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THE TRIBES OF MAYCOMB COUNTY: THE CONTINUING QUEST TO TRANSCEND OUR DIFFERENCES

PROFESSOR STEVEN H. HOBBS[†]

We are a tribal people, we Americans, in spite of our national motto: *E pluribus unum*. We are subdivided by race, class, culture, religion, education, physical and mental health, and so much more. While multiculturalism is said to be enriching and empowering to our communal life, our celebration of diversity seldom permits us to totally look beyond our differences and really see the similarities in our neighbors' faces.[1] In the grand scheme of things, our essential purposes and common humanity are hidden behind a veil of ignorance, prejudice, self-interest, and distrust. We only temporarily lift the veil in times of distress and disaster, such as September 11th or the devastating tornados that struck Alabama in April 2011. Then our common humanity is laid bare and we come together for a common purpose. When the emergency ends, we tend to drift back to our respective tribal corners.

In *To Kill A Mockingbird*[2] and *Go Set a Watchman*,[3] Harper Lee peels back the quiet calm of Maycomb County to explore what she called the various "tribes" of Maycomb.[4] Of course, the two main tribes are denominated by the racial color line, where the black side of the line struggles with social, political, and economic disenfranchisement. Even within the respective black and white tribes, there are subtribes identified by religion, class, upbringing, education, and family ties. Further, other tribes shaped by mental and physical health are revealed in characters such as Boo Radley and Mrs. DuBose. The tribes shaped the legal apparatus in the Robinson trial and determined where everyone stood, both inside the courtroom and outside.[5] This thick thread that weaves throughout the narrative is a deep puzzlement to Scout who wonders why we cannot drop the tribal labels and see each other as just "folks."[6]

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[1] *See* Maya Angelou, On the Pulse of Morning, Poem delivered for President William Jefferson Clinton's Inauguration (Jan. 20, 1993).

[2] HARPER LEE, TO KILL A MOCKINGBIRD (HarperCollins, 50th Anniversary Edition 2010) (1960) [hereinafter "MOCKINGBIRD"].

[3] HARPER LEE, GO SET A WATCHMAN (2015) [hereinafter "WATCHMAN"].

[4] MOCKINGBIRD, *supra* note 2, at 10, 22, 102.

[5] MOCKINGBIRD, *supra* note 2, at 182–87.

[6] *Id.* at 259.

We are no less struggling with the tensions that our seemingly fixed tribes exhibit today. Looking around Alabama in 2016, one sees the continuing impact of the color line in many aspects of life.[7] While we hope that the really dark days of segregation are passed, the lingering effect of that era reverberates in subtle and not-so-subtle fashion. For example, *I.L. v. Alabama*, a recent and so-far unsuccessful case, challenged the way property is taxed for the purpose of supporting local educational systems.[8] Briefly, Alabama has about the lowest tax on land, especially land used for agriculture and commercial activities such as mining.[9] This disadvantages poor and rural counties with significant minority populations since they are unable to raise property taxes to support local schools. The case argued that the original tax system was embedded into the state constitution in 1901 specifically to keep blacks from exercising local control over education and other government functions.[10] My presentation will consider how our tribal existence keeps us from becoming just "folks." Further, it will consider examples of efforts that help transcend our tribal differences. With hope, our discussions will provide insightful answers to Scout's question.

THE IDEA OF TRIBES

The concept of tribes is a subject studied by Joshua Green in his book *Moral Tribes: Emotion, Reason, and Gap Between Us and Them*.[11] In this work, Greene considers how moral reasoning functions, if at all, when different groups, or tribes, compete for scarce resources, such as land, water or even other human beings, or manage problems that arise between groups.[12] Of particular concern to Greene is on what

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[7] See DIANE MCWHORTER, CARRY ME HOME: BIRMINGHAM, ALABAMA—THE CLIMACTIC BATTLE OF THE CIVIL RIGHTS REVOLUTION 590–93 (2013 ed. 2001), for a discussion of a restrictive legislation in 2013 targeted at undocumented immigrants designed to burden their legal existence in Alabama and requiring everyone to show proof of legal residency or risk arrest. This was at a time when Birmingham was trying to plan a commemoration of the Civil Rights Movement of 1963.

[8] *I.L. v. Alabama*, 739 F. 3d 1273 (11th Cir. 2014), *cert. denied*, 135 S. Ct. 53.

[9] *See Alabama Property Taxes 2016*, TAX-RATES.ORG http://www.tax-rates.org/alabama/property-tax.

[10] For a fuller discussion of this issue, see SUSAN PACE HAMILL, THE LEAST OF THESE: FAIR TAXES AND THE MORAL DUTY OF CHRISTIANS 34–36 (2003).

[11] JOSHUA GREENE, MORAL TRIBES: EMOTION, REASON, AND THE GAP BETWEEN US AND THEM (2013).

[12] Greene describes a society with four very different tribes who share a common pasture for grazing sheep. Each tribe has differing methods for raising and grazing the sheep and this causes tensions when the pasture cannot accommodate each tribe's use of the pasture. *Id.* at 1–5.

basis tribes resolve common issues that arise when competing for resources or establishing order when each group has a unique perspective or moral frame of reference.[13] One can think of the idea of tribes as different countries, persons who hold different religious beliefs, groups with differing cultural values and traditions, or groups organized politically or economically.[14] Greene argues that humans, from an anthropological perspective, are destined to form protective groups around a range of commonalities: religion, region, culture, race, language, or historical relationships.[15] Thereby, we humans see the world as my tribe—*Us*—versus some other tribe—*Them*—with each tribe making decisions, asserting claims, or addressing mutual problems motivated by tribal self-interests which are formed through different moral lenses.[16]

Humans have always functioned in a way that demonstrates that tribes and tribal affiliation matter. It is the source of wars between countries and can be the source of conflicts within a country when that country is made up of different tribes. Consider the greater Middle East where tribal affiliations are based on religion and ethnicity and language. Greene's project is to study the moral philosophies that could be used in assessing tribal conflicts and then construct moral reasoning frameworks to resolve issues between tribes. As we witness conflicts in the world, we understand how difficult it is to achieve what might look like peace, or at least peaceful coexistence. Greene notes:

> Complex moral problems are about Us Versus Them. It's our interests versus theirs, or our values versus theirs, or both. . . . Here our disparate feelings and beliefs make it hard to get along. First, we are tribalistic, unapologetically valuing Us over Them. Second, different tribes cooperate on different terms. Some are more collectivist, some more individualist. Some respond aggressively to threats. Others emphasize harmony. And so on. Third, tribes differ in their "proper nouns"—in the leaders, texts, institutions, and practices that they invest with moral authority. Finally, all of these differences lead to biased perceptions of what's true and what's fair.[17]

In terms of Harper Lee's work, *tribe* is an appropriate metaphor for understanding the social dynamics of Maycomb. Each tribe sits

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[13] *Id.* at 22–27.

