

NELLE HARPER LEE ON LAW

*Wayne Flynt**

What is law? What is the source of law? What is the purpose of law? What is the relationship of law to justice? When two generations dispute the relationship of law to justice and the moral accommodation this sometimes requires, how do they reconcile their differences? These questions seem too weighty and the writer's credentials too modest for much of a conversation. Even so, those were Harper Lee's questions as well, ones with which she wrestled in two important novels. So, I will do my best to answer them.

There are many ways of thinking about law. One analogy is to think of law as a wide river like the Alabama coursing on its way to the Gulf of Mexico at Mobile, driving its current and contents far out into the ocean. But a different analogy suits my purposes better. Think of law as the main river's headwaters, dozens of creeks and smaller rivers in northern Alabama and northwestern Georgia: the Coosa, Tallapoosa, Cahaba, Black Warrior, and Tombigbee Rivers, as well as hundreds of smaller creeks and streams, each providing its own unique contents to the mighty river. I want you to think about a few of those tributary streams that contributed to our conception of law and Harper Lee's judgment of them.

Law is obviously rooted in earliest antiquity. Hammurabi's Code (1754 B.C.),¹ discovered and translated at the beginning of the twentieth century, "is one of the oldest deciphered writings of significant length" in the history of civilization.² Half of its 282 provisions deal with contracts.³ One-third "address[] . . . household and family relations[]." ⁴ "Only one provision . . . impose[d] obligations on an official."⁵ If a judge rendered an unfair decision, he would be fined and removed permanently from office.⁶

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1. *Code of Hammurabi*, WIKIPEDIA, https://en.wikipedia.org/wiki/Code_of_Hammurabi (last updated Jan. 16, 2018).

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

The code is scaled according to social status, with rules for slaves more stringent than those regulating the conduct and rights of free men.⁷

A second stream consisted of the laws propounded by theocratic states such as Israel. The Ten Commandments, with attendant commentary in Leviticus and Deuteronomy, expanded further in the Mishna, laid out an alternative system for regulating the affairs of mankind.

Greek law refined and democratized law. Pericles (495–429 B.C.),⁸ writing a thousand years after Hammurabi's Code, was Athens's most famous civic leader and statesman. He ushered in the city-state's Golden Age based largely on expanding governance from an oligarchy to a broader democratic base of free male citizens. Among his reforms was transferring various judicial powers previously possessed by an administrator chosen for life to the popularly elected courts.⁹ Pericles explained in his famous funeral oration, attributed to him by Thucydides, the relationship between constitutional democracy, rule of law, and civil justice:

Our constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law And, just as our political life is free and open, so is our day-to-day life in our relations with each other. . . . We are free and tolerant in our private lives; but in public affairs we keep to the law. This is because it commands our deep respect.

We give our obedience to those whom we put in positions of authority, and we obey the laws themselves, especially those which are for the protection of the oppressed¹⁰

Roman law, of course, created a transnational imperial order.

Obviously, American law owes most to English common law (reliance on legal precedent and custom) along with the brilliant four-volume commentaries on the laws of England written after 1766 by Sir William Blackstone, English jurist, judge, Tory politician, and professor of law at Oxford University. Blackstone's influence on Alexander Hamilton, John Marshall, James Wilson, John Adams, and the entire American revolutionary generation cannot be exaggerated and bequeathed to us most of our national assumptions about justice and its relationship to law and legal systems.

7. *Id.*

8. *Pericles*, BIOGRAPHY, <https://www.biography.com/people/pericles-9437722> (last updated Apr. 2, 2014).

9. *Id.*

10. THUCYDIDES, HISTORY OF THE PELOPONNESIAN WAR 145 (Rex Warner trans., Penguin Books rev. ed. 1972) (c. 431 B.C.E.).

The vibrant theological discourse spawned by America's religious diversity added a layer on top of English common law. Think, for instance, of the abolition movement in the 1850s and 1860s, the civil rights movement a century later, or the current abortion debate.

Robert Maynard Hutchins, the son and grandson of Calvinist Reformed Presbyterian ministers, became one of the nation's most influential secular educational philosophers as dean of the Yale Law School and then as chancellor of the University of Chicago before the Second World War. Rooting out many traditional ways of thinking, Hutchins abolished varsity football at Chicago and replaced the undergraduate freshman program with a common great-books curriculum for all students.¹¹ (If misconstrued as a reform proposal rather than as a comment on the athletic misadventures of a distant Yankee school, this might be life threatening in Alabama, so let's keep this information inside the law journal.)

