HILLBILLY ATTICUS

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In his controversial memoir, *Hillbilly Elegy*, J.D. Vance implicitly asserts a connection between the individual and his or her culture. Vance's work rests on a number of premises. An individual is a product of a particular culture, and that culture defines the choices available to that individual. Therefore, understanding a person requires an understanding of the culture from which that person comes. Conversely, by looking at individuals within a given culture, we can define the culture and generalize its characteristics to other individuals within that culture. Although several commentators have pushed back against the latter proposition by pointing out that not all denizens of Appalachia underwent the same experiences as Vance,[1] few commentators have challenged the former proposition: that we can understand an individual better by understanding the culture from which he or she comes.[2]

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1. *See* Elizabeth Catte, Editorial, *Why Are Some Liberals OK with Shaming Appalachia?*, ROANOKE TIMES (Apr. 23, 2017), http://www.roanoke.com/opinion/editorials/editorial-why-are-some-liberals-ok-with-shaming-appalachia/article_ed18c1c2-a74f-512d-97c6-9e3377d021c9.html ("Appalachia is more complicated, more nuanced, than it appears to the outside eye."); Sarah Jones, *J.D. Vance, the False Prophet of Blue America*, NEW REPUBLIC (Nov. 17, 2016), https://newrepublic.com/article/138717/jd-vance-false-prophet-blue-america (author who grew up in Appalachia points out structural economic inequalities that contribute to Appalachian poverty).

2. *But see* Elizabeth Catte, *Resisting Myths of Whiteness in Appalachia*, 100 DAYS IN APPALACHIA, https://www.100daysinappalachia.com/2017/03/15/elizabeth-catte-resisting-myths-whiteness-appalachia/ (last visited Apr. 26, 2018) (refuting myth that "white Appalachians are culturally and ethnically distinct from other white Americans and therefore have a unique 'stock' that informs their social position"). In this Essay, I use two American folkways identified by David Hackett Fischer to create a matrix of values within which to analyze the heroism of Atticus Finch. Because these folkways are identified by their posited historical and geographic origins during the colonial period, their application to a fictional hero created in 1960 and living during the 1930s can seem simplistic and totalizing. *See also* note 7 *infra*. Yet this analysis is justified, especially after *Go Set a Watchman*, because it is clear that Lee sees Atticus as a culturally bound character. Thus, the question of what cultural values Atticus embodies is a legitimate one.

This proposition is especially relevant to Atticus Finch because few scholars have taken an interest in his cultural background.[3] For most commentators, Atticus is a sort of everyman whose heroism derives from his willingness to defy the norms of his culture. He has universal appeal because the person who does the right thing despite the condemnation of his community is generalizable to all cultures, from Antigone to Oskar Schindler. At most, Atticus is particularized as a "Southerner,"[4] a denizen of the Jim Crow South, in which African-Americans had been emancipated from slavery but still lacked the full panoply of rights exercised by white citizens. His particular heroism consists of making Tom Robinson, an African-American, equal for an instant before the law by giving him a vigorous defense, in defiance of community norms dictating that only a pro forma defense was appropriate.[5] In the words of two men sitting on the courthouse lawn before the trial:

> "[Y]ou know the court appointed him to defend this nigger."
> "Yeah, but Atticus aims to defend him. That's what I don't like about it."[6]

The heroism of Atticus Finch lies precisely in the distinction between defending Tom and "aiming" to defend him.

If Vance is right—if particular cultures give rise to particular ways of believing and behaving—then we ought to be more interested in Atticus's culture. From what cultural sources does Atticus's heroism spring? Early in *To Kill a Mockingbird*, Harper Lee situates Atticus in a particular familial and cultural context, and she continually defines him in contrast to other characters in the novel, some of whom present obvious stereotypes of other cultures. Lee's contrasting portrayal of the elderly Atticus in *Go Set a Watchman*—with its grounding in segregationist sentiment at the dawn of the Civil Rights Era—suggests that she is commenting not only on the

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3. *But see* Lance McMillian, *Atticus Finch as Racial Accommodator: Answering Malcolm Gladwell*, 77 TENN. L. REV. 701 (2010) (analyzing Atticus as a Christian hero); Lance McMillian, *Atticus Finch—Christian?*, 77 TENN. L. REV. 739 (2010) (same); Judy M. Cornett, *Atticus Finch: Christian or Civic Hero? A Response to Professor McMillian*, 77 TENN. L. REV. 723 (2010) (analyzing Atticus as a civic hero).

4. The indelible image of Gregory Peck wearing that white suit as he argues before the jury in the movie version of the novel has helped to seal Atticus's identity as a "Southerner," and indeed as the stereotypical "Southern gentleman."

5. Some critics have argued that Atticus's defense of Tom Robinson was not, in fact, heroic, and that Atticus's actions show that he was complicit in the Jim Crow system that denied equal rights to African-Americans. *See* Monroe H. Freedman, *Atticus Finch—Right and Wrong*, 45 ALA. L. REV. 473 (1994); Steven Lubet, *Reconstructing Atticus Finch*, 97 MICH. L. REV. 1339 (1999) (book review); Monroe Freedman, *Atticus Finch, Esq., R.I.P.*, LEGAL TIMES, Feb. 20, 1992, at 20; Monroe Freedman, *Finch: The Lawyer Mythologized*, LEGAL TIMES, May 8, 1992, at 25; Malcolm Gladwell, *The Courthouse Ring: Atticus Finch and the Limits of Southern Liberalism*, NEW YORKER, Aug. 10, 2009.

