

SCREAMING INTO THE SYSTEM: THE SYMBIOTIC RELATIONSHIP BETWEEN FLANNERY O'CONNOR, VIOLENCE, AND THE CRIMINAL LAW

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"He would have to write a novel; he would have to show, not say, how primary injustice operated."¹

INTRODUCTION

Grotesque. Gothic. Violent. Disturbing. Realistic. These are all words used to describe the works of Flannery O'Connor. Regardless of which adjective one selects, the role of violence, and thereby crime, looms large in her body of work. However, her relationship with the criminal law is more complex than it initially appears.

The research for this article commenced as an exploration of the means through which violent crime and the criminal law influenced this great American writer. While much has been written about the violence in O'Connor's body of work, given that reputation and titles such as *The Violent Bear It Away*, *Wise Blood*, or *The Life You Save May Be Your Own*, one might expect a great deal also written about the legal, specifically the criminal, influences on that work. However, surprisingly little exists on this topic. So began this project, to study the influence of crime violence, and the criminal law on Flannery O'Connor's writing.

As with all things O'Connor, however, one embarks on an intended journey, only to find a completely different journey of O'Connor's design awaits. The expected outcome of this project was a one-way relationship of real

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1. FLANNERY O'CONNOR, *The Partridge Festival*, in COLLECTED WORKS 773, 784 (Sally Fitzgerald ed., 1988).

crime influencing the author. While that influence is certainly present in her work, the research demonstrates the relationship is far from one-way. Rather, this paper argues the relationship is symbiotic—meaning one that is mutually beneficial, with each party providing an influence on the other.² While the influence of crime and the criminal law on her writing is clear, the research for this project revealed that O'Connor is uniquely positioned to influence the legal advocate—particularly the prosecutor or any advocate on behalf of the vulnerable. O'Connor's writings and speeches about her use of violence, her approach to writing, and indeed the very purpose of her work, provide current litigators significant inspirational guidance. She offers a framework for seeking justice and using the skills at the advocate's disposal for the greater good. O'Connor's archives reveal a symbiotic relationship referred to in the literature as one of mutualism³ where all the parties receive a benefit: the author and the criminal justice litigator alike.

This article argues that criminal violence and the criminal law not only influenced O'Connor's writing in very specific ways, but that O'Connor's focus on the marginalized can influence today's attorneys. The piece explores this symbiotic relationship. Part One discusses O'Connor's general understanding of her mission as a writer and the utility of violence as a device to advance that vocational mission. Part Two explores the sources of violence generally in O'Connor's world. Part Three more specifically analyzes how O'Connor utilized actual crimes, and crime in general, to develop her stories. Part Four builds upon that observation to examine how the criminal law not only influenced her but almost becomes a silent character in her fiction—at times through its failure to protect the vulnerable. Given the shared vocation of screaming into a system not structured to accept the message, Part Five explores how Flannery O'Connor can offer inspirational guidance to today's advocates on behalf of the vulnerable. Here, the article argues O'Connor's approach to her work parallels that of many advocates but most particularly the prosecutor. Finally, this part asserts that this approach can positively influence the prosecutor, and indeed all attorneys, by offering an inspirational framework to successfully engage in the vocation to seek justice.

I. FLANNERY O'CONNOR'S VOCATIONAL APPROACH AND THE ROLE OF VIOLENCE WITHIN IT

A. *Writing As Vocation*

As a threshold matter, it is essential to understand what Flannery O'Connor was attempting to do in her writing prior to a discussion of her utilization of crime and the law to accomplish that objective. O'Connor

2 *Symbiosis*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/thesaurus/symbiosis> [<https://perma.cc/N5BW-HWU3>] (last visited Sep. 21, 2025).

3. THE BIOLOGY OF MUTUALISM: ECOLOGY AND EVOLUTION (Douglas H. Boucher ed., 1985); *Mutualism*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/mutualism> [<https://perma.cc/A2HN-Q5DL>] (last visited Jan. 15, 2026).

frequently discussed her views as a writer and some of the purposes of her literary devices. These pieces demonstrate that she understood her work as a vocation.

Vocation, from the Latin *vocatio*, signifies “a summons” or a “call.”⁴ While it once applied primarily to the religious life, now it suggests a much broader context referring to other models such as the vocation to married life, motherhood, certain professions, or teaching. Unlike a “job” or “career,” a vocation is an entire way of living, the underlying purpose for one’s life and actions.

Notwithstanding this accepted secular meaning, O’Connor did not divorce the term from its religious basis when she discussed writing as a vocation. In *The Fiction Writer and His Country*, she notes:

This [writing] is first of all a matter of vocation The writer can choose what he writes about but he cannot choose what he is able to make live The Christian writer particularly will feel that whatever his initial gift is, it comes from God; and no matter how minor a gift it is, he will not be willing to destroy it by trying to use it outside its proper limits.⁵

This view of writing as a vocation transforms the craft to an act more profound than work, but a calling.

Such a writer sees her skill as a gift. O’Connor noted that “I won’t ever be able entirely to understand my own work or even my own motivations. It is first of all a gift”⁶ O’Connor felt that the writer’s gifts are not her own, but those of God using them, and her, as a vehicle for something greater, perhaps even divine. In her prayer journal O’Connor writes of her great gift and reflects this belief by noting, “Don’t let me ever think, dear God, that I was anything but the instrument for Your story—just like the typewriter was mine.”⁷ She frames the Christian writer as a conduit for an eternal message. Her vocation then is to engage in the craft to communicate powerfully a central and eternal message.

This vocation was not simply a general mission to use her gifts wisely. Rather, she had specific messages she wished to convey. Often that message was one of the presence of grace in the world, and the opportunity that grace

4. *Vocation*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/vocation> [<https://perma.cc/6CG5-65VG>] (last visited Sep. 21, 2025).

5. O’CONNOR, *The Fiction Writer in His Country*, *supra* note 1, at 802; *see also* Motley *Special: Interview with Flannery O’Connor*, 9 THE MOTLEY 29, 30 (1958) (“A certain amount of publication is usually sufficient to convince a writer that writing is his vocation. This combined with an inability to do anything else is a foolproof indication.”).

6. O’CONNOR, *Letter to A.*, *supra* note 1, at 944; *see also* FLANNERY O’CONNOR, *Writing Short Stories*, in MYSTERY AND MANNERS: OCCASIONAL PROSE 87, 88 (Sally Fitzgerald & Robert Fitzgerald eds., 1969) (“[T]he ability to create life with words is essentially a gift.”).

7. FLANNERY O’CONNOR, A PRAYER JOURNAL 19 (W.A. SESSIONS ED., 2013); Flannery O’Connor, *My Dear God*, THE NEW YORKER, (Sep. 9, 2013) <https://www.newyorker.com/magazine/2013/09/16/my-dear-god> [<https://perma.cc/C38X-SLL2>] (also in print, Sep. 16, 2013).

provides all humanity.⁸ Such a message is not only weighty, but it was her distinct belief that it was an unwelcomed one in a rapidly changing post-war world absorbed with materialism and moral relativism. She sought to comment upon those societal values but found the society itself so deluded by a moral relativism and focused on transient values, that it was hostile to an exploration of something more permanent and substantive. In a speech to the University of Chicago, she described her work as “an attempt to make someone who doesn’t want to listen, listen, and who doesn’t want to see, see.”⁹ Of course, there are many realities she wanted the reader to see, but one important one was the presence of grace.

Faced with both such an important message and such a hostile audience, O’Connor intentionally utilized certain tools to succeed in this calling. Her “essays repeatedly emphasize that the fiction writer must use the ordinary and earthly to discover the eternal and absolute.”¹⁰ For her, given the time in which she was living, violence was the ordinary and she used it in a specific way to advance this vocation and message of grace.

B. Violence As a Rhetorical Tool

As will be discussed *infra* II.A, violence was woven throughout O’Connor’s life. But here a more general discussion of what she was attempting to achieve through her utilization of violence is required. O’Connor did not utilize violence for the gratuitous nature of the device. Rather, she felt that “[w]ith the serious writer violence is never an end in itself. Violence is a force which may be used for good or evil.”¹¹ Viewing her work as advancing a message of grace, O’Connor intentionally uses it for good. In discussing why she selected the device of violence to advance a message of good over evil, O’Connor told a 1963 Hollins College audience that “I have found violence strangely capable of returning my characters to reality and preparing them for their moment of grace.”¹² O’Connor felt her Christian perspective, provided a lens to see a world that was distinct from that of the average person. “The novelist with Christian concerns will find in modern life distortions which are repugnant to him and his problems will be to make these appear as distortions

8. See O’CONNOR, *Letter to John Hawkes*, *supra* note 1, at 1119 (“I am interested in the indication of Grace, the moment when you know that Grace has been offered and accepted . . .”); *id.* at *Letter to Andrew Lytle*, 1121 (“There is a moment of grace in most of the stories . . .”).