The cataclysm of the Second World War damaged such naïve faith in rationalism and religion. And in 1944 Union Theological Seminary professor Reinhold Niebuhr, in his book *The Children of the Light and the Children of the Darkness*, announced his conversion to a more pessimistic view of humanity, advocating legal restraints to constrain evil people: "Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary."¹²

These are just a few of the many currents flowing through the curriculum and informal conversations at the University of Alabama School of Law in the years of energized thinking following the war. Harper Lee dropped out of law school in 1949 a year short of graduation (though not necessarily from disinterest in such questions) and moved to New York City in order to explore the writer's life she had first experienced on the staffs of the *Rammer Jammer* humor magazine and the *Crimson White* student newspaper (and which she had enjoyed so much more than her law classes).

In *Bright, Precious Days*, a 2016 novel set in New York City, author Jay McInerney captured the fantasies that seduced twenty-three-year-old Harper Lee from law school to the Big Apple, writing:

Once, not so very long ago, young men and women had come to the city because they loved books, because they wanted to write novels or short stories For those who haunted suburban libraries and provincial bookstores, Manhattan was the shining island of letters. New York, New York: It was right there on the

11. *Robert Maynard Hutchins*, U. CHI., <https://president.uchicago.edu/directory/robert-maynard-hutchins> (last visited Feb. 5, 2018).

12. REINHOLD NIEBUHR, *THE CHILDREN OF LIGHT AND THE CHILDREN OF DARKNESS*, at xiii (1960 ed.).

title pages—the place from which the books and magazines emanated, home of all the publishers, the address of *The New Yorker* and *The Paris Review*, where Hemingway had punched O’Hara and Ginsberg seduced Kerouac, Hellman sued McCarthy and Mailer had punched everybody, where—or so they imagined—earnest editorial assistants and aspiring novelists smoked cigarettes in cafés while reciting Dylan Thomas, who’d taken his last breath in St. Vincent’s Hospital after drinking seventeen whiskeys at the White Horse Tavern, which was still serving drinks to the tourists and the young litterateurs who flocked here to raise a glass to the memory of the Welsh bard. These dreamers were people of the book; they loved the sacred New York texts: *The House of Mirth*, *Gatsby*, *Breakfast at Tiffany’s* et al., but also all the marginalia: the romance and the attendant mythology—the affairs and addictions, the feuds and fistfights.¹³

That became Harper’s New York City.

Because Harper Lee dropped out of law school and never wrote much specifically about “the law,” my title—“Nelle Harper Lee on Law”—might be dismissed as a nontitle of a nonessay. As we shall see, that would be a mistake. In addition to growing up in a family headed by a lawyer, Amasa Coleman (Coley) Lee, Harper’s beloved sister Alice became one of Alabama’s earliest and most successful female attorneys. Her father read law with a local attorney, passed the state bar exam, and became an influential southwest Alabama lawyer/politician. In addition to his law practice (Bugg, Burnett, and Lee), he served as a director of the local bank, as state representative from 1926 to 1939,¹⁴ was prominently mentioned as a potential gubernatorial candidate, owned Monroeville’s newspaper, was the most influential member of the Methodist church, and was the town’s premier civic leader. As a member of the state house, he was a typical south-Alabama conservative states’ righter, who nonetheless (like many paternalistic white politicians before the 1950s) tended to be anti-Ku Klux Klan and sympathetic to the plight of local African Americans who suffered gratuitous indignities and were systematically denied equal justice. He reconciled his respect for laws often unjustly administered by personal devotion to Biblical teaching of justice and fairness almost always applied fairly, at least according to his understanding of fairness.

Harper Lee’s idealized and adoring rendering of Atticus Finch (a fictional version of her father and the most famous American lawyer ever)

13. JAY MCINERNEY, BRIGHT, PRECIOUS DAYS 3 (2016) (emphasis removed).

14. Robert Sullivan, *Harper Lee Before To Kill a Mockingbird*, TIME (Feb. 23, 2016), <http://time.com/4234210/harper-lee-childhood/>.

transformed him into the greatest hero in American literature and cinema. So renowned and universal was Atticus's fame that President Barack Obama paraphrased him in an address delivered in Israel early in his second presidential term: If Israelis wanted peace and justice they must learn to walk around in the shoes of Palestinians.¹⁵ In his January 2017 farewell address in Chicago, the President quoted Atticus directly:

If our democracy is to work in this increasingly diverse nation, . . . each one of us must try to heed the advice of one of the great characters in American fiction, Atticus Finch. . . . '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.'¹⁶

At one point, a reporter trailing the President on his vacation caught him on camera emerging from a book store on Martha's Vineyard with a copy of *To Kill a Mockingbird*, perhaps purchased for one of his daughters.¹⁷

Harper Lee lent substance to such deification in a 1964 article for *Life* magazine: "My father is one of the few men I've known who has genuine humility and it lends him a natural dignity. He has absolutely no ego drive, and so he is one of the most beloved men in this part of the state."¹⁸

Harper's sister, Alice, left the family newspaper business in April 1937 at age twenty-six and moved to Birmingham to work in the tax division of the newly established Social Security Administration. Two years later she realized she needed greater knowledge of tax law and enrolled in night classes at the Birmingham School of Law. Despite a full day of work at the Social Security office, she completed her law degree in four years and took the bar exam in July 1943, passing on the first try. She returned to Monroeville when one of the partners in her father's law firm died, thereby joining several dozen female attorneys statewide. Congress overhauled much of the federal income tax structure in 1942¹⁹ and Monroeville contained no certified public accountant. As a result, Alice—professionally educated and practically experienced—became known simply as the "tax lady" who specialized in the practice throughout her seventy-year career. After initially dismissing her as a narrow specialist and legal curiosity,

15. *Transcript of Obama's Speech in Israel*, N.Y. TIMES (Mar. 21, 2013), <http://www.nytimes.com/2013/03/22/world/middleeast/transcript-of-obamas-speech-in-israel.html>.

16. Spencer Kornhaber, *Obama's Ingenious Mention of Atticus Finch*, ATLANTIC (Jan. 11, 2017), <https://www.theatlantic.com/entertainment/archive/2017/01/obamas-atticus-finch/512789/>.

17. See Brian Montopoli, *Vacationing Obama Given Franzen Book "Freedom,"* CBS NEWS (Aug. 20, 2010, 5:02 PM), <https://www.cbsnews.com/news/vacationing-obama-given-franzen-book-freedom/>.

18. Andrea Kurland & D'Arcy Doran, *Harper Lee in Her Own Words*, HUCK MAG. (Jul. 10, 2015), <http://www.huckmagazine.com/art-and-culture/harper-lee-words/>.

19. See Revenue Act of 1942, Pub. L. No. 77-753, 56 Stat. 798.

male peers began to take her more seriously after she skillfully argued a criminal case. The high respect extended to her by many south-Alabama lawyers and judges also owed much to their respect for her father. By religious preference she, like her father, was a devout Methodist and in addition to that one of the most nurturing, ethical, and kindest persons I have known. What her sister, Louise Conner, said of their father was equally true of her: she was an “inside Christian,” meaning a person of honor and personal decency, attuned to her religious and civic duties, one who treated all people fairly and with respect, neither self-righteous nor ostentatiously pious, and a generous private philanthropist (mainly using her famous sister’s fortune to educate females for the Methodist ministry and talented young women for the legal profession).

Alice was also phenomenally smart. One anecdote will suffice to prove my point. In her ninety-seventh year, on April 9, 2008, six days before the deadline for filing taxes, Alice left her law office after work and stopped by Meadows of Monroeville, an assisted living facility, to visit her sister. When she entered the room and saw us, she said: “I knew you were here. I saw your forty-three tag in the parking lot.” “How did you know forty-three was the prefix for Lee County?” I inquired. “Because I have insomnia. When I can’t sleep, I begin reciting the presidents in order, then the vice-presidents, and if I don’t fall asleep by then, I begin with Jefferson County and repeat the numbers and names of the counties. I always fall asleep somewhere between Autauga and Washington Counties.” We chatted for a while, and then I invited her to join us for supper at David’s Catfish House. “I can’t go. A woman brought all her tax records to the office this afternoon, and I have to do them tonight because I am going to watch the Masters golf tournament tomorrow.” Harper was outraged at this inconvenience to her sister and asked, “Who would do such a thing at the last minute?” “Mrs. Gaillard! She is 102 years old, and she came in by herself carrying her paper sack of records on her walker.” Harper turned to us and quipped: “You know what they say about Gaillard women in Monroe County? Never marry a Gaillard woman because they live forever.”