6. HARPER LEE, TO KILL A MOCKINGBIRD 218 (Warner Books 1982) (1960).

nature of heroism but also on the type of culture from which such heroism can spring.

In his magisterial work, *Albion's Seed*, David Hackett Fischer explores the four "folkways" that contributed to American culture. Two of those folkways were centered in what we would call, broadly, "the South": the Cavalier folkway and the Frontier folkway.[7] The former, centered in Virginia, derived from the manorial culture of southwest England.[8] The latter, centered in Appalachia, sprang from the borderlands of northern England and southern Scotland.[9] These two cultures, which are commonly known today as the "Deep South" and "Appalachia," respectively, are still viewed as distinct.[10] By viewing Atticus within the matrix of these cultures, we see that Lee's ironic distance on her own culture gave her the wherewithal to depict and critique that culture and the characters it produced.

The legitimacy of this inquiry is shown by Lee's own attention to Atticus's cultural origins. One of the first things we learn about Atticus is the identity of his family's first forebear in the New World, and how the origins of that ancestor affected his descendants: "Being Southerners, it was a source of shame to some members of the family that we had no recorded ancestors on either side of the Battle of Hastings. All we had was

7. DAVID HACKETT FISCHER, ALBION'S SEED: FOUR BRITISH FOLKWAYS IN AMERICA (1989). Fischer's work has been criticized for "oversimplif[ying] the early history of the [Appalachian] region by universalizing stereotyped images of one of its population groups, those from northern Britain, as comprising the essence of Appalachian experience and ignoring scholarship of the past two decades on the complexity and diversity of the region that challenges his assumptions." Dwight B. Billings, *Introduction*, *in* BACK TALK FROM APPALACHIA 6 (Dwight B. Billings et al. eds., 1999). A disclaimer is in order. Throughout this Essay, I use the labels "hillbilly" and "Cavalier" as shorthand to describe congeries of values that have been identified with two distinct American cultures. However, because Southern Appalachian culture, in particular, has been subject to negative stereotyping, it has become necessary to question whether there exists a distinctive Southern Appalachian culture that could have given rise to distinctive values. *See, e.g.*, Nicholas F. Stump & Anne Marie Lofaso, *De-Essentializing Appalachia: Transformative Socio-Legal Change Requires Unmasking Regional Myths*, 120 W. VA. L. REV. (forthcoming 2018), https://ssrn.com/abstract=3126382. As a native East Tennessean – all branches of my family have lived in East Tennessee continuously since before the Civil War – I know that so-called "hillbilly" or "mountaineer" culture is far from monolithic and that the Southern Appalachian region nurtures many diverse cultures having diverse values. The same is true of the culture of Tidewater Virginia. Therefore, my acceptance of Fischer's taxonomy, and my use of the terms "hillbilly," "mountaineer," and "Cavalier," should be understood as a shorthand way of referring to certain bundles of values, not as reifying a monolithic definition of the denizens of either geographic region.

8. FISCHER, *supra* note 7, at 219.

9. Refining Fischer's model, Colin Woodard identifies three separate cultures in "the South": the Tidewater culture, which roughly approximates Fischer's Cavalier folkway; the Greater Appalachian culture, which is more extensive than Fischer's Frontier folkway but is similarly composed of immigrants from the borderlands and from northern Ireland; and a third culture not identified separately by Fischer, the Deep South, dominated by large plantation owners who originated in Barbados. COLIN WOODARD, AMERICAN NATIONS: A HISTORY OF THE ELEVEN RIVAL REGIONAL CULTURES OF NORTH AMERICA 44–56, 82, 101 (2011).

10. *See, e.g.*, WAYNE FLYNT, MOCKINGBIRD SONGS: MY FRIENDSHIP WITH HARPER LEE 177 (2017) (referring to "my favorite Appalachian novel, Charles Frazier's *Cold Mountain*").

Simon Finch, a fur-trapping apothecary from Cornwall whose piety was exceeded only by his stinginess."[11] A few things stand out here. First, the modern Finch family knows who its ancestor is and compares itself to other families in terms of that ancestor's origins. Of course, throughout the novel's commentary on Southern culture, Lee's ironic voice comes through, but despite her individual understanding of the foolishness of this focus on ancestral heritage, she still includes herself within the term "Southerner" by use of the pronoun "we." Simon Finch was all "we" had to brag about, and he did not spring from either the Anglo-Saxon families who resisted William the Conqueror or the noble Normans who accompanied him to England. That at least some of the Finches were disappointed in their ancestry indicates that they sought to be associated with the Cavalier society that eventually comprised the founding families of Virginia.[12] Sir William Berkeley, colonial governor of Virginia from 1642 to 1676, could trace his lineage to "Eadnoth the Staller, a Saxon nobleman who joined William the Conqueror and was killed in 1068."[13] In the mid-seventeenth century, Berkeley actively recruited the "distressed Cavaliers" of southwestern England to come to Virginia, where they formed the ruling elite of the Virginia colony.[14] As noted by Fischer, in a manorial and paternalistic culture like the Tidewater, the older and nobler lineage was a pathway to power and influence.[15]

One of the family members who wishes to associate the Finches with ancient and noble lineage is Aunt Alexandra, who "was of the opinion, obliquely expressed, that the longer a family had been squatting on one patch of land the finer it was."[16] Significantly, Alexandra is the sibling who has remained on the land, while her two brothers left the estate to pursue professions. While her husband presides over Finch's Landing from a hammock[17]—surely, Lee's comment on the Southern planter's failure to earn his bread from the sweat of his own brow[18]—Alexandra lives the life of a typical Southern lady, with values that Lee ironizes in Scout's girlish-grownup voice. Alexandra constantly finds fault with Scout's attire and manners because they are not "ladylike" enough; in Alexandra's world,

11. LEE, *supra* note 6, at 3–4.

12. FISCHER, *supra* note 8, at 212.

13. *Id.* at 208 n.2.

