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Harper Lee’s
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New Essays

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CHAPTER 12

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Failure of Empathy in *To Kill a Mockingbird*

*Katie Rose Guest Pryal*

Early in Harper Lee’s 1960 novel *To Kill a Mockingbird*, Atticus Finch gives his daughter Scout some advice, advice that frames the entire story: “You never really understand a person until you consider things from his point of view . . . until you climb into his skin and walk around in it” (*TKAM* 33). Because racial conflict plays a central role in *Mockingbird*, this advice to try on another’s “skin” takes on great significance. Arguably, the jurors convict the innocent black man, Tom Robinson, for the rape of the white Mayella Ewell because they refuse to walk around in a black person’s skin. Thus they fail to follow Atticus’s admonition to practice empathy. Indeed, scholars often point to empathy as the central theme of the novel. For example, Mary Ellen Maatman suggests that *Mockingbird* “emphasizes the significance of empathy in moral development” (210–11). Still other scholars point to Atticus as the model of an empathetic character. Robin Winter writes that Finch possesses “the unwavering powers of courage, empathy, and moral fortitude to fight against racial prejudice” (548), while Maatman suggests that “Atticus Finch repeatedly emphasizes the importance of empathy for others” (211). But this praise of Atticus—and of the novel—is not universal among its readers.

Indeed, respondents have critiqued both the character Atticus and *Mockingbird* itself for a lack of empathetic qualities. Most recently, author Malcolm Gladwell addressed this point in the August 2009 issue of the *New Yorker*. According to Gladwell, Atticus does not take on Tom Robinson’s case because he empathizes with the plight of black people in Alabama; rather, Gladwell argues.
Finch practices “old-style Southern liberalism” that was “gradual and paternalistic” (para. 7). He goes on to argue that Finch refuses to “look at the problem of racism outside of the immediate context” of his friends and neighbors in Maycomb (para. 15), and that Atticus was not a civil rights worker at all, despite how he has been cast in America’s popular imagination. For Gladwell, Atticus takes a “hearts-and-minds approach” to Tom’s rape charge, and this approach Gladwell considers to be basically “accommodation, not reform” (para. 13). As his essay continues, Gladwell calls Atticus to task for not fighting against the injustice of Tom’s conviction and for failing to mount an appeal in Tom’s defense. Drawing a connection with Charles Dickens, Gladwell demonstrates how Lee’s portrayal of Atticus (and perhaps even the novel itself) suggests that systemic injustices in the legal system “could be tamed through small moments of justice” and through “changing hearts” (para. 27). By contending that Atticus has no desire to “endanger the status quo” (para. 27), Gladwell reveals that while Atticus might have felt sympathy for Tom and the other black people of Maycomb, he does not practice the empathy that so many associate with the novel’s thematic emphasis.

Empathy—how it is discussed and deployed by both the characters in *To Kill a Mockingbird* and by the author, Lee—is a useful lens to view the depictions of racial injustice in *Mockingbird*, because empathy is the moral fulcrum on which the narrative turns. In fact, each moment of tension in the book is driven by attempts to practice empathy: Jem’s relationship with the dying Mrs. Dubose, the late-night confrontation at the jail in which Scout forces the group to empathize with Atticus (if not with Tom), and even the moment when Atticus shoots the rabid dog and mourns the passing of the sick animal. In particular, empathy across racial lines poses a challenge to the judge and jury in Tom’s case. The scenes in and around the courtroom best reveal the power that empathy holds over us as individuals and as a society. All citizens implicitly endorse our legal system and believe that it acts on our behalf. Since this system sends some individuals to prison and others to their death, it follows that we must take responsibility for these punishments. Developing this sense of responsibility, I believe, is a central message of Lee’s novel.

