The Half-Virtuous Integrity of Atticus Finch

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OF ATTICUS FINCH

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INTRODUCTION

First thing you learn when you’re in a lawin’ family is that there ain’t any definite answers to anything.
—Calpurnia

Atticus Finch exemplifies two kinds of integrity. Each has figured prominently in the literature on *To Kill a Mockingbird* and the work of legal ethicists and philosophers who study integrity. But only one of these kinds of integrity is really a virtue.

Part I of this Article explains the difference between the two kinds of integrity. One kind of integrity involves acting in ways that are faithful to the things one values. People with this kind of integrity stand up for what they believe in, despite pressure to back down. Although Atticus is often wrongly portrayed as a solitary figure—in fact, he has many supporters—there is no question that he stands up for his beliefs and values in this way. And he should be praised for standing up for his values.

A second kind of integrity involves wholeness or unity of the personality. A person with this kind integrity is someone who experiences harmony between their various social roles and identities: a person who, like Atticus, is the same person in the public streets, in their own home, and wherever else they go. Lawyers with this kind of integrity find ways to integrate their professional selves and their personal selves. They experience no conflict between their identities as lawyers and their identities as parents, or citizens, or moral people.

Many lawyers and legal ethicists have praised the kind of integrity that involves harmony between our identities. Atticus Finch is the paradigmatic example of a person who is praised for being the same person in all of his roles: Atticus the lawyer does things that Atticus the father can be proud of, and vice versa. But the rest of this article explains that people who praise Atticus for

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1 Harper Lee, *To Kill a Mockingbird* 269 (50th Anniversary ed. 2010) [hereinafter *Mockingbird*].
the way he unifies his identities are, in several important ways, wrong. We shouldn’t praise Atticus for the consistency between his selves.

Part II explains that while lawyers might reasonably envy Atticus’s self-integration, they should not praise or admire it. Self-integration is a form of well-being. It feels good to experience it, and harmony between our identities may be a form of psychological health. But it’s not, in ethical terms, a virtue, meaning that it’s not inherently praiseworthy.

There are two reasons why we shouldn’t praise people for having integrated identities. First, self-integration is a product of social privilege. Only people at the top of a social hierarchy like Maycomb’s enjoy the luxury of being the same person wherever they go.

Second, our identities can limit us. We sometimes integrate our identities by centering our lives solidly around a particular value or set of values, but this kind of solidity has costs. One of the reasons Atticus is able to avoid tension between his identities is that the rule of law is sacred to all of them. It is not the only value he holds dear, but it is central to who he is. As a lawyer, he defends the rule of law; as a father, he teaches his children about it; and in his private identity as a Christian (or moral person) he believes in the rule of law just as deeply. His wholehearted commitment to the rule of law leads him to an act of great heroism: he risks his life to ensure that Tom Robinson survives the lynch mob and gets his day in court. But after the lynch mob leaves, Atticus is left as the only guard at Tom Robinson’s door. He is, briefly, Tom’s jailer.

Why is it impossible to imagine Atticus releasing Tom in the dead of night? It’s not because Atticus lacks the courage to face the consequences of such a decision. Nor is it because he is incapable of seeing, intellectually, the need for law-breaking in some cases. As I explain in Part I, he clearly understands that laws should sometimes be bent or broken. Rather, it’s because opening Tom’s cell with his own hands would be utterly inconsistent with the person Atticus is. He is not a rebel, or even an activist; given his commitment to the rule of law, he cannot adopt those identities. His self, in other words, is too solidly integrated for him to save Tom’s life. Well-integrated selves can have ethical costs.
Part III explores the benefits of tension between a person's different identities. *To Kill a Mockingbird* is widely misread as a simplistic portrait of an Atticus Finch whose saintly virtue towers over everyone else’s. (That is why *Go Set a Watchman*, with its overtly racist Atticus, was received as such a shock.²) In fact, the text of *Mockingbird* presents Atticus as just one of many characters who deserve our admiration. It deliberately contrasts Atticus’s integrity with the integrity of characters like Calpurnia, Maudie, Dolphus Raymond, Scout, and Dill, whose identity-conflicts make it possible for them to be as admirable as they are.³

As praiseworthy as Atticus may be, it is these other characters whose virtue provides the most promising model for lawyers. Their virtuous identity-conflict makes it possible to cross social boundaries, as Calpurnia does; to detach oneself from dominant value-systems enough to criticize them radically, as Dolphus Raymond, Scout, and Dill do; and to work against social institutions from the inside, as Maudie does. Atticus, always the same person in his various roles, cannot accomplish what these characters do. He is certainly admirable, but so are they.

This Article in Context

This is the third in a series of articles on the basic concepts that figure in reliable ethical reasoning. The earlier articles focused on two concepts that will be central to this article: intrinsic value and virtues. The first article explained why lawyers thinking about ethics need to understand the concept of intrinsic value—the quality things have when they are worth pursuing or defending for their own sake.⁴ The second article explained why lawyers thinking

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³ References to the text’s intent should be understood in terms of Wayne Booth’s concept of “implied author,” and references to its message should be understood in terms of Booth’s concept of “fixed norms.” See Wayne C. Booth, *The Company We Keep: An Ethics of Fiction* 125, 151 (1988). Harper Lee may well not have intended the character of Atticus to be as complex as he is; but the implied author—that is, the viewpoint suggested by the text itself—has a life of its own.
⁴ See Andrew B. Ayers, *The Lawyer’s Perspective: The Gap Between Individual Decisions and Collective Consequences in Legal Ethics*, 36 J. Legal Prof. 77 (2011). The argument of the first article was that lawyers can’t decide what choices to make merely by asking themselves, “What would happen if all lawyers behaved this way?” They must also ask whether a given decision would be right even if no other lawyer behaved in the
about ethics also need to understand the concept of virtues, which are ethically admirable qualities we attribute to people (as opposed to their actions or their actions’ consequences).

Neither article aligned itself with a specific school of moral philosophy like deontology, consequentialism, or virtue ethics.

same way—in other words, by asking whether the proposed action has intrinsic value. On intrinsic value, see NOAH M. LEMOS, INTRINSIC VALUE: CONCEPT AND WARRANT (1994); MICHAEL J. ZIMMERMAN, THE NATURE OF INTRINSIC VALUE 75-97 (2001); BERNARD WILLIAMS, TRUTH AND TRUTHFULNESS: AN ESSAY IN GENAEALOGY 91-92 (2002).

See Andrew B. Ayers, What If Legal Ethics Can’t Be Reduced To A Maxim?, 26 GEO. J. LEGAL ETHICS 1 (2013). The argument here is that hard ethical problems can’t be solved with propositional rules or maxims. So instead of trying to come up with maxims that will solve hard ethical problems, we should study the personal qualities that allow lawyers to approach such problems admirably—in other words, lawyers’ virtues.

Many contemporary definitions of virtue focus on the relationship between virtues and intrinsic value. See, e.g., JULIA ANNAS, INTELLIGENT VIRTUE 103 (2011) (“Broadly, virtue is a successful commitment to goodness . . . .”); ROBERT MERRIHIEWS ADAMS, A THEORY OF VIRTUE: EXCELLENCE IN BEING FOR THE GOOD 6 (2006) (defining virtue as “persisting excellence in being for the good”); LINDA TRINKAUS ZAGZEBSKI, VIRTUES OF THE MIND: AN INQUIRY INTO THE NATURE OF VIRTUE AND THE ETHICAL FOUNDATIONS OF KNOWLEDGE 137 (1996) (defining a virtue as “a deep and enduring acquired excellence of a person, involving a characteristic motivation to produce a certain desired end and reliable success in bringing about that end”).

Other definitions stress the more Aristotelian idea that virtues are dispositions to respond to a certain kind of situation in an ethically admirable way. See, e.g., Martha C. Nussbaum, Non-Relative Virtues: An Aristotelian Approach, in MIDWEST STUDIES IN PHILOSOPHY VOLUME XIII ETHICAL THEORY: CHARACTER AND VIRTUE 32, 35 (Peter A. French, Theodore E. Uehling, Jr., & Howard K. Wettstein eds., 1988) (arguing that a virtue is being disposed to choose and respond well within a given sphere of human experience); ROSALIND HURSTHOUSE, ON VIRTUE ETHICS 13 (1999) (A virtue is “something that makes its possessor good; a virtuous person is a morally good, excellent, or admirable person who acts and reacts well, rightly, as she should—she gets things right.”); CHRISTINE SWANTON, VIRTUE ETHICS: A PLURALISTIC VIEW 1, 20 (2003) (defining virtue as “a disposition to respond to or acknowledge, in an excellent (or good enough) way, items in the field of a virtue (whether those items are people, objects, situations, inner states, or actions)”; defining the “field of a virtue” as “those items which are the sphere(s) of concern of the virtue”); id. at 21 (“[A] virtue is a disposition to respond well to ‘the demands of the world.’”). On Aristotelian conceptions of virtue, see SARAH BROADIE, ETHICS WITH ARISTOTLE (1991).

For a review of historical conceptions of virtue, see ALASDAIR MACINTYRE, AFTER VIRTUE: A STUDY IN MORAL THEORY 185 (2d ed. 1984). MacIntyre stresses the conceptual connection between virtues and intrinsic value in his own definition of virtue: “an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.” Id. at 191. Cf. PHILIPPA FOOT, VIRTUES AND VICES, in VIRTUES AND VICES AND OTHER ESSAYS IN MORAL PHILOSOPHY 1 (1978) (describing virtues as correctives to ethically troubling tendencies).
Instead, the point was to identify the basic concepts, like virtues and consequences, that play a role in reliable ethical reasoning no matter which moral theory one adopts. Moral theories simplify ethics, but the articles questioned whether simplifying ethics should be the goal at all. Instead of seeking ethical maxims that artificially simplify our ethical predicaments, we should focus on understanding the capabilities that are required to navigate complex ethical situations in an admirable way. One of those capabilities is the ability to endure internal tension and unease when faced with an ethically challenging situation. Instead of looking for ways to get rid of complexity, we should be looking for ways to live with it appropriately and well.

On approaches to legal theory grounded in virtue ethics, see Colin Farrelly & Lawrence B. Solum, An Introduction to Aretaic Theories of Law, in Virtue Jurisprudence 1 (Colin Farrelly & Lawrence B. Solum eds., 2008); Lawrence B. Solum, Virtue Jurisprudence: Towards an Aretaic Theory of Law, in Aristotle and the Philosophy of Law: Theory, Practice, and Justice (Liesbeth Huppes-Cluysenaer et al. eds., 2013).

Many important theories of virtue do not belong to the philosophical tradition known as “virtue ethics.” Some theories of virtue, for example, are explicitly consequentialist and, accordingly, adopt consequence-focused definitions. See, e.g., Julia Driver, The Virtues and Human Nature, in How Should One Live? Essays on the Virtues 111, 113 (Crisp ed., 1996) (“A moral virtue is a character trait which produces good consequences for others.”). Likewise, deontological theories may have their own definitions of virtue, which will generally tend to define virtues in terms of the moral rules or principles which are, according to such theories, the basic elements of morality. See, e.g., John Rawls, A Theory of Justice 192 (1971) (“The virtues are sentiments, that is, related families of dispositions and propensities regulated by a higher-order desire, in this case a desire to act from the corresponding moral principles.”); id. at 436 (“[T]he fundamental moral virtues, that is, the strong and normally effective desires to act on the basic principles of right . . . .”).

It is important to note that although the concept of eudaimonia—variously translated as happiness, well-being, or flourishing—plays a role in many theories of virtue, including some of the ones cited above, it plays no role in the definitions quoted above. See Swanton, supra note 6, at 77-95 (explaining and rejecting eudaimonism). Those definitions also exclude several elements of Aristotle’s definition of virtue, which contains multiple terms that are incomprehensible to the modern reader without lengthy philosophical exposition. See Aristotle, Nichomachean Ethics 25 (Terence Irwin trans., 2d ed. 1999) (“Virtue, then, is (a) a state that decides, (b) [consisting] in a mean, (c) the mean relative to us, (d) which is defined by reference to reason, (e) [i.e.], to the reason by reference to which the intelligent person would define it.”). Broadie translates the passage differently, so that the definition of virtue is: “a state concerned with choice, lying in a mean relative to us, this being determined by a logos and in the way in which the man of practical wisdom would determine it.” Broadie, supra note 6, at 74.

Ayers, supra note 5, passim.

Id. at 53-56.
This Article continues that embrace of complexity by explaining how *Mockingbird*’s most promising ethical model for lawyers is provided by characters who successfully endure, and indeed make use of, a sometimes-painful tension in their identities. Where Atticus’s identity is simple, in the sense of being unified, their identities are complex. But their complexity is virtuous, and they should make us question whether the legal ethicists who aim to simplify lawyers’ ethics and lawyers’ identities are missing something important.

This Article uses the two basic concepts explored in the earlier articles—intrinsic value and virtues—to make sense of a third concept: integrity. Legal theorists, and legal-ethics theorists in particular, have done a great deal of work on the concept of integrity. So have philosophers. But I will argue that many of

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them have misunderstood the concept. They have failed to see that there are two kinds of integrity—one an intrinsic value and the other a virtue.

By showing that Atticus’s integrity is in some respects not a virtue, and therefore not morally praiseworthy, this Article isolates precisely what is admirable about Atticus’s integrity. It thus aims both to advance our understanding of integrity and to fill an important gap in the large body of legal and literary scholarship on To Kill a Mockingbird and Atticus Finch.12


Finally, see them: the unconquered eye in

The Unconquered Eye in

Integrity? Atticus Finch and the Cardinal Virtues

Night: Fear and Halloween Imagery in

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[http://www.newyorker.com/magazine/2009/08/10/the

Atticus Finch and the Limits of Southern Liberalism

Mockingbird,

E

C. Evans,

Haunted House: The New Southern Gothic, and the Young Adult Novel of the 1960s: A

Champion,

of Influence on the Legal Profession

Motherle

in Maycomb

Dave, To Kill a Mockingbird:

H. Brinkmeyer

Harold Bloom, Introduction, in

Commonplace: Harper Lee's Response to Jane Austen

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icus Finch

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Rereading of

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Phelps,

Mockingbird,

Naomi Mezey,

701 (2010); Lance McMillian,

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In showing that *Mockingbird* offers characters other than Atticus Finch as moral exemplars, this Article also suggests a way to understand *Go Set a Watchman*, the controversial book that seems to both supplement and undermine *Mockingbird*. By asking what both books have to say about moral integrity, we can see that *Watchman* is clumsily trying to communicate a message that is conveyed with skill and subtlety in *Mockingbird*: the idea that Atticus Finch, while he may model integrity of a certain kind, cannot serve as integrity’s definitive exemplar.

Contrary to the idea that *Mockingbird* is a simplistic ode to Atticus’s sainthood, the book is in fact sophisticated in its presentation of characters other than Atticus who represent alternative versions of integrity. *Mockingbird’s* message, in the end, is a much better version of the same thing *Watchman* says so painfully: If we want to understand moral integrity, we should look beyond Atticus Finch.


13 See, e.g., Simon, supra note 12, at 1377; Bloom, Introduction, in MODERN CRITICAL INTERPRETATIONS, supra note 12, at 1 (“Atticus and all the others are ideograms rather than people . . . .”); Evans, supra note 12, at 101-02 (on criticisms of MOCKINGBIRD for being “unsophisticated”).
I. WHAT WE CONFUSE WHEN WE TALK ABOUT INTEGRITY

No one is more revered among lawyers than Atticus Finch. One often hears the idea that lawyers should approach their ethical problems by asking, “What would Atticus do?” In Watchman, the adult Scout, who has herself asked this question for many years, learns to challenge it. But it is already challenged in the text of Mockingbird, or so I will argue.

What’s wrong with asking what Atticus would do? Over the years, Atticus has been criticized on a number of grounds, and while some of those criticisms are quite unpersuasive, Mockingbird does not depict Atticus as perfect. His sexism, for example, is subtly satirized by the text. He laughs at Scout for thinking women should serve on juries, making a joke about how they would ask too many

14 See generally Engar, supra note 12; see also Phelps, The Margins of Maycomb, supra note 12, at 511; Atkinson, supra note 12, at 604-05 (noting lawyers’ reverence for Atticus); Gladwell, supra note 12 (same); Pierre Schlag, Normative and Nowhere to Go, 43 STAN. L. REV. 167, 189 (1990) (describing legal academics’ wish to believe that “we are preparing our students to become Atticus Finch”).

15 Consider, for example, the 2010 conference of a state bar association in Texas, where lawyers “proudly wore rubber bracelets with the words ‘What Would Atticus Do?’ stamped on them—a nod to the integrity of Harper Lee’s fictional small-town lawyer.” State Bar Of Texas Annual Meeting: Fort Worth, Texas June 10-11, 2010: Ethics & Professionalism Of Atticus Finch CLE: What Would Atticus Do?, 73 Tex. B.J. 675 (Sept. 2010). See also Shaffer, Faith, supra note 12, at 7; Richard Pena, What Would Atticus Do?, 62 Tex. B.J. 14 (Jan. 1999) (State Bar President, in address to a lawyer-induction ceremony: “Atticus Finch is a lawyer with integrity and perseverance who believed in respect, fairness, and equality. Take this example to heart and, when faced with a problem, ask yourself this very simple question, “What would Atticus do?”).