14. *Id.* at 213.

15. *Id.* at 220–25.

16. LEE, *supra* note 6, at 173.

17. Alexandra's husband is "a taciturn man who spent most of his time lying in a hammock by the river wondering if his trot-lines were full." *Id.* at 4.

18. *See* U.S. President Abraham Lincoln, Second Inaugural Address (Mar. 4, 1865) ("It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged.").

"ladylike" equates to starched petticoats and patent leather shoes.[19] Alexandra displays both class and race prejudice, warning Scout not to become friends with the Cunninghams,[20] and becoming horrified when she learns that Scout and Jem have accompanied Calpurnia to her church.[21] She attempts to make the children aware of their exalted heritage by persuading Atticus to tell Jem and Scout, "[Y]ou are not from run-of-the-mill people, . . . you are the product of several generations' gentle breeding. . . ."[22]

This "gentle breeding" invokes not only direct ancestral lineage but also the branches of the "gentle" family tree. "Cousinage" was an important concept in Cavalier culture, and generations of intermarriage between cousins resulted in "a web of kinship as dense as that of the Roman patriciate. It is difficult to think of any ruling elite that has been more closely interrelated since the Ptolemies."[23] The extended family became the most significant social unit and took on individual identities:

> Individuals in Virginia were stereotyped by traits that were thought to be hereditary in their extended families. Anglican clergyman Jonathan Boucher believed that "family character both of body and mind may be traced thro' many generations; as for instance every Fitzhugh has bad eyes; every Thornton hears badly; Winslows and Lees talk well; Carters are proud and imperious; and Taliaferros mean and avaricious; and Fowkeses cruel." Virginians often pronounced these judgments upon one another. The result was a set of family reputations which acquired the social status of self-fulfilling prophecies.[24]

In a striking echo of this Cavalier tendency, Scout explains that the "caste system" of Maycomb is in fact nothing more than this stereotypical classification of family traits:

> There was indeed a caste system in Maycomb, but to my mind it worked this way: the old citizens, the present generation of people who had lived side by side for years and years, were utterly predictable to one another: they took for granted attitudes, character shadings, even gestures, as having been repeated in each generation and refined by time. Thus the dicta No Crawford Minds

19. LEE, *supra* note 6, at 81.

20. *Id.*

21. *Id.* at 136.

22. *Id.* at 177.

23. FISCHER, *supra* note 8, at 222. *See generally* LORRI GLOVER, ALL OUR RELATIONS: BLOOD TIES AND EMOTIONAL BONDS AMONG THE EARLY SOUTH CAROLINA GENTRY (2000).

24. FISCHER, *supra* note 8, at 275.

> His Own Business, Every Third Merriweather Is Morbid, The Truth Is Not in the Delafields, All the Bufords Walk Like That, were simply guides to daily living: never take a check from a Delafield without a discreet call to the bank; Miss Maudie Atkinson's shoulder stoops because she was a Buford; if Mrs. Grace Merriweather sips gin out of Lydia E. Pinkham bottles it's nothing unusual—her mother did the same.[25]

Consistent with this goal of maintaining and establishing supporting family connections, Jean Louise has internalized the message that she may love whom she will, but she must marry her own kind.[26] The prospect that Jean Louise might marry her brother's law partner, Hank, leads Alexandra to condemn him as "trash."[27]

Unfortunately for Alexandra's genealogical aspirations, the forebear of the Finches was a "fur-trapping apothecary from Cornwall." An apothecary was a druggist and doctor, not a landed gentleman, and fur trapping was assuredly not the accustomed activity of a gentleman. Simon's profession, as well as his lack of noble lineage, sets him apart from Cavalier culture. Although his place of origin, Cornwall, is in southwest England, Lee makes it clear that Finch was not one of those manorial denizens recruited by Berkeley to populate Virginia. Instead, we learn that "[i]n England, Simon was irritated by the persecution of those who called themselves Methodists at the hands of their more liberal brethren, and as Simon called himself a Methodist, he worked his way across the Atlantic to Philadelphia, thence to Jamaica, thence to Mobile, and up the Saint Stephens."[28] A lifelong Methodist,[29] Harper Lee surely knew the history of Methodism in Cornwall. The founder of Methodism, John Wesley, made his first visit to Cornwall in 1743, and that county became something of a stronghold of Methodism.[30] The "more liberal brethren" who persecuted the Methodists were members of England's established Anglican church. Cornwall was among several localities in England that saw mob violence against Methodists, often initiated and encouraged by the upper classes, who felt threatened by the dissipation of the local parish church's power to control villagers' lives.[31] So-called "gentlemen" of the community would hire

25. LEE, *supra* note 6, at 175.

26. HARPER LEE, GO SET A WATCHMAN 9 (2015).

27. *Id.* at 37.

28. LEE, *supra* note 6, at 4.

29. Sam Hodges, *Harper Lee Was United Methodist in Word, Deed*, UNITED METHODIST CHURCH (Feb. 19, 2016), www.umc.org/news-and-media/harper-lee-was-united-methodist-in-word-deed

30. *John Wesley and the Methodist Movement*, CORNWALL GUIDE, https://www.cornwalls.co.uk/history/people/john_wesley.html (last visited Feb. 14, 2018).