[14] *Id.* at 68.

[15] *Id.* at 68–69.

[16] Greene observes: "Tribalism makes it hard for groups to get along, but group-level selfishness is not the only obstacle. Cross-cultural studies reveal that different human groups have strikingly different ideas about the appropriate terms of cooperation, about what people should and should not expect from one another." *Id.* at 69–70.

[17] GREENE, *supra* note 10, at 293–94.

around its own fire and considers its position vis-à-vis the other tribes.[18] Within each tribe, there is a moral ethic that shapes and constructs how the tribes interact. One tribe is more powerful than the other tribes and so it is privileged to establish a hierarchy for obtaining the resources of the community, which includes economic and social capital. In contrasting the various tribes, Lee subtly lays bare the inherent inequality and unfair treatment of the tribes without privilege. Such is the nature of tribalism. It forms our moral frame of reference in personal, political and professional context.

MAYCOMB'S TRIBES

The main arc of Harper Lee's story is usually considered to be Atticus Finch's representation of Tom Robinson and the impact it has on his family. The climax of that arc is Boo Radley's saving the Finch children from the murderous intentions of Bob Ewell. Of course, it was the lies of Mayella Ewell and her father, who was most likely the source of her injuries, that initiated the tragic prosecution of Robinson, and it was Atticus Finch's exposure of the Ewells' lies that put Atticus and his family, Judge Tyler, and Tom Robinson's family in danger and ultimately cost Tom his life.[19]

However, the Robinson trial was the narrative device that Lee used to articulate what I believe to be the primary story arc of her novel. She uses the children to explore the various tribes of Maycomb as Jem, Scout, Dill, and Walter come of age in depression era Alabama. Through their eyes we see the various social constructions that shape the racial, economic, legal, social, and political life of their community.[20] As Atticus told his sister Alexandra about the children attending the brutal trial, "This is their home, sister . . . . We've made it this way for them, they might as well learn to cope with it."[21] It is only through

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[18] Alexandra was committed to passing on to the children the proper understanding of tribal privilege as set out here: "She never let a chance escape her to point out the shortcomings of other tribal groups to the greater glory of our own, a habit that amused Jem rather than annoyed him: 'Aunty better watch how she talks—scratch most folks in Maycomb and they're kin to us.'" MOCKINGBIRD, *supra* note 2, at 147–148.

[19] *See* MOCKINGBIRD, *supra* note 2.

[20] Dolphus Raymond disclosed his secret to the children that he carried around a bottle of Coca Cola in a paper bag to pretend to be drinking alcohol explaining:

> 'Because, you're children and you can understand it,' he said, 'and because I heard that one—' He jerked his head at Dill: 'Things haven't caught up with that one's instinct yet. Let him get a little older and he won't get sick and cry. Maybe things'll strike him as being–not quite right, say, but he won't cry, not when he gets a few years on him.'

Id. at 228–29.

[21] *Id.* at 243.

the innocence of childhood that questions are raised about how peculiar folks are and why convention builds strict boundaries around the various tribes. Boundaries are deeply drawn which both wall similar people in and wall out people who are different.[22]

A. Mockingbird

Jem identifies the four major tribes (although there are other minor tribes which also inhabit the space in Maycomb and for which each have their own challenges). Jem declares:

"There's the ordinary kind like us and the neighbors, there's the kind like the Cunninghams out in the woods, and the kind like the Ewells down at the dump, and the Negroes."[23] All were present in the courtroom for the trial. Of course, the "ordinary" folks were represented by Atticus. The Cunninghams and other country folks, or as they were also identified, the old Sarum bunch, made up the jury.[24] The star witnesses were the Ewells, and the black community, led by Reverend Sykes, sat in the segregated balcony.[25] Naturally, social convention dictated that black adults had to give up their seats for the white Finch children.[26]

For Jem and Scout, the ordinary kind were basically white, middleclass folk. These people could be identified by the fact that they owned land and had done so over more than one generation.[27] They also possessed that elusive quality identified as background, meaning their tribal lineage had status based on wealth, breeding, occupation, and, according to Jem, they had been reading and writing for a long time.[28] (Contrast to the Cunninghams who just of recent time started to read[29] and the Negroes who for the most part could not read at all—

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[22] One example of the rigidity of the tribes appeared when Calpurnia took the Finch children to her church, where they were confronted by Lula, another worshiper, with the declaration: "You ain't got no business bringin' white chillun her—they got their church, we got our'n. It is our church, ain't it, Miss Cal?" *Id.* at 135–36. Consider also the incident of the rabid dog coming down the street. Calpurnia attempts to warn the neighbors of the mad dog and goes to the front door of the Radley house to warn them. Scout declared that custom for blacks when approaching a white residence was: "'She's supposed to go around in back,' I said. Jem shook his head. 'Don't make any difference now,' he said. Calpurnia pounded on the door in vain. No one acknowledged her warning; no one seemed to have heard it." *Id.* at 107.

[23] *Id.* at 259.

[24] MOCKINGBIRD, *supra* note 2, at 187–88.

[25] *Id.*

[26] *Id.* at 187.

[27] *See id.* at 148.

[28] *Id.* at 259.

[29] *Id.* at 260.

a legacy of slavery laws which prohibited teaching them to read and Jim Crow laws which provided limited educational opportunities.[30]) Their Aunt Alexandra was the family keeper of the Finch traditions that would identify them as folk of background.[31]

The old Sarum bunch were country folks: farmers, working class, and poor. They did not possess the necessary refinement which included proper manners at the dining table, as shown when Walter Cunningham poured syrup all over his roast beef. As Scout would learn, people of background would allow their guests to do such a thing and would not comment on it.[32] Living at the margins of poverty, especially during a depression, they were nonetheless proud people who did not take charity or government assistance.[33] They paid their way even if it was with a bag of hickory nuts to Atticus in payment for legal work.[34] Custom also dictated that they would be the ones to keep the lower tribes in their place, as demonstrated by their attempted lynching of Tom Robinson.[35]

The Ewells, with their place by the dump, were considered trash and of no account.[36] They did not respect the civilizing rules of the society, such as sending their children to school for an education, having the proper respect for those in authority, such as teachers, or honoring the time bounds of hunting season.[37] They drew welfare assistance and suffered from a lack of decent health care.[38] Cleanliness was a luxury they could not afford, so dirt was a part of their skin tone, as Scout observed when it appeared that Bob Ewell seemed to have cleaned up as best he could for the trial.[39]

The black community, a term I prefer to Negro or the dreaded N-

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[30] MOCKINGBIRD, *supra* note 2, at 147.

[31] *Id.* at 151–52.