16 See Watchman, supra note 2, at 117 (“She never questioned it, never thought about it, never even realized that before she made any decision of importance the reflex, ‘What would Atticus do?’ passed through her unconscious . . . .”). For example, Freedman attacks Finch for minimizing the threat posed by the Ku Klux Klan, but Finch does so in a conversation with his children, trying to reassure them. See Freedman, supra note 12, at 473-76. Gladwell is more convincing in portraying Finch’s views on racial justice as overly moderate and paternalist. See Gladwell, supra note 12. But as McAdams observes—and as discussed in section II.C, below—all of these critics miss the best textual evidence of Finch’s racism. See McAdams, Past Perfect, supra note 12. See also Smith, supra note 12, at 151-60 for a useful overview and responses to those criticisms.

Better criticisms of Finch’s failure to perceive and challenge injustice include Phelps, supra note 12, and Atkinson, supra note 12. Particularly interesting in this regard is Mezey’s observation that Finch, and the text itself, blames Southern racism on low-class whites. Mezey, supra note 12, at 121. The text of Mockingbird has also been justly criticized for focusing more on Finch’s virtue than on Tom Robinson’s suffering. See, e.g., Siegel, supra note 12.
questions during a trial; but this joke comes right after a jury
convicts Tom Robinson in less than an hour, making the reader
desperately wish for more questioning jurors.18

Nor is Atticus a particularly skillful lawyer.19 He fails to
notice, for example, that Tom Robinson’s testimony could be
confirmed, and Mayella Ewell’s disproved, by checking whether a
chiffarobe (a combination wardrobe/chiffonier) is still standing in
the Ewells’ kitchen.20 And he fails to ask Judge Taylor to set aside
the verdict, as the judge in the Scottsboro case had done a few years
earlier under comparable circumstances, as reported in newspapers
Atticus reads nightly.21

Despite his failings, there is no question that Atticus is
inspiring. The problem with asking “what would Atticus do?” is not
just that he’s imperfect; it’s also that there are other inspiring
characters who are just as deserving of a place in our moral
reflection. As the last section of this article explains, several other
characters exemplify different forms of integrity. We should ask not
only what Atticus would do, but what Calpurnia would do, what
Scout would do, and what Maudie would do.

Before we can do that, however, we need to understand
Atticus’s own virtues better. When his admirers list those virtues,
integrity is usually high on the list.22 But it is difficult to pin down
just what “integrity” means.

18 Mockingbird, supra note 1, at 253. By the time of Tom Robinson’s trial in 1935,
women were eligible for jury service in at least 23 of what are now the 50 states (not
Alabama), although they were often excluded in practice. Martha Craig Daughtrey,
Cross Sectionalism in Jury-Selection Procedures After Taylor v. Louisiana, 43 Tenn. L.
Rev. 1, 55 (1975).

19 See Osborn, supra note 12, at 1141-42 (criticizing Finch for not pursuing federal
legal remedies to stop the obvious sham of a trial).

20 Tom testifies that Mayella began inviting him into her house “last spring,” long
before the day of the attempted rape, and her first request was to “bust up a chiffarobe
for her,” which he did. Mockingbird, supra note 1, at 218. So his testimony is that the
chiffarobe was long ago pulverized. Mayella is unsure whether Tom had been on her
property before the day of the alleged rape, but her testimony is clear that he attacked
her before busting up the chiffarobe. Id. at 205-06, 210. So if her version is true, the
chiffarobe is still there.

21 Barker, supra note 12, at 188, points out that Atticus would have read about the
Scottsboro decision in the Mobile Register, one of the newspapers he reads nightly, in
1933. Mockingbird, supra note 1, at 167.

22 See, e.g., Robert M. Palumbos, Within Each Lawyer’s Conscience a Touchstone: Law,
(using Finch to support this point: “It is significant that among our culture’s most revered
This article will distinguish two ways of understanding integrity. According to one conception, integrity is *fidelity to the things one values*. People with this kind of integrity stand up for what they believe in. According to a second conception, integrity is a kind of personal wholeness: *harmony between one’s roles or identities*. A person with this kind of integrity is free from certain kinds of internal tension or conflict.

The harmonious-identity conception of integrity is particularly significant for lawyers because it involves harmony between the different roles a single person can play in society. Since lawyers are often thought to experience tension between their lawyerly role and the other roles they play (like parent, friend, member of the political community, and so on), the idea of harmony between roles is appealing to many lawyers and legal ethicists.

There are, to be sure, many ways to use the word “integrity” other than the two conceptions discussed in this article. The word
can refer to general moral goodness; or truthfulness; or a disposition to reason well about ethical questions. In professional contexts, “integrity” sometimes refers to people who comply with specifically professional norms. For example, it can be said that a judge with integrity is one who is faithful to her role, exercising judicial restraint when appropriate; and a politician with integrity is, among other things, one who is independent and not corrupt. In appellate caselaw, the word “integrity” is most often used to refer to the effectiveness and legitimacy of the justice system or certain government processes. And in legal theory, particularly the strain influenced by Ronald Dworkin, the term “integrity” refers to a quality of moral and political coherence that characterizes good laws or good judicial opinions.

I am not going to make a semantic argument about which meaning of integrity should come first in the dictionary, or try to discourage anyone from using the term in whatever ways they find useful. My goal is to understand whether there is a moral quality

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23 See, e.g., Deborah L. Rhode, If Integrity is the Answer, What is the Question?, 72 FORDHAM L. REV. 333, 335 (2003) (“In common usage, ‘integrity’ often functions as an all-purpose term of moral approval.”); see also Nancy Schaub, Integrity, Commitment and the Concept of a Person, 33 AM. PHIL. Q. 119, 119-20 (1996) (discussing the idea that “to note that someone is a person of integrity is the same as noting that she is a good person”); see also Fred C. Zacharias, Fitting Lying to the Court into the Central Moral Tradition of Lawyering, 58 CASE W. RES. L. REV. 491, 502 (2008) (referring to “universal principles of integrity—including the principle that lawyers, like everyone else, ordinarily should not lie”); Fred C. Zacharias, Integrity Ethics, 22 GEO. J. LEGAL ETHICS 541, 545 (2009).


25 See, e.g., Damian Cox, Marguerite La Caze & Michael P. Levine, Should We Strive for Integrity?, 33 J. VALUE INQUIRY 519, 521 (1999). I agree with Schaub that this approach fails to capture what’s distinctive about integrity. See Schaub, supra note 23, at 119.

26 See Zipursky, supra note 24, at 397-98.


28 See, e.g., Vasquez v. Hillery, 474 U.S. 254, 263-64 (1986) (setting aside criminal conviction where the unlawful exclusion of members of the defendant’s race from the grand jury “undermined the structural integrity of the criminal tribunal itself”).

29 See Ronald Dworkin, Law’s Empire 176-90 (1986); see also Jeremy Waldron, Legislating with Integrity, 72 FORDHAM L. REV. 373, 373 (2003).
we admire in lawyers like Atticus Finch—something more specific than general goodness of character.

A. Fidelity to One’s Values

When people explain their admiration for Atticus Finch, they often mention the way he stands up for his beliefs despite pressure to do otherwise. As one writer says, “Atticus displayed great courage in standing up to his neighbors, to his relatives, and to all of Maycomb County, and in risking everything—his children’s and his own safety, his career, his friendships—to act in accordance with his own conscience.” He displays the virtue of “acting on principle even when it is difficult, responding to the duty to one’s individual conscience even when collective action or opinion is opposed.” He does “what he believes is right, despite considerable personal risk to himself and his children in doing so.”

We could call this courage, but that doesn’t quite capture what is admirable about Atticus. It’s not just that he accepts risks; it’s that he accepts risks for a specific reason: because he is trying to stay faithful to the things he values. And this is what some philosophers and legal ethicists see, rightly, as the essence of moral integrity.

1. What It Means to be Faithful to One’s Values

Some of the philosophers and legal ethicists who have tried to distill the concept of integrity have settled on the idea of being faithful to one’s values. Matthew Pianalto, for example, says people have integrity when they “practice what they preach and stand by their commitments in difficult circumstances.” Other
philosophers point out that integrity can be seen as willingness to bear the consequences of one’s moral convictions, even when they’re painful.\textsuperscript{35} Integrity of this kind is displayed when one’s values come under pressure. As Jon Stewart observed, “If you don’t stick to your values when they’re being tested, they’re not values: they’re hobbies.”\textsuperscript{36} Atticus’s values are not hobbies. He acts consistently with his values despite facing many kinds of pressures.

That said, we shouldn’t overstate the extent to which Atticus stands against his community. One would have to ignore a great deal of textual evidence to agree with Marie Failinger when she says, “There is nobody who supports him, nobody who permits him to remain constant, nobody who preserves his integrity.”\textsuperscript{37} Here’s a list of Atticus’s supporters:

- Maycomb’s entire black community;
- its one judge;
- its one sheriff;
- the editor of its sole newspaper, who editorializes fiercely against the Tom Robinson verdict, and is prepared to take up arms to defend Finch;
- Maudie Atkinson and Atticus’s brother-in-law Jack, who seem to be Atticus’s only real friends;
- Atticus’s children, who are his greatest solace throughout the book;

\textsuperscript{35} Lynne McFall, \textit{Integrity}, 98 ETHICS 5, 7 (1987).
• his sister Alexandra, who by the end of the book is more outraged by Tom’s death than Atticus;

• Link Deas, who is ready to take legal action against Bob Ewell to stop him from harassing Tom Robinson’s wife Helen.\(^{38}\)

And Finch is re-elected to the county legislature after the trial.\(^{39}\) So we shouldn't overstate how solitary his struggle is.

Nonetheless, Finch’s struggle is real, and he faces intense social pressure from his community.\(^{40}\) We know that he is called “nigger-lover” by his neighbors.\(^{41}\) And we can guess that the harassment he suffers is more severe than we see, because it is likely that Atticus chooses not to mention much of it to his daughter, our narrator. More painful to a loving parent than direct social pressure is social pressure directed against one’s children; and Scout and Jem are subject to ongoing teasing and harassment throughout the book.\(^{42}\) Members of Finch’s family, too, disapprove of what he is doing (although the only specific disapproving relatives we know of are Cousin Francis, a child, and an otherwise-unheard-from grandmother).\(^{43}\)

\(^{38}\) See \textit{Mockingbird}, supra note 1, at 247 (Judge Taylor); 166 (Sheriff Tate); 177 (Braxton Underwood, the editor); 271 (Miss Maudie and her “handful”); 100 (Jack who half-jokingly compares Atticus to Jesus, saying, “Let this cup pass from you, eh?”); 270 (Alexandra says Tom’s death is “the last straw,” to which Finch replies, with startling dispassion, “Depends on how you look at it.”); 286-287 (Link Deas threatens to prosecute Bob Ewell). Barker points out that Deas’s threatened legal action may be the most radical act in the book, since it would grant Helen Robinson the legal status of “lady.” \textit{Barker}, supra note 12, at 187.

\(^{39}\) \textit{Mockingbird}, supra note 1, at 280.

\(^{40}\) This social pressure must be particularly painful to Atticus, since he comes from a culture in which a person’s honor and reputation have great value—in which integrity itself can be understood as a social phenomenon. One scholar of Southern culture describes a tradition in the old South in which “integrity” simply meant “unsullied reputation.” \textit{Bertram Wyatt-Brown, Southern Honor: Ethics & Behavior in the Old South} 46 (25th Anniversary ed. 2007).

\(^{41}\) See, e.g., \textit{Mockingbird}, supra note 1, at 85, 94.

\(^{42}\) \textit{Mockingbird}, supra note 1, at 85, 102-03. The teasing schoolmate is Cecil Jacobs. \textit{Id.} at 85. In the late scene where Bob Ewell attacks the children, they first call out Cecil’s name, thinking that’s who they hear in the underbrush. It’s a reminder that Ewell’s violence is the eventual outgrowth of childish taunts. \textit{Id.} at 300, 308.

\(^{43}\) \textit{Id.} at 94.
So the pressure is real; but Atticus withstands it. When Scout points out that “most folks” think he’s wrong, Atticus says, “before I can live with other folks I’ve got to live with myself.” And then, famously: “The one thing that doesn’t abide by majority rule is a person’s conscience.” That sentence distills the idea that integrity is fidelity to one’s values—in this case, fidelity despite social pressure.

Atticus also perseveres in the face of physical threats to himself and his children. As Linda Ross Meyer notes, the film version of Mockingbird emphasizes the stakes by having Finch accept Tom Robinson’s case right after hearing the children talk about their dead mother. The physical threats are not empty ones: Bob Ewell eventually tries to murder Atticus’s children, and the Cunningham lynch mob is also prepared to commit violence against him, turning away only at the last minute when Finch’s daughter makes an adorable and surreal attempt at small talk with the lynch mob’s leader.

So Atticus stands by his values; and they really are his: not just professional values, but personal ones too. To be sure, he acts consistently with one of the legal profession’s most treasured ideals by defending an unpopular client. But Atticus flatly violates the values of his profession in at least one case, when he tells the children about Mrs. Dubose’s morphine addiction: as Thomas Shaffer observed, this is a clear violation of confidentiality rules that lawyers generally regard as central to their role as lawyers. And in any case, Atticus does not see his defense of Tom as a case of professional integrity. He says that Tom’s defense is “something that goes to the essence of a man’s conscience” and he “couldn’t go to church and worship God if [he] didn’t try to help that man.”


44 Id. at 120.
45 Id.
46 MEYER, NEW ESSAYS, supra note 12, at 40-41.
47 MOCKINGBIRD, supra note 1, at 175.
49 Thomas L. Shaffer, Growing Up Good in Maycomb, 45 ALA. L. REV. 531, 542 n.43 (1994).
50 MOCKINGBIRD, supra note 1, at 120.
going down to the jailhouse to face the lynch mob. This goes far beyond any possible requirement of professional ethics. Lawyers are not bodyguards, and a client’s physical safety is not part of our professional responsibility. So Atticus’s heroism can’t be captured by the idea of professional integrity. He is standing up for his personal values. He thus embodies one conception of integrity, and in spite of the criticisms that will be offered later in this article, he deserves passionate praise for it.

2. Is Atticus Faithful to His Values?

Before discussing the second kind of integrity, I want to address an objection to the claim that Atticus displays fidelity to his values. Some writers have felt that Atticus betrays his values in a key scene at the end of Mockingbird. In this scene, Atticus has just learned that his children survived an attack by Bob Ewell only because Arthur Radley intervened.\(^{51}\) When Atticus learns that Arthur killed Ewell, he follows Sheriff Tate in pretending that Ewell fell on his knife.\(^ {52}\) Does he sacrifice his integrity—that is, betray his own values—by joining the cover-up?

Most legal ethicists who write about Mockingbird think so. Tim Dare thinks that Atticus’s story is a “tragedy”: “In the end Atticus abandons a principle that he has passionately defended, in terms of which he has understood himself, which has to a large extent secured his unique and valuable role in Maycomb.”\(^ {53}\) That principle is the rule of law. Atticus in his famous courtroom speech warns about “the danger of deciding upon guilt or innocence within the ‘secret courts of men’s hearts’ rather than by the public processes of the courts of law”; but this secret way of deciding guilt or innocence “seems to be exactly what Atticus countenances in the final episode.”\(^ {54}\)

Dare thus agrees with an early critic that Atticus ultimately stands up not for equal justice but for the dubious principle that “while ignorant rednecks mustn’t take the law into their own

\(^{51}\) Id. at 314-17.
\(^{52}\) Id. at 318.
\(^{54}\) Id. at 110.
hands, it’s all right for nice people to do so.”55 Many other lawyers who comment on this episode also hold that Atticus betrays his values here.56 And when the movie was first made, the Catholic Legion of Decency initially rated the film as suitable only for adults because of this scene.57 But there are several problems with the argument that Atticus is unfaithful to his principles.

First, there is no indication that Atticus himself embraces a general rule that the legal system must always be brought to bear on problems that are potentially within its jurisdiction. It has never been clear why critics think the rule of law should require the commencement of a legal proceeding in this clear case of justifiable homicide.

And even if Atticus thought that the rule of law required some action here, he has always embraced the idea that the rule of law is consistent with minor rule-breaking when there is good reason for it. He himself says, early in the book, “Sometimes it’s better to bend the law a little in special cases.”58 In that scene, Atticus is explaining why no one compels Burris Ewell, the feral child of villain Bob Ewell, to go to school: it simply wouldn’t work. He also explains that he approves of allowing Bob Ewell to hunt illegally, because the alternative would be letting the Ewell children go hungry.59 These are not compromises that call into question Atticus’s commitment to his value-system; these compromises are...
his value-system. He values the rule of law deeply, but he also sees that other values sometimes outweigh it.

That’s not to say that Atticus is capable of personally rebelling against the rule of law. The tragedy in Mockingbird, from the perspective of Tom Robinson’s interests, comes elsewhere in the text, in a moment when Atticus doesn’t break the law. While Atticus understands intellectually the need for occasional law-breaking, his commitment to the rule of law makes it impossible to imagine him releasing Tom Robinson from jail on the night when he guards him from the lynch mob. He is willing to risk his life to get Tom Robinson a trial, but not to set him free. This argument will be developed further below; for the moment, it is worth considering that when Atticus agrees to keep silent about the killing of Bob Ewell, he may have learned some important lessons about the relative importance of the rule of law from his experiences throughout the book.

