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Christian Lawyer Stories and American Legal Ethics

By Thomas L. Shaffer*

I. INTRODUCTION

My view of legal ethics rests on, or at least involves, a couple of biases. For one thing, I think of legal ethics as an ethical subject rather than as a legal subject.¹ When it comes to “professional responsibility” I am more interested in morals than I am in law. In this (and in very little else), I am in agreement with Dean Monroe Freedman, who said, in a lecture dedicated to the memory of Pope John XXIII, that the question which interests him is whether a good person can be a lawyer.² For Freedman, I think, and for me, the interesting question has to do with the goodness of being a lawyer. But to say that is also to make the claim, which I do, that moral questions can be talked about with the analytical rigor we lawyers are thought to bring to legal questions. And to claim intellectual rigor for legal ethics is to disapprove, as I did in an earlier discussion,³ of the way people in law school usually go about dealing with moral questions.⁴ I have four positions to state at this point.

(1) Moral questions are relevant to the formation of lawyers, who, in law school and beyond, are in fact being formed. I part company with the law teacher of a colleague of mine who countered a student inquiry by saying, “Ethics, shmethics! Ethics is for Episcopalians.”

(2) The attempt to separate law and morals, in order to better study law, is corrupting. I believe, with Robert E. Rodes, Jr.,⁵ that it is fatuous

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3. T. SHAFFER, supra note 1, at 175-76.
4. Id.
to make this attempt even when the discussion is jurisprudential. Rodes was looking substantively at the claims of American legal positivism. When the discussion is about ethics, the attempt to separate law from morals corrupts lawyers. To say, as the Harvard law professor of fable did, “If you want to study justice you should go to divinity school,” is erroneous in substance and corrosive in moral effect. Part of the corrosion is the exclusion of morals from the category of subjects which can be explicated, explored, analyzed, and evaluated in law school and in the organized legal profession.

(3) The attempt to isolate law from morals is one of the explanations for the fact that lawyers say law school was and is an inhuman place, that people there were not and are not treated well. The exclusion of morals as an intellectually interesting subject does not mean that there is no moral formation in law school; it means that there is bad moral formation in law school.7 Socrates told Thrasyymachus that the two of them could learn about justice from one another, by what they said to one another and by the way they treated one another. Socrates was talking about the virtue of justice.8 When virtue is excluded from discussion, as it is in the classical model of “Socratic” law teaching,9 the discussers learn how to mistreat one another.

These three claims might have led me to argue that legal ethics should be analyzed as law usually is, in terms of tentative and abstract statements of principle. Legal ethics as a set of fraternal principles is the way American lawyers learned to talk about the subject after the father of American legal ethics, David Hoffman, wrote his first “Essay on Professional Deportment” in 1817.10 Hoffman’s efforts, most notably his “Fifty Resolutions on Professional Deportment,”11 along with George Sharswood’s 1854 essay on legal ethics,12 were later translated into official consensus statements from bar associations, courts, and legislatures.13 The codal form was followed by the American Bar Association in its 1908 Canons,14 its 1969 Code,15 and its 1980 proposed Rules.16 In all of these

7. Id. See also T. Shaffer & R. Redmount, supra note 1, at ch. 16.
8. I Dialogues of Plato 603 (B. Jowett trans. 1892).
11. II D. Hoffman, A Course of Legal Study 752-75 (2d ed. 1836).
16. ABA Model Rules of Professional Responsibility (Tent. Draft 1980); se
cases abstract moral principle is the form of ethical statement. This is as true of the Rules as it was of the Canons or the Code, although the 1980 draft of the Rules stridently avoids such words as “moral,” “ethical,” or “conscience.” There are, of course, some statements of law in these documents; for example, certain behavior is made the subject of penal sanction. However, all three documents are devoted mostly to moral admonition, stated abstractly, as principle. This brings me to another claim.

(4) Moral principles are not an adequate way to state, to analyze, or to study legal ethics. Not, at least, if we are to stay with the questions: Is it possible to be a good person and a lawyer? And, if so, how?18

The most persistently useful textbook I have used in teaching legal ethics is Harper Lee’s novel To Kill a Mockingbird.19 I have learned through my undeserved success to respect Miss Lee’s lawyer, Atticus Finch, and to wonder why he is such an effective teacher. It seems superficial, if not impossible, to use moral principles as a way to analyze (a) Finch’s being defense counsel for Tom Robinson, the black client accused of rape; or (b) his insistence on speaking the unspeakable truth in Robinson’s trial.20 It is possible, of course, to say that a lawyer has a responsibility to see to it that every person accused of crime has the effective assistance of counsel and that a lawyer must do the best job he can for his client, let the chips fall where they may. Atticus Finch seems to have obeyed those moral principles. The discussable issues could then include what “effective” means could be used in a situation in which the only way to have saved the not guilty Robinson would have been to help him become a fugitive; a fugitive, as they say, from justice. But, if analysis is going to stay with the facts, we should admit that Finch did not understand the case, the “issues,” or the moral problem as effective assistance of counsel.

To state the case as turning on these principles is not the best way to understand Atticus Finch. The way he saw the case has to do not so much with his having been a lawyer alert to the moral principles of his calling as with his having been a rural Southerner and a Christian gentleman. This is not to say that Atticus Finch was unprincipled. To the extent that he announces principles (for example: he cannot be one person in town and another person at home; he cannot go to church and worship God unless he helps Tom Robinson; he must tell the truth about


18. See T. Shaffer, supra note 1, at ch. 16. See also Freedman, supra note 2, at 198.


Robinson and Mayella Ewell, in court; and it is a sin to kill a mockingbird), his principles are not bad principles, and are not, upon analysis, illogical or irrational. Those principles do not, however, answer the questions we want to answer: (a) Can a good person be a lawyer? (b) If so, how?

Finch's principles only make the question more difficult because: Atticus Finch's church (the white Baptist and Methodist congregations in Maycomb) gave him no support in what he did; Atticus did not help Tom Robinson when he did the things lawyers in court usually do to help people; if any tactic could have helped Tom Robinson it probably was not telling the truth; "Don't kill mockingbirds" is only another way to say, "Do good and avoid evil." As a principle it says nothing. Yet, Atticus Finch is a good person, and he is a lawyer, and he knows how to be both at the same time. He provides useful guidance on our questions, but the statement and analysis of his principles is not the way to learn from him.