9. Flannery O’Connor, Speech to the University of Chicago 4 (Feb. 1959) (transcript available in the Georgia College archives).

10. Gary M. Ciuba, *Exposing the Victim and Victimized the Exposé: Persecution and Parody in O’Connor’s “The Partridge Festival”*, 13 FLANNERY O’CONNOR REV. 60, 69 (2015).

11. Flannery O’Connor, Speech to Vanderbilt University 5 (Apr. 1959) (transcript available in the Georgia College archives).

12. O’CONNOR, *On Her Own Work*, *supra* note 6, at 107, 112.

to an audience which is seeing them as natural.”¹³ Central to the Christian understanding of God’s mercy is the possibility of accepting grace notwithstanding a lifelong rejection of it.¹⁴ O’Connor explored the power of that moment as a window to alter one’s own life, and violence was an essential tool for doing so.¹⁵

Therefore, recognizing that O’Connor saw the value of using violence to advance her vocation of writing to reach an unwelcoming audience, it is necessary to examine the sources of violence available to her and the influence crime and the criminal law have more specifically on her work.

II. SOURCES OF VIOLENCE

A. *Violence as a Presence in O’Connor’s Life*

The presence of violence in O’Connor’s work is practically ubiquitous and in a general manner emerges as a backdrop in her own life.¹⁶ Given the formative events of her life and the level of violence surrounding her, in some ways it is not surprising that it is a tool to which she turned. While on the one hand, her upbringing and eventual return to Milledgeville have been described as sheltered, for many of her formative years violence and startling disruption were present. She began 1941 with the untimely death of her father in February,¹⁷ experienced the horror of Japan’s attack on Pearl Harbor,¹⁸ and by the end of the year her country had declared war on Japan.¹⁹ Her college years were spent during World War II with the Women’s Auxiliary Corps (WACs) present on her campus at the Georgia State College for Women.²⁰ Georgia Military College, the military school around the corner, took on a more immediate and serious significance. While her time in Iowa and Yaddo were times of peace for the country, the Cold War and Red Scare provided a constant risk of violence. Additionally, her illness and return to Milledgeville was a source of violent disruption to her plans and dreams.²¹ Living in the deep South

13. Flannery O’Connor, *Southern Writers are Stuck with the South*, ATLANTA MAG., Aug. 1963, at 26, 63 reprinted in CONVERSATIONS WITH FLANNERY O’CONNOR 108, 110 (Rosemary M. Magee ed., 1987).

14. FLANNERY O’CONNOR, THE HABIT OF BEING 307 (Sally Fitzgerald ed., 1979) (“All human nature vigorously resists grace because grace changes us and the change is painful. . . . we are allowed more or less to get on with those graces that come through faith and the sacraments and which work through our human nature.”).

15. O’CONNOR, *On Her Own Work*, *supra* note 6, at 118.

16. See generally, BRAD GOOCH, FLANNERY: A LIFE OF FLANNERY O’CONNOR (2009) (documenting O’Connor’s life events including her father’s death, living through World War II and in the Jim Crow South).

17. *Id.* at 69.

18. *Id.* at 87.

19. *Id.*

20. *Id.* at 96–97.

21. *Id.* at 189–95.

during the Jim Crow era with its ever present violence meant that violent events were not only inflicted on the vulnerable, but also that the threat of violence lingered in the air.²² She described the South not as “Christ-centered” but “Christ Haunted.”²³ Similarly, the presence of what was at one time the “world’s largest insane asylum,” Georgia State Hospital, just a few miles from her home, was inescapable.²⁴ Although the two hundred building facility was officially named Central State Hospital, during O’Connor’s time, it was known throughout the state simply as “Milledgeville.”²⁵ While her mother, Regina, ran the farm on which O’Connor lived, farms bring with them their own violence from wild animals, animal deaths, slaughter, injury, and worries of fire, illness, or failures.²⁶

These general experiences of violence no doubt affected O’Connor, but the specific form of violence found in the criminally violent act, and in the failure of the criminal law to protect, played a poignant role in her life. Central to her life was, of course, her deep Roman Catholic faith which permeated her life and work. And central to Catholicism is the death of Jesus—not only a violent crucifixion, but one following a corrupt abuse of the criminal law which led to the conviction of the innocent, and the freeing of a guilty murderer.²⁷ Commemorated at each Mass, this is an event to which O’Connor was exposed as a child and later as a daily communicant. A visit to her childhood parish of The Cathedral of St. John the Evangelist underscores this violence. Here O’Connor famously refused to attend children’s services, preferring instead to spend several hours each Sunday at Mass in the main church.²⁸ It is also here that one finds graphic stations of the cross and vivid depictions which illustrate Jesus’ trial, brutal carrying of his cross to the place of his execution, and the torturous execution itself in extraordinary three-dimensional relief.²⁹ In a general and specific sense violence was present in the background of her life.

22. O’CONNOR, *Letter to Janet McKane*, *supra* note 1, at 1195.

23. *Recent Southern Fiction: A Panel Discussion*, BULL. WESLEYAN COLL. 41 (Jan. 1961), *supra* note 13, at 61, 72 (“[T]he South didn’t seem to me as a writer to be Christ-centered. I don’t think anyone would object to that at all. I think all you would have to do is read the newspapers to agree with me . . .”).

24. Doug Monroe, *Asylum: Inside Central State Hospital, Once the World’s Largest Mental Institution*, ATLANTA MAG. (Feb. 18, 2015), <https://www.atlantamagazine.com/great-reads/asylum-inside-central-state-hospital-worlds-largest-mental-institution/> [<https://perma.cc/Z6EB-5MME>].

25. *Id.* (“Parents routinely admonished misbehaving children with the threat, ‘I’m going to send you to Milledgeville!’”).

26. O’CONNOR, *Letter to Maryat Lee*, *supra* note 1, at 1215.

27. See O’CONNOR, *The Church and the Fiction Writer*, *supra* note 1, at 808 (“The Catholic writer, in so far as he has the mind of the Church, will feel life from the standpoint of the central Christian mystery: that it has, for all its horror, been found by God to be worth dying for.”).

28. GOOCH, *supra* note 16, at 33.

29. *Explore the Special Features: Stations of the Cross*, CATHEDRAL BASILICA OF ST. JOHN THE BAPTIST, <https://savannahcathedral.org/special-features> [<https://perma.cc/2LSB-QY26>] (under heading “Stations of the Cross”) (last visited Sep. 22, 2025).

B. *Actual Crime Directly Inspired or Influenced O'Connor's Work*

While O'Connor battled lupus for most her writing life and was limited in her ability at times to travel freely, she famously rejected the misrepresentation that she was a recluse.³⁰ To the contrary, when able, she traveled to deliver talks and interacted with many figures. She corresponded vigorously with luminaries and famous literary figures often receiving news about their world and sharing news with others.³¹ She presented at times the beginning of stories and described the early stage of her writing process as beginning with "some incident or observation that excites me and in which I see fictional possibilities—before I can start a formal piece."³²

O'Connor sourced these observations from others and also collected newspaper clippings for other real life incidents to use in her stories.³³ In acknowledging that her Azalea Festival in the *Partridge Festival* "came out of that potato festival clipping," she also noted, "I am a receptive depository for clippings."³⁴ The main character in *A Good Man is Hard to Find* is referred to as The Misfit. O'Connor noted that she read a headline in the *Atlanta Constitution*, "The Misfit' Robs Office, Escapes with \$150," and that was the source of her character's name.³⁵ Her use of events in the news is not limited to major themes or characters. In *A Circle of Fire*, she shares with the reader numerous examples of gossip topics between Mrs. Pritchard and Mrs. Cope. O'Connor obtained one of these topics, a woman who conceived and bore a child while in an iron lung, from a news story about such an event.³⁶ In her interview with the local newspaper, the Union Recorder, about the publication of her first novel, she disclosed that a local movie theaters' advertisement in that paper for free passes if customers would shake hands with a gorilla was the inspiration for such a scene in *Wise Blood*.³⁷ As one scholar noted, she found inspiration "in newspaper headlines to back-page, single-column oddities."³⁸

30. Robert Donner, *She Writes Powerful Fiction*, THE SIGN 40 (Mar. 1961), reprinted in CONVERSATIONS, *supra* note 13, at 44–45.