Atticus understands, perhaps more clearly by the end of the book, that when values conflict, compromises can be made with integrity.60 People with integrity cannot avoid being confronted with difficult choices.61 When principles conflict, we sometimes have to make exceptions to some of those principles. For example, it is good to follow the principle “tell the truth”—except when it would unduly harm others, except when it would break a promise, except when it would needlessly hurt someone’s feelings, and so on.62 The best word for someone who rejects exceptions like these, and always follows a given propositional moral principle, is “fanatic,” not “person of integrity.”63

People of integrity are typically committed to a range of intrinsic values: human dignity, the prevention of suffering, social

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60 For a detailed treatment of integrity and compromise, see Mark S. Halfon, Integrity: A Philosophical Inquiry 61-117 (1989).
62 See John McDowell, Virtue and Reason, in Mind, Value and Reality 50, 58 (1998) (“As Aristotle consistently says, the best generalizations about how one should behave hold only for the most part.”).
justice, and so on. Because they are committed to all of their values, they reject commitment to absolutist propositional rules like “always promote the rule of law.” When values conflict, they have to choose.

Is Atticus right in the way he balances the competing values after the killing of Bob Ewell? On the one hand, there is the rule of law (although it is not clear why the rule of law should be thought to require citizens like Atticus to report every potential crime they see), as well as the value of telling the truth (Atticus will become complicit in deceit when the sheriff tells the town that Ewell fell on his knife).

But on the other hand, there is Arthur Radley’s dignity. Commenters who discount the sheriff’s concerns about subjecting Radley to “the ladies in Maycomb” who would be “knocking on his door bringing angel food cakes” underestimate the horrific intolerance of otherness that those ladies display, and their power to turn the community against anyone who seems different. And there is also the danger that a Maycomb grand jury would fail to deal rightly with someone who is literally the town bogeyman.

It is clear which way the text of *Mockingbird* thinks the scales are weighted. In a book whose symbolism is rarely far below the surface, the person called “Boo” Radley is in fact named Arthur, after the English hero-king—an allusion that can’t be a coincidence, since Dill is called “Merlin” and everyone in the book is obsessed with old England. And the last name of Arthur’s fallen adversary,

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64 See JAMES D. WALLACE, VIRTUES AND VICES 56 (1978) ("There are times when one should not tell the truth, and it would not necessarily count against one’s being a truthful person if one remained silent or prevaricated on such occasions").

65 *Mockingbird*, supra note 1, at 317-318.

66 See, e.g., DARE, ROGUES, supra note 53, at 114 ("The worst Sheriff Tate can imagine for Boo is that he will be besieged by grateful Maycomb ladies."); BARKER, supra note 12, at 215 (arguing that Atticus is willing “to overlook the law and everything he has told the children to believe in, to accept extralegal violence, and to cover up the death of Bob Ewell, just so that the ladies of Maycomb will not bring Boo Radley too many cakes").

67 Scout calls Dill a “pocket Merlin,” comparing Dill, the boy who spurred Scout and Jem to bring Boo/Arthur out of seclusion, to the wizard who magically aided King Arthur’s birth. *Mockingbird*, supra note 1, at 9; see HOWARD PYLE, THE STORY OF KING ARTHUR AND HIS KNIGHTS 10 (Centennial ed. 2006). And old England is omnipresent in the consciousness of Maycomb County’s white people and the text of *Mockingbird* itself. For example, the Cunninghams, the ur-family of Maycomb County, live in a place called Old Sarum, named for the ancient Roman settlement near Stonehenge. *Mockingbird*,
'Ewell,' is a Middle English spelling of the word "evil." When Arthur finally vanquishes evil, we are not supposed to punish him.

Whether or not we agree with the text about the rightness of Atticus's choice, his choice is not the only thing that matters. The concept of integrity is what lets us recognize that there is something admirable about Atticus’s choice whether or not we ultimately agree with it. He does not betray his commitments to the rule of law and truth-telling by finding them outweighed, here, by his commitment to human dignity and substantive justice. The concept of integrity is useful precisely because it lets us express admiration for people whose actions honor their commitments to genuine values like these, even if we think they made the wrong decision.

B. Harmony Between One’s Identities

As the previous section explained, Atticus exemplifies one kind of integrity: fidelity to the things one values. But philosophers and legal ethicists who study integrity have often focused on a different meaning of integrity. Rather than harmony between one’s actions and one’s values, this kind of integrity is about harmony between one’s various social identities and roles. On this alternative understanding, integrity is a matter of having a coherent, non-fragmented identity, so that there is little tension, for example, between one’s identity as a lawyer and one’s identity as a neighbor, transgender person, or Christian.

Many people do not distinguish between the two conceptions of integrity. David Luban, for example, begins his article on integrity by saying that integrity “means wholeness or unity of person, an inner consistency between deed and principle.” But

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68 Evil, OXFORD ENGLISH DICTIONARY ONLINE (last visited Feb. 17, 2016).
69 LUBAN, supra note 10, at 267. Rhode argues more affirmatively that integrity means both fidelity to values and self-integration, as well as admirable ethical deliberation: “In philosophical discussions, the concept connotes a more specific set of qualities that make for an integrated self. At a minimum, persons of integrity are individuals whose practices are consistent with their principles, even in the face of strong countervailing pressures. . . . What earns our praise is a willingness to adhere to values that reflect some reasoned deliberation, based on logical assessment of relevant evidence and competing views.” Rhode, supra note 10, at 335-36.
“unity of person” is not the same thing as “consistency between deed and principle.” To see this, we’ll need to understand what “unity of person” means. It’s something lawyers lack, according to many writers. But it’s something Atticus somehow manages to achieve.

Lawyers and philosophers have long worried about the possibility that professional roles can inflict a kind of harm upon the self. Alasdair MacIntyre argued that modern society “partitions each human life into a variety of segments, each with its own norms and modes of behavior,” separating work from leisure, “private life from public,” and “the corporate from the personal.”

Legal ethicists share this concern. In an influential 1980 article, Gerald Postema wrote that lawyers are likely to become alienated from their professional identities because a lawyer “must engage in activities, make arguments, and present positions which he himself does not endorse or embrace.” This, Postema believed, would cause lawyers to become psychologically detached from their own professional identities. This, in turn, would cause their moral faculties to atrophy from disuse, and cause a harmful alienation from their own feelings.

Fears that lawyers will be alienated in these ways have echoed through the legal-ethics literature ever since. Andreas Eshete writes that when people “of good character” enter a profession whose “everyday tasks . . . seem to go against their own personal and social ideals,” they will “suffer the strain born of the knowledge that living fully and well the kind of life that they have chosen cannot yield a life that is of a piece: their moral integrity is constantly imperiled.” And Daniel Markovits builds a complex theory around the idea that lawyers necessarily find it difficult to

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70 MacIntyre, supra note 6, at 204.
71 Postema, Moral Responsibility, supra note 10, at 77. Of course, many lawyers—in-house counsel, for example—are not advocates; but like many legal-ethics theorists, Postema is comfortable making generalizations about “the lawyer’s role” as if it were one homogenous thing. Id.
72 Id. at 78.
73 Id. at 78-79.
74 See, e.g., Dare, Detachment, Distance, and Integrity, in PROFESSIONAL ETHICS AND PERSONAL INTEGRITY, supra note 10, at 100; Eshete, supra note 10, at 275; Markovits, LEGAL ETHICS, supra note 10, at 134.
75 Eshete, supra note 10, at 275. Other lawyers, Eshete thought, would either exchange their values for new ones—like wealth and status—or begin to value cunning and manipulation for their own sake. Id.
achieve the kind of integrity that involves “living a life that can be
seen, from the inside, as an appealing whole and, moreover, a whole
that is authored by the person who lives it.”

In these discussions, words like “self” and “identity” are often
used, and we should try to define them with as much precision as
the subject matter allows. When we talk about a person’s “self,” we
sometimes mean the entity that experiences consciousness from the
inside—the subjective “I” that springs into being when we wake up
in the morning and winks out at night. A single human body holds
only one such “self,” except in cases of dissociative disorder
(formerly “multiple personality disorder”). This conscious,
experiencing self is not what legal ethicists are worried about.

What worries philosophers and legal ethicists who talk about
the integrity of the self is not this subjective “I,” but rather what we
might call our self-image, or self-understanding—the self as an
object of our experience and reflection. We each have beliefs about
ourselves, memories of our past behavior, perceptions of the way we
act and react, and feelings about ourselves; these are the things on
which we would base answers to questions like “Who am I?” and
“How would I describe myself?” Legal ethicists’ concern is that
morally challenging work will cause harm to our self-conception or
self-understanding, and so I’ll use the term “self” to mean self-as-
object in this article.

The specific kind of harm legal ethicists fear is a conflict
between identities, which are aspects of the self. An identity can be
given by a role (“I am a lawyer”), or by membership in a particular
group (“I am a Texan”), or by personal characteristics that

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76 MARKOVITS, LEGAL ETHICS, supra note 10, at 134. He says that lawyers’ problem
is that they can best serve truth and justice by doing something that goes against their
ideals. Id. at 115.
77 See John Barresi & Raymond Martin, History as Prologue: Western Theories of the
78 See AM. PSYCHIATRIC ASSOC., DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL
79 On the difference between self-as-subject (the experiencing self) and the self-as-
object, which originated with William James, see Mark R. Leary & June Price Tangney,
THE SELF AS AN ORGANIZING CONSTRUCT IN THE BEHAVIORAL AND SOCIAL SCIENCES, IN HANDBOOK
OF SELF AND IDENTITY 1, 5 (Leary & Tangney eds., 2d ed. 2012).
80 Id. The word “identity” can also be used—particularly in the phrase “personal
identity”—to refer to the experiencing self, the subject of consciousness. Id.; see also
distinguish us from others (“I am an outgoing person”; “I am a moral person”).
Each identity implies a set of standards, and it is painful when we violate those standards (“I shouldn’t be crying, it’s
unmanly”).

Each of us has multiple identities, and those identities can come into conflict (“As a daughter, I want to support you, but as a
Democrat, I cannot campaign for a Republican”). When one identity prevails over another, we can experience the pain of failing
to meet the standards of one identity (“I feel like a bad daughter for not joining my mother’s campaign”); or we may simply experience
stress from having to negotiate the tension between the two.

So legal ethicists’ concern about whether the morally challenging nature of lawyers’ work will fragment their selves, their
concern is that lawyers will suffer a conflict between their different identities. Their identity as “lawyer” will require them to do things
that violate the standards set by their other identities. People who experience a conflict between their identities can be described as
having fragmented selves, because their overall conception of themselves is not unified. When my identities are in conflict, I am
no longer whole.

This is where Atticus springs forth as a hopeful counter-ideal. He lives up to the standards of his lawyerly identity by defending
Tom Robinson; and at the same time he lives up to the standards set by his other identities. In fact, the other characters in the book
tell us, repeatedly, just how good Atticus is at keeping his identities consistent.

Early in the book, Scout tells Miss Maudie, “Atticus don’t ever do anything to Jem and me in the house that he don’t do in the
yard.” Miss Maudie agrees: “Atticus Finch is the same in his house as he is on the public streets.” His private identity, then, matches
his public identity.

81 Peter J. Burke & Jan Stets, Identity Theory 3 (2009).
82 Id. at 62-64, 76-77.
83 Id. See also William James, 1 The Principles of Psychology 294 (1890)
(“Properly speaking, a man has as many social selves as there are individuals who recognize him and carry an image of him in their mind. . . . [H]e has as many different social selves as there are distinct groups of persons about whose opinion he cares.”).
84 Burke & Stets, supra note 81, at 78 (discussing “interference from other identities”).
85 Mockingbird, supra note 1, at 51.
86 Id.
The same idea comes up when Scout tries to explain why her father, unlike other lawyers, treats his adversaries and witnesses with respect. She says, “He’s the same in the courtroom as he is on the public streets.” This echoes Socrates, who says at his trial that he will use in the courtroom “the same language which it has been my habit to use, both in the open spaces of this city . . . and elsewhere.” Socrates had a thoroughly unified identity.

The same idea is repeated at the very end of Mockingbird, when Atticus explains fiercely why he is reluctant to lie about his son’s role in the death of Bob Ewell: “I can’t live one way in town and another way in my home.” And it appears again in Go Set a Watchman: “His private character was his public character.” Atticus manages to interpret his various identities in a way that demands precisely the same kinds of behavior everywhere.

The quality described here is “integrity” in the sense of the word that implies something “undivided or unbroken.” Philosophers who describe this state—in which one’s identities all demand the same thing—often use the metaphor of a unified self. John Cottingham describes integrity as the state of having “a unified, integrated self, the self I am meant to be,” and sees this as an unambiguously good thing to strive for: “the goal of my life should be . . . to grow into that unified self.”

Those who admire Atticus often cite his quality of self-integration. We read in Atticus Finch: A Motivational Book for Lawyers that “as a private person—father, family man, and friend, neighbor— he is the same man he is in public as a lawyer,

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87 Id. at 227.
88 PLATO, Socrates’s Defense (Apology), in THE COLLECTED DIALOGUES 3, 4 (Edith Hamilton & Huntington Cairns eds., Hugh Tredennick trans., 1989). Socrates’s quote appears as an example of integrity in Murphy, supra note 11, at 10.
89 MOCKINGBIRD, supra note 1, at 315. Once Atticus realizes that Ewell was killed by Arthur Radley, not Jem, he changes his mind. Id.
90 WATCHMAN, supra note 2, at 114.
91 “The condition of having no part or element taken away or wanting; undivided or unbroken state; material wholeness, completeness, entirety.” Integrity, OXFORD ENGLISH DICTIONARY ONLINE (last visited Feb. 17, 2016). A related meaning picks up the idea of wholeness, but stresses the implication of being intact: “The condition of not being marred or violated; unimpaired or uncorrupted condition; original perfect state; soundness.” Id.
92 Cottingham, supra note 11, at 3.
legislator, and citizen of his community.”93 Critics like Deborah E. Barker agree that being “the same on the street as he is at home” is “[o]ne of Atticus’s most important qualities.”94

Benjamin Allison writes that Atticus stands for the idea “that the personal and professional can be connected.”95 He points to a famous passage in which Atticus explains that if he did not defend Tom Robinson, it would infect all of his other identities: “I couldn’t hold up my head in town, I couldn’t represent this county in the legislature, I couldn’t even tell you or Jem not to do something again.”96 Even his identity as a Christian would be threatened by a failure to defend Tom Robinson; Atticus says that he “couldn’t go to church and worship God if I didn’t try to help that man.”97 But is this kind of integrity (harmony between one’s identities) something we should admire?

II. WHEN INTEGRITY IS NOT A VIRTUE

The last section of the article explained the difference between two kinds of integrity. One involves being faithful to one’s own values. The other involves having an integrated or unified self. Atticus Finch exemplifies both.

Most legal ethicists and philosophers either embrace the self-integration version or fail to see any difference between self-integration and fidelity to values.98 But the difference is important. Self-integration, I will argue in this section, is not a virtue.

To be sure, there are important connections between self-integration and fidelity to one’s values. Some philosophers think that harmony between our identities is what motivates us to be

93 MIKE PAPANTONIO, IN SEARCH OF ATTICUS FINCH: A MOTIVATIONAL BOOK FOR LAWYERS 12 (1996). “[W]e can develop a habit of asking ourselves, ‘What would Atticus Finch do and how would he do it?’” Id. at 45.
94 BARKER, supra note 12, at 196.
95 Benjamin Allison, A Person or a Lawyer, 72 NOTRE DAME L. REV. 1723, 1727 (1997).
96 Id. at 120.
97 Mockingbird, supra note 1, at 86.
98 For example, the first of Scherkoske’s “six analytically distinct conceptions of integrity” is “Integrity as integrated self,” which blurs together fidelity to values and self-integration: “To have integrity is to have decided who one is, what one desires or values and, additionally, to stand by that, even if it proves unpopular.” SCHERKOSKE, supra note 11, at 10.
faithful to our values. We may refuse to commit an immoral act because of a thought like “I couldn’t go on as the same person if I did this.” There’s no question that fear of self-fragmentation sometimes helps people follow their values; Atticus gives us an example when he says that if he didn’t defend Tom Robinson, he couldn’t go on playing his roles as legislator, neighbor and parent.

And it must be true that self-integration can sometimes make it easier to be faithful to our values. People with strong moral identities can lean on those identities to help them resist temptation and corruption. Thus, psychological studies suggest that when situations help us remember our moral identity, we are more likely to behave consistently with our values.

But there are cases where a person’s self-integration hinders their ability to be faithful to their values. This section explains, first, why self-integration, although it is a form of well-being, cannot be considered inherently praiseworthy or blameworthy. It then offers some examples of how this form of well-being can make it harder for us to do the right thing.