[32] *Id.* at 26–27.

[33] *Id.* at 22.

[34] *Id.* at 23.

[35] *Id.* at 259.

[36] MOCKINGBIRD, *supra* note 2, at 148.

[37] *Id.* at 29–31.

[38] See *id.* at 193. Lee sums up the Ewell tribe as follows:

> Every town the size of Maycomb had families like the Ewells. No economic fluctuation changed their status—people like the Ewells lived as guests of the county in prosperity as well as in the depths of a depression. No truant officers could keep their numerous offspring in school; no public health officer could free them from congenital defects, various worms, and the diseases indigenous to filthy surroundings.

Id. at 193.

[39] MOCKINGBIRD, *supra* note 2, at 194.

word, which is used liberally in the novel,[40] can be viewed from two different perspectives. White Maycomb viewed black Maycomb through the prism of racism and white supremacy that was designed to keep the races in their designated places. For example, when Boo Radley allegedly stabbed his father with a pair of scissors, "The sheriff hadn't the heart to put him in jail alongside Negroes, so Boo was locked in the courthouse basement."[41] During the trial when Tom Robinson was on the witness stand, Dill noticed the prosecutor, Mr. Gilmore, was "talking so hateful to him."[42] Scout tried to downplay this treatment by claiming it was just Mr. Gilmore's way of doing his job, but Dill was still displeased:

> "Well, Mr. Finch didn't act that way to Mayella and old man Ewell when he cross-examined them. The way that man called him 'boy' all the time and sneered at him, an' looked at the jury every time he answered—"
>
> "Well, Dill, after all he's just a Negro."
>
> "I don't care one speck. It ain't right to do 'em that way. Hasn't anybody got any business talkin' like that—it just makes me sick."[43]

This is the moral tension that Harper Lee presents as the challenge for the children as they try to come to terms with the social strata of Maycomb.

Atticus, who willingly and dutifully takes on a black client, sees blacks as vulnerable, as measured by his disgust of white men taking advantage of blacks.[44] Atticus seems to hold that view because blacks are weak-minded or lacking in discerning intelligence.[45] While Atticus obviously loves and respects Calpurnia and credits her with helping him raise his children, his sister does not recognize Calpurnia's humanity but considers her an unnecessary servant whom she would like removed from the Finch household as soon as possible.[46] She is appalled

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[40] *Id.* at 85. Scout reports that she fought Cecil Jacobs when he taunted her by claiming Mr. Finch defended "niggers," Atticus told her, "Don't say nigger, Scout. That's common." *Id.* Describing the word as *common* divorces it from the negative connotation of the word as an ugly pejorative.

[41] *Id.* at 12.

[42] *See id.* at 225–27.

[43] *Id.* at 227.

[44] MOCKINGBIRD, *supra* note 2, at 252–53.

[45] *See id.* at 253.

[46] *Id.* at 155–56. Aunt Alexandra tried to convince Atticus to let Calpurnia go, but he quickly affirms her place in his family and her very important role:

> Atticus's voice was even: 'Alexandra, Calpurnia's not leaving this house until she wants to. You may think otherwise, but I couldn't have got along without her all these years. She's a faithful member of this family and you'll simply have to accept things the way they are. Besides sister, I don't want you working your

that the Finch children had attended the black church and that Scout wants to visit Calpurnia's home.[47] Moreover, the business of white folks should not be discussed in front of blacks because such topics would be re-discussed by "them" in their community.[48] Atticus and the children's family, friends, and neighbors accuse Atticus of being a "'nigger lover'" and of "lawing for niggers," a state of being that condemns him for violating the racial–social conventions.[49] That convention is epitomized by Atticus's condemnation of Mayella Ewell when he suggests it might be barely acceptable to give a chaste kiss to an old Negro, considered to be like an "Uncle," but it was nearly criminal to give a full-on kiss to a "strong, young Negro" like Tom Robinson.[50] Of course, the social convention that Atticus confronts directly as he attacks the testimony of Mayella Ewell, is that "'*all* Negroes lie, that all Negroes are basically immoral beings, that *all* Negro men are not to be trusted around our women, an assumption one associates with minds of their caliber.'"[51] From an economic perspective, the black community was consigned to do the hard labor that apparently whites, even poor ones, were too good to do. For example, as Miss Maudie was cleaning up her yard after her house burned down, Jem asked, "Why don't you get a colored man?"[52] Moreover, the text also suggested that blacks should be extremely grateful to take whatever pittance they received as wages.[53]

> head off for us—you've no reason to do that. We still need Cal as much as we ever did.'

Id. at 156.

[47] *Id.* at 154–55.

[48] *Id.* at 178.

[49] MOCKINGBIRD, *supra* note 2, at 87, 94, 117. Atticus's representation of Tom Robinson was criticized by family, friends, and neighbors such as Mrs. Dubose. *See id.* at 85–86, 94–96, 118–19. The tension of Atticus's representation of Tom Robinson is heightened within his family, and his children take the brunt of it as when Cousin Francis accosts Scout:

> 'If Uncle Atticus lets you run around with stray dogs [meaning Dill] , . . . that's his business, like Grandma says, so it ain't your fault. I guess it ain't your fault if Uncle Atticus is a nigger-lover besides, but I'm here to tell you it certainly does mortify the rest of the family—'
>
> 'Francis, what the hell do you mean?'
>
> 'Just what I said. Grandma says it's bad enough he lets you all run wild, but now he's turned out a nigger-lover we'll never be able to walk the streets of Maycomb again. He's ruinin' the family, that's what he's doin.'

Id. at 94.

[50] *Id.* at 231–32.

[51] *Id.* at 233.

[52] *Id.* at 83.

[53] *See id.* at 265–66. The ladies of the missionary circle, meeting after the conclusion of the Robinson trial, complained that "the cooks and field hands are just dissatisfied, but

From the perspective of the black community, there was a deep-seated sense of dignity and purpose. This is evidenced by the black community creating their own church immediately after the abolition of slavery and naming it First Purchase Baptist Church. This designation was chosen because it was the first item the community purchased for itself after slavery had ended.[54] The church also stood as a testament to the community's ability to organize what is essentially an ongoing business that succeeded in spite of the many ways the community's very existence was controlled by the white power structure of Maycomb. Recognizing the great financial need of the Robinson family, Reverend Sykes insisted that the church take up a collection for Robinson family.[55] It was within the church that blacks overcame their inability to read by the practice of "linin'" the hymns.[56] Also, as contrasted to the stereotype of the shiftless, lazy Negro held by the white community,[57] in the community were people who worked hard to take care of their families. Mrs. Robinson walked miles each day to work, even when she was threatened by Bob Ewell.[58] Others in the black neighborhood looked after her children while she worked. Tom Robinson demonstrated admirable compassion to Mayella, who seemed to

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they're settling down now—they grumbled all next day after the trial." *Id.* at 265. Mrs. Merriweather suggested that her cook would have been let go if she kept being down in the mouth by stating, "I tell you if my Sophy'd kept it up another day I'd have let her go. It's never entered that wool of hers that the only reason I keep her is because this depression's on and she needs her dollar and a quarter every week she can get it." *Id.* at 265–67.