31. See O'CONNOR, *supra* note 14 (collected letters of O'Connor and various other authors and friends).

32. Donner, *supra* note 30, at 47.

33. E.g., J.O. Tate, *A Good Source Is Not So Hard to Find*, 9 FLANNERY O'CONNOR BULL. 98, 101 (1980) ("O'Connor was gathering so much material from the newspapers."); see also O'CONNOR, *supra* note 14, at 385 ("Also I am thinking about the Lana Turner bidnis [sic].") (referencing a Hollywood murder).

34. O'CONNOR, *Letter to Ashley Brown*, *supra* note 1, at 1145.

35. 'The Misfit' Robs Office, Escapes With \$150, ATLANTA CONST., Nov. 6, 1952, at 29; Tate, *supra* note 33, at 98.

36. Tate, *supra* note 33, at 102.

37. *May 15 Is Publication Date of Novel by Flannery O'Connor*, THE UNION RECORDER, Apr. 24, 1952, reprinted in CONVERSATIONS, *supra* note 13, at 3–4.

38. Rob Johnson, "The Topical Is Poison:" Flannery O'Connor's Vision of Social Reality in "The Partridge Festival" and "Everything That Rises Must Converge", 21 FLANNERY O'CONNOR BULL. 1, 14 (1992).

The most obvious example of the import of a real-life crime into a story is in *The Partridge Festival*.³⁹ The story concerns the return of Calhoun to his hometown for the annual Azalea Festival.⁴⁰ His motivation for the visit, however, is not to reconnect with his roots.⁴¹ A frustrated part-time author and salesman who has moved north, he returns to write about an event that occurred days earlier when the town's local contrarian, in what appeared to be a mental breakdown, shot and killed five prominent residents as well as an innocent member of the crowd.⁴² This backdrop is a crime with which O'Connor was well familiar.

As is thoroughly documented, O'Connor appears to have been inspired by a May 2, 1953 Milledgeville event where a resident, Marion Stembridge, shot two prominent attorneys during the town's sesquicentennial celebration.⁴³ While tempting to simply see this as a fictional story based on a true event—the role of crime, the criminal law, and the failures of the criminal law, are deeply embedded in both.

The story of the 1953 Stembridge murders in small town Georgia is the stuff of crime fiction itself.⁴⁴ To properly understand both the 1953 murders that influenced O'Connor, one must understand its context—specifically the perpetrator and his history. The killer, Marion Stembridge, was a well-known grocer in Milledgeville as well as a well-known loan shark.⁴⁵ His criminal history predated his 1953 murders.

Four years prior, he committed another killing. On March 7, 1949, Stembridge and another man, Sam Terry, went armed to the home of Johnny and Richard Lee Cooper. The Cooper brothers were among the many African Americans forced to do business with Stembridge's loansharking enterprise.⁴⁶ Witnesses described Stembridge and Terry using physical force and implicit threats of use of a firearm trying to coerce Johnny to sign a financial document for additional payments. During this threatening incident, eighteen-year-old Emma Johnkin alerted those present that Stembridge had brass knuckles.⁴⁷ Stembridge then reportedly asked Johnkin "what is it to you?" and proceeded

39. O'CONNOR, *The Partridge Festival*, *supra* note 1, at 773.

40. *Id.*

41. *Id.* at 776.

42. *Id.* at 773–75.

43. *E.g.*, Johnson, *supra* note 38, at 2–3.

44. *Marion Stembridge: A Troubled Man*, VISIT MILLEDGEVILLE, <https://www.visitmilledgeville.org/things-to-do/history-heritage/haunted-milledgeville/marion-stembridge/> [<https://perma.cc/Z26Y-9DZQ>] (last visited Sep. 22, 2025) ("In 1988 Peter Dexter took liberties with actual events for his award-winning work of fiction, 'Paris Trout,' but the man behind the account was most definitely Marion Stembridge.").

45. Johnson, *supra* note 38.

46. Attorney Eva Sloan, Milledgeville's only female attorney, is reported to have successfully represented several Milledgeville African Americans in lawsuits against Stembridge for his illegal lending practices. SUSAN LINDSLEY, *MILLEDGEVILLE'S SESQUICENTENNIAL MURDERS* 20 (2023).

47. *Stembridge v. State*, 60 S.E.2d 491, 493–94 (Ga. Ct. App. 1950).

to hit her in the head, causing her head to bleed.⁴⁸ He then chased her into the house and shot her in the shoulder, and hand, ultimately putting the gun into her stomach and fatally shooting her in the abdomen.⁴⁹ Stembridge and/or Terry also shot Cooper's mother, Mary Jane Cooper Harrison, multiple times and fled the scene.⁵⁰ Ms. Johnekin died of her wounds and Ms. Harrison survived carrying a bullet in her pelvis for the remainder of her life.⁵¹

The government sought an indictment for both perpetrators. However, a Georgia grand jury brought no billed charges against Mr. Terry, who some sources report was, in addition to being the brother of a former sheriff was the county coroner.⁵² At trial, a jury rejected Stembridge's self-defense claim and convicted Stembridge of voluntary manslaughter. Trial judge George Carpenter sentenced Stembridge to one to three years incarceration.⁵³ One of Stembridge's defense attorneys was a prominent Milledgeville lawyer, Marion Ennis.⁵⁴

Despite the conviction and a complete rejection of his motions for a new trial by state appellate courts and the Supreme Court of the United States, Stembridge never served one day of his sentence.⁵⁵ The circumstances around this remain somewhat unclear. On July 12, 1950, the Georgia Court of Appeals affirmed his conviction ruling that the trial court properly admitted Ms. Johnekin's dying declaration, autopsy photographs, and Ms. Harrison's display of her wounds.⁵⁶ The court also rejected some of Stembridge's more questionable grounds addressing them and concluding:

There are in this case more than eighty pages of evidence and we do not think it is necessary or would serve any purpose to discuss it in detail. We have read and considered it carefully; and, applying the rules stated above we are convinced that the jury was authorized from the evidence to find the verdict of voluntary manslaughter.⁵⁷

The Georgia Supreme Court did not accept the case on certiorari.⁵⁸

48. *Id.* at 494.

49. *Id.*; Johnathan Jackson, *Marion Stembridge Murders Rocked 1950s Milledgeville*, UNION-RECORDER (Sep. 5, 2008), https://www.unionrecorder.com/news/lifestyles/marion-stembridge-murders-rocked-1950s-milledgeville/article_1db7b513-6138-55ef-af28-60bd57cf9f4c.html [<https://perma.cc/2JB9-BSBV>]; Carter Martin, *The Genesis of O'Connor's "The Partridge Festival"*, 10 FLANNERY O'CONNOR BULL. 46, 47 (1981).

50. *Stembridge*, 60 S.E.2d, at 494.

51. LINDSLEY, *supra* note 46, at 42–44.

52. *Stembridge v. Georgia*, 343 U.S. 541, 542 (1952); *Stembridge*, 60 S.E.2d at 493; LINDSLEY, *supra* note 46, at 2, 34.

53. *Stembridge*, 60 S.E.2d at 493.

54. Jackson, *supra* note 49; Johnson, *supra* note 38, at 2 (quoting author Peter Dexter describing the victims of Stembridge murders as "[Ennis was] a state representative and the most beloved lawyer in Milledgeville; Bivins was a young man, perceived as the hope for the town's future.").

55. Martin, *supra* note 49 at 47; *Marion Stembridge: A Troubled Man*, *supra* note 44.

56. *Stembridge*, 60 S.E.2d at 493–94.

57. *Id.* at 497.

58. *Stembridge v. Georgia*, 343 U.S. at 542.

Not to be deterred, Stembridge then filed pro se what he labeled an “Extraordinary Motion for a New Trial” alleging that he learned of a conflict between Ms. Harrison’s testimony and her previous dying declaration which was not admitted because she survived the shooting.⁵⁹ Stembridge attached the affidavits of ten jurors who claimed if they had been aware of this evidence, it would have affected their verdict, notwithstanding rigorous cross examination of Ms. Harris.⁶⁰ The trial court and the Georgia Court of Appeals rejected this as grounds for a new trial and again affirmed the conviction whose final judgment was entered June 5, 1951.⁶¹ The Court of Appeals did, however, note that it was limited to reversals only for abuse of discretion, and Stembridge’s evidence may be enough for a “tribunal invested with discretionary powers, such as the Pardon and Parole Board of this State, to take affirmative action which is beyond the purview of this court.”⁶²

With a somewhat unusual procedural history, Stembridge then moved for a rehearing where, for the first time, he explicitly raised federal due process and equal protection claims.⁶³ This was denied July 17, 1951⁶⁴ and the Georgia Supreme Court denied certiorari.⁶⁵ The Georgia Court of Appeals clarified that its decision “necessarily determined that the action of the Solicitor General . . . did not deprive [Stembridge] of any rights guaranteed to him under the 14th Amendment of the Constitution of the United States.”⁶⁶ Stembridge did not seek review from the Georgia Supreme Court and filed directly with the United States Supreme Court which dismissed his appeal because the Supreme Court of Georgia could have rested its earlier denial on non-federal grounds.⁶⁷ Notably, Justice Reed, concurring in judgment, stated “the better course would be to affirm the decision of the Georgia courts.”⁶⁸ At some point, prior to these appeals, Ennis ceased representing Stembridge.