II. Character

One thing you could say about Atticus is that he had character. The creator of Atticus Finch said that the story was the story of "his view of life," of his conscience. The fact that Atticus is a favorite among American readers and moviegoers says that we have learned from him about character. There is a relationship between what a person is and what he decides to do; we call that relationship character. The advantage of analyzing Atticus in terms of character, rather than in terms of principles, is that it begins to tell us a little about where he comes from, about his motives, and about who he is. This is to say that his moral decisions (or, even better, his seeing moral problems where he did see them) come from who he is, and also help to determine who he is. In being the person he is, Atticus is able to do what he does, and in doing what he does he forms and reforms the person he is. We say that a good person has character, but we do not mean to say only that he believes in discernible moral principles and, pursuant to these principles, makes good decisions; we mean also to say something about who he is and to relate who he is to his good decisions. When discussion proceeds in this way, principles need not be explicit. We can say, "How did Atticus see this situation?" or "What would Atticus do?" rather than, "What principles apply?"

We arrive at a sense of who a person is when we learn about his grief, his joy, and his irrationality, more about him than about his decisions. An example is Dolphus Raymond, the odd old fellow who sits outside the courthouse in Maycomb and drinks from a bottle in a paper sack. He appears to the town to be an old drunk, but he does not drink liquor; he drinks Coca-Cola. And who does he let know what he is drinking? Not the community, which thinks Dolphus is drinking moonshine; instead, he tells three children who are learning to weep over what people in the community do to one another in the name of the law. Adolphus is not an old drunk; he is a tragic figure, a teacher, and a moral critic. Another example in the story is Mrs. Dubose. When we know more about what was going on with her, as Jem reads to her from Ivanhoe, we know more about the meaning of caring for old people, and more about Atticus, and more about the formation of a gentleman, than we knew when our information was that Jem had to read to her as punishment for wrecking her camellias.

Yet, knowing character is not only a matter of knowing more about the explanation for a person’s acts. For example, why does Atticus take the Robinson case? We think we know something about that, but it does not come from knowing more about his act in taking the case. The narrator, Scout, tells us almost nothing about that act. Atticus says a lot about why he represents Robinson as he does, but nothing about why he agreed to represent him in the first place. If there is a principle to explain it, it is not a principle Atticus even mentions. Probably every reader will say by the time he finishes the book, that it is, after all, the sort of thing Atticus would do. It is like a mother who looks at her new baby and loves the baby (James McClendon’s example). Does she decide to love the baby? Is the most significant thing her act in loving the baby, or does it have more to do with something which is not understood primarily as a matter of acts? It is significant to know that she loves her baby, but what we then know is not knowledge about a principle or a decision or an act.

Many morally significant facts are not decisions, or do not seem to be. Atticus, for example, gets angry at white business people who take advantage of black customers. He says, in his anger, that such people are trash. But he does not seem to have decided to call them trash. Much of what Atticus does is a matter less of decision, or of act, than of disposition.

24. The concept, or notion, of a “gentleman” is complex and various. I see a common insight in discussion of it, but important distinctions in the discussions of it by Thomas Jefferson, General Lee, Cardinal Newman, and Atticus’s son Jem, who says “Atticus is a gentleman, and so am I.” Shaffer, supra note 20, at 222.
25. There is a brief scene in the screenplay which portrays Atticus’s agreeing, reluctantly, to take the case. H. Foote, supra note 20, at 22-23. This scene is not in the novel.
One could use other words for this. Conviction, for instance, as McClen- don uses the word, 27 explains much of it. Some old-fashioned words for it are virtue, or habit, or, if the disposition is evil, vice. 28 Those words turn on the particularity of a person, on who he is, and on how we come to know about him. Those are character words, that is, words about traits of character. They are stronger more telling words, than, say, the word opinion. If I were to trust Atticus with a matter of great importance to me it would be because I had some idea of what he would do on my behalf. It would not be because of his opinions, or even because of the moral decisions I could perceive him making, but it would be because he had character.

Harper Lee does not begin To Kill a Mockingbird with a statement of Atticus' principles and by the time she finishes telling us about Atticus such a statement would be distracting. Instead, she acquaints us with the character of Atticus Finch in an ordinary way. 29 She tells us a story. We come to know him as we came to know our parents, our aunts and uncles, our playmates, and our favorite teachers. We know his family; we know the people he admires, “people with background,” in Aunt Alexandra's phrase, and other people, too; we know his neighbors, and we know him as they know him; and we know his enemies. We know something about his views on politics and religion, but, there, we know most of what we know because we have known people who are like Atticus. We assume that he is like them, or, better, because we do not think about the resemblance much at all, we feel that he is like them. We come to know about Atticus in the way we learn most of what we learn about how to behave, about morals, and that is more a matter of our heroes than it is a matter of principles. As a result of knowing Atticus in the way Harper Lee presents him I would be willing to trust him with something that is important to me, as Boo Radley and Tom Robinson trusted Atticus with their lives.

III. Stories

Often it is a poet, or playwright, or novelist, who understands best how our morals work. He understands, even better than we understand, how we come to behave as we do. James Edwin Horton, the good judge of the Scottsboro cases and a contemporary of Atticus Finch at the Alabama

27. Id. at 32-34.
28. S. HAUERWAS, VISION AND VIRTUE: ESSAYS IN CHRISTIAN ETHICAL REFLECTION (1974); HAUERWAS, A Tale of Two Stories: On Being a Christian and a Texan: A Theological Entertainment, Summer 1981 PERKINS J. 1 (explores the significance of Southerner's judgment that another person is "trash").
Bar, ruined his judicial career and brought homicidal wrath on whites and blacks in Alabama when he set aside the verdict in the second Haywood Patterson case in 1933. He did all of this to no effect; Patterson was put to trial a third and a fourth time and in all other cases convicted. Judge Horton suffered prolonged agony in presiding at Patterson's trial. The consequences of his decision, for himself and for others, were consequences of agony. The decision itself tells you nothing about Horton except that he was unusual. When he was asked, some thirty-five years later, why he acted as he did in those days, he said it was because he had learned, at his mother's knee, the Latin maxim, *fiat justitia ruat coelum.*

The principle, however the judge learned it, was undoubtedly applicable, but the principle explains nothing to those of us who, in the 1980s, want to learn from Judge Horton whether a good person can be a lawyer, and, if so, how. To learn from Judge Horton about that we need to hear his story.