In this essay, I argue that *To Kill a Mockingbird* fails to aptly demonstrate the practice of cross-racial empathy. As a consequence, readers cannot empathize with the (largely silent) black characters of the novel. In order to examine the concept of empathy, I have developed a critical framework derived from Kenneth Burke’s theory of identification and then used this framework to examine some ways in which empathy manifests itself in our legal system, manifestations that help reveal the failings of *Mockingbird*. Three scenes from Lee’s novel are relevant—the standoff at the jail, the trial of Tom Robinson, and the Finch children’s trip to Calpurnia’s church—to ask whether Lee’s novel successfully persuades its audience to practice cross-racial empathy, to “walk in another’s
Defining Empathy

The disagreement among scholars over whether *Mockingbird* demonstrates empathy arises, at least in part, from the lack of an agreed-upon understanding of the term. “Empathy,” as defined by the *Oxford English Dictionary*, is “the power of projecting one’s personality into (and so fully comprehending) the object of contemplation” (“Empathy”). This definition aligns with the metaphor Atticus uses in his advice to Scout, to place one’s mind inside the skin of another. Practicing empathy, however, is a risky endeavor for both the empathizers and the objects of empathy. The empathizers must leave themselves and inhabit, if only briefly, the skin (body, life) of the objects. The objects, in turn, must allow this projection to occur, opening themselves to a kind of invasion. For example, for a jury member sitting in a criminal trial, especially a trial of a violent crime, empathizing with a defendant might mean stepping inside the mind of a monster, a terrifying prospect.

Another type of fear might prevent jurors from empathizing with a defendant, especially in a trial like the one in *Mockingbird*. White jurors might fear that viewing the world—and themselves—from a black defendant’s point of view will reveal ugly characteristics about themselves that the jurors would rather ignore, unwilling to face what I will call a “fear of revelation.” The U.S. Supreme Court has addressed the problem of the all-white jury as recently as 1985 and lower courts even more recently. Given this context, fear of revelation and cross-racial empathy in the courtroom are important subjects of scrutiny. Just as fear of revelation stifles the possibility of empathy between white jurors and black defendants, it also plagues *Mockingbird*’s efforts to inspire cross-racial empathy in its readers. Rarely do the black characters in the novel express how they feel about Maycomb’s culture of white supremacy; nor do white citizens express interest in hearing about these feelings. This disinterest, mingled with fear, ultimately stands in the way of cross-racial empathy.

Often, “empathy” is confused with “sympathy.” Empathy entails the desire and ability to understand the plight of another person from that person’s point of view. Sympathy does not require employing another’s perspective. To practice sympathy only requires the feeling of pity for another’s plight. It requires none of the projection required by empathy and therefore creates none of the psychic risk. In *Mockingbird*, Atticus suggests that we should empathize with others, but what he most often models, I suggest, is merely sympathy. For example, were
Atticus to walk around in Tom’s skin after Tom was found guilty, he would, as Gladwell writes, “be brimming with rage at the unjust verdict” (para. 11).

In order to understand how *Mockingbird* fails to demonstrate empathy, we need a full understanding of how empathy works in practice. I suggest that empathy is something we must do, not merely something we feel. In *A Rhetoric of Motives*, Kenneth Burke provides a way to think about the practice and effects of empathy. Burke’s term for empathetic practice is “identification.” Identification occurs when one’s “interests are joined” with another’s interests (Burke 20). Even when two parties are identified, however, they retain the power of their separate selves: “In being identified with B, A is ‘substantially one’ with a person other than himself. Yet at the same time he remains unique, an individual locus of motives. Thus he is both joined and separate, at once a distinct substance and consubstantial with another” (21). The practice of identification can be powerful because the parties draw from their combined strength *and* from the strength of their individual identities.

As I will show, rather than identifying—empathizing—with Tom, Atticus merely sympathizes. Worse, he subsumes Tom within his own identity when he takes on legal representation of Tom. Were Atticus to empathize, he would have to believe that what is at stake for Tom is substantially similar to what is at stake for himself were he in Tom’s skin. One might question whether a white lawyer in the Jim Crow South could ever identify with a black person because black people and white people were in substantially different positions in the eyes of the law. For example, Mayella Ewell would never have been able to bring such empty charges of rape against Atticus for reasons of both class and race. Similarly, within the confines of the novel, it is nearly inconceivable that Atticus could ever encounter a situation where he would stand in a position substantially similar to that of Tom. At its best moments, *Mockingbird* raises these kinds of questions about the roles of lawyers and judges. Can a lawyer identify with his client? Should he? Can a judge identify with the parties to a case? Should she?

Empathy and Our Legal System

In order to answer these questions, we must explore what role empathy plays in the delivery of justice in the United States. An examination of two moments of legal debate in which empathy came to the fore will be helpful in developing a framework for examining the practice of empathy in *Mockingbird*.