What occurred next remains somewhat opaque, but did result in Stembridge not serving his sentence under circumstances that raise several questions of potential misconduct given the numerous and absolute affirmations of his conviction.⁶⁹ On the day Stembridge was supposed to begin his sentence, Judge Ray Rowland—not the original trial judge—granted a writ of habeas

59. *Id.* at 542–43.

60. Stembridge, 65 S.E. 2d at 821.

61. *Id.*; Stembridge, 343 U.S. at 542.

62. Stembridge v. State, 65 S.E.2d at 822.

63. Stembridge v. Georgia, 343 U.S. at 541.

64. *Id.* at 544.

65. *Id.*

66. *Id.* at 545.

67. *Id.* at 546–47.

68. *Id.* at 548 (Reed, J., concurring).

69. David Smallwood, *A Bizarre Life Appropriated by Fiction*, GA. HISTORIC NEWSPAPERS: FLAGPOLE 8 (Apr. 13, 1994), <https://gahistoricnewspapers.galileo.usg.edu/lccn/sn94029049/1994-04-13/ed-1/seq-8/> [<https://perma.cc/UDS4-NUGE>] (arguing it is “highly doubtful that the judge’s decision [for Stembridge to escape serving his sentence] was motivated by a desire for justice” but conceding such allegations have never been proven).

corpus (which some sources report that he then withdrew after the prosecution opposed the writ but allowed Stembridge to remain out of jail pending the hearing).⁷⁰ At the time, Judge Rowland was serving as a “lame duck,” having lost his re-election bid and would be leaving the bench in five months.⁷¹ Some sources report that one of Stembridge’s new attorneys was Judge Rowland’s brother and law partner E.L. Rowland.⁷² After a hearing, Judge Rowland granted the unorthodox habeas motion and ruled Stembridge “is hereby discharged.”⁷³ The record remains unclear how Stembridge was able to possess certain documents regarding his impending imprisonment, the basis of Judge Rowland’s ruling, or why the prosecution did not appeal this action.⁷⁴

Notwithstanding these opaque circumstances preventing a convicted killer from serving his sentence, Stembridge’s lack of accountability soon ended. In March of 1953, his wife filed for divorce painting a picture of a violent, paranoid, and abusive man with likely mental illness.⁷⁵ Having engaged in questionable business and tax practices for years, he then attempted to bribe two Internal Revenue Service (“IRS”) agents to end their inquiries.⁷⁶ In April of 1953, a federal court convicted him of attempted bribery and he was also under indictment in state court for perjury.⁷⁷

Events suggest that Stembridge blamed two attorneys for his legal troubles.⁷⁸ He believed his former criminal attorney, Marion Ennis (whose law partner, Eva Sloan, successfully represented many African Americans harmed by Stembridge’s practices and also successfully countersued Stembridge after living in one of his apartments) and Pete Bivens (who represented Stembridge’s estranged wife in the divorce proceeding) encouraged the IRS to investigate him.⁷⁹

Although he filed an appeal of his federal conviction on April 30, the court scheduled Stembridge’s sentencing for May 4, 1953.⁸⁰ On May 1, he wrote a note and carried it with him stating his dismay for again “being convicted for a crime I did not commit.”⁸¹ He then executed a plan to apparently kill several people and flee. Milledgeville was, however, unsuspecting. The entire town was on the eve of a massive sesquicentennial celebration of its founding.⁸² All its residents planned and participated in this multi-day event with parades, a 500-

70. LINDSLEY, *supra* note 46 at 47.

71. *Id.*

72. *Id.* at 45–47.

73. *Id.* at 48, 192.

74. *Id.*

75. *Id.* at 50.

76. *Id.* at 58.

77. *Marion Stembridge: A Troubled Man*, *supra* note 44.

78. Jackson, *supra* note 49.

79. *Id.*

80. LINDSLEY, *supra* note 46, at 53.

81. *Id.* at 59.

82. Martin, *supra* note 49, at 47.

cast member play, garden tours, and an expected 10,000 visitors.⁸³ Both Ellis and Bivens, prominent community members, helped in the planning.⁸⁴

On May 2, 1953, Stembridge had a list of people whom he felt had been plotting against him.⁸⁵ Here he walked past a fake “jail” set up on the courthouse lawn to “arrest and hold people not participating in the festivities.”⁸⁶ One local historian speculates that Stembridge seemed to believe Judge Carpenter was working in the courthouse, noting that Stembridge left his car in the rear with the engine running and door open, and propped open the back door to the courthouse.⁸⁷ He next proceeded to Ennis’s downtown office and shot him multiple times, killing him.⁸⁸ He then walked around the corner to the office of attorney Pete Bivens and shot him five times as Bivens struggled with him over the firearm.⁸⁹ Taking his second gun from his briefcase, some accounts indicate he headed to the stairs, possibly intending to enter the courthouse through the propped door, target Judge Carpenter, and or flee in his running car.⁹⁰ However, the chief of police was headed up the stairs and Stembridge retreated and shot himself in the head.⁹¹ These killings occurred steps away from the downtown Milledgeville courthouse which sits in the center of the business district of this sleepy Southern town. Thus, a dramatic end to a story of a killer never jailed yet convicted of homicide, murdering one of his legal representatives and another in cold blood on an eve of great celebration.

There can be no doubt this actual crime, and the failure of the criminal law to protect its innocent victims, inspired *The Partridge Festival*. In that story, prior to the arrival of Calhoun and Mary Elizabeth, the plot reveals that an equally contrarian resident named Singleton committed a mass murder prior to the town’s Azalea Festival.⁹² He came to the side door of the courthouse porch and shot with a silenced pistol five of the town’s dignitaries participating in the festival and an unintended audience member, the latter dying from a shot intended for the mayor.⁹³ Not only are the real and fictional killings eerily similar in location and perpetrator, but so too are the legal nuances of both cases.

O’Connor’s use of the law is not limited to placing the murders on the courthouse steps. Rather, O’Connor’s story reveals that ten days earlier Singleton was the victim of another failed legal system—this one a mock

83. NEWSWEEK, May 18, 1953, reprinted in LINDSLEY, *supra* note 46, at 71.

84. *Id.* at 3,19.

85. *Id.* at 72–73.

86. *Id.* at 55; see also Martin, *supra* note 49, at 46–47.

87. LINDSLEY, *supra* note 46, at 63–65; see also Martin, *supra* note 49, at 46–47.

88. LINDSLEY, *supra* note 46, at 63–65, 72–73; see also Martin, *supra* note 49, at 46–47; Marion Stembridge: *A Troubled Man*, *supra* note 44; Jackson, *supra* note 49.

89. LINDSLEY, *supra* note 46, at 63–65, 72–73.

90. LINDSLEY, *supra* note 46, at 63–65.

91. Jackson, *supra* note 48.

92. O’CONNOR, *The Partridge Festival*, *supra* note 1, at 773.

93. *Id.* at 774.

system—but a failed one nonetheless.⁹⁴ Singleton refused to purchase an Azalea Festival Badge and such a rejection of social norms in a highly traditional and materialistic town caused a major affront to its residents.⁹⁵ The response was disproportional, and the town seemed to unify against Singleton in an effort to seemingly make an example of such dissent.⁹⁶ Singleton was “tried by a mock court on the courthouse lawn” and then forcibly placed in a pair of stocks by unnamed characters for this offense.⁹⁷ If that form of state sanctioned bullying were not humiliating enough, after having been “convicted” his “sentence” was to be locked in a “‘jail’ together with a goat.”⁹⁸ This jail, however, “was an outdoor privy borrowed for the occasion by the Jaycees.”⁹⁹

The clear connection between the actual Stembbridge crime and fictional Singleton mass murder is apparent. The description of the town of Partridge mirrors Milledgeville. The setting of both killings at a major civic celebration is unmistakable. Even the name was inspired by real events, as O’Connor wrote that she came up with the Azalea Festival after reading about a potato festival in another town.¹⁰⁰ Additionally, the similarities between Stembbridge and Singleton are clear.