[54] MOCKINGBIRD, *supra* note 2, at 134. Harper Lee may have engaged in a little play on words by possibly alluding to biblical text. *See Acts* 20:28 (King James) ("Take heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the church of God, which he hath purchased with his own blood."); *see also* 1 *Corinthians* 6:20 (King James). The notion of purchase of God is also in the hymn Blessed Assurance by Fanny J. Crosby. FANNY J. CROSBY, BLESSED ASSURANCE (1873) ("Heir of salvation, purchase of God . . . ."). Lee is a fan of traditional church hymns as demonstrated in *Go Set a Watchman*. *See* WATCHMAN, *supra* note 3, at 92–94.

[55] MOCKINGBIRD, *supra* note 2, at 139. Reverend Sykes made sure the congregation reached that goal of support:

> To our amazement, Reverend Sykes emptied the can onto the table and raked the coins into his hand. He straightened up and said, 'This is not enough, we must have ten dollars.' The congregation stirred. 'You all know what it's for—Helen can't leave those children to work while Tom's in jail. If everybody gives one more dime, we'll have it—' Reverend Sykes waved his hand and called to someone in the back of the church. 'Alec, shut the doors. Nobody leaves here till we have ten dollars.'

Id.

[56] *Id.* at 137–38, 141.

[57] *See* WATCHMAN, *supra* note 3, at 179.

[58] MOCKINGBIRD, *supra* note 2, at 285–87.

be all alone in the world.[59]

There are other more minor tribes that have a place in Maycomb and are identified by particular characteristics. Each one is devalued by the dominant tribe and appears to have a place only at the margins of the community. Mrs. Dubose could be said to represent three different tribes. First, she represents the challenge of age.[60] It appears that she had no other family, but she was able to stay in her home with the assistance of a young black woman. Moreover, Atticus, in keeping with the best traditions of lawyers, assisted her in achieving her end-of-life goals, even non-legal ones. Second, it was alleged that Mrs. Dubose exercised her Second Amendment right to bear arms by customarily keeping a gun on her person. Braxton Underwood, the publisher, also made use of a gun by watching over Atticus as he confronted the Sarum bunch when they were intent on doing harm to Tom Robinson. The children received air rifles for Christmas one year, but were stunned to discover that at one time their father had been the best shot in the county, as he demonstrated by killing a rabid dog. The wise and safe use of these guns gives the novel its title. Third, Mrs. DuBose was addicted to pain killers due a previous health challenge.[61] She was determined to leave this world free from addiction. In the tribe of the aged and infirmed, the values of self-determination and human dignity are most salient at the end of life's journey.

There were also various religious tribes in Maycomb. The basic Baptist and Methodist churches were where the middle-class whites attended. Jem laments when Atticus will not play for the Methodists against the Baptists in a football game. When Aunt Alexandra moved in with Atticus, she quickly gained the reputation of a hostess in the Methodist Church Missionary Society.[62] While they also handed out Christmas baskets to the poor of Maycomb, much of their focus was on foreign missionary work. There were foot-washing Baptists who condemned others with fundamentalist doctrine.[63] There were outliers like

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[59] *Id.* at 224–25.

[60] *Id.* at 122–23. Lee's description of Mrs. Dubose captured the reality of aging that we generally do not see until we are faced with it directly, either through a loved one or for ourselves should we get to that stage of life.

[61] *Id.* at 27. Scout is admonished for pointing her air rifle at Miss Maudie's rear end. *Id.* at 104–5.

[62] *Id.* at 146.

[63] Miss Maudie had an apt description of the foot-washers doctrine: "Foot-washers believe anything that's pleasure is a sin. Did you know some of 'em came out of the woods one Saturday and passed by this place and told me me [sic] and my flowers were going to hell?" *Id.* at 49.

the Mennonites[64] and apparently a few Jewish people.[65]

Other outlier tribes include Dolphus Raymond, the apparent local drunk who was often found stumbling around drinking from a bottle in a paper sack. But his so-called drinking habit was just a ruse so that people would leave him alone.[66] His life situation was that he was married to a black woman, which was certainly a social taboo and against the law. He figured that if people condemned him for being a drunk, they would overlook his marital status.[67] Unfortunately, the children he had were not consigned to either the black or the white tribe, even though, as Jem declared, having "a drop of Negro blood, that makes you all black."[68] As mixed-race individuals, however, they were rejected by both tribes.[69]

Further, throughout the novel there are references to the Confederacy and how The War Between the States continued to have resonance.[70] The first American Finch ancestor was Simon Finch, who bought three slaves and built a substantial cotton operation, establishing the family homestead, Finch's Landing.[71] Except for the land itself, much of the family wealth was lost during the Civil War.[72] One family member, Cousin Ike Finch, was an active participant in the war, and often regaled Atticus, Jem, and Scout with stories about the war.[73] The *Maycomb Tribune*'s editor, Braxton Bragg Underwood, was named after a Confederate general.[74] Throughout the novel one senses the intense pride of being Southern.[75]

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[64] MOCKINGBIRD, *supra* note 2, at 181.

[65] *Id.* at 167–68.

[66] *Id.* at 228.

[67] *Id.* at 183–84.

[68] *Id.* at 185.

[69] Jem explained the tragic existence of mixed-race children who do not belong to a tribe:

> "They don't belong anywhere. Colored folks won't have 'em because they're half white; white folks won't have 'em 'cause they're colored, so they're just in-betweens, don't belong anywhere. But Mr. Dolphus, now, they say he's shipped two of his up north. They don't mind 'em up north. Yonder's one of 'em."

Id. at 184.

[70] At the Halloween pageant, the hallways were full of adults wearing homemade Confederate caps. MOCKINGBIRD, *supra* note 2, at 296.

[71] *Id.* at 4.

[72] *Id.*

[73] *Id.* at 87.

[74] *Id.* at 178–79.

[75] MOCKINGBIRD, *supra* note 2, at 4. When talking about the difficult chances of winning the Robinson case, Atticus, comparing it to the Lost Cause, said, "It's different this time.... This time we aren't fighting Yankees, we're fighting our friends. But remember this, no matter how bitter things get, they're still our friends and this is still our home." *Id.* at 87.