A. The Difference Between Virtues and Well-Being

Self-integration is an ethically significant good, meaning that it is something with intrinsic value that we can justifiably seek for ourselves and others. But fidelity to values is an ethical virtue—meaning that fidelity to values is worth not only wanting for ourselves and others, but also praising and admiring in moral terms. To understand why fidelity to values is a virtue, but self-integration is not, we’ll need to understand what a virtue is.

A virtue is an intrinsically praiseworthy quality of character. We can praise many different things about people, like their mathematical skills or their physical attractiveness. What distinguishes virtues among these qualities is that virtues reflect a

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99 See Taylor & Gaita, supra note 11, at 144 (referring to Taylor’s viewpoint).
100 Calhoun, supra note 11, at 246.
101 MOCKINGBIRD, supra note 1, at 86, 120.
103 ANNAS, supra note 6, at 100-01.
commitment to intrinsically valuable things.\textsuperscript{104} Compassion is a virtue because it reflects a commitment to an intrinsic good: human well-being. Traits that make people physically attractive can be praised, but not because they reflect a commitment to any intrinsic good.

Virtues reflect not only abstract commitments, but dispositions to pursue those commitments in ways that go beyond habit and reflex.\textsuperscript{105} They are tendencies to choose—to exercise your will—in an admirable way.\textsuperscript{106} Atticus upholds his values as a matter of conscious, and often difficult, choice.

To say that a person has a virtue is not an empirical assessment of their behavior or disposition, like saying someone tells the truth most of the time; it is an evaluative judgment about how they react to certain kinds of ethical challenges, like saying they tell the truth at the right times. A virtue is “the property of being such as to respond \textit{well or appropriately} to a certain sort of situation.”\textsuperscript{107} Courage, for example, is different from recklessness in that courage is the quality of responding to dangerous situations not just with daring, but with an appropriate and admirable degree of daring.\textsuperscript{108} Responding “well” here means the whole range of ways in which we react to a situation: having appropriate feelings (like

\textsuperscript{104} Some philosophers define virtue in terms of intrinsic values, the idea being that virtues are dispositions to promote or appreciate things of intrinsic value. See, e.g., \textsc{Annas}, supra note 6, at 101-02; \textsc{Adams}, supra note 6, at 6. Other philosophers define virtues as dispositions to act or react admirably in certain kinds of situations; but what makes an action or reaction admirable is typically that it promotes or shows appreciation for something of intrinsic value. See \textsc{Zagzebski}, supra note 6, at 137 (defining a virtue as “a deep and enduring acquired excellence of a person, involving a characteristic motivation to produce a certain desired end and reliable success in bringing about that end”); \textsc{Nussbaum}, supra note 6, at 7 (arguing that a virtue is “being disposed to choose and respond well” within a given sphere of human experience); \textsc{Swanton}, supra note 6, at 1, 20 (defining virtue as “a disposition to respond to or acknowledge, in an excellent (or good enough) way, items in the field of a virtue (whether those items are people, objects, situations, inner states, or actions)”) (defining the “field of a virtue” as “those items which are the sphere(s) of concern of the virtue”).

\textsuperscript{105} Legal ethicists sometimes confuse virtues and habits. See, e.g., \textsc{Shaffer}, \textsc{Faith}, supra note 12, at 11 (“Much of what Atticus does is a matter less of decision, or of act, than of disposition. . . . Some old-fashioned words for it are virtue or habit . . . .”).

\textsuperscript{106} See \textsc{Foot}, supra note 6, at 8 (distinguishing virtues from capacities or skills; virtues involve the will).

\textsuperscript{107} \textsc{Broadie}, supra note 6, at 74 (italics added in one place and removed in another).

\textsuperscript{108} \textit{Id.}; see \textsc{Annas}, supra note 6, at 69 (courage is not the same as taking pleasure in dangerous activities).
disgust at injustice); making admirable choices; and following through on those choices.\textsuperscript{109} So virtues are not personality traits. To say someone has the virtue of truthfulness is to say that they are truthful \textit{when appropriate}, not that they are truthful whenever possible.\textsuperscript{110}

The kind of integrity that involves fidelity to one’s values is a virtue because it is intrinsically admirable. People with this kind of integrity stand up for what they believe in to an appropriate degree and in appropriate ways, in the face of pressure to do otherwise, and that is why we admire them. This section will argue that self-integration, the other kind of integrity, is not a virtue, by which I mean it is not necessarily something we should admire or praise.\textsuperscript{111}

Although it is not a virtue, self-integration is a substantive good—a thing that has \textit{intrinsic value}. Having an integrated self is a form of personal well-being, like happiness. People who have conflict or tension between their identities lack a certain form of well-being, and as a result can have bad experiences, from momentary bad feelings to deep psychological conflicts.

So although self-integration is not a virtue, it has real moral significance. It is a form of well-being, and all forms of well-being are morally significant, in the sense that they should count on the scales whenever we ourselves have to make an ethically significant practical decision.\textsuperscript{112} If you have a chance to promote someone’s self-integration without harming anyone, you should do it.

\textsuperscript{109} Broadie, supra note 6, at 75.

\textsuperscript{110} See Wallace, supra note 64, at 56 (“It is obvious . . . that not every act of intentional truth-telling exhibits truthfulness”).

\textsuperscript{111} Some philosophers, and at least one of the legal theorists who writes about integrity, have been clear in their understanding that self-integration is not a virtue. Williams said clearly that the kind of integrity he had in mind is not a virtue. Williams, \textit{Utilitarianism and Self-Indulgence}, in \textit{Moral Luck}, supra note 11, at 49. Frankfurt writes that having an integrated self (which he refers to as “wholeheartedness,” and sees as a form of self-love) serves “not to make people good. Its function is just to make their lives meaningful, and thus to help make their lives in that way good for them to live.” Harry G. Frankfurt, \textit{The Reasons of Love} 98-99 (2004). Kronman also describes integrity (by which he means self-integration) as “a good.” Anthony Kronman, \textit{The Lost Lawyer: Failing Ideals of the Legal Profession} 95 (1993).

But this section will argue that a strongly integrated identity can also cause real moral problems. Praising someone’s self-integration is like praising their wealth: It is nice for the person who has it, and it can be an instrument of good, but it can also be an instrument of evil. Harmony between our identities is likewise nice to have, but there are times when it would be better for us to experience tension within our identities, or between them.

The text of *Mockingbird* gives us some subtle clues that it is sometimes better to experience tension between our identities. Sometimes Atticus’s failure to differentiate his identities is portrayed as odd or even off-putting. When Atticus speaks to his children, for example, he speaks like a lawyer. The children are used to the “last-will-and-testament diction” that he uses in talking to them. He even dresses formally at home. In a passage that would be hard to take literally if it were not so clear, we learn that Atticus’s own children have never seen him without his jacket and tie until the trial of Tom Robinson. This tendency to talk and dress like a lawyer in front of his own children might not seem morally significant, but it is a small hint that there are sometimes good reasons to adopt inconsistent personas.

The next two sections will explore two reasons to think that self-integration, however desirable it may be as a form of well-being, is not necessarily praiseworthy. First, we should be cautious in praising things that are in fact manifestations of social privilege, and the integration of identities is a social privilege afforded to those at the top of hierarchies like the race and gender hierarchies of Maycomb. Second, the integration of the self can actually prevent us, in some cases, from seeing ways in which we could promote our most deeply held values.

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113 *Mockingbird*, supra note 1, at 35.
114 “[T]hen Atticus did something I never saw him do before or since, in public or in private: he unbuttoned his vest, unbuttoned his collar, loosened his tie, and took off his coat. He never loosened a scrap of his clothing until he undressed at bedtime, and to Jem and me, this was the equivalent of him standing before us stark naked. We exchanged horrified glances.” *Id.* at 231.
115 One argument, which I will not discuss at length, is that self-integration cannot be a virtue because Nazis can have it. *See*, e.g., *Halfon*, supra note 11, at 29. But this problem arises with many virtues, including courage, determination, conscientiousness, and—significantly—fidelity to one’s own values. There are various solutions, but no ready answer. *See* ZAGZEBSKI, supra note 6, at 91-97. My preferred solution is to say that the word “virtue” describes disposition to respond to certain kinds of situations in ways
B. Harmony Between Identities Is a Privilege

One reason for thinking that self-integration is a form of well-being, and not a virtue, is that some people who lack self-integration lack it not because of any moral failure on their part, but simply because of their position in society. To the extent that a quality reflects a person’s social status, rather than their own choices or attitudes, it is hard to see it as a virtue. Virtues are morally admirable qualities that relate to the choices a person makes. Qualities that do not reflect any choice of ours—like inherited wealth, or being tall—cannot make us admirable in any moral sense.

1. Calpurnia’s Double Life

Several of the peripheral characters in *Mockingbird* powerfully illustrate the idea that not everyone has the luxury of choosing to integrate their social identities. One example is Calpurnia, the Finches’ black housekeeper, who exists in two social worlds. The children are amazed to discover Calpurnia’s other life when she takes them to her church—a key scene, since it is the only moment in the book when the children or the reader enter the interior of a space that belongs to the black community.

Calpurnia speaks “proper” (i.e., white) English as well as any white person. Indeed, she used Blackstone’s *Commentaries* to teach

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that are overall admirable. Courage, for example, is an admirable response to situations involving danger or social pressure. But to qualify for virtue, the response in question must adequately balance all of the things at play in that situation, not just the danger or the social pressure. See Michael Stocker, *Plural and Conflicting Values* 132-45 (1990) (noting that virtues like courage and temperance involve reacting appropriately to each separate element of complex situations); see also Annas, supra note 6, at 87. A Nazi may respond to dangerous situations without backing away from his beliefs, but he is not responding in ways that are overall admirable, so his response is not virtuously courageous.

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116 See Broadie, supra note 6, at 74 (translating Aristotle’s definition of virtue as “a state concerned with choice”); see also id. at 78-82 for a discussion of what Aristotle means by “choice.” To be sure, all of our choices are to some extent determined by factors beyond our control. On intentionalism and determinism, see Mark Kelman, A Guide to Critical Legal Studies 86-113 (1987).

117 Except for a period when she worked for Maudie Atkinson’s family. Like Atticus, Calpurnia grew up at Finch’s Landing. *Mockingbird*, supra note 1, at 141-42.

118 The church belongs to the black community only on weekends; on weekdays, whites use it for gambling. Id. at 134.
her son to read. But when she takes Jem and Scout to her church, they are amazed to hear her speaking a different kind of English. Scout asks, ignorantly: “why do you talk nigger-talk to the—to your folks when you know it’s not right?”

Calpurnia tries to explain by invoking one of her identities: “Well, in the first place I’m black—.” But Jem interrupts, “That doesn’t mean you hafta talk that way when you know better.” Her black identity does not justify her way of speaking, for Jem, because he thinks white English is objectively better than black English. Calpurnia then explains that if she spoke “better” English, her black neighbors would “think I was puttin’ on airs to beat Moses.”

“That Calpurnia led a modest double life never dawned on me,” Scout writes. “The idea that she had a separate existence outside our household was a novel one, to say nothing of her having command of two languages.”

The theme of double lives is picked up in Watchman, where Jean Louise leads separate existences in Maycomb and New York; she wears different clothes and feels pressure to be a different person when she returns to her hometown. But Jean Louise is nonetheless allowed to preserve a unified identity in a way Calpurnia is not, as her soon-to-be-ex boyfriend observes.

Near the end of Watchman, Jean Louise is shocked to hear her boyfriend Hank tell her that she is “a privileged character.” She has just attacked him for his hypocrisy and cowardice in joining the racist citizens’ council, and lacking the nerve to criticize them. He in turn attacks her for her ignorance, pointing out that Jean Louise Finch, with her high-class last name, is allowed to violate community norms in ways that white people with “trashy” origins, like his, never can. Neither weird clothes nor a rumor that she has gone skinny-dipping with Hank will affect her social standing.

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119 Id. at 142.
120 Id. at 143.
121 Id.
122 Id.
123 Id. My research has failed to uncover the meaning of “beating Moses.” Id.
124 Id.
125 Id.
126 Id. supra note 2, at 4. Scout’s clothes are a recurring theme of conflict in Watchman. See id. at 21-22.
127 Id. at 231.
128 Id. at 231-34.
This insight does not earn Hank forgiveness for joining the citizens’ council; it is clear, by the end, that Scout has decided not to marry him. But he has a point about her privilege.

For Calpurnia—unlike Atticus and Scout—it is not safe to be the same person everywhere. To refrain from code-switching would alienate Calpurnia’s black friends and family. People might disapprove of Atticus’s choice to represent Tom Robinson, but Maycomb still expects him to be the same person in the courthouse and at home, because he is a white man, and because he is a Finch.

Calpurnia’s code-switching is related to the kind of identity-conflict that lawyers like Markovits and Postema are concerned about. She is compelled by her social roles to speak in a voice that she cannot herself fully endorse. The text shows that she, like Jem, thinks that white English is better; she explains her use of black English by saying “It’s not necessary to tell all you know” and saying that “You’re not gonna change any of them by talkin’ right.”

This makes Calpurnia a cousin of Postema’s lawyer, who “must engage in activities, make arguments, and present positions which he himself does not endorse or embrace.” Her double voice is inconsistent with a kind of well-being: the privilege of speaking in the voice she herself thinks is “right” when she is with her black family and neighbors. (Whether white English really is “better” than black English is an important question, one that is unlikely to be raised by someone who is immersed in the value-system of Maycomb County.)

But this tension between Calpurnia’s identities is not in any way a moral deficiency. On the contrary, she shows her respect for her neighbors by speaking to them in a voice that they will hear as proper. To do otherwise would express disdain for their language, and thus for their identity. Likewise, to speak black English in the Finch household would express disdain for the language that is spoken there, and by extension disdain for the people who speak it. So there is nothing blameworthy about Calpurnia’s code-switching.

Thinking about Calpurnia positions us to think more clearly about Atticus. It is good that he is the same person in the

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129 Id. at 273.
130 MOCKINGBIRD, supra note 1, at 143.
131 Postema, Moral Responsibility, supra note 10, at 77.
courthouse and at home; but now we have a better understanding of what’s good about it. Being the same in both places is admirable insofar as his consistency is a consistency of values. It is admirable to do in the courthouse what one endorses “at home,” or in one’s heart. But the consistency of social identities reflected in this statement is not inherently admirable. It is a form of well-being that Maycomb County reserves for people at the top of its social hierarchy.

2. Dolphus’s Secret Identity

Another character in Mockingbird whose identities conflict is Dolphus Raymond, a rich white man who violates the identity-standards for rich white behavior by acting drunk whenever he is in public. The children are shocked to learn that the persona he presents in public is not the real Dolphus; he is pretending to be drunk while sipping soda. His façade of drunkenness makes it possible for the townspeople to ignore the behavior of the Dolphus behind the mask, who is engaged in an even more dramatic violation of white identity-standards: “He’s got a colored woman and all sorts of mixed chillun.”

Scout says, “I had never encountered a being who deliberately perpetrated fraud against himself.” Humiliating himself every day is the only way to reconcile the tension between his identity as a rich white man and his identity as a (presumably) loving partner and parent. And this fraud has its roots in trauma: Dolphus was earlier compelled to marry a white woman who “blew her head off” after the wedding rehearsal because she learned about his true love. So there seems little question that the conflict between Dolphus’s identities is a painful one.

Dolphus dramatically lacks the kind of integrity that concerns Postema and other legal ethicists; he does not enjoy a harmony between his identities. We might even compare Dolphus’s “fraud” to the kind of lawyerly advocacy that troubles Postema and the others: both involve making claims, implicit or explicit, that one

132 Id. at 183-84, 228-30. He owns the cotton gin that destroyed Tom’s arm. Id. at 212.
133 Id. at 183.
134 Id. at 229.
135 Id. at 183-84.
finds personally disagreeable. But Dolphus’s inability to harmonize his identities is not due to any moral deficiency. It is situational.

A white man who loved a black woman in 1930s Alabama did not have the ability to safely live a public life consistent with his private values. Interracial couples were at much lower risk of lynching when the woman was black, but there were nonetheless great risks in entering such relationships. Dolphus’s pretense of alcoholism has to be understood, in part, as a morally admirable attempt to avoid harm to others, and also a form of self-protection; it is not blameworthy.

Even though Dolphus is forced to take these dramatic measures to manage his conflicting identities, he is himself an example of privilege, in that he at least gets to live with the partner he chooses. By contrast, Mayella Ewell “couldn’t live like Mr. Dolphus Raymond, who preferred the company of Negroes, because she didn’t own a riverbank and she wasn’t from a fine old family.” And because she was a woman. There are degrees of self-integration, and degrees of privilege that support or undermine it. Everywhere along the continuum, though, self-integration is more a function of privilege than of praiseworthy character.

It could be argued that Dolphus and Calpurnia do not have fragmented selves in the way that lawyers like Postema, Markovits, and Kronman fear. They are simply required to adopt certain pretenses to get along with others. Calpurnia must mimic a less-proper English, and Dolphus must pretend to be drunk, but these are just surface-level pretenses, akin to the formal clothes lawyers must wear in court. But this objection is wrong; the performances of Calpurnia and Dolphus are very serious matters.