The setting of *The Partridge Festival* and O’Connor’s hometown of Milledgeville are nearly identical. She described Partridge and Calhoun’s family home as follows: “Moss hung from the old trees. The houses were the most picturesque types of run-down ante-bellum His aunts lived five blocks from the business section . . . [a] bare commercial scene, which had the ramshackle courthouse for its center.”¹⁰¹ The Cline Mansion, where O’Connor lived with her extended family throughout her high school and college years prior to attending the Iowa Writers’ Workshop, is under five blocks from the Milledgeville courthouse and sits among several antebellum homes.¹⁰² The courthouse itself is in the center of town adjacent to the small commercial area. The law office from which Calhoun and Mary Elizabeth watch a festival

94. *Id.* at 773.

95. *Id.*

96. *Id.*

97. *Id.*

98. *Id.* at 773–74.

99. *Id.* at 774. Notably the Jaycees are a socially prominent civic leadership organization who believe “that faith in God gives meaning to life” and “[t]hat government should be of laws rather than of men.” *Jaycee Creed*, United States JCI Senate, <https://www.usjcisenate.org/index.php/about/the-jaycee-creed> [<https://perma.cc/J87H-4QPJ>] (accessed Mar. 27, 2026).

100. O’CONNOR, *Letter to Maryat Lee*, in *supra* note 14, at 358; Ciuba, *supra* note 10, at 62.

101. O’CONNOR, *The Partridge Festival*, *supra* note 1, at 777–78.

102. *Living in the Kline Mansion*, GA. HIST. SOC’Y <https://www.georgiahistory.com/resource/flannery-oconnor/living-in-the-cline-mansion/> [<https://perma.cc/V5N6-PQRL>] (last visited Apr. 17, 2026); *Five Flannery O’Connor Sites of Interest*, VISIT MILLEDGEVILLE (Feb. 18, 2026), <https://www.visitmilledgeville.org/blog/post/5-flannery-oconnor-sites-of-interest/> [<https://perma.cc/AWH7-KGVG>].

pageant was similar to a description of the bank of law offices where one of the actual murders occurred.¹⁰³

The similarities are so obvious that O'Connor revealed that her mother did not want this story published where local people could read it.¹⁰⁴ Thus, she published it in a smaller Catholic magazine known more for book reviews than fiction called *The Critic*.¹⁰⁵ Even O'Connor herself had difficulty in satisfactorily writing about events so close to home with eleven known manuscript revisions.¹⁰⁶ In the first version, O'Connor describes Singleton as similar to Stembridge with specific reference to his dubious money lending.¹⁰⁷ That is absent from the final version, but as Johnson notes, the difficulty with writing about one's own community is included through Calhoun's struggle to do just that.¹⁰⁸

Milledgeville itself looms large in the story through another unique characteristic, the presence of the local psychiatric hospital. During O'Connor's lifetime, Milledgeville existed in the shadow of the then largest mental hospital in the world, Central State Hospital, which O'Connor referred to when she told John Hawles that "Quincy State Hospital actually two miles out of Milledgeville."¹⁰⁹ The length of this shadow was long, as Atlanta Magazine describes this hospital as so ubiquitous, that mothers across the South threatened to send their misbehaving children to "Milledgeville."¹¹⁰ The presence of Central State Hospital was a constant part of O'Connor's life. In 1961, when Robert Donner visited her at the family farm, Andalusia, he was surprised to see her ritual at the end of a beautiful bucolic day wherein O'Connor secured several locks on the doors. He asked why she took such precautions. She responded "[w]ell, on one side of town there's the largest insane asylum in the world and on the other a home for delinquent boys. So we have to be careful about uninvited guests."¹¹¹

When O'Connor lived in Milledgeville, "the hospital's population had swelled to 12,000, way over its maximum capacity. It was badly understaffed, with a doctor/patient ratio of 1 to 100 . . . [it] became notorious for its

103. Compare O'CONNOR, *The Partridge Festival*, *supra* note 1, at 786 (describing the stairs to Mary Elizabeth's father's office as "tobacco stained"), with LINDSLEY, *supra* note 46, at 64 (describing the hallway of attorneys' offices as lined with spittoons and the offices overlooking the street).

104. O'CONNOR, *Letter to A.*, in *supra* note 14, at 411. Ironically O'Connor once commented to a friend how the people in Harper Lee's town thought she should not have included the "Boo Radley episode" in *To Kill a Mockingbird* because a similar event occurred in that town. *Id.*

105. O'CONNOR, *Letter to Cecil Dawkins*, in *supra* note 14, at 405.

106. Kenneth Scouten, "The Partridge Festival": *Manuscript Revisions*, 15 FLANNERY O'CONNOR BULL. 35, 35 (1986).

107. *Id.* at 36.

108. Johnson, *supra* note 38, at 10.

109. O'CONNOR, *Letter to John Hawkes*, *supra* note 1, at 1151.

110. Monroe, *supra* note 24.

111. Donner, *supra* note 30, at 48.

mistreatment of those committed there.”¹¹² This appears to be the setting in *The Partridge Festival* where Calhoun and Mary Elizabeth visit Singleton in Quincy State Hospital to which he had been condemned. The misguided visit turns violent when Singleton escapes from his two security orderlies, grabs Mary Elizabeth’s knee, and lunges toward her making sexual statements, ultimately exposing himself to her as the orderlies drag him away.¹¹³ Although the characters expect to find a Christ-like scapegoated figure, they ultimately encounter a “slight[ly] reptilian” figure which provides them both an opportunity to reflect.¹¹⁴

Additionally, the reaction of the fictional Partridge to the murders mirrored that of Milledgeville: secrecy. In the wake of Stembridge’s killing, Newsweek reported:

The civic-minded citizens, sharing a secret among themselves, had tacitly agreed not to tell outsiders any more than they had to about the tragedy . . . Stunned townsfolk agreed without saying it that the thing to do was to put on a cheerful front and receive visitors just as if nothing had happened.¹¹⁵

This mirrors Partridge’s reaction, where Calhoun is amazed at the town’s willingness to pretend a mass murder did not occur days earlier and pressed on with the Festival. For example, Calhoun’s Aunt Mattie describes the mass murder as an “unfortunate incident [that] mars the festive spirit.”¹¹⁶

Similarly, O’Connor portrays Singleton as an outsider who was mocked by the town for his odd behavior. Not only did the town subject him to what could be called mock justice, but she describes him as marginalized.¹¹⁷ A barber depicts Singleton’s unknown father as “something foreign,” and as a person who is both wealthy and unpopular for some of his behavior.¹¹⁸ While in earlier drafts of the story Singleton more closely resembled Stembridge, the final version demonstrates them both to be tolerated and marginalized to some degree.¹¹⁹

112. *Central State Hospital*, ATLAS OBSCURA, <https://www.atlasobscura.com/places/central-state-hospital> [<https://perma.cc/AM3U-BHBZ>] (last visited Sept. 7, 2025); see also MAB SEGREST, ADMINISTRATIONS OF LUNACY: RACISM AND THE HAUNTING OF AMERICAN PSYCHIATRY AT THE MILLEDGEVILLE ASYLUM (2020).

113. O’CONNOR, *The Partridge Festival*, *supra* note 1, at 795.

114. *Id.* at 794.

115. NEWSWEEK, May 18, 1953, reprinted in LINDSLEY, *supra* note 46, at 72–73.

116. O’CONNOR, *The Partridge Festival*, *supra* note 1, at 774.

117. Calhoun learns of an incident where Singleton was nearly struck by lightning and the onlookers openly laughed. *Id.* at 784.

118. *Id.* at 783; Martin, *supra* note 49.

119. That being said, scholars have acknowledged and debated what O’Connor did not include in *The Partridge Festival*, the racial backdrop of the Johnekin murder and racist context of the entire event. *E.g.*, Johnson, *supra* note 38, at 2 (“This paper argues O’Connor was influenced by these events, not that she sought to recount them. Given O’Connor’s focus was more on the eternal than topical, O’Connor’s use of the Stembridge murders is no less apparent by her failure to fully embrace the entirety of Stembridge killings’ context.”).

Given that these events encompassed seemingly all of Milledgeville, they occurred front and center for Flannery O'Connor who was living and working in Milledgeville at this time.¹²⁰ Not only would she have been familiar with the events, but the people as well. Pete Bivens was exactly the same age as her (twenty-seven), and Stembridge's wife was a professor at Georgia State College for Women and the widow of a prominent judge.¹²¹ O'Connor's ancestral home, where she herself lived for several years, was just blocks from the courthouse lawn.¹²²

As the above illustrates, real world events in general inspired some of Flannery O'Connor's work. More specifically, actual violent events, actual crimes, and the legal failures that amplified their harm exact a particular influence in her writing.