The first instance of empathy in law that will be examined occurred in the Supreme Court race discrimination case *McCluskey v. Kemp* (1987). In his dissenting opinion in *McCluskey*, Justice William Brennan attempted to describe the role that empathy should play in criminal sentencing, particularly death
penalty sentencing. Justice Brennan suggested that a lack of cross-racial empathy enables the majority of U.S. society to endorse capital punishment despite the proven existence of racism in capital sentencing. After declaring that capital punishment is cruel and unusual punishment, Brennan writes,

It is tempting to pretend that minorities on death row share a fate in no way connected to our own, that our treatment of them sounds no echoes beyond the chambers in which they die. Such an illusion is ultimately corrosive, for the reverberations of injustice are not so easily confined . . . the way in which we choose those who will die reveals the depth of moral commitment among the living. (McCleskey 345)

Justice Brennan chastised those who ignore the suffering of black death row inmates such as Warren McCleskey because of an unwillingness to see any human connection with them. Justice Brennan implied that this unwillingness to connect—to empathize—is a wilful blindness, a "pretending." One might suggest further that this blindness is driven by fear: fear that our safe position of superiority might crumble if we recognize the agonistic humanity of the supposed monster before us. This is a prime example of a fear of revelation: we would rather ignore the accused than view ourselves through his eyes. Justice Brennan's words remind us that our fates are indeed tied to those of inmates on death row; we are interconnected despite our reluctance to admit it.

Brennan's words might have been directed at the very jurors that convicted Tom Robinson in Mockingbird “It is tempting to pretend that minorities [who are criminal defendants] share a fate in no way connected to our own.” But this argument for empathy, for interconnection, is not the argument Atticus makes. He does not suggest that the lives of the jurors have anything to do with the life of Tom Robinson. Instead, he suggests that (1) the Ewells are untrustworthy; (2) that Tom is "honest"; and (3) that the courts are the only “human institution that makes a pauper the equal of a Rockefeller" (TKAM 233) and, by implication, a black man the equal of a white man. Instead of evoking empathy and compassion, Atticus tells the jury that he is “confident that you gentlemen will review without passion the evidence you have heard” (233). He appeals to reason and logic rather than emotion, fearing that emotion will lead to a conviction. Perhaps Atticus's strategy would be the most likely and the most effective one for earning an acquittal in a case like Tom’s. Be that as it may, however, it was not a strategy driven by empathy.

The second instance of empathy in law occurred more recently, upon the retirement of Supreme Court Justice William Souter in April 2009. After Souter announced that he would be leaving the Court, President Obama described how he would select his Supreme Court nominee. Obama's speech has spawned what pundits called “the empathy standard” (Brown para. 1). Obama declared, “I will
seek someone who understands that justice isn’t about some abstract legal theory or footnote in a case book. It is also about how our laws affect the daily realities of people’s lives—whether they can make a living and care for their families; whether they feel safe in their homes and welcome in their own nation” (Obama para. 5). For Obama, empathy means recognizing how the abstract rules of law affect particular people and adjusting those rules to reach a just outcome. Obama’s critics suggest that judges who practice empathy may deliver judicial decisions contrary to law.

According to Stanley Fish, the problem lies in the difference between decisions that are “just” and those that are “legal.” Fish writes, “Just outcomes would be nice and let’s hope we have some, but [Obama’s critics argue that] what courts should deliver is legal outcomes” (para. 3). Critics fear that empathy will result in results-oriented judging that sets aside legal precedent if need be. Given the call by Amnon Reichman and other legal scholars to study how all people—not just judges—make “empathetic judgments,” understanding the relationship between empathy and judging takes on a greater importance (303). For these legal scholars, and for Obama, real justice is empathetic, not abstract or blind. Using Obama’s empathy standard to look at Atticus’s closing arguments, we see once again that he has not appealed to empathy. Instead, Atticus requests blind justice from the jurors.

From what we have examined here, we see that there are at least two aspects of empathy important to law. First, there is Justice Brennan’s “interconnectedness,” that is, recognizing the connections between ourselves and even the most despicable criminals, since we are all members of the same community. Second, there is Obama’s demand that judges be able to recognize how the great power of the law affects each person in a unique way, to be able to climb inside the skin of each party that stands before a judge. Reichman and others modify this demand by claiming that all people, not just judges, should practice empathic judging. For Reichman, empathy can “enhance our ability of understanding the nuanced significance of [a legal] conclusion” (308).