Both Calpurnia and Dolphus are required to split their identities in ways that go much deeper than mere appearances. Dolphus is required to abandon any aspirations to being part of his

136 See generally JOHN DOLLARD, CASTE AND CLASS IN A SOUTHERN TOWN 134-72 (3d ed. 1957).

137 Along with the obvious risks of violence and community disapproval, there were more complicated and contingent risks. See id. Dolphus attempted, earlier in his life, to reveal the truth about his relationship to the woman he was “supposed to” marry. Immediately afterward, his fiancée committed suicide. MOCKINGBIRD, supra note 1, at 184. Of course, adultery was likely part of the problem here. But it remains true that Dolphus tried to disclose his “real” self, with disastrous consequences.

138 MOCKINGBIRD, supra note 1, at 219.
own community. He lives as a permanent outsider, self-ostracized in a way that cannot be considered minor. And Calpurnia is a different person in the black community and the white community. In Atticus’s house, she is a servant; she is required to be deferential, always available for many different kinds of work, and constantly responsible for the children’s well-being. And, of course, she is black; Atticus’s respect notwithstanding, she is not fully human in the eyes of her white neighbors, and so when she switches to white dialect, she is participating in a cultural system that marks her as barely more than property. In the black community, on the other hand, she is an elder matriarch and an independent person in a way she can never be among whites. Calpurnia’s code-switching, then, is not just a matter of surface-level pretense; it marks a deep daily transition between social worlds.

Maria Lugones has written influentially about the way that conflicting cultural identities can make a unified self not only impossible but also undesirable. Lugones writes about being both a Latina and a lesbian, and the ways in which each of those cultures fail, in her experience, to support each other (and are, in turn, given negative meanings by the dominant anglo heterosexist culture). Under such circumstances, it is admirable to resist the pressure to abandon one identity or the other. These concerns are not shallow. Calpurnia is required to do more than just speak in different voices; she has to be different people in her two social worlds. In this, she is utterly different from Atticus, who is the same person in all

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139 In both communities, she is a woman, and thus subject to another smothering identity—in the black church, just like the white churches, she has to sit and listen to what Scout calls “the Impurity of Women doctrine that seemed to preoccupy all clergymen.” Id. at 138.

140 See, e.g., Calhoun, supra note 11, at 238-40; Pianalto, supra note 11, at 331-32.


142 Tom Robinson is repeatedly called a “respectable Negro,” an appellation he earns by living up to the expectations of whites and never crossing social boundaries. See Mockingbird, supra note 1, at 220 (“He seemed to be a respectable Negro, and a respectable Negro would never go up into somebody’s yard of his own volition.”). Being “respectable” earns him the support of members of the white community like Link Deas, who finds work for Tom’s wife Helen after his arrest, which—along with the support of Tom’s black neighbors—makes it possible for his family to survive in his absence. Deas also protects Helen from Bob Ewell’s physical threats after Tom is gone. Id. at 223, 286-87.
his social worlds. We should be careful, in admiring Atticus, not to imply that Calpurnia is less than admirable.

C. Our Identities Limit Us

Some philosophers argue that we can depend on people whose identities are integrated to be faithful to their values. The person whose sense of self is intact, Gabriele Taylor says, can be expected “to have strength of will and to be honest in various ways.”143 These characteristics, she thinks, necessarily accompany self-integration, and if people are honest and have strong wills, they tend to be true to their commitments.144

So for Taylor, the two senses of integrity go together; someone who has reconciled her identities will also be true to her values. But Taylor’s assumption is wrong. In some cases, harmonizing one’s identities can make it more difficult to uphold one’s values.

1. The Road to Hell Is Paved With Self-Integration

David Luban writes that the desire for integrity—the desire for harmony within the self—can be a corrupting influence on lawyers’ ethics. He bases his claim on the long tradition of psychological research showing that cognitive dissonance makes people want to justify the things they’ve done in the past.145

Luban cites a famous experiment in which research subjects were paid small sums of money to tell others that a certain kind of dull work (moving screws in a pegboard) is in fact fascinating. “This is ‘counterattitudinal advocacy,’” Luban writes, “more colloquially known as ‘lawyering.’”146 After the subjects had advocated the obviously false belief that the work was interesting, they mysteriously began to believe that it really was.147

What motivated the change in beliefs, apparently, was the discomfort caused by the knowledge that we have done something inconsistent with our identity as a moral person, like deceiving a fellow student, or pretending to enjoy an activity that is deathly boring. We can’t change our past actions, and we don’t want to

143 Taylor & Gaita, supra note 11, at 158.
144 Id.
145 Luban, supra note 10, at 269-70.
146 Id. at 269.
147 Id.
change the beliefs that make up our identity as a moral person (like our belief that lying is wrong). So we change our interpretation of our past actions. Thus we eliminate the conflict with our identities as moral people—at the expense of an honest interpretation of the situation we were in.

Sometimes facts are too stubborn to be reinterpreted, and the only way to soothe our identity-conflicts is to reinterpret our value-system. When repeated experiences cause us to repeatedly reinterpret our value-system, the effects can be powerful. The first time a lawyer does something slightly inconsistent with her values, it is likely that her mind will work hard to find ways to reconfigure the value-system to make it possible to fit this new troubling action into it.148 Once reconfigured, the value-system can again be adjusted to accommodate the next slightly troubling thing the lawyer does. As Luban and Patrick Schiltz observe, this process of gradual, incremental self-justification is likely the mechanism by which a young, idealistic lawyer is transformed into a cynical one who cuts ethical corners.149 But it is a common way in which identity-conflicts are reconciled.150 The lawyer who adjusts her value-system to accommodate a troubling act is not coming to terms with her past in an honorable way; she is deceiving herself.

Integration of one’s conflicting identities, then, is not a virtue, in the proper sense of that word.151 Remember that virtues are

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148 Id. at 273-74.
149 Id. Luban refers to Patrick Schiltz’s useful article On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession, 52 Vand. L. Rev. 871, 917-18 (1999), with its discussion of how the simple manipulation of time sheets, eventually rationalized in any number of ways, can lead to more deeply unethical behavior over time. Id.
150 To be sure, Taylor would not consider Luban’s lawyer to be a bona fide case of self-integration or integrity. She stresses the need to come to terms with one’s past in an honorable way, without self-deception. Taylor & Gaita, supra note 11, at 151. The kind of integrity she praises is, then, a complicated concept: something like “admirably achieved integration of identities.” Like all virtues, it can’t be defined without adding an evaluative term like “admirably.”
151 Luban puts this a little differently, saying that a person who reconciles divergent identities through self-deception is not a “person of integrity” at all. Luban, supra note 10, at 285-86. At this point in his argument, he endorses a view of integrity as fidelity to values. Id. at 286 (“And thus the person of integrity is not merely the person whose principles and behavior harmonize, regardless of how that harmony gets achieved, but rather the person who has kept her principles intact . . . ”). Luban’s concern is how challenging it can be to tell these kinds of self-harmony apart from the inside: given the power of cognitive dissonance, how can we know when we ourselves are honestly evolving
admirable by definition. Harmony between one’s identities can be blameworthy, so it’s not a virtue.152

2. Commitments to One Value Can Make It Hard to Notice Others

Beyond the process of self-justification that Luban describes, there is another way in which self-integration can prevent us from behaving in morally admirable ways: it can prevent us from noticing ways out of terrible moral predicaments. Some of the strategies we use to deal with identity-conflicts can also make it hard to see all of our ethical choices.

Many admirable people orient their lives around the pursuit of certain values. This is a good thing to do; it also helps them avoid identity-conflict, because once they know they’re committed deeply enough to a certain value, that commitment (and whatever identity it represents) will outweigh others.

Committing oneself to a certain value or identity means training oneself to perceive the world in certain terms. For example, people who prioritize their identity as social-justice advocates, and spend their lives advocating on behalf of the oppressed, develop a keen sensitivity to oppression, and may perceive oppression where others fail to do so.153 As virtue theorists have noted, the work we put into learning to notice certain aspects of situations is our beliefs in response to experiences—and when we are merely rationalizing bad acts? Id. at 286-97. And although he has some valuable suggestions on this front, the point that is relevant to this article is his separation of admirable self-integration from blameworthy self-integration.152 Substantive goods like self-integration can be pursued virtuously, but that doesn’t make them virtues. Consider health: being healthy is clearly not a virtue. (Imagine someone saying during an elegy, “Above all else, our departed friend inspired us with his healthiness.”) And health can be pursued in vicious ways—one can be a jerk at the gym. But the way someone pursues health can, in some cases, reflect grit and determination, or courage in facing a physical disability. These are real virtues. So don’t be confused: people can pursue self-integration courageously, or determinedly. But if we praise such people, we’re praising them for their courage or determination, not for their self-integration.

constitutive of moral virtue, because “I can only choose within the world I can see.”¹⁵⁴

A keen sensitivity to one value, however, may sometimes make it difficult to notice other values at play in a given situation. Consider the famous “invisible gorilla” experiment, used by psychologists to demonstrate the phenomenon of “inattentional blindness.”¹⁵⁵ Subjects are told to count the number of times the people in a video pass a basketball.¹⁵⁶ Their attention thus directed to one specific feature of the video, many subjects never notice the startling appearance of a person in a gorilla suit, and insist that no such figure appeared.¹⁵⁷ When we are counting basketball passes, it is harder to notice the gorilla in the room.

There is no reason to think that our minds should behave differently when they are assessing the ethical features of a situation. On the contrary, experimental evidence suggests that inattentional blindness can be partly a function of the values we see.

¹⁵⁴ Iris Murdoch, The Sovereignty of Good 37 (1971) (“I can only choose within the world I can see, in the moral sense of ‘see’ which implies that clear vision is a result of moral imagination and moral effort.”). The use of visual disabilities as a metaphor is troubling. See Naomi Schor, Blindness as Metaphor, 11 Differences: A Journal of Feminist Cultural Studies 76 (1999); on disability in Mockingbird, see McElaney, supra note 12. But it is interesting to note the centrality of limited vision as a metaphor in Mockingbird, because Scout is portrayed as having special visual abilities where everyone else has impaired vision. See Champton, supra note 12 (noting the centrality of visual metaphors in Mockingbird). The prosecutor has a wandering eye, Mockingbird, supra note 1, at 190. And Atticus himself is nearly blind in his left eye; he says that “left eyes were the tribal curse of the Finches.” Id. at 102. Cal is nearsighted, see id. at 6, and Jem is colorblind, see id. at 134. Atticus uses a visual-disability metaphor when he minimizes the Cunningham family’s attempted lynching by saying they have “blind spots.” Id. at 180. By contrast, Scout is called, by Jem, “Little Three Eyes.” Id. at 62. It’s a reference to a three-eyed girl in a fairy tale whose two-eyed sister tried to sing her to sleep; while her two “normal” eyes fell asleep, her third stayed awake and witnessed the magical performance her sister was trying to keep secret from her. See Horace Scudder, The Book of Fables and Folk Stories 6, 11-12 (1919). As I argue below, the text portrays Scout as a moral exemplar in part because of the clear perspective she enjoys as a partial outsider to many of Maycomb’s social identities. The metaphor of a specially-powerful third eye works against the many visual disabilities in Maycomb to emphasize this point.


¹⁵⁶ Id. at 1066.

¹⁵⁷ Id. at 1068-69.
in situations. If we bring to a situation a disposition to focus on one of its ethical dimensions, it may be more difficult to notice other ethical dimensions. A person who enters a situation determined to notice injustice may fail to notice opportunities for compassion, benevolence, truthfulness, and so on.

And if people not only focus on a given value in one situation, but make that value the center of their self-conception, they then may become dispositionally unlikely to notice certain kinds of ethical problems. In other words, the value we hold most sacred obscures other values. Along these lines, we might criticize lawyers by saying that they are trained to be loyal to such an extent that other virtues suffer. This criticism claims, in effect, that lawyers integrate their self-conceptions around one ethical value, and as a result become unable to perceive clearly the other ethical values affected by their actions.

The way that self-integration can narrow our sense of value is beautifully illustrated in Kazuo Ishiguro’s novel *The Remains of the Day*. Its protagonist, Mr. Stevens, a butler, is wholeheartedly dedicated to his identity as a butler, and to the professional values that go with it. Those values include deferring to his employer’s judgment and maintaining a personal reserve he calls “dignity.” Stevens deals with identity-conflicts by allowing his professional identity to control all the others: he is always a butler first, and only secondarily a friend, colleague, lover, or moral person.

His prioritization of one identity means that when he considers his options in any given situation, he perceives only the options that are open to him in his capacity as a butler. He doesn’t perceive the possibility of choices that he might make in his capacity as a moral person.

When Stevens’s employer fires two maids for being Jewish, he says nothing, not even to the other employees. He sees clearly that the decision is wrong, but it doesn’t occur to him that he could object. He doesn’t even see that sharing his feelings with the other

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158 Evidence suggests that social meanings play a significant role in inattentational blindness. See Aneeta Rattan & Jennifer L. Eberhardt, *The Role Of Social Meaning In Inattentional Blindness: When The Gorillas In Our Midst Do Not Go Unseen*, 46 J. EXPERIMENTAL SOC. PSYCH. 1085 (2010).


160 See *id.* at 185-86, 199-201, 210.
employees could be a comfort to them. He eliminates the conflict between his identity as a loyal butler and his identity as his co-workers’ friend and colleague by eliminating the friend-identity altogether, and eliminating with it his ability to imagine taking the kinds of actions one take as a friend.

The problem is not so much that Stevens reaches the wrong conclusions (although he does) as that he cannot see the possibility of making better choices. The role—the identity—to which he has committed himself obscures his ability to perceive the options that might be open to someone who was willing to step into another role. He avoids all conflict between identities, but this comes at the expense of his ability to see even the possibility of making the right choice. He has integrity, in the sense of a unified self that experiences no tension between social identities and roles. But his integrity keeps him from doing the right thing.

3. Atticus the Jailer

Atticus Finch, like Stevens the butler, is so committed to one value that he is unable to seriously contemplate some of morally admirable options that present themselves to him. To see how Atticus’s commitment limits him, we must first understand exactly what he is committed to. As explained above, Atticus is committed to the rule of law, but not blindly committed to it; he sees that in some cases the rules must be broken. But he cannot himself take any action that breaks significant legal rules, because the rule of law is so central to all of his identities.

Another way of saying that Atticus is committed to the rule of law is to say that he is committed to the ideal of equality before the law. This is not the same as a general commitment to justice. His famous closing argument embraces the idea that “there is one way in this country in which all men are created equal”: they have the same rights in court. In saying these things, Atticus puts his identity as a lawyer (understood to entail a commitment to formal legal justice) above his identity as a white man, and this is what we admire him for.

161 Id. at 153-54.
162 MOCKINGBIRD, supra note 1, at 234.
It is not only as a lawyer that Atticus maintains his commitment. Because he has such a solidly integrated self, Atticus is equally committed to the rule of law as a father, and so he makes a point of teaching his children how sacred it is. Thus, he tells Jem: “The one place where a man ought to get a square deal is in a courtroom, be he any color of the rainbow.”

After the release of Go Set a Watchman, it became sadly easy to see that Atticus is quite serious in emphasizing that there is only one place where all men are equal. Watchman’s Atticus is a racist, who agrees to represent a black client only because it will block NAACP-affiliated lawyers from coming to town. The release of Watchman sent many disturbed readers back to Mockingbird to look for evidence that the two Atticuses are different characters. But there is little such evidence.

When readers of Watchman return to Mockingbird, we find that Mockingbird’s Atticus seems careful not to say that equality should exist outside the courtroom. His famous closing argument, which mentions the phrase “all men are created equal,” complains about “the distaff [feminine] side of the Executive Branch”—i.e., Eleanor Roosevelt—using “this phrase out of context, to satisfy all conditions.” So he disagrees with the First Lady’s advocacy of civil rights in society at large. Atticus also says that “all men are not created equal in the sense some people would have us believe—some people are smarter than others, some people have more opportunity because they’re born with it,” and so on. Atticus seems here to be endorsing the Southern caste system, in which some are born into more privileged positions than others.

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163 *Id.* at 253.
164 *See* Watchman, *supra* note 2, at 148-49, 245 (“Do you want Negroes by the carload in our schools and churches and theaters? Do you want them in our world?”).
165 Minkah Makalani, *Atticus Finch Was a Man of His Times*, N.Y. TIMES, (July 15, 2015), http://www.nytimes.com/roomfordebate/2015/07/15/how-should-schools-deal-with-the-new-atticus-finch/atticus-finch-was-a-man-of-his-time [https://perma.cc/R3NF-FCWE] (“That the older Finch bears little resemblance to the original version of his character has shocked many. Lee seems to have presented us two figures: one heroic and wise, the other a crotchety racist. . . . In *To Kill a Mockingbird,* we see an Atticus Finch who bears no trace of the Jim Crow South that birthed him, a man of integrity free of complicity in white supremacy.”).
166 *Mockingbird*, *supra* note 1, at 233-34.
167 *Id.* at 234 (emphasis added).
In fact, as Richard McAdams notes, Atticus all but announces he is a white supremacist in *Mockingbird*, when he remarks, "I'm about as radical as Cotton Tom Heflin." He notes, an Alabama senator, was a passionate white supremacist strongly associated with the Ku Klux Klan. Among other things, Heflin was known for a bill he introduced to require segregated seating on D.C. streetcars; while the bill was pending, Heflin himself tried to forcibly eject a black man from a streetcar, and when the man tried to defend himself, Heflin pulled a gun and fired wildly, shooting a New York City tourist in the hip. Heflin claimed he had been acting in self-defense, in that he was protecting a woman the black man had insulted.