31. John Singleton, *At the Roots of Methodism: Early Followers Knew Persecution*,

rioters and distribute liquor to fuel the violence against Methodists, resulting in looting, arson, and personal violence.[32]

It is significant that Atticus's forebear was himself a victim of oppression. To the extent this oppression became part of the family mythology—and it must have been, or Scout would not report it as part of the background of the story—it may have helped animate Atticus's willingness to take a stand against his community on behalf of another oppressed individual. Of course, as Scout also reports, Simon's own status as an oppressed minority did not prevent him from oppressing others:

> Mindful of John Wesley's strictures on the use of many words in buying and selling, Simon made a pile practicing medicine, but in this pursuit he was unhappy lest he be tempted into doing what he knew was not for the glory of God, as the putting on of gold and costly apparel. So Simon, having forgotten his teacher's dictum on the possession of human chattels, bought three slaves and with their aid established a homestead on the banks of the Alabama River some forty miles above Saint Stephens.[33]

Although it is not clear when Simon lived, it was certainly not earlier than the early nineteenth century because, as Scout notes, "If General Jackson hadn't run the Creeks up the creek, Simon Finch would never have paddled up the Alabama, and where would we be if he hadn't?"[34] Scout refers here to the Creek War of 1813–14, in which state militiamen, led by Major General Andrew Jackson, subdued an uprising by a faction of the Creek Nation in which 2,500 Alabama settlers had been killed.[35] By war's end, the Creek Nation had been decimated, and the Creeks were forced to cede their lands in Georgia and Alabama to the federal government.[36] Thus, in the Finch family timeline, Simon Finch was established in Alabama as a slaveholder no earlier than 1814. As we learn later in the novel, Simon's plantation, Finch's Landing, seems to have prospered. In one scene, Scout imagines her ancestors standing on the bluff, in front of the plantation house, looking down the 99 steps toward "[the] old cotton landing, where Finch Negroes had loaded bales and produce, unloaded blocks of ice, flour and sugar, farm equipment, and feminine apparel."[37] This feature of the

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UNITED METHODIST NEWS SERV. (Feb. 12, 2002), http://archive.wfn.org/2002/02/msg00128.html.

32. *Id.*

33. LEE, *supra* note 6, at 4.

34. *Id.* at 3.

35. *Creek War*, ENCYCLOPEDIA BRITANNICA, https://www.britannica.com/event/Creek-War (last visited Sept. 4, 2017).

36. *Id.*

37. LEE, *supra* note 6, at 106.

estate reappears in *Go Set a Watchman*, when Jean Louise and Hank run down the steps to take a not-quite-skinny dip in the river.[38]

Although Finch's Landing bespeaks a traditional white Southern cultural upbringing for Atticus and his brother Jack, Scout's reference to Andrew Jackson's role in opening up Alabama to white settlement and eventual statehood raises the possibility that the frontier culture of Appalachia played a role in the Finch family history.[39] To what extent is Atticus a product of this culture?

Recently, it has become fashionable to venerate Andrew Jackson, perhaps due in part to Jon Meacham's Pulitzer Prize-winning biography, *American Lion*, in which Meacham identifies Jackson as the first populist President, in contrast to the patrician Presidents who preceded him—the Adamses from Puritan Massachusetts and Washington, Madison, and Jefferson from Cavalier Virginia.[40] For David Hackett Fischer, Jackson represents the heart of Appalachian culture. His life—dominated by distrust of central authority, loyalty to kin as the central social value, and above all, violence in defense of honor—exemplifies a certain stubborn individualism that grew from a culture in which war and depredation constituted the warp and woof of life.[41] In contrast to Cavalier culture, with its pervasive paternalism, frontier culture was radically libertarian and egalitarian, with authority ceded only to clan-based leaders who exercised power through the laissez of the clan.

In *Go Set a Watchman*, Uncle Jack describes his family's forebears as "proud" and "stubborn." Explaining the origins of the Civil War, he declares:

> [T]his territory was a separate nation . . . No matter what its political bonds, a nation with its own people, existing within a

38. LEE, *supra* note 26, at 79.

39. *Cf.* WILLIAM FAULKNER, ABSALOM, ABSALOM! (Vintage Books 1990) (1936) (Sutpen's origins are in West Virginia but he migrates to Mississippi via Haiti, in contrast to Simon Finch, who begins his American sojourn in Philadelphia before traveling to Jamaica and then to Mobile).

40. JON MEACHAM, AMERICAN LION: ANDREW JACKSON IN THE WHITE HOUSE (2008). Most recently, President Trump has restored Jackson's portrait to the Oval Office and has associated himself with Jackson's populist image. *See* Steve Inskeep, *Donald Trump's Secret? Channeling Andrew Jackson*, N.Y. TIMES (Feb. 17, 2016), https://www.nytimes.com/2016/02/17/opinion/campaign-stops/donald-trumps-secret-channelling-andrew-jackson.html; Erik Ortiz, *Why Has Trump Turned to "Flawed" Andrew Jackson as a Role Model?*, NBCNEWS.COM, Mar. 15, 2017, https://www.nbcnews.com/politics/donald-trump/why-has-trump-turned-flawed-andrew-jackson-role-model-n733881. However, Professor Daniel Feller, editor of the Jackson Papers at the University of Tennessee, has refuted these comparisons, noting that, in contrast to Trump, Jackson was a prolific writer, was socially polite and polished, and had served in several public offices by the time he became President. *See* Michael Collins, *Donald Trump as Andrew Jackson? Meh, This Historian Says*, USA TODAY (Feb. 5, 2017; updated Mar. 15, 2017), https://www.usatoday.com/story/news/politics/2017/02/05/historians-throw-water-comparisons-trump-andrew-jackson/97462252/; Ortiz, *supra* note 40.