I have come to suspect that a morality of principles is not good enough for the study of legal ethics. Principles do not explain enough. Maybe we who teach the subject have to find a way to study and to teach about the ethics of character. One can learn about the ethics of character by studying heroes in American lawyer stories, but there is an objection to that; there is an objection, in fact, to the study of character in other ways, as Aristotle or Thomas Aquinas studied character, for example. The objection in the literature of ethics has been that a morality of character is subjective and relativistic and therefore not ethics at all. The study of virtue and of virtuous lives smacks of "situation ethics," which has come to mean a system of ponderous justification for doing what you feel like doing and, then, even when what you have done is pretty good, saying, "I behaved as I did because of the way I was brought up." Ethics, the objection says, cannot be a study of single instances because single instances from other lives do not give us guidance in our own lives.

If we believe that morality can be dealt with in the way we deal with law in law school, the objection to the ethics of character will be that it is not rational. Those of us who claim that the interesting questions in legal ethics are, "Is it possible to be a good person and a lawyer?" and, "If so, how?" and who then claim that the way to answer the questions is to

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31. D. Carter, *supra* note 30, at 273; Graves, *Fiat Justitia Ruat Coelum*, 94 *The New Republic* 218 (1938); T. Shaffer, *supra* note 1, at 143-152. *Fiat justitia ruat coelum* can be translated "let right be done though the heavens should fall."
learn from lawyer-heroes, have to consider whether it is fair to charge
that the ethics of character are subjective and irrational. To put the issue
positively: Can we justify a morality of character, and the study of law-
yer-heroes as a way to study character, by showing those methods to be ob-
jective and as rational as a morality of principles is?

My fourth claim, then, is this: The truth about who we are, which
explains our morality, including such things as what our communities are
and what our families have been, is, as in Atticus Finch's case, more a
matter of character, of life as we live it, of story, than it is of principles.
This is not a matter of saying what is desirable, which is what I was doing
when I extolled the ethics of character, but of saying instead that a story
explains and displays principles and that one is close to the truth of one's
own moral life when he studies other lives by going to the sources of
morals in those lives. The life a person is living, the narrative into which
his life fits, or some terms such as these, explain how he even comes to
see that a moral question exists. His seeing is prior to moral decision; his
moral decision is prior to principle.34

One argument here is that our stories are the sources of our moral no-
tions and that our moral notions are prior, in time and in logic, to our
classifications and categories. Stories explain why we regard some of the
things we do as moral actions and regard other things we do as reflexes of
the products of routine. Our stories cause us to single out events and call
them moral events. We see some events as moral because we have moral
notions about them. The notions bracket the moral issues and notions
become intelligible in stories. Stories explain notions, as notions explain
moral problems. Stories are prior to moral notions, as moral notions are
prior to moral problems. To put that another way, a moral notion be-
comes intelligible in a story. It is displayed and understood in a narrativ
context better than it is displayed and understood in a context of issue
and principles.

This can be illustrated by a true story. Sometime in the late 19th cen-
tury a Chinese woman and her husband obtained the requisite papers and
enough money to emigrate from China to the United States. The woman
was pregnant and while she and her husband were on the high seas their
baby was born. When they arrived in San Francisco an immigration offi-
cial noticed that the baby had no visa. He did not even have a passport.
The official wired to Washington to find out what he should do. The reply
from Washington was "Don't be a damned fool." One hears the story and
cheers (I heard it from Rodes35 and we both cheer) and yet there was no

34. S. Hauerwas, supra note 28, at 30-47; J. McClelland, supra note 26, at 20-22 (citing
and discussing Pincoffs, Quandary Ethics, Oct. 1975 Mind 552).
35. R. Rodes, supra note 5, at 101. I have been helped in explaining this argument by
the perceptive criticism of James Wm. McClelland, Jr.
principle to cover the case and the bureaucrat in Washington was not about to draft one. He acted as he did because there was something about him which was prior to his being an immigration official. That something, in him and in ourselves, is what we cheer. Because the fellow in San Francisco had lost his sense of the something-prior, he asked a dumb question. One person saw a problem and the other did not; it was that, not the answer to the problem, which distinguished them. It was the dominance of I-am-a-bureaucrat, as a way of living (a life story), over a more adequate story, that caused him to be a damned fool. (It happens to lawyers, too.) Neither of the officials knew the answer to the problem; neither of them had a useful principle at hand for it; only one of them, though, was a damned fool.

In legal ethics, I have had to change my view of the student or lawyer who gives his answer and explains it by saying, "I can’t help it. It’s because I was raised in a Southern Baptist Church." He is not being irrational at all; he is simply pointing out a fact which is so potent, for both of us, that it is prior to moral problems and moral principles. I have decided that I have to understand that fact before I can even begin to figure out how to use the problem and the answer to the problem in teaching. If we do not understand that we run a risk even deeper than loss of a rational explanation for our morals. The risk we run is alienation from ourselves; from who we are. And then we begin answering tough professional questions by asking not "What should I do?" but "What does a lawyer do?" We begin, to use a story, to live out the difference between Thomas More and Thomas Cromwell in Bolt’s play "A Man for All Seasons," by choosing to be Cromwell. We practice our profession with a disabling discontinuity between who we are and what we are doing. Too many lawyers try to do that, and they end up in misery, or alcoholism, or repentance. We who ponder legal ethics should not do anything to add to their number.

This argument for the use of lawyer-hero stories is as ordinary, I think, as the method Miss Lee used to tell us about Atticus Finch. The way we grow up morally, and lots of other ways as well, is by listening to and living out stories. We get our morality from the moral points in stories. Some of these stories are very broad, grand things, "the Jewish experience," "the story of Jesus," "the voyage of America," and so forth. Such stories have a lot to do with who we think we are and have everything to do with our morals. Stories need not have principles but they do have points. We often say, in this ordinary way, "The point of the story

36. T. Shaffer, supra note 1, at ch. 16.
37. T. Shaffer, supra note 1, at ch. 1-2.
38. R. Bolt, A Man for All Seasons (1962); T. Shaffer, supra note 1, at ch. 18-19.
Stories, both the stories we live and those we hear, have plots and characters. The point comes out of characters creating and encountering the events of the story. Perhaps it is not a logical outcome, but it is an organic outcome and it makes sense. What was logical about Atticus insisting that the jury hear what really happened between Mayella Ewell and Tom Robinson? The point is not even necessarily a consequence of the events; that kind of story would be boring; it would be only a study in causation. What comes out of a good story is what comes out of our own stories, out of life itself, a sense of who people are, a sense, that is, of character.