III. FLANNERY O'CONNOR WAS BOTH INSPIRED BY CRIME AND THE LAW AND MADE THE LAW A SILENT CHARACTER IN HER STORIES

It is far too simple to describe O'Connor's relationship to actual crime and the criminal law as only flowing in one direction: from the actual criminal event to the writer. This complex relationship was instead a symbiotic one in which she received information from these cases but also used them and the law to advance her vocation. More specifically, the law—and its failure to protect—acts as a silent character in several of her stories. This character—often using violence—echoes a theme of the victimization of the vulnerable in several of O'Connor's works.

A. *The Partridge Festival*

The Partridge Festival is again most instructive. A close reading of the story indicates there is more of a connection between these real and fictional events than two dramatic mass killings. O'Connor offers a commentary on the criminal law, perhaps its abuse, but certainly its failure to prevent harm to the vulnerable. Stembridge, a local businessman, is convicted and the conviction affirmed for killing an eighteen-year-old African American woman. Yet, he never serves a day of his sentence. The law not only fails to protect Ms. Johnnekin and others from a powerful figure but also fails to vindicate her with a punishment even after a jury vindicated her death by rejecting Stembridge's self-defense claim and convicting him of manslaughter.¹²³

O'Connor comments upon the failure of "the law" to protect in *The Partridge Festival* in two ways: one direct and one hidden. In a direct manner,

120. Martin, *supra* note 49, at 47; GA. HIST. SOC'Y, *supra* note 102.

121. LINDSLEY, *supra* note 46, at 14, 26.

122. *Flannery O'Connor Sites of Interest*, VISIT MILLEDGEVILLE, <https://www.visitmilledgeville.org/plugins/maps/map/flannery-oconnor-sites-of-interest/63c0313b0e51e97232dde4b8/> [<https://perma.cc/E378-ZSMB>] (last visited Apr. 16, 2026). This map shows the Cline House is a block from the "Old Courthouse."

123. *Stembridge v. State*, 60 S.E.2d 491 (Ga. Ct. App. 1950).

the law failed to protect the six shooting victims, and most especially the innocent audience member. The steps of the courthouse were not the sanctuary for justice they are intended to be, but the scene of a mass murder. O'Connor, perhaps symbolically, describes the courthouse as a "ramshackle courthouse" in the heart of town where on one day it is "the spot where blood had been spilled," and just days later its lawn is the site of a beauty pageant.¹²⁴ Interestingly, after the murders, the lawn—representing the town—continued to fail the innocent bystander by trying to "other" him, besmirch his reputation, and deny him a funeral with the dignitaries.¹²⁵

However, there is a less obvious failure of the "justice system" as well. That same courthouse was the location where unnamed but apparently official figures in the town were able to physically restrain, publicly mock, and "sentence" Singleton to confinement in a privy with an animal.¹²⁶ Such an extraordinary state-sanctioned humiliation not only failed to protect the public, but arguably was so harsh, it helped trigger Singleton's murderous rage. After the murders, O'Connor notes tourists are not gathered on the lawn as a place of reverence and remembrance but, instead, to "admir[e] the 'jail'" that was set up on the porch.¹²⁷

To be sure, a theme of the story is Mary Elizabeth and Calhoun's ultimately wrongheaded effort to turn Singleton into the victim. O'Connor textually rejects their view when they come face-to-face with him and witness his violent insanity that has only been contained by the psychiatric hospital in which he has been confined.¹²⁸ It is also rejected by O'Connor herself who refers to him as "another comic instance of the diabolical"¹²⁹ and as "devil."¹³⁰ While Stembridge is responsible for his killings, an inefficient and perhaps corrupt judicial system failed to protect Stembridge's eventual targets. Similarly, O'Connor both rejects depicting Singleton as a victim, but acknowledges the judicial system of Partridge as one that could have helped trigger Singleton's violence. This violence begins with the mock court action of the business class setting into motion a series of events harming both their own and the innocent. Although the devil, "He's one of those devils who go about piercing pretensions."¹³¹

Notably absent from *The Partridge Festival* is an explicit discussion of race as it affected the Stembridge case. One could argue this absence

124. O'CONNOR, *The Partridge Festival*, *supra* note 1, at 778. At one point Calhoun seeks the courthouse lawn as a "refuge" only to find a girl there simply describing it as the location where six men were shot by "a bad man." *Id.* at 780.

125. *Id.* at 779.

126. As discussed, Newsweek reported the same "kangaroo court" with sentence of time in the public stocks for violators existing on the courthouse grounds. NEWSWEEK, May 18, 1953, reprinted in LINDSLEY, *supra* note 46 at 73.

127. O'CONNOR, *The Partridge Festival*, *supra* note 1, at 780.

128. *Id.* at 795.

129. O'CONNOR, *Letter to John Hawkes*, *supra* note 1, at 1149.

130. *Id.* at 1151.

131. *Id.*

undermines this article's claim that O'Connor focused on the marginalized. While O'Connor's views on race are a matter of much analysis and exceed the scope of this article, her lack of engagement with that aspect of the Stembbridge murders does not diminish her commentary on some of the aspects of the killings. Johnson and other scholars argue this absence could be another example of her resistance to explicitly discuss the "topical" in favor of more eternal themes.¹³² "In the 'Partridge Festival,' this theme [religious redemption] crowds out the facts of what actually happened in Milledgeville . . ."¹³³ Indeed, her later piece, *Everything that Rises Must Converge*, represents an explicit discussion of race.¹³⁴ While O'Connor was very proud of that piece, she famously resisted comment on the "topical" in many earlier stories.¹³⁵

Instead, her focus was often on longer-term collective sinfulness. As one civil rights activist noted, her attention beyond segregation to more underlying fundamental flawed societal norms initially irritated him, but over the years he personally grew to appreciate the value of her long view.¹³⁶ Here, O'Connor uses Calhoun and Mary Elizabeth to caustically comment on Partridge's hypocrisy and self-deception.¹³⁷ But she ultimately demonstrates their own self-deception with the discovery that Singleton is not the scapegoated nonconformist victim with "purity" as they initially espoused, but a dangerous, lascivious murderer.¹³⁸ This societal self-deception based on a materialist worldview seems to attract more of her attention.

However, the Stembbridge murders still provided fodder for valuable social commentary. Just as the people of Milledgeville should have become awakened to the lack of justice and accountability for Stembbridge's loansharking and murder of an underrepresented person, so too does O'Connor have Calhoun and Mary Elizabeth wake up to the reality of Singleton's depravity. Often in the criminal law, society fails to confront the actual harms caused by a criminal, particularly when the offender has some power and the victim is marginalized. That is, until those with power or those seeking to judge come face-to-face with the criminal victimization directly.

This commentary on the law and its failure to protect the most vulnerable is woven with the violence throughout many of O'Connor's stories.¹³⁹

132. Johnson, *supra* note 38, at 2.

133. *Id.* at 3.

134. *Id.* at 15.

135. *Id.* at 12 (citing CORRESPONDENCE OF FLANNERY O'CONNOR AND THE BRAINARD CHENEYS 107, 109 (C. Ralph Stevens ed., 1986)), 16.

136. *Id.* at 17–18.

137. O'CONNOR, *The Partridge Festival*, *supra* note 1, at 773–74.

138. *Id.* at 776, 783, 787.

139. *The Partridge Festival* also illustrates a significant use of legal terms. Throughout its twenty-three pages, O'Connor uses the word "innocent" or "guilt" or their derivative approximately nine times to describe multiple characters. *Id.* at 774, 776, 779, 781, 783. She also frequently used "justice," "vindication," "mitigation," "persecution," and "scapegoat." *E.g., id.* at 776, 781, 784, 787.

B. *A Good Man Is Hard to Find*

Pulling the name of the murderous outlaw, the Misfit, from actual headlines is not O'Connor's only use of real crime. The true Misfit, also wore spectacles and often operated with two accomplices, engaged in a series of robberies that inspired terror, in which he at times claimed to be the police—claimed to be the law.¹⁴⁰ But the law he claimed to represent was a falsehood, ultimately failing to protect his victims.

The character called the Misfit makes this same point about the failure of the law to protect in *A Good Man Is Hard to Find*. The law most obviously failed because the Misfit has escaped from prison. However, it also failed to reform him in any meaningful way.