Interruptions to Harper’s childhood were common given her mother’s health problems, her father’s busy legal practice, and her sister’s departure to work in Birmingham as she approached her teens. Harper’s own brief matriculation in law school was sufficiently long to acquaint her with the complex origins of law. But her religious upbringing in Methodism and her own reading of the Bible left no doubt in her mind that law, no matter what code it embraces or stream from which it enters the broader current of law, is not much more than what a community or nation allows it to be. As evidence of the gap between law and justice she needed to look no further than the apartheid 1901 Alabama Constitution, which despite numerous

federal court rulings striking down individual racist provisions,²⁰ perpetuated injustice in school funding, criminal justice, tax policy, and mental health treatment.

Furthermore, Harper's fascination with British literature led her not only to the seminal legal commentaries of William Blackstone but also to the brilliant Christian apologetics of Oxford University classicist C.S. Lewis. An atheist before his combat experiences in World War I, Lewis converted during the 1920s and by the 1940s had become the most influential Christian thinker in the English-speaking world. Reading Lewis's books—*Mere Christianity*, *Screwtape Letters*, *Surprised by Joy*, and the *Narnia* series—Harper recognized the arc of his theology from childhood innocence to temptation, sin, alienation from other people and from God, confrontation, repentance, forgiveness, and reconciliation.

From this point forward, you need to remember this moral arc of Lewis's theological universe because the Anglophile Harper adored his writings and thought him to be the greatest Christian apologist of the twentieth century as well as one of its preeminent intellectuals. She had a thick volume containing his complete works in her apartment at the Meadows in Monroeville when she died.

The reason this is important to law is obvious. The twelve Maycomb County white men who convicted Tom Robinson of raping Mayella Ewell in *To Kill a Mockingbird* acted within the parameters of law. So did the judge who sentenced him. So did the prison guards who shot him to death when he tried to escape. Alabama law was applied appropriately in Robinson's 1935 rape trial according to eyewitness testimony, legal precedent, and local custom.

To find out what went wrong in that Maycomb courtroom, we have to search elsewhere, beyond "law," to deeper subterranean, nonlegal, moral, and ethical wisdom literature, to the writings of revered philosophers, theologians, ethicists, even to the Analects of Confucius, the Indian Upanishads, to novelists such as Harper Lee, and for Harper, to her beloved *King James Bible*.

The Bible usually conjoins righteousness and justice into a single concept. *Righteous* means without sin, doing what is right according to the law but also according to one's own conscience. *Justice*—that is, uprightness and fair treatment—is a synonym of *righteousness*, words which are used interchangeably in the Bible. The Bible contains references occasionally attributing justice to rulers—notably to Kings David and Solomon—but more frequently exclusively to deity. "[The Lord] shall judge the world in righteousness, he shall minister judgment to the people

20. See, e.g., *Hunter v. Underwood*, 471 U.S. 222, 223–24 (1985); *United States v. Alabama*, 252 F. Supp. 95, 99 (M.D. Ala. 1966); *Davis v. Schnell*, 81 F. Supp. 872, 880 (S.D. Ala. 1949).

in uprightness.”²¹ “Justice and judgment are the habitation of thy throne.”²² “Put not your trust in princes, nor in the son of man, in whom there is no help. . . . The Lord looseth the prisoners: . . . [T]he Lord raiseth them that are bowed down: the Lord loveth the righteous: The Lord preserveth the strangers; he relieveth the fatherless and widow”²³ This passage from Psalm 146 is the precursor to Matthew 25:33 where Jesus warned his disciples that the final exam question at judgment time will not explore their doctrinal opinions but their ethical conduct: did they feed the hungry, give water to the thirsty, care for widows and orphans, visit prisoners, care for the sick, provide hospitality for strangers in the land? “[H]e shall not judge after the sight of his eyes, neither reprove after the hearing of his ears: But with righteousness shall he judge the poor, and reprove with equity for the meek of the earth.”²⁴ “But let judgment run down as waters, and righteousness as a mighty stream.”²⁵ “He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?”²⁶ These passages are a mere sample of hundreds that Harper Lee read or heard preached while growing up, extolling what *justice* means as part of the Christian pilgrimage. That understanding of “law” permeated the Lee family.

I think it is a fair historical judgment that despite the fact that some political systems are more just than others, no political system renders anything more than proximate justice, a fact well documented by Bryan Stevenson’s phenomenal work on behalf of equal justice in America.

Harper Lee was only too aware of this and toward the end of her “new” novel, *Go Set a Watchman*, puts these words in the mouth of Jean Louise Finch’s Uncle Jack: “Every man’s island, Jean Louise, every man’s watchman, is his conscience.”²⁷ Note: not “law,” but a man’s conscience.