Finally, there is the *girl tribe*, or one might say the *female gender tribe*. It is reflected in Jem's constant taunts to Scout about how "sometimes you act so much like a girl it's mortifyin.'"[76] Jem, always leading the children's adventures, threatened to leave Scout out of the fun if she acted like a girl.[77] Jem, as he is quickly entering manhood, observed the essence of their Aunt Alexander's project with Scout: "She's trying to make you a lady. Can't you take up sewin' or somethin'?"[78] At the same time, it is also seen in Aunt Alexandra's insistence that Scout act and dress like a girl.[79] Under her aunt's tutelage, Scout is trained to be a lady in terms of the proper role for females in a male-dominant society.[80] The ever-observant Scout, watching Calpurnia in the kitchen, made a mental note, "and by watching her [she] began to think there was some skill involved in being a girl."[81]

B. Watchman

In *Watchman*, Harper Lee courageously tackles the coming of the Civil Rights Movement in the 1950s. One must note that *Watchman* foreshadows the narrative of *Mockingbird* by inserting chapters discussing the childhoods of Jem and Scout, placed mostly after the events explored in *Mockingbird*. She references the United States Supreme Court's decision ending school segregation and the integration efforts at The University of Alabama.[82] While the tribal lines are discussed in *Watchman*,[83] the principle focus is on the tensions between the white tribe and the black tribe and the impact the NAACP has had in the rapid push for equal rights.[84] Throughout the work, the white tribe is fearful

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[76] *Id.* at 42.

[77] *Id.* at 45.

[78] *Id.* at 258.

[79] *Id.* at 92.

[80] *Id.* at 261–62. For Scout, watching the interactions of the women of the missionary circle as they discussed the impact the Robinson case had on the black community, as Mrs. Merriweather noted, "[n]ow 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." She was of course referring to stirring up the Negroes. MOCKINGBIRD, *supra* note 2, at 266.

[81] *Id.* at 131–32.

[82] WATCHMAN, *supra* note 3, at 175.

[83] *Id.* at 29.

[84] *Id.* at 166. Aunt Alexandra marks the source of disequilibrium between blacks and whites:

> That NAACP's come down here and filled 'em with poison till it runs out of their ears. It's simply because we've got a strong sheriff that we haven't had bad trouble in this county so far. You do *realize* what is going on. We've been good to 'em, we've bailed 'em out of jail and out of debt since the beginning of time, we made work for 'em when there was no work, we've encouraged 'em to better themselves, they've gotten civilized, but my dear—that veneer of civilization's

that blacks are going to take over, and therefore whites must defend their tribal privileges as Uncle Jack Finch tells Jean Louise: "Baby, all over the South your father and men like your father are fighting a sort of rearguard, delaying action to preserve a certain kind of philosophy that's almost gone down the drain."[85]

Jean Louise gets a dose of the clash between traditional social conventions and the push for full equality when her Aunt Alexandra hosts a coffee reception for her on her visit to Maycomb.[86] All of the women of background are invited, and Jean Louise seems to have nothing in common with them. Alexandra is both fulfilling a social tradition by inviting the women to her home to welcome back Jean Louise and, not so subtly, encouraging her to return home by showing her what appropriate social friends from her tribe she would find there. Of course, all of the women show up in their finest dress and separate into subgroups for the purpose of gossiping.[87] Aunt Alexandra bemoans the fact that the old social order between the tribes has changed in a way that penalizes the white tribe, as she observes, "'Besides being shiftless, now they look at you sometimes with open insolence, and as far as depending on them goes, why that's out.'"[88] Of grave concern at the coffee reception was the fear of interracial mixing, or the effort by some to "mongrelize the race."[89] Ironically, this fear was grounded in the idea that white men would be mixing with black women as shown by this colloquy:

> "Jean Louise, when I said that I wasn't referring to *us*."
>
> "Who were you talking about, then?"
>
> "I was talking about the—you know, the trashy people. The men who keep Negro women and that kind of thing."
>
> Jean Louise smiled. "That's odd. A hundred years ago the gentlemen had colored women, now the trash have them."
>
> "That was when they owned 'em, silly. No, the trash is what the NAACP's after. They want to get the niggers married to that class and keep on until the whole social pattern's done away with."[90]

Jean Louise also goes to visit Calpurnia after Zeebo's son is arrested for manslaughter, causing further disillusionment. She notices a

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so thin that a bunch of uppity Yankee Negroes can shatter a hundred years' progress in five.

Id. at 166.

[85] *Id.* at 188.

[86] *Id.* at 167–169.

[87] WATCHMAN, *supra* note 3, at 166–68.

[88] *Id.* at 166; *see also id.* at 166–67.

[89] *Id.* at 176.

[90] *Id.* at 177.

sharp change in how Calpurnia interacts with her.[91] Not only has Calpurnia changed physically in her old age, but she acted as if a gulf has materialized between them, exclaiming: "What's the matter? I'm your baby, have you forgotten me? Why are you shutting me out? What are you doing to me?"[92] The heart of the matter apparently is that the racial tension between the tribes has built up a noxious dividing wall that symbolizes the new, evolving order where the old conventions of subservience have been washed away. Even the bonds of affection that once connected Calpurnia to the Finch family[93] seem impossible to hold.[94]

Jean Louise's romantic interest in *Watchman* is Henry Clinton, who was a life-long friend and is now junior associate to Atticus. Henry wants to marry her, but she refuses in part because Henry is not her kind, meaning a member of her tribe. Henry is considered a part of the white trash tribe and thus is below a Finch no matter how successful he might become as a lawyer.[95] Jean Louise cannot envision herself settling into the expectant role of a Maycomb housewife like the young women who attended the coffee held for her.[96] Henry is following in Atticus's footsteps as a lawyer and a member of a local group dedicated to preserving the world Lee crafts in *Mockingbird*, where each tribe had it designated place.

In *Watchman*, the tribal tension is further demonstrated when Atticus and Henry not only attend but also lead the meeting of the Citizens' Council, a group committed to maintaining segregation between the white tribe and the black tribe.[97] Jean Louise surreptitiously observed a Sunday afternoon meeting of the Citizens' Council at which the guest speaker spewed the most vile, racist diatribe that she had ever heard.[98] What was equally shocking was that it seemed that all of the

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[91] *Id.* at 159–60.

[92] WATCHMAN, *supra* note 3, at 159.

[93] *Id.* at 158.

[94] When Jean Louise visited Calpurnia to encourage her that Atticus had agreed to represent Calpurnia's grandson, Jean Louise was taken aback by the chilling formality with which the two interacted: "Jean Louise stared open-mouthed at the old woman. Calpurnia was sitting in a haughty dignity that appeared on state occasions, and with it appeared erratic grammar. Had the earth stopped turning, had the trees frozen, had the sea given up its dead, Jean Louise would not have noticed." WATCHMAN, *supra* note 3, at 159.

[95] *Id.* at 36–37.