During his lengthy discussion with the Grandmother, the Misfit espouses his views on the justice system.¹⁴¹ While he acknowledges the court did not make a mistake in convicting him as it “had the papers on me,” he cannot bring himself to articulate what he did wrong or that the penalty was proportional to the crime.¹⁴² Rather, he compares his experience to the great injustice, the trial of Jesus, in which an innocent man is convicted and traded for a clearly guilty murderer.¹⁴³ O'Connor puts on display this dual failure of the criminal law: the failure to both keep a convicted felon incapacitated and to reform him while in its custody. Violence is then injected into the story just as O'Connor intended. The violence of seeing her entire family murdered has made the Grandmother “strangely capable of returning . . . to reality and preparing [her] to accept [her] moment of grace.”¹⁴⁴ O'Connor states at that violent moment the Grandmother has clarity, and her protective instinct for the vulnerable emerges. “[F]or an instant . . . she realizes, even in her limited way, that she is responsible for the man before her and joined to him”¹⁴⁵ The Grandmother does what the law is supposed to do but has failed to do: recognizes the inherent dignity of even the most challenging of men to try to incorporate them into the communal. Yet, as the law has done in this story, so too does the Grandmother's effort: they fail and the vulnerable are harmed.

C. *The Life You Save May Be Your Own*

At first glance, *The Life You Save May Be Your Own* might not appear to reflect, crime, violence, or the law. However, while the 1960s may not have used the language of “forced marriage” or “familial trafficking,” this form of exploitation still occurred. This story reflects how the law has evolved over time

140. Tate, *supra* note 33, at 99.

141. O'CONNOR, *A Good Man is Hard to Find*, *supra* note 1, at 151.

142. *Id.*

143. *Id.*

144. Flannery O'Connor, Speech to Hollins College (Oct. 14, 1963), https://msnovickenglish.weebly.com/uploads/1/3/5/5/13557192/oconnor_on_a_good_man_is_hard_to_find.pdf [https://perma.cc/NN6F-3FK7].

145. *Id.*

to condemn formally what has always been of concern socially. O'Connor filled it with some of the most horrific exploitation crimes, hidden behind the veneer of socially acceptable acts. It also reflects again the failure of the law to protect the most vulnerable.

Mr. Shiftlet's fraudulent acts may initially appear to be the most serious crimes that occur. However, the exploitations that were once socially acceptable, but now understood to be exploitative and criminal, abound. Modern slavery encompasses much more than forced labor. It includes forced marriage.¹⁴⁶ Forced marriage is defined as "a marriage at any age that occurs without the free and full consent of both parties"¹⁴⁷ This form of human trafficking includes when a parent provides a child or person unable to consent to another for marriage, sexual contact, or labor.¹⁴⁸ Additionally, sex trafficking is defined as causing another to engage in "any sex act, on account of which anything of value is given to or received by any person."¹⁴⁹ This definition is not limited to conventional understanding of sex trafficking in which currency is exchanged for a sexual act from the victim. Rather, it is intentionally broad to capture what is referred to today as intrafamilial trafficking—when a family member receives the thing of value in exchange for making a victim available to the purchaser of the sexual act.¹⁵⁰ Regrettably, forced marriage and intrafamilial trafficking represent a large segment of modern slavery of girls and women.¹⁵¹

In this case, Lucynell is among the most vulnerable of victims as she is unable to consent due to mental incapacity.¹⁵² Yet, her mother, Mrs. Crater, the person who by law is supposed to protect Lucynell and function as her guardian, sees the opportunity to obtain something of value in return for her: a

146. INT'L LAB. ORG., *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (2022), <https://www.ilo.org/publications/major-publications/global-estimates-modern-slavery-forced-labour-and-forced-marriage> [<https://perma.cc/Z47X-Q6DK>].

147. U.S. DEP'T OF STATE: OFF. TO MONITOR & COMBAT TRAFFICKING IN PERSONS, *The Intersection of Forced Marriage and Human Trafficking* (June 2024), https://www.state.gov/wp-content/uploads/2024/08/24-02934-TIP_Factsheet-Intersection-of-Forced-Marriage-and-Human-Trafficking_Accessible-8.22.20224.pdf [<https://perma.cc/QBP6-HR72>]; U.S. DEP'T OF STATE, *Forced Marriage*, <https://travel.state.gov/content/travel/en/international-travel/emergencies/forced-marriage.html> [<https://perma.cc/6LC8-TL6W>] (last updated Aug. 11, 2025).

148. U.S. DEP'T OF STATE: OFF. TO MONITOR & COMBAT TRAFFICKING IN PERSONS, *Navigating the Unique Complexities of Familial Trafficking* (Jan. 20, 2025), <https://www.state.gov/navigating-the-unique-complexities-in-familial-trafficking> [<https://perma.cc/93A7-C8K5>].

149. 18 U.S.C. § 1591.

150. U.S. DEP'T OF JUST.: OFF. OF CMTY. ORIENTED POLICING SERVS., *No One Can Hurt You Like Family: What We Know About Familial Trafficking Identification and Response*, DISPATCH (Jan. 2024), https://cops.usdoj.gov/html/dispatch/01-2024/familial_trafficking.html [<https://perma.cc/BUW9-Y364>].

151. INT'L LAB. ORG., *supra* note 146.

152. O'CONNOR, *The Life You Save May Be Your Own*, *supra* note 1, at 178.

workman.¹⁵³ Therefore, she makes her daughter, unable to resist, available to Mr. Shiftlet.¹⁵⁴ While it is done under the guise of marriage, forced marriage is a form of sex trafficking as it is causing a person to be married who is unable to consent to such a contract and condemned internationally as a form of violence against women and modern slavery.¹⁵⁵

A characteristic of a human trafficker is one with total control over the victim. Here, the mother controls all aspects of Lucynell's life: food, shelter, clothing, ability to speak, in short: her very survival. In a previous draft of the story the mother tells Shiftlet that he does not have to ask the daughter to marry her, because the mother does all the negotiation.¹⁵⁶ This kind of infantilizing of victims of sex trafficking is a hallmark of the control mechanisms of a trafficker. In a previous working draft of the story, O'Connor is explicit about the relationship between mother and daughter:

The Old Woman knew her daughter was not any use to the world except to hand nails out, but she figured the carpenter wouldn't mind a free home He thought if he had to take a woman to get it, that wouldn't be so bad either, though he already had one somewhere that he had got astray from.¹⁵⁷

In that version of the story, after abandoning Lucynell and stealing the vehicle, he drives to his actual home in Mobile, Alabama and the reader learns that he has another name and indeed does come home to his wife and children watching television. He smashes the television and then he "gave her [his wife] a hard blow on the head with the bat which only stunned her."¹⁵⁸

For his part, Mr. Shiftlet engages in a series of crimes including attempted sex trafficking, a form of larceny of the vehicle, fraud, abandonment and perhaps attempted kidnapping.¹⁵⁹ He seeks the vehicle, so much so that he violently rings the necks of chickens sleeping in it to allow him access to the vehicle.¹⁶⁰ His participation in the trafficking and abandoning of Lucynell eclipses all of his other crimes. The final fate of Lucynell can only be imagined for a non-verbal intellectually challenged person left alone in a diner with a strange man who says she "looks like an angel."¹⁶¹ Presumably it will be impossible to locate her true home as Shiftlet is the only person who knows

153. *Id.* at 176.

154. *Id.*

155. INT'L LAB. ORG., *supra* note 146.

156. STEPHEN G. DRIGGERS & ROBERT J. DUNN, THE MANUSCRIPTS OF FLANNERY O'CONNOR AT GEORGIA COLLEGE 74 (file 153e) (1989).

157. *Id.*

158. *Id.*

159. O'CONNOR, *The Life You Save May Be Your Own*, *supra* note 1, at 180–83.

160. *Id.*

161. *Id.* at 181.

where he left her, her mother does not know her fate, and Lucynell is unable to speak.¹⁶²

While it may seem contrived to apply a modern construct such as twenty-first century slavery and trafficking to a mid-twentieth century story the criminal law plays both an implicit and explicit role in this particular story. Implicitly, O'Connor once again selects one of the most vulnerable types of people to be exploited. Although there may have not been the modern construct of forced marriage to apply to these facts there always has been the concept of *parens patriae*, in which the state protects the vulnerable when those entrusted with their protection fail to do so.¹⁶³ This existed in the 1950s and O'Connor comments on the law's failure to fulfill its protective capacity.

As in *A Good Man Is Hard to Find*, here O'Connor underscores her use of the law as a character with an explicit discussion of this character. Shiftlet states he is "unsatisfied" with the marriage ceremony as perfunctory and lacking in meaning.¹⁶⁴ Mrs. Crater, however, responds that "it satisfied the law," to which Mr. Shiftlet states seemingly sarcastically "The law" and spits.¹⁶⁵ Shiftlet is indeed correct. The law that is supposed to protect allows a clearly nonverbal intellectually challenged young woman to be married. O'Connor's use of the law transcends the abstract to the personal by placing the marriage in the courthouse requiring clear approval by a clerk and other officials as they comply with licensing and blood testing regulations. The clerk, and those in the courthouse administering such an event, those who represent the law, fail to protect an obviously vulnerable person from entering into a civil union to which she clearly cannot consent. Every description of Lucynell makes her limits obvious to the reader and to those who represent the law, and yet those officials fail to intervene.