The plot of a story, what connects events and gives them a point, is a rational construct. It is an act of the mind, the act of the mind which makes sense of the story. Authors and readers and critics make sense of stories such as Atticus’ story. (Another example is George V. Higgins’ Boston Street lawyer Jerry Kennedy. A third is Ephraim Tutt of the old Saturday Evening Post stories.) We make practical sense of our own stories, and the stories of one another, when we attempt to live purposeful lives. The intellectual (ethical) sense we make of a story is our description of the character of the people in the story. We can be wrong in doing that, and we can argue about it. It is subject to proof and reason and, therefore, the ethics one has from stories are not only more concrete than the ethics one has from principles, they are also rational. And more than rational, making ethical sense of stories is an activity in which we pile one story on top of another. In telling the story of Atticus, Scout tells us her own story, and in talking about Scout’s story about Atticus’s story, I tell you about my story, and in arguing with me about it you will tell me about your story. We end up with a diversity of people, an array of virtues and ideas, and a rich context for the study of the ethics of character. This is not a contrivance, not merely a method; it is both how we go about living our lives in a moral way and how we go about thinking. It is even how we learn about our moral lives. We transfer the point of the story, make it our own, and keep it from being a single instance.

Each of us has more than one story. The way we change our lives is by

39. S. HAUERWAS, supra note 28, at ch. 4; S. HAUERWAS, supra note 29, at ch. 4.
41. Scores of Ephraim Tutt stories were published between 1919 and 1944. They are reviewed in A. TRAIN, YANKEE LAWYER, THE AUTOBIOGRAPHY OF EPHRAIM TUTT (1943), and several are reprinted in A. TRAIN, MR. TUTT AT HIS BEST (H. Medina ed. 1961).
testing one story against another.42 We change by asking if our stories are adequate. The judgment that a story is not adequate is the result of comparing that story with a story that is adequate. Thus Louis D. Brandeis goes along most of his life being a good lawyer and a social activist and one day he discovers the fact that he is a Jew.43 He knew it all along, but one day, well along in life, he discovered what he always knew. He discovered that he was part of Israel, of the Jewish people, an international and ancient and deeply significant story which was also his story. And the story Brandeis had been living, the story of a lawyer, was tested against a bolder, broader, and more adequate story. The comparison changed his life.44 Similar crises of identify appear in innumerable stories of lawyers who undergo Christian religious conversions. They test the story they are living against the story they hear from the Gospels. They see themselves in this new story and their lives are changed.

In To Kill a Mockingbird, Atticus is led right up to this comparison of stories again and again. Sometimes he changes, as he did when he tested the story of the old rural South against another, bolder, broader story which was also his story.46 Sometimes he does not change, as when he tests the story which tells him he cannot protect his battered, unconscious, teen-aged son from the consequences of truth, against the story which tells him he can lie, however, to save Boo Radley’s seclusion. What he says in these cases is a series of statements of principle: “I can’t be one man in town and another man at home;” “Can you understand?” he says to Scout, and she says, “Yes, it would be like killing a mockingbird, wouldn’t it?” But, when we think about it, we know that these moments were not primarily exhibitions of principle. People make moral judgments in such moments of comparison, and we, when we read about such moments, make judgments about people and about ourselves. We can talk about those judgments. We can be rational about them, and, what is more important, rational about what causes us to make the judgments we make. Stories help us make such judgments because the point of a story is something we find for ourselves and apply in our own lives. The point is found in one story and applied in another; it is transferable and objective, and therefore is a way to teach, learn about, ponder, and practice

42. S. HAUERWAS, supra, note 29 at 35, 73, 82-100; see Shaffer, 23 AM. J. JURIS. 245 (1978).
44. The significance of Brandeis’ Jewishness is not explored in discussions of his ethics, see Frank, The Legal Ethics of Louis D. Brandeis, 17 STAN. L. REV. 683 (1965), which means he is treated as morally disembodied; but it is not usual for writers to relate moral theology and professional theology in law review discussions of legal ethics. Perhaps legal ethics is also disembodied.
45. Which is to attempt for Atticus what was not attempted for Brandeis.
IV. THE STUDY OF AMERICAN, CHRISTIAN LAWYER-HEROES

The method involved here is, in a sense, though, immediate and simple and nonrational. The millions of people who like To Kill a Mockingbird are not analytical about their liking it; an interesting fact about the novel is that there is not much reflective critical literature on it. Even those responsible for choosing its author to get a Pulitzer Prize were probably not analytical about their choice. The story of Atticus Finch appealed in an immediate way to many people and, one could say, because it appealed to them, he is a hero. To be a hero is to have this quality of appealing to other people in the hero's family or church or town. If the hero appeals to enough people, he is hero to a nation (here, America or American lawyers). I do not think this immediate appeal is a sufficient way to account for heroes, but it is important; it is not to be dismissed merely because it is not altogether transparent. An important thing about hero stories is that they appeal from life to life. They appeal to us in the way influential people in our lives appeal to us, an appeal which is for the most part unmediated by processes of analysis and comparison. One thing about an American, Christian lawyer-hero story is that it appeals and influences those who hear it in this immediate way.

A story method in legal ethics begins with this fact. American lawyer heroes are people who have this appeal, as a matter of fact, at first, rather than as a matter of analysis. What I am proposing as a method is at first a meditation on the lives of people who are already appealing in a morally influential, formative way. I am not proposing to defend the fact that they are appealing and morally influential. They just are. But because they appeal and influence in a moral way I propose to call them heroes. It is another question, a question about ourselves, really, more than about our heroes, to ask why they have this influence. This is not to explain why the hero is selected for discussion so much as it is to ask what about him causes me to suppose that many of my readers would join me in selecting him. The answer to that question, I think, is that the lives of others are the smallest and most immediate way in which we study experience. They are, as James William McClendon says of biography, the smallest units in which experience can be reported. McClendon dealt with stories of real people; he dealt with history in a way that is different from the way one studies fictional heroes. I might admit that in some ways fiction is not quite as "small" a unit for study as biography is, since

46. See note 22 supra. My research assistants and I found only the two articles cited in note 22, neither of them written by a critic.
47. J. McCLENDON, supra note 26.
there are always two or more stories present in fiction. Jean Louise Finch (Scout) tells her own story when she tells us about Atticus, and Harper Lee tells her own story, her father's story,48 and the stories of both Jean Louise and Atticus. One way to put this would be to say that the story of the community is more prominent in fiction than it is in biography.49 If that is so, it suggests an advantage one has in studying fiction rather than biography—or, if not an advantage, at least an opportunity. The advantage or opportunity is that it is easier to go from a fictional life to the life of the community in which that life is lived than is the case with a biographical life. I hope to show that a fictional story proceeds from the community more directly than a biography does.