The need for this nuanced understanding of the effects of law on those different from ourselves is greatest when we are faced with moments of deep social upheaval. To Kill a Mockingbird (1960) was published at the height of the American civil rights movement. The federal Civil Rights Act was passed four years later in 1964; the Voring Rights Act in 1965. Significantly, the novel is set in the 1930s, at the depths of America’s economic depression, in Alabama, one of the most economically depressed states in the United States. Given this historical context, Mockingbird can be read as a means for white, middle-class people of the 1960s to engage emotionally—but peripherally—with America’s racial injustice. Because the novel rarely encourages readers to empathize with Tom or the other black characters, white readers do not have to view this injustice through the
eyes of black folks; in other words, for white readers, there is no risk of revelation. Furthermore, the novel depicts the “bad old days” of egregious racism and racial violence, when lynch mobs operated with the implicit endorsement of the state. Compared to the bad old days of the novel, twenty-first-century racism is nigh invisible.

Atticus tells Scout that she should strive to empathize with the folks she encounters in everyday life. But he often fails to follow his own advice. In the episodes of the novel examined in the following pages, readers can observe moments in *To Kill a Mockingbird* in which the characters might practice empathy. These studies reveal that, for the most part, the novel fails to model cross-racial empathy and further suggest that this failure can be attributed to fear of revelation. I will examine these scenes for moments when the novel (1) demonstrates interconnectedness; (2) privileges empathetic judging over “blind” judging; and (3) overcomes white fear of revelation in order to more honestly portray black characters. These three “elements” of empathy, however, cannot truly be considered as separate practices, as the readings that follow will show.

The Face-Off at the Jail

An examination of the lynch mob scene at the Maycomb jail using the three-part framework just described reveals that Scout helps the mob to recognize its interconnectedness with Atticus, revealing a bond that results in the mob’s dispersal. This recognition saves the Finches and the man they have come to protect, Tom. The empathetic judgment demonstrated by the lynch mob, however, is limited to the white characters, and therefore the scene never truly challenges white fear of revelation. In fact, Tom is invisible in the scene, nearly voiceless. This scene ultimately treats Tom as a bone over which the white people fight rather than as a full-blown character.

The face-off occurs the night before Tom’s trial begins. Earlier that day, Tom is moved to the jail in downtown Maycomb. When Maycomb county sheriff Heck Tate comes to warn Atticus about the risk of violence against Tom, Atticus responds by diminishing Heck’s warning: “Don’t be foolish, Heck... This is Maycomb” (*TKAM* 165). When Heck says that he is “uneasy,” Atticus replies, “I don’t think anybody in Maycomb’ll begrudge me a client, with times this hard” (165). Atticus seems to rely upon the small-town good will that other citizens feel toward him to protect his black client from being lynched. Atticus implies that lynching Tom, when the economy is rocky, would be impolite to Atticus. As Gladwell points out, Atticus displays a surprising nonchalance toward racial violence; Gladwell attributes this nonchalance to insularity: “Finch will stand up to racists. He’ll use his moral authority to shame them into silence.
... What he will not do is look at the problem of racism outside the immediate context of... the island community of Maycomb” (para. 15). I believe that Atticus’s inability or unwillingness to see racism as a large-scale problem is yet another manifestation of his failure of empathy. He cannot see the connections between the unsuccessful lynch mob in Maycomb and the horrific lynchings that took place in other parts of the South.

Despite his skepticism that a lynch mob will come after Tom, Atticus goes to the jail the evening before the trial. He brings a chair, a lamp, and a newspaper and sits outside the jail, reading. Scout, the narrator; her older brother, Jem; and their friend Dill sneak downtown to check on Atticus. Jem, knowing a little more about racial politics, is worried about his father. As the children watch from a hiding place, four cars pull up in front of the jail. A large group of white men, mostly rural and poor, emerge from the cars. Scout describes the scene:

“He in there, Mr. Finch?” a man said.

“He is,” we heard Atticus answer, “and he’s asleep. Don’t wake him up.”

In obedience to my father, there followed what I later realized was a sickening comic aspect of an unfunny situation: the men talked in near-whispers.