Harper’s literary struggle with the reality of injustice residing inside the law, not outside it, is the theme of *To Kill a Mockingbird* and has generated lawyerly skirmishes ever since. If Atticus Finch knew unjust law would prevail in a Maycomb courtroom, why did he take a case he knew he would lose? Why not defer to the NAACP Legal Defense Fund and let them handle Tom Robinson’s defense? Thurgood Marshall and other attorneys succeeded in saving the Groveland Boys,²⁸ while the NAACP along with

21. *Psalms* 9:8.

22. *Psalms* 89:14.

23. *Psalms* 146:3 (italics omitted).

24. *Isaiah* 11:5–9.

25. *Amos* 5:24.

26. *Micah* 6:8 (italics omitted).

27. HARPER LEE, *GO SET A WATCHMAN* 264–65 (2015).

28. Michael Stone, *Behind the Search for an Apology in the Infamous 1949 ‘Groveland Boys’ Case*, *TIME* (May 23, 2016), <http://time.com/4343491/groveland-boys-gilbert-king/>.

the American Communist Party and Alabama's highly ethical Judge James Horton helped the Scottsboro Boys.²⁹ And Atticus's condescension toward blacks makes him an imperfect role model anyway.

On the other hand, publication of *To Kill a Mockingbird* in 1960 during the middle of the modern American struggle over civil rights obscured lots of other themes in the novel just as important as race and perhaps more enduring. Harper brilliantly depicts class divisions in America using the prevailing dichotomy between the poor but deserving Cunninghams and the poor but definitely undeserving Ewells, a classic social distinction in our national history. She pleads for tolerance and understanding toward people unlike ourselves, the necessity to get inside their skin and walk around in their shoes before judging them. Harper ridicules white evangelical triumphalism, arrogance, and hypocrisy. The novel also served an essential role in defining values education in state, private, and parochial schools. During a period of American history when parents wanted teachers to teach values but could not agree about what values should be taught, frustrated teachers simply assigned *To Kill a Mockingbird* and encouraged spirited student debates about the ethical and moral implications of the novel. For all these reasons, and based upon lots of polling data, I have long argued that the novel and the movie based on it make this particular piece of literature the most unifying cultural icon in American life. Although Americans still disagree about the values, meaning, emphases, and nobility of the characters, I never have to summarize the plot. People know it already.

With *To Kill a Mockingbird* safely installed by ordinary readers as a classic within the pantheon of English literature, I held my breath during the run up to publication of *Go Set a Watchman*. Knowing that neither Harper's agent, Maurice Craine, nor her editor at Lippincott, Tay Hohoff, liked the manuscript, and nervous that neither of them had worked on revising it after 1956, I assumed it could not be the product of meticulous revision and rigorous wordsmithing. The original manuscript was set in 1956 during the Montgomery bus boycott, not in 1932–1935 as was *Mockingbird*, a time when blacks “knew their place” and where well-meaning conservative, traditional white elites could sometimes take their side without negative consequences. By 1956, white citizen councils flourished in Alabama, exerting enormous community pressure on prominent people, especially lawyers and politicians, to either conform to apartheid or suffer the consequences. I also knew that threading the racial

29. Douglas O. Linder, *Without Fear or Favor: Judge James Edwin Horton and the Trial of the “Scottsboro Boys,”* 68 UMKC L. REV. 549, 549, 554 (2000) (detailing the involvement of Judge Horton and the Communist Party); Hugh T. Murray, Jr., *The NAACP Versus the Communist Party: The Scottsboro Rape Cases, 1931-1932*, 28 PHYLON 276, 279 (1967) (detailing the battle between the Communist Party and the NAACP to defend the accused in the Scottsboro Cases).

needle of law, custom, ethics, and justice in the mid-1950s would be far more challenging than her task in *Mockingbird*. But I never dreamed that her nearly perfect fictional father would fall victim to racist accommodation, situational ethics, and betrayal of conscience.

Coming decades after her idealized portrait of blacks, white neighbors, sheriff, judge, and father in *Mockingbird*, the Maycomb she depicts in *Watchman* seems to have gone haywire, to have completely lost its moorings. In the new (old) novel, readers encounter a mostly familiar cast of characters but a far more believable world of flawed law and injustice. Jean Louise's boyfriend, now Atticus's law partner, and her father are members of the white citizens council. Their rhetoric, though still hostile to the Klan, is less racist only in its rejection of violence. Beloved housekeeper Calpurnia observes injustice toward her son and cynically dismisses the good intentions of all whites, even the Finches for whom she had worked so long and faithfully.