Heflin was also a vocal proponent of the Scottsboro trials that are so often compared to the events of *Mockingbird*. When the trial judge granted the Scottsboro defendants a new trial, Heflin called the decision “a humiliating insult to the white race” which, he felt, put “wicked thoughts in the minds of lawless negro men and greatly increase[ed] the danger to the white women of Alabama.” This condemnation appeared in the *Montgomery Advertiser*—one of the newspapers Atticus reads nightly—in June 1933, not long before Tom Robinson’s trial.

So the comparison to Heflin shows us that *Mockingbird*’s Atticus is no supporter of racial equality. Atticus’s commitment to the rule of law is not a commitment to justice generally; he does not identify as a civil-rights activist or a justice-seeker. Rather, he is a lawyer, and as such he identifies with one faction in a longstanding conflict over which part of Southern white society should control the

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168 McAdams, supra note 12. See also Brinkmeyer, supra note 12, at 218.
170 Watson, supra note 170.
171 Id.
172 Dan T. Carter, Scottsboro: A Tragedy of the American South 269 (rev. ed. 2007). Id. at 271-72. Heflin would continue lobbying against any form of relief for the Scottsboro defendants throughout his career. Id. at 396, 403-04.
173 See id. at 272 (citing the Montgomery Advertiser, July 3, 1933); Barker, supra note 12, at 188 (citing the Mobile Register); Mockingbird, supra note 1, at 167.
machinery of justice. On the one hand, formal mechanisms (the courts) were the province of lawyers—a small, elite section of the populace, the “intelligentsia” of Southern community life. Arrayed as alternatives to formal justice were various informal mechanisms controlled by less elite sectors of white society. These included negative gossip and shunning; ritual humiliations like tarring-and-feathering and other forms of “charivari”; and lynching. Within this “fragile social equilibrium,” lawyers who zealously advocated for their clients were also strengthening the formal justice system of which they themselves were a part. Defending Tom is a way of defending the formal justice system. As Rob Atkinson observed, many years before Watchman, “doing . . . justice in Tom’s trial is wholly consistent with [supporting] a thoroughly Jim Crow legal regime.”

Atticus’s commitment, in other words, is to the rule of law and to equality before the law. These commitments stem from his identity as a lawyer, but they extend to his identities as father, citizen, and neighbor as well. This is why he is able to risk much more than his lawyerly career in his devotion to defending Tom Robinson. His passionately sincere closing argument during the trial and his distress after Tom’s death show how deeply and personally invested he was in the case. But his commitment to the rule of law, and to playing his role in the legal system, makes it difficult for Atticus to see his one chance at freeing Tom Robinson.

With the benefit of hindsight, there appears to be only one thing Atticus could have done to help Tom avoid his wrongful conviction and death. But it would have required Atticus to break the law.

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174 WYATT-BROWN, supra note 40, at 392.
175 Id. at 438-47.
176 They were also following old codes of honor and gentility, under which “the weak enjoyed the largess and protection of the strong.” Id. at 389. For earlier examples of white lawyers who dared to support black defendants, see id. at 387, 439.
177 Atkinson, supra note 12, at 626.
178 MOCKINGBIRD, supra note 1, at 270. Alexandra tells us, “It tears him to pieces. He doesn’t show it much, but it tears him to pieces.” Id.
179 See Phelps, Propter Honoris Respectum, supra note 12, at 932 (suggesting that Atticus, like Captain Vere in Billy Budd, is a tragic example of a character whose devotion to the law leads him to condemn a morally innocent person to death).
The night before the trial, Atticus spends the night reading outside the prisoner’s window.\textsuperscript{180} It is his greatest moment of heroism; he takes an almost unthinkable risk for Tom Robinson by staying at his post even after his own children appear and stand with him between Tom and the lynch mob.\textsuperscript{181} Even as Atticus stands up to become Tom’s night-watchman and guardian, though, he also becomes Tom’s jailer.

It never occurs to Atticus—or to most readers—that Atticus could simply break Robinson out of jail and help him flee Maycomb County. There can’t be much question that a breakout would have been possible: The lynch mob that comes to the jail seems to have no doubt about whether they will be able to break into the jail. We thus have no reason to doubt whether Atticus himself could get the doors open. He may well have a key.

Of course, fleeing Maycomb or going into hiding are not attractive options for Tom. Whether or not you believe that Tom was later killed in an escape attempt, as Atticus seems to, the risks are clear. But Atticus could have guaranteed his escape that night, and Tom could hide among Maycomb’s very resourceful black community, which is already organizing impressively on his behalf. This is a better choice than death, and Tom’s death is a foregone conclusion if he stays.

Atticus makes clear to Scout that he knows they’ll lose: when she asks if they’re going to win, he says flatly, “No, honey.”\textsuperscript{182} Atticus thinks they might have a “chance on appeal,”\textsuperscript{183} but that would lead, at best, to a retrial.\textsuperscript{184} Even in the best-case scenario, where they win an appeal and then win an acquittal on retrial, the

\textsuperscript{180} \textit{MOCKINGBIRD}, supra note 1, at 171-77.

\textsuperscript{181} Regardless of whether readers think it right to endanger one’s children, even to save another life, Finch’s courage and commitment are inspiring. \textit{MOCKINGBIRD}, supra note 1, at 86. And then, memorably: “Simply because we were licked a hundred years before we started is no reason for us not to try to win.” \textit{Id.} at 87.

\textsuperscript{182} \textit{Id.} at 100.

\textsuperscript{183} As happened repeatedly in the Scottsboro case. \textit{See Norris v. Alabama}, 294 U.S. 587 (1935); \textit{Powell v. Alabama}, 287 U.S. 45 (1932). Nor is Finch incapable of thinking this through. He himself has taught his children the importance of questioning rules and authority; indeed, he taught them so well that during the lynch-mob scene they question his authority and openly refuse to follow his orders. But he himself doesn’t question the authority of Maycomb’s profoundly unjust justice system, or at least he doesn’t question it enough to contemplate defying it.
lynch mob that was barely willing to let Tom live to see his first trial would surely be waiting. Escape and death are Tom’s only options.\textsuperscript{185}

I admit that we don’t know what goes on in Atticus’s head either; I can’t prove that Atticus never considers breaking Tom out.\textsuperscript{186} But I also can’t imagine him considering it. I’ve never seen it raised in a scholarly article or heard it raised in discussions of the book, and I think this is for the same reason I find it so hard to imagine Atticus considering it: helping Tom escape is utterly inconsistent with the identity of the Atticus Finch we know and admire, the Atticus who ringingly proclaims his faith in formal justice. We know Atticus has the courage to break Tom out; he proves, by standing up to the lynch mob, that he would willingly give his life to ensure Tom gets his day in court. But risking his life to set Tom free, without judicial process, is beyond Atticus’s capabilities.

As discussed above, Atticus understands that the rule of law must sometimes bend to other values; but that is very different from saying he himself could set free a prisoner. His identity as a member of the legal system simply rules out any such course of action. It is this single-minded commitment that helps Atticus avoid conflict between his identities as a lawyer and as a white man. But the same commitment prevents him from seeing the choices that would be open to someone acting in roles other than the role of lawyer, like the role of activist, or the role of dissident or outraged citizen. Even though Atticus is intellectually capable of recognizing that rules must sometimes be broken, he is not capable of taking seriously the idea that he himself could engage in an act of rebellion against the law, even when an innocent life is at stake.

My point is not to condemn Atticus for his failure to break Tom Robinson out of jail. It would be unfair to condemn anyone for

\textsuperscript{185} It is possible that Tom remains in jail because he chooses to do so. For all we know, Tom and Atticus discuss the possibility of breaking out, and Atticus defers to Tom’s judgment. Tom may have his own commitment to Maycomb’s community that makes him reluctant to break its norms by escaping its justice system. (I’m grateful to Raj Dosanjh for a conversation in which he pointed this out to me.) But the text does not say so, and Atticus’s later willingness to accept the official story that Tom died in an escape attempt shows that he, at least, doesn’t think Tom was particularly committed to playing out his legal options.

\textsuperscript{186} Again, I’m grateful to Raj Dosanjh for raising this.
failing to take such a drastic measure. Still, Atticus himself takes an arguably more drastic measure when he stands up to the lynch mob, risking not just his own life but his children’s. And so my point is not to condemn him for failing to free Tom, but instead to point out that Atticus, despite his willingness to die in the service of his values, seems unable to even contemplate it.

On a deeper level, Atticus doesn’t seem to perceive the ethical tension in which he is enmeshed. When Atticus boldly defends his client’s physical safety while also stepping into the role of his jailer, the moment symbolizes a tension that civil-rights activists faced throughout many difficult campaigns: the danger that working for civil rights within an unjust legal system is also an endorsement of that legal system. Atticus can’t see this tension. For him, justice means fighting within the system, even when it is certain to cost an innocent man his life, because Atticus only sees the choices that are consistent with his identity as a member of the legal system. Alternatives like civil disobedience or breaking Tom out would require stepping out of that role and into others, and so they are simply not perceived as options.\footnote{See Osborn, supra note 12, at 1141-42 (arguing that Atticus treats the Southern legal system too respectfully).}

Throughout the events of *Mockingbird*, Atticus is faced with a deep value-conflict: by defending Tom Robinson, he defends justice and dignity; but he also plays a part in a sham trial that leads predictably to Robinson’s death. I don’t blame him for not breaking Robinson out. But I do think he should have seen the possibility. Perceiving that possibility would have required enduring some conflict between the commitments entailed by his identity as a member of the legal system and the commitments involved in promoting other values, like the value of innocent human life. That conflict would have been a good thing. It would have helped Atticus pursue his own ideals, which surely include the preservation of innocent life.

Being faithful to your values means being faithful to all of your values, and sometimes your values come into conflict.\footnote{On value-conflict, see Martha Minow & Joseph William Singer, *In Favor of Foxes: Pluralism as Fact and Aid to the Pursuit of Justice*, 90 B.U. L. REV. 903 (2010); ISAIAH BERLIN, *Two Concepts of Liberty*, in *Four Essays on Liberty* 118, 167-72 (1969); GEORGE CROWDER, *Liberalism and Value Pluralism* 44-75 (2002).} Even someone who cares deeply about the rule of law can acknowledge
that there are times when the law must be broken. And Atticus does acknowledge this, but that is not the same as being able to act on it. People who care deeply about the rule of law may have different understandings of when the time comes to break the law. But surely anyone who reflects seriously on law and justice would deem the segregation-era Southern justice system a strong candidate for defiance. It is eminently possible to value the rule of law and still see that it can be overridden by other urgent considerations.

Here, it is the value of Tom Robinson’s life that deserves consideration. And there is little question that innocent life, like formal justice, is among Atticus’s own values. Atticus does not share the curious tendency among white readers to forget that Tom dies at the end (as when the writer Allan Gurganus bizarrely describes Mockingbird as a story in which “a life is saved, something is salvaged, [and] perfect justice is achieved, however improbably.”). Unlike these readers, Atticus will not forget Tom’s death. He is heartbroken when Tom dies, because protecting innocent life was always one of his most treasured values.

So we cannot say that Atticus’s fidelity to his own values prohibits him from freeing Tom. Tom’s life was among the things Atticus valued deeply. What stops Atticus from freeing Tom is that he is constitutionally incapable of breaking someone out of jail; he has committed himself to the rule of law and formal justice so deeply that the meaning of his life is bound up with the formal legal system. Breaking Tom out would go against the person he is, even if it would defend one of the values he holds dear.

This, then, is one of the dangers of self-integration: it can prevent us from contemplating, or even perceiving urgent moral demands and opportunities. We shouldn’t praise a quality of character that has effects like these.

III. How to Be Admirable Without Integrity

The last section argued that harmony between our identities is not a virtue, and that harmonized identities can sometimes be an ethical disadvantage. This section argues that the opposite of

190 See Mezey, supra note 12, at 126 n.34.
191 SCOUT, ATTICUS AND BOO, supra note 22, at 40.
harmonized identities, identities that conflict with each other, can be, ethically speaking, a good thing.

I don’t mean to suggest that it’s always better to have a conflicted identity. Having an integrated, solid identity can sometimes help us stand up for our principles. But there are times when doing the right thing is easier for people who don’t know exactly who they are. Far from striving to emulate the harmony that Atticus cultivates between his identities, we should recognize that people who suffer tension in their identities can also be ethical exemplars.

Why might it be better to experience internal conflict than internal harmony? As many philosophers observe, the world makes conflicting demands on us. When it does, conflict within the self may be the most admirable reaction, even if it is not the most pleasant one. As Matthew Pianalto writes, sometimes “conflictedness evinces an aliveness to a world of diverse goods and possibilities and an awareness of one’s own limitations.” When the world is ethically complicated, internal struggle is essential to being an admirable person.

Bernard Williams, addressing the debate on whether lawyers’ morality should diverge from the morality of the broader society in which they practice, wrote that there might be some reason to hope that lawyers do not completely reconcile the tension between their morality and society’s. Professionals might have to “get used to doing, from time to time, as an expression of their professional dispositions, acts that they find distasteful in virtue of their general dispositions.” This would require them “to sustain a certain level of conflict or uneasiness.”

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192 See, e.g., Berlin, supra note 188; Crowder, supra note 188; see also Ayers, supra note 5 (defending a pluralist approach to legal ethics).
193 Pianalto, supra note 11, at 321.
194 Id. at 332. Discussing Lugones, Pianalto writes, “The practical integrity of being true to oneself and one’s commitments thus may require not the elimination of such conflict, but rather the management of it through making difficult decisions about which aspect of the self, on any particular situation, warrants expression or defense from the inessential demands of the other aspect of the self.” Id.
196 Id. at 263-64.
197 Id. at 264.
Williams thought law schools should be “encouraging qualms,” or experiencing internal tension about one’s choices, which reflects an awareness of the complexity of our ethical situation. What Williams advocates is a kind of constructive unease—a tension within the self which, he thought, would help lawyers be better people.

In the discussion that follows, I will offer three examples of characters in Mockingbird whose internal tension makes them more ethically admirable. These examples counter Cottingham’s view that cultivating integrity requires “progress towards psychological harmony.” Cottingham argues, “We cannot act with integrity until we know who we are.” He is wrong; we can, and some people do. For some people, a fragmented self makes it possible to be more faithful to the things we value.

I want to be clear, again, that I am not claiming that conflicted or uncertain identities are always admirable. Just as unified identities can be good or bad, so too can uncertain identities be good or bad. But they are hard to avoid. And given all the praise of Atticus for being the same person in the courthouse and the street, and the way readers of Mockingbird have so often missed the other moral exemplars in the text, it is worth exploring the ways in which identity-conflict can help us accomplish our moral goals.

A. The Boundary-Crosser

One sign that Mockingbird wants us to look beyond Atticus is the metaphor referenced in its title: a bird which, unlike Atticus, speaks with many voices. Voices are a natural metaphor for identities (as in “finding one’s voice”), and so single-voicedness is a natural metaphor for harmony between identities. Benjamin Zipursky thus describes integrity as “wholeness, coherence, and univocality.” Atticus certainly has “univocality”; hence the many repetitions of the idea that he is the same at home and in the

198 Id. at 266.
199 Cottingham, supra note 11, at 8.
200 Id.
201 Zipursky, supra note 10, at 395.
courthouse. But if *Mockingbird* wants us to praise univocality, why is the book named after a multi-voiced bird?202

The Latin name for the mockingbird is *Mimus polyglottos*, meaning “many-tongued mimic.” Atticus thinks it is a sin to kill mockingbirds because “they don’t do one thing but sing their hearts out for us.”203 But the text offers us a much more sophisticated reason to prize multi-voicedness. *Mockingbird* has several characters who speak with many tongues, and they are much more than innocent singers; they are dynamic exemplars of forms of virtue that are not available to Atticus.

Several characters in *Mockingbird*, unlike Atticus, have multiple distinct social identities that cannot be harmoniously integrated. The text sometimes uses multi-voicedness as a metaphor for these multiple, irreconcilable social identities. For each separate identity, the character speaks in a different voice—unlike Atticus, who speaks in the same voice regardless of whether he is acting in his role as lawyer, parent, neighbor, or churchmember. Contrary to the common idea that Atticus is the singular moral exemplar in *Mockingbird*, these characters are also important exemplars, and their importance has been too long overlooked.

Calpurnia is the most obvious example of a “many-tongued mimic” in *Mockingbird*, and her multi-voicedness makes it possible for her to be morally admirable in ways Atticus can’t. She has learned to speak both white English and black English, and to adapt herself to living in both worlds. Her code-switching is more than just a skill; it is her way of expressing respect for the people in both of her two communities. If she rejected the language her black neighbors use, they would understand her to be expressing contempt for the black community.204 And in the Finch house, she speaks an English that shows respect for what the white people value, and thereby shows respect for them.