“You know what we want,” another man said. “Get aside from the door, Mr. Finch.” (TKAM 171–72)

Atticus appears calm while facing the lynch mob. Maintaining a tone of authority, he relies upon his superiority of class and education to gain control of the mob. They are poor; he is wealthy. They are farmers who work with their hands; he is a lawyer who works with his mind. They live in the country; he lives in the city. They are largely illiterate and speak ungrammatical English; he reads while waiting for them and speaks perfect English during the confrontation.

Although Atticus’s power successfully keeps the men quiet and forces them to pause in their mission, it is Scout who convinces them to leave. The man who commands Atticus to step aside is Walter Cunningham, a man known to the Finch family. Walter is a client of Atticus, and his son, Walter Jr., is a schoolmate of Scout. Recognizing Mr. Cunningham, Scout emerges from her hiding place to speak to him, disrupting the standoff. She treats the man with respect, calling him “Mr. Cunningham,” and attempts to discuss his legal problems with him. She persists even though he ignores her at first. Eventually he responds to her kindly:

Then he did a peculiar thing. He squatted down and took me by both shoulders.

“I’ll tell him [Walter Jr.] you said hey, little lady,” he said.
Then he straightened up and waved a big paw. "Let's clear out," he called. "Let's get going, boys." (TKAM 175)

Cunningham rounds up the lynch mob and they depart. Earlier in the novel readers learn that this same individual trades hickory nuts and greens for Atticus’s legal services because the Cunninghams are too poor to pay cash. With her words at the jail, Scout reminds Cunningham of his indebtedness to Atticus, thereby shaming him. Thus, the lynch mob is defeated not by brute force—which they embody—but by language and education: by Scout’s words and Atticus’s legal knowledge. When Scout reminds Cunningham of the services Atticus provided to him, he recognizes the interconnectedness between her family and his own. This is a moment of judgment: at first, the mob judges Atticus as a lawyer protecting a suspected black rapist. After Scout’s words, however, the mob—through Walter—sees Atticus as a white man, a father of children who are similar to their own children, and a lawyer willing to share his skills with the poorest of farmers. The next day, Atticus points out this moment of empathy: "So it took an eight-year-old child to bring 'em to their senses... you children last night made Walter Cunningham stand in my shoes for a minute. That was enough" (179). Notably, however, Scout’s words at the jail did nothing to create cross-racial empathy: no one was standing in Tom Robinson’s shoes.

During the standoff with the mob, it is easy to forget whose life is on the line: that of Tom, who remains invisible inside the jail and silent during the confrontation. After the standoff ends, readers learn that Tom has not been asleep, contrary to Atticus’s words. Because the readers are unaware of Tom’s conscious presence, we are able to ignore his needs and fears during the standoff. Readers are able to forget the person whose life is really threatened by the mob and instead focus on the physical threat to Atticus and to his children. When Jem stands by Atticus in the standoff, "a burly man," one of the mob, "yanked Jem nearly off his feet" (TKAM 173). After the standoff ends, Atticus reveals his fear when he "produced his handkerchief, gave his face a going-over and blew his nose violently" (175). Readers only learn of Tom’s presence after the standoff, when Atticus speaks to him through the window of the jail:

"Mr. Finch?"
A soft husky voice came from the darkness above: "They gone?"
Atticus stepped back and looked up. "They’ve gone," he said. "Get some sleep, Tom. They won’t bother you any more." (TKAM 175)

It is important to note that during the standoff, Tom not only cannot defend himself; he cannot even speak on his own behalf. Atticus, and Scout, must speak for him. Although Tom is a grown man, he must be saved by an older white lawyer and his eight-year-old daughter. He is both helpless and, when At-
The Trial

As previously discussed, the standoff is just one of many moments in which Tom is presented as weak and nonthreatening, thereby creating sympathy and empathy, in the novel’s audience. A second scene occurs in the courtroom during the trial. The trial scenes also demonstrate an emphasis on interconnectedness, instances of empathetic judging, and moments when characters overcome the fear of revelation. Yet Atticus does not try to prove that Tom and the white people of Maycomb are interconnected; instead, he shows that the Ewells are disconnected, impeaching Tom’s accusers. Furthermore, Atticus does not ask the jurors to empathize with Tom when they pass judgment, but rather to empathize with Atticus and sympathize with Tom. Thus, in the end, the jurors are not asked to overcome their fear of revelation and engage in cross-racial empathy.