It is probably useful to ask at somewhat more length what is involved in the story of a hero. How is it that the story is, for its readers, the story of a hero rather than the story of a villain or of the common, pathetic “anti-hero” of modern fiction. Here are a number of possible theological insights50 into that question, insights I find in and borrow from McClendon:51

Compelling quality. Prior to explanation, and certainly prior to analysis, we find the stories of saints and heroes compelling; we are struck by them. We like them, and, more than liking them, we find in them something that keeps us from leaving them alone. That was certainly true of the stories McClendon chose for his book, particularly so of Martin Luther King, Jr.52 and Dag Hammarskjold.53 People who heard about Dr. King as he lived and worked in America were rarely indifferent to him. I had associates in those days who idolized him and I had associates who despised him; but I had no associates who could disregard him. He got under our skins. He bothered people in a way that was out of proportion to what people knew about him, knew as facts. This quality is also evident in the post-death commentaries on Dag Hammarskjold. The secular humanists who hailed him as a reforming liberal were dismayed, after the publication of Markings,54 to find out about his Christian faith, but they

48. H. Lee, supra note 21. Miss Lee, who is a lawyer, is the daughter of Amasa Lee of the Monroeville, Alabama Bar, who began practicing law in 1915.
49. Shaffer, supra note 20, at 210-17.
50. My claim is that these are Christian theological points. I attempt them because I am a Christian; if I seem to ignore parallels I should not ignore, particularly to Jewish theology, the cause is ignorance rather than an insistence on exclusivity. I make Christian theological claims about and for Atticus Finch because they seem to explain and follow from his life and character.
52. Id. at 65-86.
53. Id. at 39-64. See also Heroes and Heroines (A. Fraser ed. 1980); E. Wright, Holy Company: Christian Heroes and Heroines (1980).
54. J. McClendon, supra note 26, at 40-44 (discussing D. Hammarskjold, Markings (L.
were not able, even when they wanted to, to dismiss him. They tried instead to explain his faith away as a psychological aberration. A similar explanatory process occurred with regard to Dr. King, as if the liberal culture which supported Dr. King’s politics could not believe that he was a Baptist preacher and that it was important to him to be a Baptist preacher. The culture learned that it had listened to a Baptist preacher, and that it had to keep listening.

In lawyer fiction there is a popularity about the hero story, an immediate appeal, which cannot be dismissed, not even among those of us who tend to avoid a story that makes the best-seller list or sells out at the box office or gets imitated in a shabby television series. This compelling quality in the story moves around, often among popular audiences first but ultimately even among those who resist fashion. That process is a familiar one in the lives of the saints; Thomas More55 and Francis of Assisi56 come to mind. It is also familiar in the lives of contemporary religious leaders, for example, Dr. King, Elie Wiesel, Pope John XXIII, and Dr. Billy Graham.

**Prodigiousness.** The hero goes beyond himself. There is something extraordinary about his effort. There is more in what he does than we would see ourselves doing, not in what he succeeds at, but in what he does.57 It is not necessary for heroes to be effective; the Christian lawyer-hero often fails and is often in fact a martyr. Thomas More, a lawyer, is a better example of this than Dr. King or Gandhi because More did not succeed at all; he did not leave behind him some kind of ultimate triumph, as Gandhi and King did. Atticus Finch spoke the unspeakable in the courtroom in Maycomb and he went to the street in front of the jail in the middle of the night. These two acts are examples of this quality of prodigiousness. One act failed and the other succeeded.

In the case of the fictional lawyer-hero this quality of prodigiousness seems to become clearer when seen in the context of the ordinary. Atticus is prodigious, he goes beyond himself, because Jean Louise describes his points of beginning even more than she describes his moments of crisis. We understand Atticus as a prodigious hero because we get to look at him on Mrs. Dubose’s front walk, with his two errant children in tow, as well as on his feet in the courtroom. We see him (in the movie) calmly agreeing to be Tom Robinson’s lawyer before we see him in front of the jail

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55. See note 38 supra.
57. T. Shaffer, supra note 1, at 150-52, confronts three streams in the Christian tradition on the question of being effective, all of which have to take account of the fact that the central symbol in the tradition is a gibbet.
facing the lynch mob. The craftsman of fiction describes a resonance between ordinary life and extraordinary life as a part of making a character more real; a good writer probably does this without intending to do it. (Trollope's typical English gentleman, Plantagenet Palliser, is finally heroic as a matter of course.) The origin of the art, and the result of the art in the story of the lawyer-hero, is a sense that the hero is in his community, in his family, his town, and his church. The story is about the community as well as about the hero. His prodigiousness is exercised against the backdrop of a society of people who are not prodigious but who help to explain why the hero is prodigious. Arthur Train's Emphraim Tutt is another example of this. Tutt said, "Let John Rockefeller deal in wholesale charity. I'm a retailer." It was easy to be a Christian in Maycomb, Miss Maudie Atkinson said, because Maycomb had Atticus to go for it.

The Numinous. The hero is in touch with something special, something awesome and fascinating, something that attracts us and repels us at the same time. McClendon describes and relies on a moment in Dr. King's public life when he was "seized" by a physical and psychological religious experience which was extraordinary in the circumstances, but which was also the sort of religious experience which those in the black church in the South knew about and in some sense sought and could expect to have. This quality of numinousness demands judgment, in a fictional lawyer story, because it has a layer of interpretation (the author's) which biography, and particularly biography which is historically careful, may lack. I suppose judgment is present in all fictional stories because the author wants to make it clear that some experiences are critical to the description of the character and some are necessary to move the story along. Huckleberry Finn's struggle over whether to betray Jim is more significant in this sense than his struggle with his father before he leaves home. In the fictional lawyer story the extraordinary moment, the moment of numinousness, tends to be a socially significant event—mostly, I suppose, because the story is about a lawyer. Atticus' courtroom performance, and his refusal to allow Sheriff Tate to lie about Jem, seem to me more numinous than does his refusal to fire the black woman who raises his

60. A. Train, Yankee Lawyer: The Autobiography of Ephraim Tutt 441 (1943).
61. "Attorney" means one who goes to town. Maycomb had Atticus to go in this symbolic sense, that is, Maycomb more than Tom Robinson, was on trial. Miss Maudie also meant that Atticus was symbolically going to Calvary, which is what Christians do for one another and for the world; Mark 8:34-35.
children.

The lawyer-hero's actions are not only more public than the numinous actions of other heros, but they also are more measured, more considered, and more fully explained. For these reasons, taken with the fact that the lawyer-hero's actions are more public, they invite judgment. Because they are both more social and more rational (or rationalized), they invite judgment. They invite the reader's opinion on whether the action was good for the community. It was in those terms that Atticus was criticized for his defense of Tom Robinson; it was in those terms that he imagined himself under judgment for not lying to avoid Jem's pain and for lying to save Boo Radley's seclusion.