41. *See generally* JIM WEBB, BORN FIGHTING: HOW THE SCOTS-IRISH SHAPED AMERICA (2004).

> nation . . . A society highly paradoxical, with alarming inequities, but with the private honor of thousands of persons winking like lightning bugs through the night . . . No war was ever fought for so many different reasons meeting in one reason clear as crystal. They fought to preserve their identity. Their political identity, their personal identity.[42]

"Proud and stubborn" are not adjectives typically used to describe Atticus Finch. Instead, they sound more like descriptors of Andrew Jackson, a representative of what David Hackett Fischer calls the "backcountry" folkway.[43] Characterized by violence, intense family loyalty, and suspicion of authority, this Scots-Irish culture is the one that animates *Hillbilly Elegy*.

The Frontier folkway and the Cavalier folkway share one important value: honor. As Uncle Jack declared about the Finches' culture, the Southern ethos involved "the private honor of thousands of persons"[44] (albeit only white persons). But this "honor" was different from the honor that animated frontier culture. In Cavalier culture, honor was indeed "private"; it was important to maintain the honor of the family, but not through open violence. Cavalier culture did not see the development of family feuds. Instead, affronts to family honor were dealt with more quietly and more pathologically: Mr. Radley's immurement of Boo Radley at home following the incident at school exemplifies the private way in which Cavaliers dealt with potentially degrading circumstances. And, unfortunately for Boo, the "hands-off" attitude of the Finches and the other "good" families in Maycomb toward Mr. Radley's decision is consistent with the Cavalier concept of private honor.

In contrast, honor in hillbilly culture was openly defended. Affronts to honor were met with violence. It is no accident that the first President from the frontier killed a man in a duel[45] and later "assault[ed] his own would-be assassin."[46] Families from the borderlands lived in a constant state of war and depredation.[47] Neighboring families moved together to America but brought their embattled psyches with them. Hillbillies were quick to anger and quick to respond to slights with violence.[48] As Fischer puts it, the denizens of Appalachia

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42. LEE, *supra* note 26, at 196.

43. *See generally* FISCHER, *supra* note 8.

44. LEE, *supra* note 26, at 196.

45. MEACHAM, *supra* note 40, at 25–26.

46. *Id.* at xxviii.

47. FISCHER, *supra* note 8, at 626–29 ("[I]ncessant violence shaped the culture of the border region . . . ."); WEBB, *supra* note 41, at 140.

48. In Fischer's words, Appalachia was "a society of autonomous individuals who were unable to endure external control and incapable of restraining their rage against anyone who stood in their way." FISCHER, *supra* note 8, at 687.

> shared an idea of order as a system of retributive justice. The prevailing principle was *lex talionis*, the rule of retaliation. It held that a good man must seek to do right in the world, but when wrong was done to him he must punish the wrongdoer himself by an act of retribution that restored order and justice in the world.[49]

Indeed, in *To Kill a Mockingbird* it is possible to read the Ewells as stereotypical hillbillies. Bob Ewell's alcoholism, his shiftlessness, his residence behind the city dump—all associate him with the mountaineer of popular myth.[50] When he spits on Atticus, he demonstrates his propensity for violence. During the trial, Atticus suggests that Bob Ewell is the actual author of his daughter's injuries. And, of course, Ewell commits the final act of violence in the novel, the attack on Jem.

In contrast to the Ewells are the Cunninghams, who represent the stereotypical noble mountaineer.[51] A small farmer, barely able to eke out a living on his land, Mr. Cunningham pays his legal bills in smilax and holly. And his son Walter doesn't have a lunch, or a quarter to buy lunch, yet he won't allow his teacher to lend him 25 cents. The Cunninghams are proud and independent. As Scout explains to Miss Caroline: "The Cunninghams never took anything they can't pay back—no church baskets and no scrip stamps. They never took anything off of anybody, they get along on what they have. They don't have much, but they get along on it."[52] Indeed, if it weren't for Mr. Cunningham's obstinate dignity, he could make a comfortable living. According to Atticus, "If he held his mouth right, Mr. Cunningham could get a WPA job, but his land would go to ruin if he left it, and he was willing to go hungry to keep his land and vote as he pleased. Mr. Cunningham . . . came from a set breed of men."[53] This is honorable poverty, as opposed to the laziness of Bob Ewell.

Like the Cunninghams, "[b]order emigrants demanded to be treated with respect even when dressed in rags,"[54] and it's this tradition that gave

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49. *Id.* at 765. According to Andrew Jackson, his mother's last words to him included this injunction: "Avoid quarrels as long as you can without yielding to imposition. But sustain your manhood always. Never bring a suit in law for assault and battery or for defamation. The law affords no remedy for such outrages that can satisfy the feelings of a true man." MEACHAM, *supra* note 40, at 22.

50. *See generally* Phillip J. Obermiller, *Paving the Way: Urban Organizations and the Image of Appalachians*, *in* BACK TALK FROM APPALACHIA 252–53 (Dwight B. Billings et al. eds., 1999); *see also* Katherine Ledford, *A Landscape and a People Set Apart: Narratives of Exploration and Travel in Early Appalachia*, *in* BACK TALK FROM APPALACHIA 47–48 (Dwight B. Billings et al. eds., 1999) ("Appalachian people, . . . [have] been the subject of an enduring . . . myth of cultural, moral, and biological degeneracy[.]").