Calpurnia also switches subtly between versions of white English. She speaks to Jem and Scout in a language that is more

202 The direct reference is to Atticus’s comment that it’s a sin to kill mockingbirds. See *Mockingbird*, supra note 1, at 103.
203 Id. The explanation is Maudie Atkinson’s. See Dave, supra note 12, for other symbolic implications of mockingbirds.
204 *Mockingbird*, supra note 1, at 143.
maternal than the usual servant’s diction, and thereby gives them
the mother-figure they could not otherwise have. Watchman
illustrates this with an ugly scene in which Cal reverts to formal
master/servant diction, leading a horrified Scout to understand that
despite the apparent respect Cal shows, there has been a
permanent break between them. 205 This scene helps Scout
understand what the reader already knew: that Calpurnia’s more
familiar pattern of switching between languages is her way of
showing respect for the people in her fragmented communities.
Respect for others is a virtue.

Calpurnia’s code-switching also reflects another virtue, which
we might call boundary-crossing: the courage and creativity
required to step across the artificial lines that divide communities
against each other. When Calpurnia brings Scout and Jem to her
church, she does something that Atticus himself never does: she
encourages them to cross a line into a space that is controlled by
the Other. 206 In doing this, she steps out of her identity as their
caregiver and into the very different set of identities she occupies
in the black community: churchmember, mother, and host (to these
white children). Her fluid identity allows her to demonstrate, by
example, that Maycomb’s norm against social boundary-crossing
can sometimes be broken.

It is significant that Calpurnia, not Atticus, takes the children
to visit the black church, where they learn a series of vivid lessons
about how their neighbors live. Atticus teaches them many lessons
about social boundaries, but Calpurnia is the one who teaches them
to simply walk across those boundaries. In the black church, they
learn, among other things, how illiterate people can sing a hymn
without reading hymn-books (through “lining,” where one person
speaks a phrase before everyone else sings it); how an activist
community can help people in trouble (by closing the church doors
and refusing to let anyone leave until enough money has been
raised to help Helen Robinson); how some members of the black
community object to white presence in their church (a new

205 Watchman, supra note 2, at 154-60. The scene is ugly in other ways: it seems to
suggest that the obstinacy of black people is partly to blame for the breakdown in race
relations in Maycomb.

206 See Alec Gilmore, To Kill a Mockingbird: Perceptions of the Other, in MEYER, NEW
ESSAYS, supra note 12, at 233, on the church scene as the children’s encounter with
otherness.
challenge to the idea that white people are better than black people); and, above all, how the black community in Maycomb has its own ideals, values, practices, and life.

Along with these specific lessons, Calpurnia has taught the children that social borders can be, and sometimes should be, crossed. It is her double identity as a member of two social worlds that makes it possible for her to play this role in their lives. Atticus is not the children’s only teacher, and Calpurnia’s lesson helps build one of the best parts of Scout’s emerging identity.

Like many names in Mockingbird, Scout’s name carries a fairly straightforward symbolism: her virtue is expressed in her persistent challenges to social boundaries. She seeks out Arthur Radley; she imagines what it would be like to be Mayella Ewell; she sits in the courthouse balcony with the black community; and she challenges gender boundaries by refusing to act in “girlish” ways.

It is from Calpurnia that Scout learns to venture across the physical boundaries that mark Maycomb’s social hierarchy. In Watchman, Atticus demands, “Do you want Negroes by the carload in our schools and churches and theaters? Do you want them in our world?” Scout replies, “They’re people, aren’t they?” It is Calpurnia, more than Atticus, who taught Scout the value of bringing people called “them” into worlds that are “ours.” Calpurnia is a role model because she speaks both languages, and uses that skill to cross borders. It is because Calpurnia preserves the differences between her identities that she can serve as an exemplar of these virtues.

To be sure, Atticus contributes a great deal to Scout’s education in boundary-crossing. While Atticus does much less than Calpurnia to teach the children how to enter spaces identified with the Other, he teaches them wonderful lessons about other kinds of boundary-crossing. In particular, he teaches them that even though Maycomb has assigned many people to the role of Other, the children are nonetheless free to address those same people in their role as neighbors. They can sometimes find a way to connect with other people, despite their imposed social identities, by finding a neutral common identity they all share. For example, during the lynch-mob scene, Scout averts violence by innocently making small

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207 Watchman, supra note 2, at 245.
208 Id. at 246.
talk with Mr. Cunningham; by making small talk, she ignores his identity as “leader of a lynch mob” and instead addresses him in his identity as “neighbor.” 209 She brings him back to his neighbor-identity, and he cannot, in that identity, go forward with the act of violence he was about to commit. She erases the boundary between their identities by finding a common identity they share.

Atticus has taught her the power of using common identities to erase social boundaries. Mockingbird emphasizes the power of the neighbor-identity by making the neighborly greeting “Hey” the first word spoken aloud in the text (by Dill, when he meets Jem and Scout) and the most powerful emotional utterance in the text—when Scout, solving both the mystery of the local bogeyman’s identity and the mystery of who saved her life, says, “Hey, Boo.” 210 This power to cross social boundaries by finding a common identity saves lives. But there are lessons about boundary-crossing that Atticus can’t teach.

B. The Outsider Critic

A second way that virtue can spring from identity-tension is exemplified by characters in Mockingbird who do not fit neatly into their socially-imposed identities. Dolphus Raymond cannot claim his privilege as a rich white man; Scout, Jem, and Dill are not yet ready to take on the mantles of their respective family names; and Arthur (“Boo”) Radley is barely part of Maycomb at all. Because of their statuses as putative town drunk, children, and local bogeyman, these characters are only partly able to fit into the various identity-categories Maycomb society offers. So they are left half-in and half-out of their own identities. This halfway position gives them the power to criticize Maycombian society in remarkable ways.

Some social identities are voluntarily adopted (like being a fan of Jane Austen), while others are imposed on us (like our identities as members of our families). Some of our social identities are fully internalized, meaning that we accept that our identity as a Finch or a Jane Austen fan is deeply and legitimately part of who we are; while other identities are not deeply internalized, meaning that we

209 Mockingbird, supra note 1, at 175.
210 Id. at 3-16, 307-11.
are uncomfortable being described as a lawyer, or as male, or as a Finch.\textsuperscript{211} Each of the characters mentioned above is uncomfortable in their identities.

One way in which we can be prevented from stepping fully into our identities is through interference from other identities.\textsuperscript{212} For example, I might think that a “real” lawyer doesn’t care about spending time with family; but if I identify strongly as a father, I won’t be able to live up to my lawyerly identity. Dolphus’s identity as a putative drunk (and lover of a black partner) prevents him from living consistently with his identity as a rich, white Maycombian. Jem, Scout, and Dill can’t fully occupy their identities as members of Maycomb’s community because of their identities as children. As children, they simply don’t understand what it means to be a white Maycombian yet, so they regularly act in ways that are inconsistent with what’s expected of them. And Arthur’s identity as “Boo Radley,” the town bogeyman, prevents him (along with his physical confinement in his house) from playing whatever social role he might otherwise have played in Maycomb. None of them can inhabit their assigned social roles in a wholehearted way.

Social scientists have found evidence of significant bad effects on well-being when identities are only partially internalized.\textsuperscript{213} We should not doubt that it is difficult to be Dolphus, hard to be a child, and terrible to be Arthur Radley. However, each of them gains ethical insight from their difficult position.

Dolphus reveals his outsider status, and the insight it gives him, when he overhears the children talking about identities and legal ethics—specifically, about whether the role of a prosecutor requires the kind of behavior they’ve seen in the courtroom.\textsuperscript{214} Dill is disgusted by the disrespect the prosecutor shows for Tom.\textsuperscript{215} Scout suggests that the prosecutor’s identity justifies his behavior.


\textsuperscript{212} \textit{BURKE \& STETS}, supra note 81, at 78.

\textsuperscript{213} Ryan & Deci, \textit{supra} note 211. at 234.

\textsuperscript{214} \textit{MOCKINGBIRD}, \textit{supra} note 1, at 190. The prosecutor is an example of the fragmented self: “[H]e had a slight cast in one of his eyes which he used to his advantage: he seemed to be looking at a person when he was actually doing nothing of the kind, thus he was hell on juries and witnesses. The jury, thinking themselves under close scrutiny, paid attention; so did the witnesses, thinking likewise.” \textit{Id.}

\textsuperscript{215} \textit{Id.} at 227.
saying lawyers are “supposed to act that way.” Dill points out that Atticus doesn’t act that way. Dolphus Raymond’s voice, emanating from behind a tree-trunk, joins the debate and shares Dill’s disgust: “I know what you mean, boy.” Emerging, he says, “You aren’t thin-hided, it just makes you sick, doesn’t it?”

Dolphus takes them on what seems, at first, a tangent: he explains why he pretends to be drunk. When Scout asks why he is entrusting them with this secret, he says, “Because you’re children and you can understand it.” They can understand his true identity—a sober white man who loves a black woman—without the emotional reactions that adult white Maycombians would be required to have at such an idea.

The children, unlike the prosecutor, are not fully committed to the identities the town has assigned them. They have not even settled on names: “Jem” is also “Jeremy”; “Scout” is also “Jean Louise”; and “Dill” is also “Charles Baker Harris.” The fluidity of their identities leaves them free to imagine themselves into the shoes of the people they encounter—which is, of course, their favorite game, as we learn by watching their theatrical version of Arthur Radley’s life. Dolphus explains that by the time their identity becomes firm, it will be too late: “Let him get a little older and he won’t get sick and cry... about the hell white people give colored folks, without even stopping to think that they’re people, too.”

This passage is the only moment in *Mockingbird* that directly echoes the epigraph, “Lawyers, I suppose, were children once.” By referencing its epigraph, the text is reinforcing the importance of this moment, in which the children are told to rely on their reactions as partial outsiders rather than the reactions given by the identities Maycomb imposes.

Dolphus is insisting that the way to resolve questions about right and wrong behavior is not by asking what people with a particular identity (like “lawyer”) are supposed to do. Instead, they should trust the reactions they are having now, as children who are

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216 *Id.*
217 *Id.*
218 *Id.* at 229.
219 *Id.*
220 *Mockingbird*, supra note 1, at epigraph (quoting CHARLES LAMB, The Old Benchers of the Inner Temple, in *ESSAYS OF ELIA* 93 (1835)).
not fully committed to their identities as white Maycombians. The children's youth gives them a clarity of moral insight that will be lost later, when they fully subscribe to socially-given identities like "lawyer" or "lady" or "white."

By this point we should see that Dolphus's revelation of his "fraud" is not a tangent at all. He reveals his secret identity as a sober lover of a black partner so that he can share with them the insights his outsider status has brought him, and so that he can encourage them to explore the insights their own outsider status can make possible. And they do.

As partial outsiders, the children are free to ask radical questions that threaten the deeply-held beliefs that constitute adults' identities—much more free than even the best of the adults. It is Scout, not Atticus, who compares Southern society to Nazi Germany. And it is Scout who perceives the emptiness of the concept of race itself. Her questions about race lead her to the discovery that some "black" people are visually indistinguishable from whites; that "you just hafta know who they are"; and that "a drop" of blood "makes you all black"; upon which she demands, "Well how do you know we ain't Negroes?" It is the strongest deconstruction of race in the book, and it arises because she is a partial outsider. She is sincerely trying to make sense of the bafflingly arbitrary hierarchy in a way that adults whose identities are settled rarely do.

The children's imaginations take them far beyond the boundaries of their imposed identities as white Maycombians. In one surreal image during their discussion outside the courthouse, the children even imagine for themselves a role that stands altogether outside Maycomb's social order. When Jem suggests Dill may grow up to be a lawyer, Dill replies he might want to be a clown. But he will be a new kind of clown. Instead of people laughing at him, "I'm gonna stand in the middle of the ring and

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221 See BARKER, supra note 12, at 182. Mockingbird is set in 1935, but our narrator—the older Scout—is presumably aware of the full implications of the comparison when she chooses to recount the story. Barker also notes strong elements of critique in the older Scout's introduction to our story: Scout says the story begins when General Andrew Jackson "[ran] the Creeks up the creek," which refers to an incident in which Jackson betrayed the Creeks who had fought with him. Id. at 184 (quoting MOCKINGBIRD, supra note 1, at 3)).

222 MOCKINGBIRD, supra note 1, at 185.
laugh at the folks. Just looka yonder.”223 He points at the (white) people who have participated in, or attended, Tom Robinson’s trial. “Every one of ‘em oughta be ridin’ broomsticks.”224

Dill will be the ultimate outsider-critic: standing separate from his community, pointing at it and laughing. Here the title of the book takes on a different symbolic meaning: mockingbirds, in the text, are sometimes called simply “mockers,” and Dill is mocking Maycomb.225 The outsiders whom the mockingbird symbolizes are not only valuable just because they “sing for us,” but also because they are capable of brutal criticism that we ourselves can rarely manage.

Of course, even if their role as children interferes with their identities as white Maycombians, the children are white Maycombians nonetheless, as Aunt Alexandra ceaselessly reminds them with her attempts to induce behavior consistent with the identities assigned to them. Their ability to imagine the lives of others is severely limited by their social position. Still, despite their vested interests in the power structure, they are freer than other characters in Mockingbird to cross social boundaries, particularly in their imagination. This fluidity gives them a moral clarity that goes beyond what anyone else is able to achieve: “Naw, Jem, I think there’s just one kind of folks. Folks.”226 Go Set a Watchman painfully reminds us, with its portrait of Atticus’s racism, that the children are far more able than their father to achieve this kind of insight.

Much closer than the children to true outsider status is Arthur Radley. Like the children, he has two names for his two divergent identities, “Arthur” and “Boo.” But his Arthur-identity remains mostly a mystery to us. His imposed identity as town bogeyman interferes with his other identities so completely that it obscures them from our view. But he provokes the children into important reflections on outsider-identity and the insights it provides. His

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223 Id. at 247.
224 Id. at 247-48.
225 Id. at 293-94 (“High above us in the darkness a solitary mocker poured out his repertoire in blissful unawareness of whose tree he sat in, plunging from the shrill kee, kee of the sunflower bird to the irascible qua-ack of a bluejay, to the sad lament of Poor Will, Poor Will, Poor Will.”).
226 Id. at 260.
status as an almost complete mystery makes him, in Jem’s imagination, the ultimate social critic.

A little while after talking to Dolphus, Jem says, “Scout, I think I’m beginning to understand something. I think I’m beginning to understand why Boo Radley’s stayed shut up in the house all this time . . . it’s because he wants to stay inside.”227 It’s a chilling reversal: Arthur, the prisoner of his brutal family, is reconceived as standing outside the prison that is Maycomb. Thinking about Arthur gives Jem a way to wonder if his community is worth anything at all—if imprisonment in a decaying house would be better than living among people who do to each other what his neighbors have just done to Tom. Such thoughts are hard to think for people who sit comfortably in their identities.

Go Set a Watchman can be read as a further exploration of the idea that solidifying identities can prevent people from asking radical questions. The adult Jean Louise, on this reading, grows out of her boundary-crossing tendencies, and ends the book ready to return to the South and accept Southern values. Thus Brinkmeyer says the text illustrates Southern society’s “power to brainwash its children, who remain under its grip for the rest of their days.”228 The “grinding socialization of children” that Dolphus is trying to delay is thus finally complete at the end of Watchman.229

I don’t share this reading. What Jean Louise accepts is not Atticus’s anti-integration views, but the possibility of continuing to love a racist father. She will not marry Hank, who lacks the guts (or the social privilege) required to stand against racism. But she will accept her uncle Jack’s suggestion that Maycomb needs her to maintain her relationships there—not to succumb, but to criticize from within.230

This idea of criticizing an unjust system while remaining part of it is an important one in Mockingbird. Just like the radical

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227 Id.
228 Brinkmeyer, supra note 12, at 221.
229 Id.
230 Watchman, supra note 2, at 272. When Scout asks if Atticus needs her, Jack says, “I was thinking of Maycomb . . . . You’d be amazed if you knew how many people are on your side, if side’s the right word. You’re no special case. The woods are full of people like you, but we need some more of you.” Id. Jean Louise says, “I can’t fight them,” but Jack replies, “I don’t mean by fighting; I mean by going to work every morning, coming home at night, seeing your friends.” Id.
outsider criticism that Dolphus and Dill practice, criticism from the inside can require tension in our identities, as the next section will explain.

C. The Underminer from Within

_Mockingbird_ gives us a third kind of character for whom identity-conflict helps make virtue possible. In this case, it's the identity-conflict that comes from understanding that one's identity is morally problematic. Remember Bernard Williams's idea that good might come from professional lawyers sustaining a certain level of uneasiness about their professional identities.\textsuperscript{231} _Mockingbird_ explores this idea by showing us a character who occupies an identity while also gently fighting back against it.

Maudie Atkinson is a thoroughly admirable neighbor of the Finches. She frequently takes the role of moral teacher for Scout and Jem, and also illustrates goodness by example, showing respect for the children's intelligence, taking an interest in other people's well-being even while her own house is burning down, and—virtually alone among Maycombians—declining to legitimize the sham trial of Tom Robinson with her presence in the audience: “Just because it's public, I don't have to go, do I?”\textsuperscript{232} Maudie is strongly committed to her identity as a moral person.