The trial of Tom Robinson takes place in the span of one day. Readers watch the trial from the perspective of Scout and the other children, who sit in the balcony with the black citizens of Maycomb. The prosecutor’s witnesses are the sheriff, Heck Tate; the father of the alleged victim, Bob Ewell; and the alleged victim, Mayella Ewell. Heck Tate testifies that the victim was beaten on the right side of her face. Bob Ewell claims to have seen the attack through the window of his home. Mayella accuses Tom of raping, beating, and choking her. During cross-examination, Atticus establishes that the majority of Mayella’s injuries were to the right side of her face and that Bob Ewell is left-handed. Once the prosecution rests its case, Atticus calls only one witness: the defendant, Tom. When Tom testifies, the jurors learn some important facts, including the detail that Tom’s left arm had been severely damaged in a childhood injury. Tom testifies that Mayella tried to seduce him and may even have planned this seduction by saving money to send her younger siblings to town for ice cream.

During his cross-examination of Mayella, Atticus further demonstrates the Ewells’ disconnectedness from the rest of Maycomb. Scout describes the cross-examination:

Atticus was quietly building up before the jury a picture of the Ewells’ home life. The jury learned the following things: their
relief check was far from enough to feed the family, and there was a strong suspicion that Papa drank it up anyway—he sometimes went off in the swamp for days and came home sick; the weather was seldom cold enough to require shoes, but when it was, you could make dandy ones from strips of old tires; the family hauled its water in buckets from a spring that ran out at one end of the dump. *(TKAM 208)*

Clearly, Mayella’s life is depressing, nearly horrifying, for Scout and for the rest of the residents of Maycomb. With this description, Atticus hopes to show that, because her life is so horrible, it is plausible that Mayella Ewell, although white, would have tried to seduce Tom Robinson. Thus, the evidence about the Ewells that Atticus puts before the jury is primarily designed to disconnect, to squash empathy between the jurors and the accusers.

Atticus’s next task is to prove that Tom could not have harmed Mayella in the ways that she claims. He implies that with his injured arm, Tom could not have beaten Mayella’s face or choked her. Given the inconsistencies of the Ewells’ testimony, Atticus hopes that the jury will then believe Tom’s version of events: that he felt sorry for Mayella so he helped her with her chores on a regular basis *(TKAM 218)*; that *she* tried to seduce *him* *(220)*; that he ran away because he was afraid he would get in trouble even though he did not do anything wrong *(222)*. When Atticus asks Tom why he was afraid, Tom replies, “Mr. Finch, if you was a nigger like me, you’d be scared, too” *(222)*. This testimony seems to go a long way to creating cross-racial understanding. The last line might even provoke fear of revelation in some white listeners, because it gives a small glimpse of the brutality that haunts black people in Maycomb.

Consequently, it may appear as if Atticus’s closing statement does work toward rendering Tom human in the eyes of the white jury, creating a person that they can empathize with. In fact, Atticus explicitly calls Tom a human being. Closer examination of his closing statement, however, reveals that he focuses little on Tom and far more on the Ewells. In the first place, Atticus hardly mentions Tom in his closing statement. Rather, he talks about Mayella: “The defendant is not guilty, but somebody in this courtroom is” *(TKAM 231)*. She is guilty because she “broke a rigid and time-honored code of our society” when she “tempted a Negro” *(231)*. But Tom is not an “Uncle,” he is “a quiet, respectable, humble Negro who had the unmitigated temerity to ‘feel sorry’ for a white woman” *(232)*.

In general terms, Atticus describes the racial politics at play in this trial—arguing that the word of white folks should not win over the word of a black man simply because of race. He further suggests that a courtroom should be the one place where all people are “equal” *(233)*. At the end of his closing statement, Atticus commands the jury, “In the name of God, do your duty . . . In
the name of God, believe him” (233–34). But, how can the jury be expected to “believe” Tom Robinson when they have no idea who he is? Neither the fictional jury nor the audience of the novel have learned anything about Tom: where he lives, what his family is like, how he treats his wife and children and others in his daily life. Instead, readers learn these things about Atticus: we get to know his house and his family and see that he treats others with respect, most of the time. The jury in Tom’s trial would have known these things about Atticus, too. So, at the end of the closing statement, when Atticus tells the jury to believe Tom Robinson, he is actually commanding the jury—and readers—to believe Atticus Finch.