[96] *Id.* at 15.

[97] *Id.* at 103.

[98] Lee sums up the speaker's remarks as follows:

> [H]is main interest today was to uphold the Southern Way of Life and no niggers and no Supreme Court was going to tell him or anybody else what to do. . . . [A] race as hammerheaded as . . . essential inferiority . . . kinky woolly heads . . .

white men of Maycomb, both those of prominence and those of trash, were in attendance.[99] Each was committed to the philosophy of "segregation today, segregation tomorrow, segregation forever" that formed the governmental frame of Governor George Wallace in 1960.[100]

Atticus justifies his participation as one in which he is fighting the Supreme Court's interference with the affairs of Alabama.[101] Moreover, from Atticus's perspective, contrary to agitation of northern influences in the guise of the NAACP, blacks were not ready for civil rights. He tells Scout that the reason he will represent Zeebo's son in the manslaughter case was because he did not want their lawyers coming to Maycomb to push their civil rights agenda as they did in Abbottsville. He sums up his rationale as follows:

> Honey, you do not seem to understand that the Negroes down here are still in their childhood as a people. You should know it, you've seen it all your life. They've made tremendous progress in adapting themselves to white ways, but they're far from it yet. They were coming along fine, traveling at a rate they could be absorbed, more of 'em voting than ever before. Then the NAACP stepped in."[102]

From this moral framework, Atticus argues for supremacy of the white tribe[103] and the need for caution in introducing full citizenship to Negroes. For example, he is frightened of the possibility that Negroes with full voting rights would take over the government at a moment in time when they do not have capacity to handle such powerful responsibility.[104]

For Jean Louise, this cuts against everything she learned growing

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> still in the trees . . . greasy smelly . . . marry your daughters . . . mongrelize the race . . . mongrelize . . . *mongrelize* . . . save the South . . . Black Monday . . . lower than cockroaches . . . God made the races . . . nobody knows why but He intended for 'em to stay apart . . . if He hadn't He'd've made us all one color . . . back to Africa.

Id. at 108.

[99] *Id.* at 103, 110.

[100] Governor George Wallace, Inaugural Address (Jan. 14, 1963).

[101] For Atticus, the critical problem is that the Supreme Court is oppressing state's rights by forcing integration of schools. WATCHMAN, *supra* note 3, at 245.

[102] WATCHMAN, *supra* note 3, at 246–47(internal quotations omitted).

[103] Jean Louise, in her discourse with Atticus, observes that while growing up, she was never exposed to the theory of white superiority. *Id.* She declares:

> I mean I grew up right here in your house, and I never knew what was in your mind. I only heard what you said. You neglected to tell me that *we were naturally better* than the Negroes, bless their kinky heads, that they were able to go so far only, you neglected to tell me what Mr. O'Hanlon told me yesterday.

Id. at 247 (emphasis added).

[104] *Id.* at 246–47.

up in Atticus's house. First, she had grown up around black people and was taught to treat all people with respect.[105] She heard, apparently for the first time, someone in her family use the word "nigger".[106] Even if another person, even a black person, was not in the same social class as she was, she was still taught to not mistreat anyone. She reflected, "That is the way I was raised, by a black woman and a white man."[107] Second, Atticus had practiced law and insisted to his children that our country's founding principle was true: "All men are created equal."[108] These two ideals framed her worldview[109] and she could not reconcile it with the hatred spewed by the Citizens' Council and by Atticus, Aunt Alexandra and Henry.

C. *Tribal Territories*

In Harper Lee's novels the tribes are the sources of the tensions that structure the plots. It is within the tribe that the individuals form their basic identities and alliances. There is a clear hierarchy, and everyone must stay in their allotted spaces, both geographical and social. Each tribe has separate physical, symbolic space. The middle class white tribe lives mostly in town, possibly reflective of their founding heritage. The poor white tribe not only lives far out in the country, but also lives off of the land to the fullest extent possible. The trashy white tribe lives at the dump and the black tribe lives just beyond the dump, which feels like a no man's land where no one else wants to live. These residential segregation patterns are still with us today and impact everything from investment to social services, education, health care, and economic opportunity. In so many ways, the current efforts at criminal justice reform consider the residential spaces: there is violent crime in the inner city or meth and prescription drugs in the rural places.

Tribal spaces also dictate opportunities for social advancement. In Old Sarum the residents scratch out a living by tenant farming, and the children may miss schooling because they have to help with the crops. In *Watchman*, they have new opportunities as industries spring up in and around Maycomb in the 1940s and 50s. One notes that many of the young families have moved into new, modest income communities, which are no doubt financed by the Veteran's Housing Authority. The established tribes must make room for these newcomers.

Finally, one should note the temporal aspect of Lee's novels.

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[105] *Id.* at 178–79.

[106] *Id.* at 178.

[107] WATCHMAN, *supra* note 3, at 179

[108] THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

[109] WATCHMAN, *supra* note 3, at 177–78.

Mockingbird is set during the Depression and between the World Wars. The social and legal structures have been firmly established and, while there have been efforts to achieve equal rights, the full grassroots efforts have not been fully emerged. During both World Wars, members of the black tribe have served with valor in the armed services. Mrs. Eleanor Roosevelt has visited Alabama and taken a flight with the soon-to-be-famous Tuskegee Airman. During the Korean War, the armed services are integrated, and there is only one tribe in the military. Having fought for freedom around the world, the black tribe will now fight for freedom at home.

When individuals, or even a whole tribe, attempt to step out of their places, chaos ensues as the tribes struggle to adjust either to return the status quo or to accommodate a changing social order. In *Mockingbird*, a black man is falsely accused of a crime by a white woman and her father. Mayella demands protection in order to maintain the narrative of *white-woman purity*. It is the children who perceive the injustice in the resulting sacrifice of Tom Robinson as the various white tribes stick together. In *Watchman*, the black tribe and the white tribe struggle over the meaning of the Constitution. The Supreme Court has ordered school desegregation and the white tribe gathers to protect their social hierarchy under the guise of states' rights. The black tribe, assisted by Northern interlopers, the NAACP, are beginning to demand full and equal rights with the other tribes. They seek to vote, serve on juries, and obtain the fruits of an education system that previously favored the white tribe.

THE HUMAN TRIBE

What inspires me about *Watchman* and *Mockingbird* is Lee's drawing a map for us to get out of our tribal dilemmas. In *Mockingbird*, after Jem describes the various Maycomb tribes, Scout speaks in reference to her friend Walter Cunningham, with whom Aunt Alexandra refuses to let her play. They had been pondering the question of how folks get sorted into tribes. One mark is whether or not they could read (the Ewells could not) or how long they have been reading (the Cunningham's had only recently started learning to read). While her Aunt Alexander thinks Walter is trash, Scout has her own opinion about the intelligence of Walter Cunningham:

> No, everybody's gotta learn, nobody's born knowin'. That Walter's as smart as he can be, he just gets held back sometimes because he has to stay out and help his daddy. Nothin's wrong with him. Naw, Jem, I think there's just one kind of folks. Folks.
>
> . . . .