51. *See* Finlay Donesky, *America Needs Hillbillies: The Case of* The Kentucky Cycle, *in* BACK TALK FROM APPALACHIA 295–96 (Dwight B. Billings et al. eds., 1999).

52. LEE, *supra* note 6, at 20.

53. *Id.* at 21.

54. FISCHER, *supra* note 8, at 615.

rise to East Tennessean Dolly Parton's "Coat of Many Colors." After watching her mother carefully collect and piece together many brightly colored fabric scraps, Dolly was excited when the handmade coat was finished. In her words:

> I couldn't wait to wear my coat to school the next day. . . .
>
> I burst through the school doors like a multicolored whirlwind, wondering just how many people I could find to admire my coat. I was so proud of it. . . . "See my new coat?" I said to one boy. "New," he sneered, "it looks like a bunch of rags."
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> . . . The teacher came in and noticed I was being picked on, so she tried to help. "Don't you want to put your coat in the cloakroom?" she suggested, but I would not. They would not shake my pride in my coat, my love for my mother, my faith in myself.[55]

However, even honorable hillbillies clung to violence as a way of life. Dolly Parton's father and brother were involved in a physical altercation with another family—who appear to have been the aggressors—that eventually morphed into a full-fledged feud.[56] Andrew Jackson engaged in street brawls, defied a federal judge to impose martial law in New Orleans, and did not blink at ordering the genocidal removal of the Cherokee Indians known as the "Trail of Tears."[57] Mr. Cunningham led the lynch mob.[58]

But this is not the culture of Atticus Finch. At every point he rejects violence. When the rabid dog, Tim Johnson, appears in the street, Atticus is called upon to shoot him. We learn that at an earlier age, Atticus was a crack shot, earning the nickname "One-Shot Finch."[59] Yet, even when presented with the gravest threat to his community, Atticus is reluctant to take the rifle. And when he does, he symbolically grinds his spectacles into dust, symbolizing the way in which civilization is crushed by violence. Again, when Bob Ewell spits on him, he fails to retaliate. When his children are taunted at school, he instructs them not to respond with violence.[60] He opposes the lynch mob, not with a gun, but with a newspaper and a lamp.[61]

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55. DOLLY PARTON, DOLLY: MY LIFE AND OTHER UNFINISHED BUSINESS 37–39 (1st ed. 1994).
56. *Id.* at 91–94.
57. MEACHAM, *supra* note 40, at 29–32, 91–97, 317–18.
58. LEE, *supra* note 6, at 153.
59. *Id.* at 97.
60. *Id.* at 76.
61. *Id.* at 150–51.

In *Go Set a Watchman*, Uncle Jack asserts, "The South was a little England in its heritage and social structure."[62] And "England" is the operative word here. Not Ireland, not Scotland, but the Southwest of England, where David Hackett Fischer locates the birthplace of the Cavalier culture of North America, which came to Virginia largely during the interregnum in England, from 1649–1660.[63] According to Fischer, the Cavalier culture was marked by a stoicism that had as its highest virtue a strong will that was "severely bent against itself."[64] In Fischer's words,

> A primary goal of socialization in Virginia was to prepare the child to take its proper place in the social hierarchy. The child's will was not broken, but in a phrase that Virginians liked to use, it was "severely bent against itself."
>
> . . . .
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> The inner stresses were sometimes very great. A gentleman of Virginia was expected to have boisterous feelings and manly passions and a formidable will. But at the same time he was also expected to achieve a stoic mastery of self. This vital tension became a coiled spring at the core of Virginia's culture, and a source of its great achievements during the eighteenth century.[65]

"A stoic mastery of self"—this sounds more like Atticus. His preternatural calm in the middle of the storm that erupts when it becomes clear that he "aims to defend" Tom Robinson. His dismissive attitude toward the Ku Klux Klan; his inculcation of lessons of tolerance; his valorization of conscience, not honor, as the ultimate guide to action; even his insistence to Sheriff Tate that his son be held responsible for the death of Bob Ewell. In all of these situations he displays the self-control and adherence to duty that set the Cavalier hero apart.[66] In accepting the rifle to kill the hound dog, Tim Johnson, Atticus puts duty to the public above his own inclinations. Yet, his selflessness is, perhaps, best indicated by his acceptance of Tom Robinson's case. As Atticus admits to his brother, "I'd hoped to get through life without a case of this kind, but John Taylor pointed at me and

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62. LEE, *supra* note 26, at 194.
63. FISCHER, *supra* note 8, at 212.
64. *Id.* at 312–13.
65. *Id.* at 312–13, 317–18.
66. In Fischer's words,

> Young gentlemen of Virginia were given "freedom of the will" not as an end in itself, but as a means of achieving virtue—that is, of living in harmony with reason, nature, and fortune. . . . It was a stoic ideal which cultivated a calm acceptance of life. It taught that one must fear nothing and accept whatever fate might bring with courage, honesty, dignity and grace.

FISCHER, *supra* note 8, at 316.

said, 'You're It.'"[67] This emptying of the self in the face of duty is echoed in Maudie Atkinson's declaration that "[w]e're so rarely called on to be Christians, but when we are, we've got men like Atticus to go for us,"[68] invoking the image of Atticus as a Christ-like figure.[69] Thus, no matter his inner turmoil or his desire to avoid the controversy for selfish reasons, his will, "severely bent against itself," mandates his obedience.