Atticus relies on the fact that Tom is physically damaged, with a left arm destroyed by a cotton gin; although Tom claims otherwise, the audience of the trial surely doubts whether he could have raped Mayella Ewell, even if he’d wanted to. Tom’s damaged body means that he is nonthreatening: to Mayella or to any white person that may be afraid of a young black man. Atticus tries to move the jurors to pity with this emphasis on the injured arm, but not to empathy. It is curious that after impeaching the character of the Ewells, Atticus does not call a character witness on Tom’s behalf. Link Deas, Tom’s former employer, interrupts the trial to announce, “I just want the whole lot of you to know one thing right now. That boy’s worked for me eight years an’ I ain’t had a speck o’ trouble outa him. Not a speck” (TKAM 222). Had Atticus wanted to create a full picture of Tom’s character for the jury, he could have called Link, Tom’s wife, and probably many others who would have testified that Tom was a good person. But creating a full picture of Tom was not Atticus’s goal.

During the trial, Tom’s life is on the line, but Atticus is the warrior. Never do they stand together as equals, fighting together for Tom’s life. They are not identified with each other, to use Burke’s term. Instead, Atticus subsumes Tom’s identity into his own. Like he did at the jail with the mob, Atticus counts on the white jurors’ respect for Atticus to save Tom from punishment. In fact, Atticus says as much after the trial, when discussing the jury selection with the children. When Atticus reveals that he put a member of Tom’s lynch mob, one of the Cunningham clan, on the jury, Scout describes her father’s explanation for such an action: “He said the other thing about [the Cunninghams] was, once you earned their respect they were for you tooth and nail. Atticus said he had a feeling . . . that they left the jail that night with considerable respect for the Finches” (TKAM 254). This detail suggests that, for Atticus, whether the jurors felt respect for Tom was irrelevant.

Unlike during the standoff with the lynch mob, Atticus’s strategy of relying on respect for himself does not work at trial. The white jurors do not overcome differences in skin color to see Tom as a courteous and honest man—to see him
the way in which they see Atticus. For the jurors, Tom is a cipher: faceless, even mindless. Atticus’s dilemma is one faced by many defense attorneys: how to craft the persona of a criminal defendant so that he can garner a jury’s empathy. In this task, Atticus fails.

The Voice of Lula

There is one notable scene in To Kill a Mockingbird in which the novel risks revelation, creating a moment of cross-racial empathy. This moment of revelation occurs about halfway through the novel, long before the lynch mob comes to the jail. One Sunday morning, Atticus has been called to an emergency meeting of the state legislature. In order to avoid leaving the children alone, Calpurnia, the Finches’ black housekeeper, invites Scout and Jem to come to church with her. When they arrive at Calpurnia’s all-black church, one woman, Lula, confronts them in the church yard and challenges the presence of the white children. I suggest that the complaints of Lula represent one of the few scenes in the novel that could inspire cross-racial empathy in readers.

Calpurnia brings Scout and Jem to First Purchase African M.F. Church, located “in the Quarters outside the southern town limits” (TKAM 134). “The Quarters” is the name of a black neighborhood of Maycomb. Its name refers to the former dwellings of slaves; its location ensures that its residents do not receive town services. Once the children enter the church, Scout describes one of the most striking confrontations of the novel. When the white children first enter, “the men stepped back and took off their hats; the women crossed their arms at their waists, weekday gestures of respectful attention” (135). The black members of First Purchase thus perform the typical, “weekday” interracial behaviors dictated by white supremacy in Maycomb. But not all of the black folks in church accept the presence of the white children. Scout describes the standoff between Calpurnia and Lula, another member of First Purchase:

“What you up to, Miss Cal?” said a voice behind us.

Calpurnia’s hands went to our shoulders and we stopped and looked around: standing in the path behind us was a tall Negro woman. Her weight was on one leg; she rested her left elbow in the curve of her hip, pointing at us with an upturned palm. She was bullet-headed with strange almond-shaped eyes, straight nose, and an Indian-bow mouth. She seemed seven feet high.

I felt Calpurnia’s hand dig into my shoulder. “What you want, Lula?” she asked, in tones I had never heard her use. She spoke quietly, contemptuously.
"I wants to know why you bringin' white chillun to nigger church."