> [Jem:] That's what I thought, too. He said at last, when I was your age. If there's just one kind of folks, why can't they get along with each other? If they're all alike, why do they go out of their way to despise each other? 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.[110]

Harper Lee's theme then is that we are all alike, and it is only children who seem to still be able to ask that all important question about why we cannot all get along and not despise each other. In Atticus's summation to the jury, he notes that Tom is *human*. We seem to forget this as we grow older, when our "instincts catch up to us." In her argument with Atticus, Jean Louise posits that, even if they assume certain facts about Negroes, there is one ultimate fact that must be considered: "We've agreed that they're backward, that they're illiterate, that they're dirty and comical and shiftless and no good, they're infants and they're stupid, some of them, but we haven't agreed on one thing and we never will. You deny that they're *human*."[111]

Atticus, in defending his stand for segregation, asks Jean Louise, "Then let's put this on a practical basis right now. Do you want Negroes by the carload in our schools and churches and theaters? Do you want them in our world?"[112] Her response hits at the heart of the matter: "They're people, aren't they? We were quite willing to import them when they made money for us."[113]

Jean Louise makes the case that even if blacks might not be as advanced as whites, they have the right to "the same opportunities anyone else has, they're entitled to the same chance."[114] Moreover, she firmly believes that justice, as dispensed in the courts, ought to be a living concept—not merely something discussed in theory.[115] She brings forward a lesson she learned in her childhood:

> I heard a slogan and it stuck in my head. I heard "Equal rights for all; special privileges for none," and to me it didn't mean anything but what it said. It didn't mean one card off the top of the stack for the white man and one off the bottom for the Negro.[116]

Harper Lee, with a focus on blacks as humans, could have been referencing the Declaration of Independence's ideal that "All men are

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[110] MOCKINGBIRD, *supra* note 2, at 260 (internal quotations omitted).

[111] WATCHMAN, *supra* note 3, at 251 (emphasis added).

[112] *Id.* at 245.

[113] *Id.* at 246.

[114] *Id.*

[115] *Id.* at 248.

[116] *Id.* at 242.

created equal."[117] Hence, no matter one's tribal affiliation, the ideal applies to all, and it is this fundamental truth that Jean Louise is standing on in her confrontation with Atticus and further reflects the lessons Lee is attempting to teach.

One such lesson comes from Atticus. He says that to understand a person, you have to sometimes get into their skin and walk around and see the world from their perspective.[118] If this idea applied to black people, what would it be like to live in their skin? How would it feel to be perpetually disrespected, discounted, and denied basic human decency? How could you cure the problem of one tribe oppressing another tribe? Jean Louise has the following proposal:

> I wonder what would happen of the South had a "Be Kind to the Niggers Week?" If just one week the South would show them some simple, impartial courtesy. I wonder what would happen. Do you think it's give'em airs or the beginning of self-respect? Have you ever been snubbed, Atticus? Do you know how it feels? No, don't tell me they're children and don't feel it: I was a child and felt it, so grown children must feel, too. A real good snub, Atticus, make you feel like you're too nasty to associate with people. How they're as good as they are now is a mystery to me, after hundred years of systematic denial that they're human. I wonder what kind of miracle we could work with a week's decency.[119]

This notion of offering common decency to all is reflective of the Biblical ideal: "Do unto others as you would have other do unto you." If we step out of the boundaries of our respective tribes and see the world as other tribes might, we might recognize the common challenges, hopes, dreams, and realities that all people share. The essence of seeing someone else's humanity is to recognize that person is human, with strengths and weaknesses, and with pride and prejudices. We are all flawed, as Jean Louise discovers about her father in *Watchman*. But if you walk around in another person's skin for a moment, and see the humanity in that person, we will each find a genuine respect for each other. We might just get to a place that if we work together; we might all improve the quality of life in whichever tribal community we inhabit.

A second lesson at the heart of *Watchman* is that Jean Louise is basically colorblind. She sees the humanity in each member of the various tribes. Her Uncle Jack states it plainly:

> "You're color blind, Jean Louise," he said. "You always have been, you always will be. The only differences you see between one human

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[117] THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

[118] MOCKINGBIRD, *supra*, note 2, at

[119] WATCHMAN, *supra* note 3, at 252.

> and another are differences in looks and intelligence and character and the like. You've never been prodded to look at people as a race, and now that race is the burning issue of the day, you're still unable to think racially. You see only people."[120]

That is why she enjoyed going to Calpurnia's church and wanted to visit her home. It is also why she can live in New York and not be phased in the least about moving to a diverse environment. Her one drawback is that she has in many ways acquired Maycomb's usual disease by buying into the narrative that blacks are either backwards or have not yet progressed enough in acquiring the requisite background built on education, experience in participating in general society, and the ultimate blindness that comes with romantic love with a person who is different.[121]

Colorblindness is more of a concept that permits one to see a neighbor on the street, no matter the tribe, and actually see that individual. Scout saw it clear when she just saw "folks." While all of us have different and unique qualities, at the core we are human. As Terence said, "I am a man, I consider nothing that is human alien to me."[122] The challenge for Jean Louise, and for all of us, is to maintain that perspective in a world of cyberbullying, tribal warfare, and jihadist terrorism. The compassion that is needed when considering whether to allow Syrian refuges into the state of Alabama must be animated by seeing them as human. If we build walls and say "you can't come in," then certainly it is incumbent that we work even harder to aid in the amelioration of the horrible situation in which they find themselves: a tribe without a safe space to live.

A CONTEMPORARY REFLECTION ON TRIBES

Tribes in Lee's work serve as a metaphor for a society's social structure and reflect a number of realities that have contemporary resonance. First, by Lee's account, Maycomb's social order is structured to maintain the dominant tribe's power and subordination of the other tribes. Specifically, white supremacy is the operative value maintaining the economic, social, and political control over the black citizens. Stated another way, blacks are not even recognized as citizens at all.

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[120] *Id.* at 270.

[121] Jean Louise proclaims to her Uncle Jack about how white supremacists use sex as a trope to bolster the argument for segregation: "But, Uncle Jack, I don't especially want to run out and marry a Negro or something." *Id.* at 270.

[122] *See* Elisha Goldstein, *Nothing That is Human is Alien: Maya Angelou and Terence*, MINDFULNESS & PSYCHOTHERAPY (Mar. 28 2011), http://blogs.psychcentral.com/mindfulness/2011/03/nothing-that-is-human-is-alien-may-angelo-and-terence/.