The Virginia origins of the Cavalier folkway provide the vital connection to race, for Virginia saw the development of the plantation economy and the concomitant enslavement of millions of African-Americans. According to Fischer, because the Virginia planters sought to replicate the social order of southwest England, in which an aristocratic land-holding class was defined by its paternalistic relationship with neighboring yeoman farmers and poor day laborers, they early on created the myth that slavery was somehow natural, and that they were somehow entitled to act as paternalistic overlords of the enslaved African-Americans over which the law gave them "ownership."[70] As for the vaunted idea of liberty that the founders enshrined in our Constitution, in which founding-era Cavaliers like Thomas Jefferson played such a vital role, Fischer explains that

> liberty was a hierarchical idea. . . . Men of high estate were thought to have more liberties than others of lesser rank. Servants possessed few liberties, and slaves none at all. This libertarian idea had nothing to do with equality. . . . John Randolph of Roanoke summarized his ancestral creed in a sentence: "I am an aristocrat," he declared, "I love liberty; I hate equality."[71]

Here we have another distinction between the Cavalier and the hillbilly: for hillbillies, equality is the sine qua non of existence. From this love of equality sprang the mountaineers' hatred of slavery. The issue of race in Appalachia is complex; the absence of a plantation economy in the mountains gave rise to the myth that there were few blacks and no enslavement in Appalachia. Yet in the mountains, just as in the South, there was a black population, there were racial tensions, and there was enslavement, though not on the huge scale seen in portions of the South. In the words of C.G. Woodson, "the frontiersmen . . . hated the slave as

67. LEE, *supra* note 6, at 88.

68. *Id.* at 215.

69. Lance McMillian, *Atticus Finch as Racial Accommodator: Answering Malcolm Gladwell*, 77 TENN. L. REV. 701 (2010).

70. FISCHER, *supra* note 8, at 412.

71. *Id.*

such."[72] For the denizens of Appalachia, the plantation culture of the Cavaliers represented everything they had come to the New World to escape. As East Tennessee Republican newspaper editor (and future Tennessee governor) Parson Brownlow ranted:

> We belong to the "low-flung" party of Unionists, and don't aspire to any higher class of associates. We have always despised, in our heart of hearts, a hateful aristocracy in this country, based upon the ownership of a few ashy negroes, and arrogating to themselves all the decency, all the talents, and all the respectability of the social circle.
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> . . . .
>
> . . . Educated Labor is to take the place of your slave-ocracy, and it will not be long until it will be looked upon as no disgrace for a man to eat his bread by the sweat of his face![73]

For the hillbilly, the South was indeed a "slave-ocracy," with the plantation owners arrogating to themselves the power and privileges that rightfully belonged to all.

At first blush, it is difficult to fit Atticus within the matrix of an arrogant slave-ocracy. For one thing, he does not seem, at first glance, to be arrogant. He treats Calpurnia with respect and demands that the children also do so. He likewise treats Walter Cunningham respectfully, discussing crops with him as if he were an equal. But he calls the Ewells "the disgrace of Maycomb,"[74] and he has the temerity to "pity"[75] Mayella, which is the unpardonable crime that Tom admits to on the stand. The difference between Tom's "pity" for Mayella and Atticus's is that Atticus's pity is socially sanctioned. He stands in a superior social position to her, and, therefore, his pity is fitting. And it is this superior social position—and Atticus's consciousness of it—that qualifies him as "arrogant"—or, if not arrogant, then at least paternalistic.[76]

Appalachian communities had their leaders as well, of course, and those leaders could be described as paternalistic. For example, in a draft of

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72. C. G. Woodson, *Freedom and Slavery in Appalachian America*, 1 J. NEGRO HIST. 132, 140 (1916).

73. Parson Brownlow, Editorial, *Female Respectability*, BROWNLOW'S KNOXVILLE WHIG AND REBEL VENTILATOR, Nov. 11, 1863. Unionism in East Tennessee was a complex phenomenon. Despite their abhorrence of secession, most Unionists opposed abolition. *See generally* ROBERT TRACY MCKENZIE, LINCOLNITES AND REBELS: A DIVIDED TOWN IN THE AMERICAN CIVIL WAR 35–40 (2006). Even Parson Brownlow opposed abolition until after his persecution by the Confederates who occupied Knoxville until 1863. *Id.* at 190.

74. LEE, *supra* note 6, at 30.

75. *Id.* at 203.

76. *See* Rob Atkinson, *Liberating Lawyers: Divergent Parallels in* Intruder in the Dust *and* To Kill a Mockingbird, 49 DUKE L.J. 601, 605 (1999).

his proclamation on nullification in 1832–1833, Andrew Jackson wrote, "I call upon you in the language of truth, and with the feelings of a Father to retrace your steps."[77] Yet, however paternal his feelings for the American people might have been, Jackson was ruthless, demanding absolute loyalty from those around him—and giving loyalty in return.[78] Jackson did not share the sense of *noblesse oblige* that suffuses Atticus's character.[79] When President Jackson reversed the social hierarchy and paid a social call on Jefferson's niece Martha Jefferson Randolph, he did it consciously to curry favor with the Washington elite. He recognized that, as a mountaineer, he could benefit from their good opinion.[80] Atticus, on the other hand, is supremely confident of his social status. He assures Scout that no matter the outcome of the trial, "they're still our friends and this is still our home."[81] Like Governor Berkeley of Virginia, Atticus devotes himself to his community and earns the right to stand at its head.[82]

This perspective gives new resonance to Uncle Jack's declaration in *Go Set a Watchman* that Atticus is a "Jeffersonian democrat" who is "fighting a sort of rearguard, delaying action to preserve a certain kind of philosophy that's almost gone down the drain."[83] The philosophy Jack refers to is an aristocratic, paternalistic philosophy that allows Atticus to sell out Zeebo's son by reasoning that "it [is] better for us to stand up with him in court than to have him fall into the wrong hands."[84] Like many Southern segregationists, Atticus believes it is his right to determine when and how African-Americans achieve legal and social equality. Thus, the apparently benign paternalism of Atticus in *To Kill a Mockingbird* bears within it the seeds of the pathological paternalism of Atticus in *Go Set a Watchman*.