Usefulness. The hero, and particularly the lawyer-hero in fiction, becomes a hero because his story fits the moral needs of the times. It is fitting. It was no accident that a courageous small-town Alabama lawyer was a hero to a culture absorbed in the early turmoil of the Civil Rights Movement, or, a few years later, that television made a hero story out of the experience of a brave Alabama circuit judge in a similar case. It is no accident that Judge James Edwin Horton’s story was that of a hero in the Scottsboro cases thirty years after they occurred, when, to some extent, our country had come to its senses and the scars and tensions of the Civil Rights Movement cried out for healing. In our pain we cried out for stories about heroes for both sides to admire. Judge Horton, who acted in 1933, was a hero in Alabama in 1975, as much as he was a hero in New York. He was a hero because both places needed such a hero at that time. In 1934 Alabama turned him out of office and in 1933 New York condemned him as a bigot. In the case of a fictional lawyer-hero such as Atticus, this quality of usefulness is also a result of the fact that the author understands the times, speaks to the times, or, more accurately, speaks from the times. Harper Lee and Dan Carter were active adults in the 1950s, writing about Alabama country lawyers of the 1930s. Both lawyers were popular heroes in the 1950s; neither was a popular hero, neither could have been, in the 1930s.

Intellectual quality. The hero, and particularly the Christian lawyer-hero in American fiction, is a person of both bravery and insight. He understands what is going on (as Thomas More did, especially the Thomas More of Robert Bolt's play, a fictional hero), and he acts in reference to what is going on in a clear-sighted, skillful way. In a good lawyer story none of these qualities is abstracted into pure goodness; the hero stumbles and his stumbling—his sin, even—proves that it is hard to be brave and clear-sighted. But bravery and insight are more prominent in his life than in the lives of those around him. They show up when he is compared

62. Judge Horton and the Scottsboro Boys, April 22, 1975; notes 30 and 31, supra.
V. Character in Community

All of these qualities: being compelling, being prodigious, being in touch with the numinous, being useful, and being a thinker, are acts of character in community. McClendon argues that this social office, character in community, is an essential one in the use of biography as theology, and I think he is right, but my claim is an easier one since I am dealing only with Christian lawyer-heroes in American fiction. Lawyers inevitably act in the community. Fictional heroes are what they are because their creators put them in communities. The connection between character and community is clearer in the sort of story I talk about because the connection between character and community is explained more elaborately. The lawyer is explained as a person who talks (witness Faulkner’s Gavin Stevens); he talks about the community, about the community’s story and thus his own story is already partially interpreted by himself. He becomes a hero because he stands before a background which his own talk helps preserve. (Witness Gavin Stevens explaining rural Southern custom to his nephew, and as he explains, he exhibits his sorrow at some of the custom he explains.)

A. American Lawyer-Heroes in Family, Town, and Church

The story of a saint or of a hero is the story of character in community. This is true because, at the very least, the story of a saint or hero is a fitting story. It would not be understood in categories either of sanctity or of heroism unless it was useful to people who live in similar situations. The fact that the story is familiar is what makes it useful. There are also two more profound reasons why the story of the hero is the story of char-

63. See note 38 supra.
64. J. McClendon, supra note 26, at 188-203.
acter in community. One of these is the fact that the hero did not act alone; he was not heroic without spiritual support. Another reason is that the way we know what we believe is through the stories of saints and heroes. Not only do we learn what to do from our heroes; we also learn from them what to believe. Gavin Stevens taught his nephew both what to do and what to believe. People are canonized and have tales told about them because we need their stories to live and to learn by.

**Family.** There are three elements of the American community whose story is told as its Christian lawyer hero’s story is told: family, church, and town. First, the hero comes from a family; one of the ways we know him is by knowing his family. An example here is the Wall Street lawyer Henry Knox in Louis Auchincloss’ novel *The Great World and Timothy Colt.* Henry Knox’s Yankee Protestant clerical forebears are important to knowing him; so are his stalwart wife, his giddy daughters, and his on-the-make son-in-law. Atticus Finch would not be who he is if it were not for his sturdy Methodist ancestors and the other “people of background” from whom he came. But for Atticus’ *familial* definition of his son Jem as a gentleman-to-be, Atticus would not have come to make the distinction he did between his son’s immediate welfare (and Jem’s destiny, too) and the immediate welfare of Boo Radley. By contrast, Kafka’s character in *The Trial* cannot be a hero because we do not know who he is. His story is useful, but he is more a subject at the mercy of psychologically familiar forces than he is a person. The most ordinary way for us to learn who “K” is would be to learn about his family. Kafka’s art makes “K” anonymous by hiding “K’s” family.

**Church.** An American lawyer-hero also comes from a church. In many American hero stories church membership is important not only in identifying, and identifying with the hero, it is also important in explaining why the hero acts as he does. The hero would not have acted with courage if he had lacked a sustaining spiritual community. The church not only inspired the hero to act, often beyond anything the church itself, as a human institution in a time and place, could approve of or even understand, but also gave him a way to nurse his frustrations and failures without being destroyed by them. This was true of Henry Knox, who probably was able to stay in his law firm and be a spiritual leader there because his work for a seminary and for his church made up for the law firm’s failure to satisfy his spirit. This is true in an almost ethnic way for

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68. I mean a sustaining and in some sense transcendent community; for most American Christians this is the church. There is a parallel Jewish religious community for which “synagogue” is hardly adequate; Wiesel, *Recalling Swallowed Up Worlds,* 98 *Christian Century* 609 (1981); see note 50 supra.
Higgins' Jerry Kennedy, the pragmatic but stubbornly Catholic criminal lawyer in *Kennedy for the Defense*. It is true of Atticus, who said he could not go to church and pray unless he both helped Tom Robinson and told the truth about him. Atticus's heroism went beyond what Maycomb's institutional white church could defend, but Atticus was acting as martyrs often have—for example, More or Franz Jagerstatter. Atticus was sustained by the church even as he bore witness against it. It is likely, as Donald Shriver and Karl Ostrom argue and demonstrate, that altruistic action depends on support by a spiritual community as much as the spiritual community depends on altruism. Not all American lawyer-heroes belong to churches. Many of the modern ones resist and condemn churches. But those who live outside the church have a community for spiritual support, a place to go from and a place to return to so that they can learn how to survive their frustrations. The crusaders of adventure fiction make the point. Travis McGee has his small cohort of dependable and honorable supporters. They sustain him even when they have no other role in the story. Lew Archer, whose crusades against evil are usually lonely crusades, never goes through a story without finding people of character who understand him. Camus's Dr. Rieux had someone to talk with. Bolt's More has, even at the end of the play, the sustaining memory of the church which taught him about hope and martyrdom and would have continued to sustain him if it had understood what was going on. Franz Jagerstatter read the lives of the saints and declined the advice of his bishop. Gavin Stevens goes out from and returns to his relationship with his sister and with the sewing-machine salesman, V.K. Ratliff.