Metaphorically, Maudie is described as a chameleon: “She was a widow, a chameleon lady who worked in her flower beds in an old straw hat and men's coveralls, but after her five o'clock bath she would appear on the porch and reign over the street in magisterial beauty.”\textsuperscript{233} To be a chameleon is like being a mockingbird; it is to move fluidly between identities. Unlike Atticus, who is the same in his house and in his yard, Maudie is a different person in her yard and on her porch. But this fluidity gives her power, as we see in a scene after Tom’s trial in which Atticus’s sister Alexandra hosts a meeting at the Finch house of the ladies who form the town’s “missionary circle.”\textsuperscript{234} Maudie uses her chameleon-powers to undermine the identity of “Maycomb white lady” from within.

\textsuperscript{231} See Bernard Williams, _Professional Morality and Its Dispositions, in The Good Lawyer, supra_ note 10, at 259.

\textsuperscript{232} _Mockingbird, supra_ note 1, at 182; see also _id_. at 83, 263.

\textsuperscript{233} _Id_. at 47.

\textsuperscript{234} _Id_. at 261.
An upper-class white lady’s identity, as Maycomb society constructs it, is fraught with racism, condescension, ignorance, and hypocrisy. The ladies of the missionary circle discuss their repugnance at the “sin and squalor” in which the African “Mrunas” live, and then brag about how Christian they are because they “forgive” their servants for acting “sulky” after Tom Robinson’s conviction. They also brag about scolding their servants for that sulkiness, saying, “you never ought to let an opportunity go by to witness for the Lord.” Through all this, Maudie sits quietly, suffering what we can only imagine must be a painful conflict between her identity as a member of this repellent group and her identity as a caring and decent human being.

Then, at the prompting of Gertrude Farrow (a character who is literally snake-like, with her “curious habit of prefacing everything she said with a soft sibilant sound”), Mrs. Merriweather attacks Atticus, saying “there are some good but misguided people in this town.” She goes on: “Now far be it from me to say who, but some of ’em in this town thought they were doing the right thing a while back, but all they did was stir ’em up. That’s all they did.”

Finally, Maudie breaches the norms that go with her identity as a Maycomb white lady, saying, “His food doesn’t stick going down, does it?” Mrs. Merriweather is flustered: “Maudie, I’m sure I don’t know what you mean.” Maudie shoots back, “I’m sure you do.” Mrs. Merriweather blushes and looks away.

Maudie certainly doesn’t cure Mrs. Merriweather’s racism, but she does derail a tirade that would have otherwise gone unchallenged. By pointing out Merriweather’s ungraciousness and hypocrisy, Maudie takes away a small bit of her social power.

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235 Id. at 264-65.
236 Id. at 265-66.
237 Id. at 266.
238 Id.
239 Id.
240 Id. at 267.
241 Id.
242 Id.
243 Id. Then Aunt Alexandra, after giving Maudie a grateful look, fills the awkward silence by chatting with Mrs. Merriweather on other subjects. Scout understands that these social maneuvers are complex: “I must soon enter this world, where on its surface fragrant ladies rocked slowly, fanned gently, and drank cool water.” Id.
Mockingbird’s premise is that social change comes slowly, as a result of battles fought on the micro-level, in the “secret courts of men’s hearts.” The dethroning of people like Mrs. Merriweather is a necessary part of that progression, and small acts of defiance like Maudie’s are, in turn, a necessary part of dethroning them.

But Maudie’s defiance is effective only because Maudie remains part of the missionary circle, preserving her identity as a member of it. If she did not share that identity, Maudie would be irrelevant. Unlike Dolphus, Maudie’s power as critic comes from her status as an insider.

Her participation is painful, as we see when Maudie, Alexandra, and Scout learn, in the kitchen, that Tom Robinson is dead, and then grit their teeth and return to the role of gracious hosts in the living room. Scout says she “watched myself walk to Mrs. Merriweather” and offer her cookies. The phrase “watched myself” is significant. Scout is experiencing a division in her self. In her pretense of respect for Mrs. Merriweather, she is not integrated. But the chapter ends on a darkly triumphant note: “After all, if Aunty could be a lady at a time like this, so could I.” Scout is learning that there is virtue and power in the kind of pretense that is allowed (and expected) for women. By “being” a lady at this moment—taking on that identity, and participating in a repellent social practice—she can gain the power to change it.

To be sure, Maudie’s style of subtle detachment has disadvantages. Among other things, the subtlety of her approach minimizes her ability to have an impact on her community’s attitudes. In fact, it’s possible she has no impact at all. She may even be seen as legitimizing Maycomb’s white female elites and their racist attitudes by participating in the missionary circle. Perhaps shouting “Damn you all!” would also be admirable, but there is more than one way to be admirable here. Maudie’s choice—her constructive duplicity—is admirable too.

When Atticus attempts to perform the kind of constructive pretense that Maudie performs so expertly—adopting an identity...
while simultaneously undermining it—he bungles it so badly that he literally starts talking nonsense and frightens his children. Alexandra pressures him to take back bad things he’s said about their ancestor Cousin Joshua, who “went round the bend” and “tried to shoot the president.”

(Those statements were, she thinks, inconsistent with Atticus’s identity as a Finch.) So Atticus appears in the children’s bedroom, and delivers, “[i]n his lawyer’s voice, without a shade of inflection,” an uncomfortable monologue: “Your aunt has asked me to try and impress upon you and Jean Louise that you are not from run-of-the-mill people” and that “you must try to behave like the little lady and gentleman that you are.”

Scout and Jem are “[s]tunned” by this performance. “For no reason I felt myself beginning to cry,” Scout says, “but I could not stop. This was not my father. My father never thought these thoughts. My father never spoke so.” At this moment, Atticus is not self-integrated; he is not the same person as he is in the courtroom, in the streets, and (usually) in the house. Crying, Scout buries her head in his vest.

Then Atticus abandons the pretense. “Don’t you worry about anything,” he says, and asks them to forget what he has said. Scout says, “When I heard that, I knew he had come back to us.”

Atticus tries, feebly, to make a joke on the way out: “Get more like Cousin Joshua every day, don’t I?” The adult Scout writes, “I know now what he was trying to do, but Atticus was only a man. It takes a woman to do that kind of work.”

The “kind of work” Scout means is the kind of constructive pretense Maudie performs so deftly: participating semi-fraudulently in a social practice in a way that subtly communicates one’s true view about it. Atticus tries to participate ironically in the practice of honoring his ancestors, but he is terrible at it. This is not really his fault; in Maycomb County, only women are

\[\text{\textsuperscript{248} Id. at 151.}\]
\[\text{\textsuperscript{249} Id. at 152.}\]
\[\text{\textsuperscript{250} Id.}\]
\[\text{\textsuperscript{251} Id.}\]
\[\text{\textsuperscript{252} Id. at 153.}\]
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\[\text{\textsuperscript{254} Id.}\]
\[\text{\textsuperscript{255} Id.}\]
\[\text{\textsuperscript{256} Cf. M. Adams, supra note 12, at 246 (interpreting “that kind of work” to be “the emotional work that parents do to raise children”).}\]
supposed to be chameleons.\textsuperscript{257} As a white man, Atticus is expected \textit{not} to develop the skills of rebellious and constructive social pretense that Maudie develops, and indeed he has not.\textsuperscript{258}

But this is not Atticus’s last attempt at constructive pretense. At the end of \textit{Mockingbird}, when Atticus decides to go along with Sheriff Tate in pretending that Bob Ewell fell on his knife, he finally embraces the necessity of pursuing something more complicated than self-integration. “I can’t live one way in town and another way in my home,” he says; but then he gives in, apparently abandoning this familiar moral maxim.\textsuperscript{259} It will be an uneasy position, but Calpurnia, Dolphus, and Maudie have long since shown the reader that unease can be a source of moral power. Atticus accepts that there are times when one \textit{should} live one way in town and another way in one’s home. We should all accept the same idea.

\textbf{CONCLUSION: THE MANY VOICES OF THURGOOD MARSHALL}

This article made three claims. First, it argued that when lawyers and philosophers talk about integrity, they sometimes confuse two distinct concepts: fidelity to values and harmony between identities. Exploring this distinction, we saw that Atticus exemplifies both kinds of integrity: he is faithful to his values, and he seems to experience no tension between his social identities as lawyer, parent, moral person, and so on.

Part II argued that while fidelity to values is a virtue, harmony between identities is not. Harmony between identities is partly a product of social privilege. And it can sometimes be an ethical disadvantage, in that solidly integrated identities can lead us to deceive ourselves in the name of preserving our self-unity or prevent us from seeing important ethical choices.

Finally, Part III looked at some of the ethical advantages of tension within the self. People who have multiple distinct social identities can be uniquely positioned to cross social boundaries. And

\begin{itemize}
\item \textsuperscript{257} Scout says that men “did not trap you with innocent questions to make fun of you”; “There was something about them, no matter how much they cussed and drank and gambled and chewed; no matter how undeletable they were, there was something about them that I instinctively liked . . . they weren’t—Hypocrites, Mrs. Perkins, born hypocrites,” Mrs. Merriweather was saying.” \textit{Mockingbird}, supra note 1, at 268.
\item \textsuperscript{258} In \textit{Watchman}, Atticus does it fairly well, subtly mocking the lionization of Cousin Joshua. \textit{Watchman}, supra note 2, at 5.
\item \textsuperscript{259} \textit{Mockingbird}, supra note 1, at 315.
\end{itemize}
when identity-conflict prevents people from fully occupying a social identity, they can thereby gain the ability to see it from the outside, and to criticize it in a way that insiders can’t. Finally, people who are able to occupy their identities critically, or even ironically, can be positioned to challenge those identities from within. In each case, identity-conflict confers not only pain but also a kind of power.

Throughout the article, I have been arguing that Atticus Finch is not the only character in *To Kill a Mockingbird* whom we should see as an ethical exemplar. Although he is very admirable in the fidelity with which he pursues his ethical ideals, other characters are admirable, too. We must not think that Atticus’s way of being admirable, which involves always being the same person in each of our social roles, is the only way to be admirable. I want to end by offering another kind of ethical exemplar who, unlike Atticus, is many-voiced in his pursuit of his ethical ideals.

During Thurgood Marshall’s career as a civil-rights lawyer, he performed a complicated balancing act as a black lawyer in the white-dominated courtrooms of the South. He worked within a racist court system to persuade its judges and juries to be more just in their treatment of black defendants and litigants, but his own identity was also on trial.

Marshall’s ability to be a better lawyer than his white adversaries demonstrated, as effectively as any argument, the falsity of racist doctrines of black inferiority. And his very participation in the practice of law sent a powerful message. As Kenneth Mack explains, to see a black man interacting with whites as an equal was very emotional not only for black audiences, but also for many white southerners.

But Mack also explains that Marshall walked a fine line: black people wanted him to be “an African American lawyer whose

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260 Marshall’s mentor, Charles Houston, rigorously trained Marshall to be precise in his work because Houston saw “competence as a way to bridge the barriers of race.” [Kenneth W. Mack, *Representing the Race: The Creation of the Civil Rights Lawyer*] 68 (2012). Marshall lived by this lesson; even an unfriendly Louisiana judge was moved to say to Marshall’s opposing counsel, who asked for more time to check Marshall’s citations, “You don’t have to worry about that. If Mr. Marshall puts his signature on it, you don’t have to check it.” [Gilbert King, *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America*] 287-88 (2012). And a racist juror in one case was heard to remark, “Damn, that nigger was good. Sure looks like it’ll be close.” Id. at 320.

261 Mack, supra note 259, at 128.
acceptance by whites gave him the power to call out racial inequity in the system; but whites wanted "a person who could explain to a skeptical black public that the legal system treated them fairly." In other words, he had two identities thrust upon him: the identity of legitimizer and the identity of challenger.

So Marshall faced a tension that shares some features with Maudie’s problem: how to participate in a social practice (the law) in a way that both seeks to reform it and avoids unduly legitimizing it. To negotiate this tension, he spoke with many voices.

Marshall’s colleagues often remarked on his capacity to be different people in different situations. One of his secretaries later said, “I bet he still speaks in court like the man who wrote the grammar book and yet commits felonious assault on the King’s English in private.” Like a mockingbird, he had a particular gift for imitation, amusing his colleagues by imitating judges, opposing counsel, or dim witnesses. And his changing personas were more than just a matter of grammar.

Robert Carter, Marshall’s deputy at the NAACP, said he would see Marshall, who was boisterous and brash in New York City, “assume a deep southern accent and an extremely courteous persona when dealing with opposing lawyers in the South.” (The “deep southern accent” is particularly striking, since Marshall grew up in Maryland). And he had a “well-known penchant for the proper observance of lawyers’ decorum with opposing attorneys.” His whole manner was tailored to fit within the courtly tradition of southern lawyering, in which the adversary’s lawyer is identified as a colleague rather than an enemy.

Marshall thus presented a different identity to his southern adversaries than to his New York neighbors. Of course the Southerners knew that he was there to challenge the racist

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262 Id. at 112.
263 Id.
264 Id. at 68. W.E.B. DuBois thought his “unbuttoned office manners” were “outlandishly bad.” King, supra note 259, at 44. He’d pull a bottle of whiskey from his desk drawer, and hold court. Id.
265 King, supra note 259, at 44.
266 Mack, supra note 259, at 65-66.
267 Id. at 65.
268 A colleague thought Marshall’s conduct was a conscious observance of “the courtroom script that bound lawyers together regardless of background or position.” Id. at 66.
institutions they were defending, but he acted with a courtly manner that fit right in to Southern courtrooms. In other words, he did not act like someone challenging the lawyerly identity that he insisted on sharing with his adversaries. He said the things a challenger would say in the voice of a legitimizer.

But when he left the courtroom, he took on the persona of a challenger. In Supreme Court arguments, he spoke quietly and undramatically, but when he spoke at Mount Zion Baptist Church in Miami to raise funds for the NAACP’s defense of the black men wrongly accused of rape in Groveland, he “abandoned his lawyerly measures for preacher-like stylings in a slightly exaggerated Southern drawl.” And it worked: “[H]e could bring an audience to its feet, clapping and stomping.”

There is no reason to think that Marshall found this identity-switching painful. On the contrary, he seems to have loved it, and that is part of what was so inspiring about him. His ability to mimic personas, and fit in wherever he went, contributed to his legendary abilities as a storyteller, and he turned those abilities toward the same social-justice goals that drove his deft negotiation of courtroom identities.

In the late 1940s, Marshall single-handedly integrated a bar in New Orleans, unnerving his colleagues by announcing one night that he was going downstairs to the bar, which was closed to blacks. In the morning, the colleague who encountered the bar’s white owner was asked, “Say, where’s that big tall black fellow that came into my place last night?” To the colleague’s cautious “I don’t know,” the owner replied, “If you see him and he ain’t busy, ask him to stop by again tonight. He sure had some funny stories.”

Atticus could not have connected with people this way. (It is impossible to imagine anyone saying of Atticus, as a classmate said affectionately of Marshall, that “he always had some new lie to tell

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269 KING, supra note 259, at 270.
270 Id. (quoting Jack Greenberg).
271 See Sandra Day O’Connor, Thurgood Marshall: The Influence of a Raconteur, 44 STAN. L. REV. 1217, 1220 (1992). Justice O’Connor thinks that part of the way Marshall was able to “go on,” despite the injustices he saw, was “in his capacity for narration itself. His stories reflect a truly expansive personality, the perspective of a man who immerses himself in human suffering and then translates that suffering in a way that others can bear and understand.” Id.
272 KING, supra note 259, at 48.
273 Id.
you.” And, as a consequence, he could never have mobilized people the way Marshall did. Marshall, like the mockingbirds and chameleons in *Mockingbird*, was able to pursue justice effectively because of the fluidity of his identities.

Like Dill, Marshall was an outsider, and his outsider status in Southern courtrooms and white society was bound up with his moral insight into the evils he saw there. As an outsider, he was free to see clearly the illusions that permeated the value-systems of white America. And like Calpurnia, Marshall moved fluidly across social boundaries. Every time he achieved a measure of acceptance in white courtrooms, he broke ground for future crossers of social boundaries, just as Calpurnia set an example for Scout and Jem. And like Maudie, Marshall was able to participate in a social practice (the white justice system) without becoming fully part of it. He was more successful than Maudie in making room to play the role of a challenger. But he can usefully be compared to her because they both illustrate the power of ironic detachment, of holding some moral part of yourself back from the social identity you adopt. Marshall was both a legitimizer and a challenger, and both identities were a key part of his moral integrity.

Marshall, like Dill, Calpurnia, and Maudie, is an exemplar of a kind of integrity that goes beyond Atticus's capabilities. Each of them began with tensions that made it impossible to display the kind of unified, solid and single persona that so many people praise in Atticus. But each of these characters used that tension as the occasion to pursue their ethical ambitions with kinds of integrity that are no less admirable. Atticus is an exemplar of virtue, but so are they.

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274 Juan Williams, *The Higher Education of Thurgood Marshall*, 22 J. BLACKS IN HIGHER EDUC. 82, 87 (Winter 1998-1999). And self-deception can be a way of fracturing the self, too. Marshall may have depended on that: “I can testify, . . . there’s times when you’re scared to death. But you can’t admit it; you just have to lie like hell to yourself. Otherwise, you’ll start looking under the bed at night.” *King*, supra note 259, at 278.