Jean Louise's profane, long (way too long) diatribe against her father and uncle finally becomes self-righteous and tedious to many readers. I wanted to weigh in myself and offer Jean Louise some advice: Easy for you to leave Monroeville at age twenty-three in 1949, read in the *New York Times* about all the injustice and racism in your home state, and return to give everyone a piece of your mind before catching the train back to Manhattan. But your father was a seventy-two-year-old lawyer who knew only the world of Monroeville (Maycomb County). His choices ranged from some kind of accommodation with his racist culture or moving in with you in your tiny Manhattan apartment. The novel reminds me of Oscar Wilde's observation that "[c]hildren begin by loving their parents; as they grow older they judge them; sometimes they forgive them."³⁰

After reading Wilde's insights, I began to think of *Watchman* differently. There is law. There is justice. They may or may not be synonymous. There is also the historical reality in which people must live who revere law and seek justice. In order to maintain influence within their society, they sometimes compromise their ideals, conform to community standards, even tell their consciences to get lost for a while. These are tough calls, and honorable people decide them differently. Southern readers of *Watchman* often dislike it because of young Jean Louise's self-righteous diatribe about her father's accommodations. Some Southern readers no doubt had heard similar sermons from their own children. Why after all these years of depicting Atticus Finch as one of literature's greatest, purest, best, lawyers and heroes, must Lee now betray him and proceed to tear the scabs off all the old wounds of racial division? Liberal Northern readers

30. OSCAR WILDE, THE PICTURE OF DORIAN GRAY 58 (Joseph Bristow ed., Oxford Univ. Press new ed. 2006) (1890).

often dislike the novel because in the end Jean Louise forgives and reconciles with her father and uncle without accepting their racist beliefs, an act that required her to elevate family relationships above racist ideology. No room for that in absolutist twenty-first century moral discourse.

I thought back to the day I spotted the massive tome entitled *The Complete Works of C.S. Lewis* in Nelle's apartment and our ensuing discussions of his theology. And I thought about the eighteenth-century Wesley brothers, founders of Methodism, whose growing abolitionism and success converting the British working class to their vision of racial justice perhaps had as much to do with keeping the British from siding with the Confederacy as U.S. diplomacy. Lewis's moral universe of innocence, temptation, sin, alienation, confrontation, repentance, forgiveness, reconciliation is the perfect theological frame for viewing *Go Set a Watchman*. The self-righteousness of the young is always surprised to discover the moral accommodations of the old. The old try to explain. The young prefer not to listen. They judge their parents as their parents had once judged them—by an absolutist moral compass selectively deployed. Alienation follows. Happily, sometimes (though not as often as we would like) forgiveness and reconciliation occurs. Can we expect reconciliation between Jean Louise and Atticus in American fiction any more than we can expect reconciliation of Americans after the 2016 presidential election? In this sense, is the new (old) novel any less relevant to our times, any less applicable to our politics, than the old novel was applicable to race relations? Do the politics of 2017 make a lie of the initial criticism of *Watchman*: that at last the South and America had moved beyond racial politics, had faced up to the nation's "original sin" of racism, making moot Lee and her publisher opening up this debate all over again?

In this contemporary historical context, Lee's new publication returned to familiar terrain. Not law as Blackstone understood it. Or as her class discussions back in the late 1940s at the University of Alabama School of Law conceived it. But law as the contents of that more distant river of God which swept different and life-giving biblical water by the now-disappearing hamlet of Finchburg into the salty brim of the Gulf of Mexico.

As the title of her old novel, now revealed to us, she had chosen words from Isaiah 21 for her apocalyptic vision of the future:

A grievous vision is declared unto me; the treacherous dealer dealteth treacherously, and the spoiler spoileth. . . . Therefore are my loins filled with pain. . . . My heart panted, fearfulness affrighted me: the night of my pleasure hath he turned into fear unto me. Prepare the table, watch in the watchtower, eat, drink: arise, ye princes, and anoint the shield. For thus hath the Lord said

unto me, Go, set a watchman, let him declare what he seeth. And he saw a chariot with a couple of horsemen . . . And he cried . . . Babylon is fallen . . . and all the graven images of her gods he hath broken unto the ground. . . . The watchman said, The morning cometh, and also the night . . . Within a year . . . all the glory of Kedar shall fail . . .³¹

31. *Isaiah* 21: 2–7 (italics omitted).