The Maycomb justice system seems designed to place blacks disproportionately in jail. For example, note the reluctance to place Boo Radley in jail because he would be the only white person in the jail.

Today, this is evident in our discourse on policing and the disparate treatment black citizens receive. At the heart of the Black Lives Matter movement is the fact that too many unarmed black men are being killed in encounters with the police force. Moreover, African American males, especially young ones, are disproportionately represented in the criminal justice system. Too many who are under the age of majority are charged as adults and placed in adult jails where they are subjected to physical and sexual abuse. Juveniles who are confined in the system may find themselves in solitary confinement for long periods of time facing psychological and emotional damage. Accordingly, there is a "tribe" that society must recognize is in need of attention.

Secondly, Lee's focus throughout *Mockingbird* is children, poverty, and education. Poverty burdens the children of Maycomb as the Depression's impact causes a variety of deprivations. Money is scarce and families struggle to put food on the table. Atticus informs his children that, even with his professional career, they too are poor, although not as poor as the folks in the country. Currently, around 27% of Alabama's children live in poverty, with rates for African Americans and Hispanics at over 44%.[123] Approximately 26% of Alabama's children face food insecurity, defined as "a lack of access, at times, to enough food for an active, healthy life for all household members and limited or uncertain availability of nutritionally adequate foods."[124]

Education is an important value in the novel, but it is clear that Maycomb struggles to provide an adequate education. Moreover, these efforts apply only to the white community. Lee leaves out any mention of education in the black community. Calpurnia and her son are self-taught readers. Educational achievement is still a challenge for Alabama today. Only 38.3% of fourth graders in Alabama have demonstrated reading proficiency.[125] That number increases to 47.9% for eighth graders. [126] On the other hand, math proficiency for fourth graders was measured at 45.1% and decreases to 28.7% for eighth graders.[127] On a positive note, graduation rates have increased over the past

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[123] *Children, 2015 Alabama Kids Count Data Book*, VOICES FOR ALABAMA'S CHILDREN, 50 (2015), boldgoals.org/wp-content/uploads/Kids-Count-Data.pdf [hereinafter, VOICES].

[124] *Id.* at 59.

[125] *Id.* at 28.

[126] *Id.*

[127] *Id.*

few years to about 86% in the 2013–2014 school year.[128] What is clear is that early education is the critical key to success in school and to overcoming the achievement gap that persists as a result of poverty, as noted by Voices for Alabama's Children:

> Access to high-quality early learning opportunities can make the difference in whether a child is successful in K–12 education and beyond. Equipping children with tools they need to succeed socially, emotionally and academically will help diminish the effects of poverty. Children will be ready for school and ready to learn. They will be more likely to meet educational milestones (such as reading on grade level by the end of third grade), less likely to repeat grades and more likely to graduate.[129]

This commitment to providing quality education is further reflected in the Alabama State Board of Education's strategic initiative, called Plan 2020, with the goal of preparing Alabama's students for college and career and life.[130]

The children are impacted emotionally and psychologically by the events in the story. Jem, who is growing into adolescence, cries for the injustice done to Tom Robinson. The impact of the trial makes Dill physically ill. Dolphus Raymond comments on this phenomenon:

> He jerked his head at Dill: "Things haven't caught up with that one's instincts yet. Let him get a little older and he won't get sick and cry. Maybe things'll strike him as being—not quite right, say, but he won't cry, not when he gets a few more years on him."[131]

Scout is perplexed by this comment and wonders what Mr. Raymond means by crying. Raymond's answer is profound: "Cry about the simple hell people give other people—without even thinking. Cry about the hell white people give colored folks, without even stopping to think that they're people too."[132] This is the essence of tribalism at its worst: when we act without realizing we are treating members of other tribes in a manner that denies their humanity.

In our society today, we too often fail to notice the "simple hell" that some of our tribes experience. For example, there is a tribe of children who live in poverty or in areas of low-income who are often confronted with a social environment that produces limited opportunities for economic advancement and higher rates of crime, abuse, and violence. Witnessing such despairing circumstances has profound and

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[128] *Id.*

[129] VOICES, *supra* note 116, at 25.

[130] *See generally, Plan 2020*, ALABAMA STATE BOARD OF EDUCATION, (Aug. 4, 2016), www.alsde.edu/sec/rd/Plan%202020/Alabama%20plan%202020.pdf.

[131] MOCKINGBIRD, *supra* note 2, at 229.

[132] *Id.*

lasting consequences for children, as noted by Voices for Alabama's Children:

> Living in underserved neighborhoods can intensify opportunity gaps further isolating families from mainstream society, social networks and stable jobs. Such neighborhoods typically have limited public resources, economic investment and political power ultimately reducing the hope for positive change. As such communities often see an increased number of violent crimes, children are likely to suffer psychological problems . . . leading to trouble in school and increasing a child's risk of dropping out of school.[133]

CONCLUSION

We who are lawyers tend towards leadership in our communities, for better or for worse. During the summer of 2015, as South Carolina debated whether to remove the Confederate flag from the state capitol grounds, the matter was decided in part by the speech of legislator Jenny Horne, who is also a lawyer and a direct descendent of Jefferson Davis. Her impassioned plea called her fellow lawmakers to rise to a higher calling in the memory of their fallen comrade, Rev. Clementa Pinckney, and to "do something meaningful such as take a symbol of hate off these grounds on Friday." She demonstrated the love for her fellow humans in the spirit of Dr. Martin Luther King Jr.:

> Now let me suggest first that if we are to have peace on earth, our loyalties must become ecumenical rather than sectional. Our loyalties must transcend our race, our tribe, our class, and our nation; and this means we must develop a world perspective. No individual can live alone; no nation can live alone, and as long as we try, the more we are going to have war in this world. Now the judgment of God is upon us, and we must either learn to live together as brothers or we are all going to perish together as fools.[134]

When it comes to respecting the diverse tribes, perhaps another philosopher said it best. Educator and television producer Fred Rogers said at a commencement speech at Middlebury College in 2001: "I believe that appreciation is a holy thing that when we look for what's best in a person we happen to be with at the moment, we're doing what God does all the time. So in loving and appreciating our neighbor, we're participating in something sacred."[135] When we interact with our clients, opposing counsel and their clients, with court personnel, and

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[133] VOICES, *supra* note 116, at 49.

[134] DR. MARTIN LUTHER KING, JR., TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 253 (James M. Washington ed., 1986) (emphasis added).

[135] Fred Rogers, Address at Middlebury College Commencement (May 27 2001), http://

judges, and when we help solve the difficult problems of life, we are doing sacred work. Every participant deserves to be appreciated, especially when we have contrary views and values with them. Each one of them is a full member of the human tribe.

archive.org/details/rogers_speech_5_27_01.