"They's my comp'ny," said Calpurnia. . . .

"Yeah, an' I reckon you's comp'ny at the Finch house durin' the week. . . . You ain't got no business bringin' white chillun here—they got their church, we got our'n. It is our church, ain't it, Miss Cal?" (TKAM 135)

Unlike the other black members of First Purchase, who allow the presence of the Finch children to push them into a position of weekday servility, Lula rebels against their presence in what has been, up until that moment, a black space, safe from white supremacy. In this way, Lula's is one of the few voices in the novel that presents the unfiltered point of view of a black person. The discomfort Scout describes is that of revelation, upon first learning that black people do not necessarily want white people around. Just as the Finch children do not treat Calpurnia as "company" when she comes to work during the week, Lula does not want to treat the Finch children as company at First Purchase. She is angry that white people have invaded the church sanctuary, which had also functioned as a metaphorical sanctuary from white regulations of black behavior.

The novel cuts short the empathetic possibilities of this confrontation, however. The power of Lula's observations are limited by the voices of Calpurnia and her son, Zeebo, whom Scout recognizes as the garbage collector. After Lula departs, Zeebo says, "Mister Jem . . . we're mighty glad to have you all here. Don't pay no 'tention to Lula. . . . She's a troublemaker from way back, got fancy ideas an' haughty ways—we're mighty glad to have you all" (TKAM 136). Zeebo discredits Lula's truth-telling as mere troublemaking. And, indeed, he is correct—Lula's words do create trouble, a conflict between the white children and the black people of the church. Although Zeebo's words are meant to reassure that the black members are "glad to have you all here," Lula's words cannot be unspoken. Scout—and the readers of Mockingbird—now know that there are black spaces in which white people are not welcome.

Underlying Lula's words is the implication that all demonstrations of black respect, such as the crossed arms and tipped hats of the other members of First Purchase, are performed only because white regulations require it. Lula's challenge to Scout and Jem has the potential to shock white readers into a position of cross-racial empathy in which they must wonder what exactly black people think of white people, and, by implication, what it is like to be a black person in our society. Unfortunately, by reassuring us that Lula is simply a disgruntled outlier rather than a prophet, Zeebo weakens the effects of the shock of Lula's words.
Conclusion

*To Kill a Mockingbird*, rather than creating empathy between readers and the victims of racial injustice, creates emotional distance. Readers of *Mockingbird* can point to the 1930s setting and claim that the novel represents the “bad old days.” They might also speculate that, had they been around back then, they would be like Atticus. In addition, *Mockingbird* establishes faith in the contemporary U.S. justice system—even the justice system of the 1960s when the book was released—because the novel suggests that the system has changed. For example, 1960s readers could argue that *Brown v. Board of Education* (1954) represents great progress made against racism since the time of *Mockingbird*. After all, Scout Finch attends an all-white school, and school segregation is over now. Furthermore, most white people, do not (any longer) resemble the racist “bad guys” of the story—the lynch mob and Bob Ewell.

In the end, readers of *Mockingbird* can read comfortably because the novel does not disturb America’s racial caste system. The defendant Tom Robinson is still a “Negro,” in Atticus’s words; furthermore, by the end of the novel, he is dead. Readers are not forced to empathize with Tom; they need only empathize with Atticus. Unfortunately, despite moments of cross-racial revelation such as the confrontation with Lula, in the end, Lee’s novel does not force white readers to overcome their fear of revelation. Instead, *To Kill a Mockingbird* allows them to resist empathizing with Tom, the black townspeople of Maycomb, and in Justice Brennan’s words, “those who will die” on death row because of race.

Notes

1. In *McCleskey v. Kemp*, the Supreme Court held that, despite rock-solid evidence that race plays a major role in deciding whether a murderer is sentenced to death (rather than life in prison), capital punishment does not violate the Eighth Amendment’s ban on cruel and unusual punishment.

2. Recent polls show that Americans give popular support to the death penalty. According to a 2008 poll, the “Harris Poll,” 63 percent of Americans supported capital punishment (PollingReport.com).

3. Reichman writes in the context of “law and literature,” a field of interdisciplinary study that some scholars, like Reichman, suggest can create more empathetic lawyers and judges.
Works Cited