Lee's depiction of Atticus in *To Kill a Mockingbird* as a modern man of conscience and rectitude cannot be divorced from his aristocratic paternalism that derived from his status as the heir of Finch's Landing. In Parson Brownlow's words, Atticus is still a member of the "slave-ocracy." Even though Atticus's defense of Tom Robinson strikes a blow against the Jim Crow system, when he is faced with a challenge to that system that threatens to displace him and other whites from their position atop the legal

77. MEACHAM, *supra* note 40, at xix.

78. As Meacham puts it, "Ferocious in defense of the people and things he loved, Jackson was equally fierce, and often ruthless, in the pursuit of anyone or anything he believed to be a threat to the world as he saw it." *Id.* at xxiv. But when loyalty was given, he returned it in kind. *See id.* at 125 (noting that Jackson stood by his embattled cabinet member, John Eaton, even when other members of the cabinet threatened to resign).

79. *See* Atkinson, *supra* note 76, at 611.

80. MEACHAM, *supra* note 40, at 104–05.

81. LEE, *supra* note 6, at 76.

82. *See generally* FISCHER, *supra* note 8, at 208–10.

83. LEE, *supra* note 26, at 188.

84. *Id.* at 148.

and social hierarchy, he reacts with alarm. One of the virtues of *Go Set a Watchman* is that it reveals Lee's acute awareness of the corruption at the center of Southern culture.[85] After *Brown vs. Board of Education*, white Southerners found themselves embattled, fighting a culture war against the liberal Supreme Court that had taken the place of the "Nine Old Men" whose photo Atticus displays in his office.[86] Aunt Alexandra expresses the sense that white Southern culture is fighting for its life: "You do not *realize* what is going on. . . .[T]hey've gotten civilized, but my dear—that veneer of civilization's so thin that a bunch of uppity Yankee Negroes can shatter a hundred years' progress in five."[87] Or, as one of the ladies of Maycomb puts it, "[W]e're sittin' on a keg of dynamite."[88] If *To Kill a Mockingbird* demonstrates the strengths of a Cavalier hero, his will "severely bent against itself,"[89] then *Go Set a Watchman* shows its limitations. Perhaps Malcolm Gladwell sensed the quiescence at the heart of *To Kill a Mockingbird* when he wondered why Atticus was not "brimming with rage at the unjust verdict."[90] Mountaineers might become enraged by an unjust verdict, seeking private retribution against those who have harmed them. But that private retribution would involve violence, just as the mob of honorable hillbillies seeks to enact private retribution against Tom Robinson. Even when he is most frustrated, even when he feels most threatened by events beyond his control, Atticus Finch does not resort to violence. He simply uses the legal system to remove what he sees as one pawn from the board.

However, in allowing his personal agenda to affect his representation of Zeebo, Atticus fails as a hero. In *To Kill a Mockingbird*, Atticus does not just represent Tom Robinson—he "aims to defend him."[91] In doing so, Atticus exemplifies the virtue of the Cavalier folkway, his will "severely bent against itself."[92] But in *Go Set a Watchman*, Atticus fails to subordinate his own interests to the greater good. His capitulation to the social pressure embodied in the death throes of the Jim Crow South marks him as just another Southerner who seeks to keep blacks in a subordinate

85. To be sure, as Sojourner Truth recognized, the corruption was at the center of American culture—"there is a little weevil in it." *See* LARRY G. MURPHY, SOJOURNER TRUTH: A BIOGRAPHY 69 (2011).

86. LEE, *supra* note 26, at 240.

87. *Id.* at 166.

88. *Id.* at 173.

89. FISCHER, *supra* note 8, at 313.

90. Malcolm Gladwell, *The Courthouse Ring: Atticus Finch and the Limits of Southern Liberalism*, NEW YORKER (Aug. 10 & 17, 2009), https://www.newyorker.com/magazine/2009/08/10/the-courthouse-ring. *See* Cornett, *supra* note 3, at 733 (noting Gladwell's implication that the black spectators should demonstrate their rage against the unjust verdict by "burning down the courthouse").

91. LEE, *supra* note 6, at 163.

92. FISCHER, *supra* note 8, at 313.

legal and social position. At that moment in history, when he felt embattled and threatened by the overwhelming forces of history, perhaps a hillbilly Atticus could have acted upon the mountaineers' principle of radical equality, resisting the remnants of the slave-ocracy and helping to create a society where blacks and whites fought together for social justice.

But there is no hillbilly Atticus. And perhaps it is just as well, for it may be that the backcountry folkway, in which all of life is a violent battle for survival, cannot result in a just and peaceful society. For hillbillies, and others who share hillbilly values, the Atticus of *To Kill a Mockingbird*—his will "severely bent against itself"[93]—provides an example of sobriety, reason, and tolerance. And that may be heroism enough.

93. *Id.*