**Town.** Finally, the American and Christian lawyer-hero has a town, a society which sees his witness, which hears it as Israel heard the prophets, and which thereby fulfills its function in his life and in its own, even when it resists him and destroys him. Atticus and Gavin argued to the town, in league with the town, when they made the standard country lawyer's appeal against social engineers of the North. Theirs was not a disin-

69. G. Higgins, supra note 40.
71. D. Shriver & K. Ostrom, *Is There Hope for the City?* (1977); discussed in T. Shaffer, supra note 1, at ch. 2.
75. R. Bolt, supra note 38.
76. See note 70 supra.
genuine appeal; if it was the product of prejudice, and it was not entirely so, it was not a prejudice they had to pretend to have. The judges and bar association officials at Henry Knox's funeral knew that he had been important to them and that he had known about their importance to him. The importance of town as distinguished from family is that the town accounts for the hero as a social person, and therefore is, as we readers are, an audience for his heroic action. It may be that a tree falling in the forest makes no noise but a hero cannot fall in the forest; he is not a hero unless the town is there to see him fall. The town is distinguished from the church because it is not necessarily, or even usually, a source of spiritual sustenance to the hero. It may be no more than his foil but it must always be his backdrop and his audience. The point about the town is the point Karl Barth made about a Christian theology to explain biblical Israel: Israel is there to hear the prophets; it need not heed what it hears.  

B. A Lawyer's Moral Theology

The methodological question which is consequent to this claim of the hero as character in community is this: Is it legitimate, having identified the community in this way (as family, church, and town), to infer religious significance from what one finds in the community? Is it legitimate to look to the community for the hero's point of view? Atticus Finch says very little about his faith. I have been told that such a Christian lawyer-hero from the South would not have said much about his faith. Atticus says enough to let us know that he takes his faith seriously but the rest of what we know about his faith, if we know anything, comes from knowing about his town, his family, and his church. The need I have in trying to get moral theology from the story is the need to account for the intellectual side of his courage; to explain his point of view when he himself said very little about it.  
I do not have a diary (as McClendon had on Hammarskjold). Atticus, Gaven Stevens, and Henry Knox wrote neither books nor spiritual music. (McClendon had those on Clarence Jordan and Charles Ives.) I infer Atticus' and Knox's Christianity from their communities and I look at their faith (thus inferred) and their actions and test these against the facts and the intuitions which go into my understanding of how they were courageous. And from all of this I claim them as heroes for American lawyers. I even claim that, with the products of this inference and intuition, I can account for ethical principles in terms of where they come from, as both thematic (that is, theological) and his-

78. Shaffer, supra note 20, at 204-10.
79. J. McCLENDON, supra note 26, at chs. V, VI.
torical sources. I have claimed that lives are prior to principles. I do not appeal here to logic: A hero story speaks to its reader directly, from life to life, without the mediation of concept or of explanation. Atticus speaks to us modern lawyers, and speaks as well to families, churches, and towns. We read and are formed by the stories of heroes in a way that is analogous to the way we are formed by the lives of people in our families, our churches, and our towns. But I do have an argument for inferring faith from community.

This method is not so much a matter of identifying belief, of claiming that Atticus and Henry Knox had belief, as it is a matter of locating a rational center that can explain their actions more plausibly than other explanations would. How is it that Atticus is willing to sacrifice himself as he does? Is it because he believes in the rule of law, or the Bill of Rights, or the Civil Rights Movement? The question is not how would I explain his actions if he were Horatius at the bridge of Odysseus in Troy, but how do I explain this Atticus, of Maycomb, Alabama, U.S.A., in 1935? What is the rational center of his actions? And I mean here to include the real moral spectrum of his actions, his regrets for his wrong actions, those he regrets and those he would regret if he were morally consistent, as well as his acts of clear heroism. His mistakes and his stumbles, his sins and his grief, are necessary to understanding his heroism. Without mistakes and stumbles he would be a bore and his story would be only hagiographic. My argument is that Christian faith, the images and metaphors of the Cross, the Suffering Servant, and atonement, seem to work better than any other explanation. And I find those images in the stories of old small towns in Alabama, of Baptist and Methodist Churches in the (white and black) South, and of the Finch family as Scout describes it and as I and other America readers of her story know about such families.

If this method is legitimate, it is a theological method. My argument in this respect is like Hauerwas' and McClendon's and I will state it quickly and for present purposes: A doctrine of atonement, of the reconciliation of people with God and with one another, and especially Atticus' story, of black people with white people, is both subjective theology and objective theology. The Christian tradition says that people are reconciled at the Cross, that their friendship with God is a gift which makes it possible for them to be friends with one another, to see and accept one another as gifts, and for which the only appropriate response is gratitude. To this extent, Christianity says, reconciliation is an objective fact, and the theology of atonement (at-one-ment with God and neighbor) is a theology of

80. Shaffer, supra note 20, at 197 n.32; Shaffer, supra note 67, at 370-75, attempts a similar point in reference to Auchincloss's Henry Knox.
81. S. HAUERWAS, supra note 29.
82. J. McCLENDON, supra note 26.
objective, historical, and accomplished fact. That is true, according to the Christian tradition, but it is not all that is true. The tradition also says that the believer shares in God’s work in the world; part of the gift he is given at the Cross is a share in the Cross, the invitation to be an agent in the atonement, the call to move the stone from in front of Lazarus’ grave. This is a theology of the subjective. Thus atonement is both objective and subjective. Redemption is not merely an historical event, but also an event that goes on, is going on, and will go on. It goes on in the lives of those around us and prototypically in the lives of Christian heroes. Christian heroes provide to the people of God, to the church which hears and believes, and to the town which only hears solid, rational information about who God is and what He is doing in the world. They provide what McClendon calls “concrete theological gain,” and therefore participate in the purpose of Christian theology, which is to inform the people of God.

