connections between the story and the privilege of democratic involvement. The end of the show already hopes for a better world- and perhaps votes in elections could help bring that about.

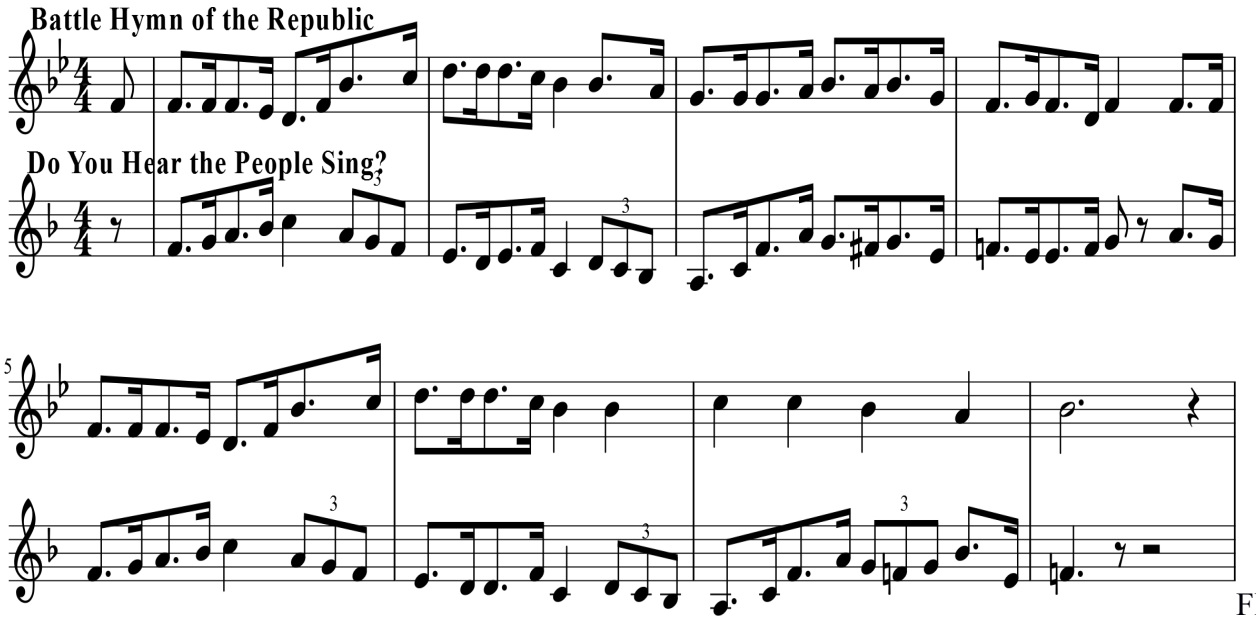
On the topic of Democracy, an opportunity for a post-show activity could be voter registration, at a booth with pens and registration forms appropriate to the state. Without sparing a person to supervise registration, forms could be provided for citizens to take home to fill out at their own leisure. Alternatively, accompanying voter registration might be a list of upcoming elections and their dates, and a resource with ways to connect constituents with their representatives, via snail and email. If social justice and aid to the poor is a production focus, then having reputable charitable organizations represented may be another method of encouraging audience voices to join along in the chorus of *Les Mis* and give an outlet to help a fellow man in need right then and there, when the charity of Valjean is so immediately in their hearts.

Often theater lobby displays are primarily visual, but perhaps part of the display could have an auditory element. With the similarities between the "Battle Hymn of the Republic"
and the finale song of *Les Mis*, it would be appropriate to play a version of the "Battle Hymn" quietly in the lobby as a background sound. Playing the American song before, after, or between acts in the performance might subtly make the connection between the similarities in both pieces of music in some minds. The music is not just for one nationality, or one citizenship. It is universal, and the similar rhythmic theme may enforce the idea that the performance is very much meant for Americans to take to heart.

CONCLUSION

Les Misérables is not American in any literal sense, and it would be ridiculous to say otherwise. The story is about a French man, and a French rebellion which is based on Victor Hugo's novel, written in French. The beloved musical was originally written for performance in French, and converted into the English version that was first performed in London. Nothing about *Les Misérables* is American, but its universality, criticism of human justice systems, and encouragement of democracy ensures that Americans can connect with the story. Productions can tailor their take on the musical to educate and inspire the people of the United States to "sing" through taking action in their own government by voting both in elections, and in communities with dollars and service. Directorial choices can provoke some in the audience to consider the parallels that exist between the musical and American history, as well as the modern day, teaching the audience that one need not carry a tune to "sing."

FIGURES:



FIGUR

E 1: *Battle Hymn of the Republic* and *Do You Hear The People Sing?* Rhythm Comparison. (Ward Howe, Schönberg)

FIGURE 2: *Photograph of Flag Raising on Iwo Jima, 02/23/1945 - 02/23/1945*

Photo Credit: Naval Photographic Center

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