VI. THE THEOLOGY OF THE LAWYER-HERO

This method does result in what one might call second-stage concepts. It may be true, as some philosophers and theologians argue, that all concepts are removed from reality—that they freeze reality and put into words what people experience primarily without words, that concepts always “smell of the lamp,” especially in academic discussions of morals. It is not necessary for an aging law professor, who is out merely to get a firmer handle on legal ethics, to get into that quarrel. It is necessary, though, to say more about the method I borrow from Hauerwas and McClendon, specifically in reference to my claim that this method is theology.

McClendon argues from the moral lives of those whose biographies he has studied that the theology of a life involves image and event, and that these are prior to the principles and propositions. He defines religion as the application of the images of faith to one’s own life. (He uses “religion” in this definition, which is a bit troublesome because some modern theologians, following Karl Barth, say that Christianity is not a religion; they see religion, as I think Thomas Aquinas did, as a natural virtue, as man’s reaching up to God, whereas Christianity is a matter of God’s reaching down to man. McClendon uses the word in a man-in-the-street

[83. I am indebted for this image of what stewardship means to Rev. Lynn R. Buzzard.
84. J. McCLENDON, supra note 26, at 176-79.
85. Id. at 87-111.
86. Id.
87. See note 28 supra.
88. K. BARTH, THE EPISTLE TO THE ROMANS (1919, first English ed. 1933).]
This application is a manifestation and a use of the grand, enduring images of faith, the great metaphors, which the person of faith (the Christian lawyer-hero, for instance) has grown up seeing applied in prototypical ways. These images and metaphors carry for him, and for his community, the content of the faith. All of this is, among other things, a way to describe that force which guides our moral action but which is not a matter of facts. It is what a person means when he says, "I do it because that's the way I was brought up."

Possibly, someone, someday, early in the life of the white community in Southwestern Virginia, looked at the ungainly mountain I see from my front porch and said that the mountain was a house; he called it "House Mountain." The community accepted the name, accepted his saying that about the mountain. The Indians who were here before black and white people came would not have called the mountain a house because their homes were not like that mountain, or, better, because a house which looked like that did not mean anything to them and could not have been the namesake of a mountain. Perhaps a Spanish explorer in Colorado looked at the curious way the snow endured in the summer in a high altitude canyon and said that the mountain and canyon made a Holy Cross; the name came from his community as much as the name of house came from the Virginian's community. And, so, in other and more curious ways the red-rock formations west of Colorado Springs are called kissing camels and, in an example McClendon borrows from John Wisdom, a woman's new hat is called the Taj Mahal. This is the stuff of poetry. It is strong stuff and it is community stuff. The difference between such metaphors and similes ("the mountain looks like a house") is the difference between poetry and prose. McClendon's point is that such image and metaphor is also theological stuff. For example, McClendon is persuasive in saying that "hoc est enim corpus meum"—"this is my body"—is a similar event and image. The Cross, the nation Israel, the Suffering Servant, the atonement, are, of course, facts. But they are also metaphors and images.

However, images as powerful as these biblical images do things mountains and hats do not do. They cut across cultures, for one thing, as the naming of mountains does not. The images Jesus used were already strong among the Jews who heard him. They became strong to the Greeks and Romans who heard St. Paul and to the Africans and the Anglo-Saxons who heard the two St. Augustines.

The great Christian images also unify. McClendon talks about Dr. King's living out the metaphor of atonement, atonement as estrangement and as sacrifice, but also atonement as reconciliation. Dr. King sought
the reconciliation of his oppressors.† McClendon talks also of the power the Cross had in Hammarskjold's life—suffering servanthood as the way to understand "the meaningfulness of death and the meaninglessness of killing."**

Images are not neutral. There are true images, and false images, and stressful images. The hero's living out and living under one set of images rather than another is choice (and more than choice, really, since images speak of and speak to convictions and a commitment which does not merely rise out of a moral quandary or series of moral quandaries). The powerful racist images of Nazi Germany, and those which lurked in the Maycomb of Atticus Finch's generation, proved to be false images. Believers claim that the images and metaphors of Cross, Israel, and Exodus are true images. Much of what makes Atticus, Judge James Edwin Horton, and Dr. King heroic lies in their living one set of images rather than the other, and in their living within communities which lived both. We celebrate in their lives a heroic quality which came from and supported those choices these heroes made between, for example, images of wholeness and images merely of dominance.†† I think, too, that one can identify stress in the lives of these heroes, stress which evidences the enduring influence of them of images which were not images of wholeness. This stress is what I identify in Atticus as the enduring influence of the Southern Christian Gentleman. I think the same thing was tugging on Judge Horton, who asked late in his life to explain the heroism he exhibited in the Scottsboro cases, attributed his action to a Latin maxim.††† That maxim is in our law motto for the wise but imperious judge.††‡

The community looks at such lives, and understands such images and metaphors, both as an explanation for its interest in these heroes and as an explanation for their being first heroic and then interesting. The community asks "What sort of people are these?" and finds them familiar but also challenging; it finds in them both understanding and rebuke. In religious terms (using the word religion as McClendon uses it) these heroes living their images, give current, relevant, even unavoidable meaning to traditional doctrine—and not only meaning but force as well. They revive the faith because they make current sense of the religious images which carry the faith. There is depth in Miss Maudie's saying that Atticus represents the Christians in Maycomb when he goes to the courthouse. He moves Maycomb, white Maycomb, and does this in terms of inherited religious commitments. He represents white Maycomb as he

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89. T. SHAFFER, supra note 1, at ch. 10; J. MCCLENDON, supra note 26, at ch. III.
90. J. MCCLENDON, supra note 26, at ch. II; see note 54 supra.
91. Id.
92. See note 31 and accompanying text supra.
93. See note 30 supra.
joins Maycomb's black Christians at the courthouse, as he stands with them, white and black together, under the Cross. Atticus seems to insist that the religious commitments of the church be lived as well as believed, and in this he resembles what Dr. King said, in the black church, before the black South, that "free at last" includes the liberation of white police officers. Atticus also does what Clarence Jordan did when Dr. Jordan took the everyday, crossroads theology of atonement, which the South had heard from Baptist preachers, and formed with this theology his Koinonia community in Georgia. He formed a suffering, Acts-of-the-Apostles, reconciling, black and white community to live out this theology, a community which by suffering and reconciliation claimed its redemption in the Blood of the Lamb.

94. See note 89 supra.
95. J. McCLENDON, supra note 26, at ch. V.
96. I am grateful for the assistance and suggestions of William S. Geimer, Stanley Hauerwas, William James McCleendon, Jr., Robert E. Rodes, Jr., Brian C. Shaffer, Nancy J. Shaffer, and Mary M. Shaffer.