The very reason for a state sanctioned marriage includes the guarantee that it is a *legal* one meeting minimal requirements of age, consent, monogamy, etc. By obtaining a civil marriage, Mrs. Crater seeks the law to sanction the union rather than simply establish a private agreement between herself and Mr. Shiftlet. Therefore, the exploitation of Lucynell is not only sanctioned by a law that failed to protect, but facilitated by it.

D. *The Violent Bear It Away/You Can't Be Any Poorer Than Dead*

O'Connor develops this theme of the law's failure to protect clearly in her 1960 novel *The Violent Bear It Away*.¹⁶⁶ The first chapter of this novel was originally published as a short story entitled: *You Can't Be Any Poorer Than*

162. See generally *id.* at 172–83 (including in the story that Lucynell is almost entirely nonverbal and after the wedding, Shiftlet drives away from her mother with her and then abandons the mute Lucynell in a diner).

163. *Parens patriae*, CORNELL L. SCH. LEGAL INFO. INST., https://www.law.cornell.edu/wex/parens_patriae [<https://perma.cc/2Q8B-XTCH>] (last visited April 17, 2026).

164. O'CONNOR, *The Life You Save May Be Your Own*, *supra* note 1, at 180.

165. *Id.*

166. O'CONNOR, *The Violent Bear It Away*, *supra* note 1, at 329.

Dead.¹⁶⁷ Here the author tells the story of Francis Marion Tarwater and his struggle against the wish of his great uncle Mason Tarwater that he succeed Mason and become a prophet.¹⁶⁸ O'Connor weaves violence throughout the story, framed by the law's failure to protect nearly every character.

When Francis Marion Tarwater is a toddler his great uncle, Mason Tarwater, kidnaps him from the care of his uncle, Mr. Rayber, and brings the child back to his backwater home to raise him to be a prophet.¹⁶⁹ This is Mason Tarwater's second kidnapping as he previously kidnapped Mr. Rayber when he was a child for the same purpose.¹⁷⁰ Additionally, this second kidnapping followed Mason Tarwater's lengthy stay at an insane asylum.¹⁷¹ A few days after Francis' kidnapping, Mr. Rayber comes to Mason's home with the state social worker, Bernice Bishop, to retrieve the child.¹⁷² Mason greets them by shooting Mr. Rayber in the leg and ear as soon as Rayber steps onto Mason's property.¹⁷³ Rayber survives but is permanently injured.¹⁷⁴ Although Rayber initially turns to the law in the form of Ms. Bishop to protect the child, it fails. Not only does the law fail to assist Rayber during this encounter, abandoning the child as he and Ms. Bishop flee, but of more concern, the law then does not return to protect.¹⁷⁵ It simply leaves Francis in the care of a violent, formerly mentally ill great uncle.

Such a view of the law's failure may seem to contradict the novel's theme of Francis' efforts to flee his destiny of becoming a prophet. Therefore, one could argue that his great uncle was not a danger to him, but Rayber's secularity was. However, the state's failure to remove Francis from his great uncle causes psychological harm to Francis who hears voices (which O'Connor describes as the devil), to Rayber whom himself was kidnapped by Mason when he was a boy and is lost in secularism, and to Rayber's biological son, Bishop, when Francis killed him. In other words, this failure inflicts generational trauma. Bishop is a significantly developmentally delayed child who appears to have Down's syndrome. The character who represents the law fails him when Ms. Bishop, his mother, abandons the family due in part to the challenges of caring for his special needs. Ultimately, he suffers the final harm when Francis asks to take him out on a boat and then simultaneously drowns and baptizes the child.

Although O'Connor's theme is understood to be that of Francis's journey to accept God's mission for him to be a prophet by also baptizing Bishop during the killing, her use of violence to shock the reader still includes the use of the

167. O'CONNOR, *Letter to Robie Macauley*, *supra* note 1, at 934; FLANNERY O'CONNOR, *You Can't Be Any Poorer Than Dead*, in *THE COMPLETE STORIES* 292 (1971).

168. O'CONNOR, *The Violent Bear It Away*, *supra* note 1, at 331.

169. *Id.* at 331–33.

170. *Id.* at 370–71.

171. *Id.* at 350, 369.

172. *Id.* at 333.

173. *Id.* at 333–34.

174. *Id.* at 333.

175. *Id.*

law's *repeated* failure to protect vulnerable children. This theme of evil being transfigured to grace is certainly present. But the fact that a manifestation of evil in the book is violence related to a legal failure is also significant. Had the law functioned as it should have in numerous instances (treating Mason or alternatively protecting Rayber and Francis from him, protecting Francis from rape, holding Mason to account for his initial criminal acts) Francis may not have needed violence to feel God's grace. Rayber may not have been so secular or had such a relationship with his uncle, Bishop may not have existed, or Francis may have understood his call with less violence. But O'Connor may want to underscore Francis' aloneness. The absence of any protection from the state can lead one to an acute sense of vulnerability.

This may be what O'Connor wanted the reader to feel: a complete absence of protection and God can lead to overwhelming helplessness. Violence and the criminal law continue as a presence throughout the story as Francis plays the role of a violent criminal (arsonist, murderer) and a vulnerable victim of violent crime (kidnapping, rape). Many of the tragic events that befall crime victims stem from the law's failure to protect. When the law fails to protect vulnerable children such as Francis from documented mentally ill violent people, the effects ripple throughout the family and one may find themselves forced to turn to God.

IV. THE SILENT CHARACTER OF THE LAW ILLUSTRATES A FAILURE TO PROTECT THE MOST VULNERABLE

A. *The Silent Character*

Not only is the law present in several of O'Connor's stories, through the depiction of violence and crime, but her use of it can also transform the law into a character in and of itself. Judge Telia Williams describes the role of the law generally as such, noting that "conventional human law, civil and criminal, animates and gives contour to her characters."¹⁷⁶ This paper argues that O'Connor assigns a further function specifically to crime and the criminal law in many stories, elevating it to a character itself.

O'Connor embraces her vocation to awaken her readers to the presence of grace. She believes her readers are asleep as to the negative effects of post war materialism and uses drastic measures to capture their attention. Such a readership relies upon established societal norms and the existence of laws to confirm their path is stable and correct. The law can represent stability, safety, and even security to a post-war society. However, O'Connor was living in the Jim Crow South where she witnessed the law sanctioning oppression against marginalized and vulnerable groups.¹⁷⁷ At its worst the law was actively

176. Telia U. Williams, *Flannery O'Connor and the Law*, 53 LISTENING: J. COMMUN ETHICS, RELIGION, & CULTURE 152, 153 (2018).

177. While O'Connor's views on the issue of race are complex and the source of much debate, the fact remains she objectively witnessed the law facilitating this oppression and violence. E.g., compare Paul Elie, *How Racist Was Flannery O'Connor?*, THE NEW YORKER (June 15, 2020),

engaged in facilitating harm to vulnerable people and their human dignity. Perhaps less dramatically but equally as destructively, when the law does not fulfill its mission and fails, it undermines societal legitimacy and inflicts severe harm, often on those most vulnerable.

O'Connor utilizes this failure as a background character in stories which often triggers violence, providing a commentary on the harm to the poor, innocent, and forgotten. Violence is jarring. And the realization that the social structure upon which one relies for security and safety is a mirage is very disturbing and can function as an attention capturing measure. O'Connor seeks "to expose the Southern culture of violence"¹⁷⁸ and she utilizes the law as a silent character to do so in an interesting way.

The Partridge Festival is again an example of this device. As in Stembridge's actual murders, the law's failures allow Singleton's violence to occur. The mock court marginalized Singleton and triggers his violence. "Because the mock court at Partridge risks making a mockery of justice by subjecting Singleton to a sadistic spectacle, it actually fosters an outbreak of violence that the legal system was meant to restrict."¹⁷⁹ Although the people of Partridge have a façade of safety and stability, O'Connor exposes it is built on sand. Days after a public murder of six people on the courthouse steps, the large annual Azalea festival occurs as if nothing happened. This violent event not only did happen, but it did so at the heart of the criminal justice system—the courthouse. Additionally, one of the victims of this murderous event was random and innocent. O'Connor includes nothing in her stories that is superfluous. This reality, that when the law fails it wreaks havoc on both the innocent and the marginalized (in this case marginalized because one victim was not a powerful pillar of society and ridiculed even in death) is a necessary component of O'Connor's point.

This failure emerges in other stories as well. In *A Good Man is Hard to Find*, the law has both failed to protect the public by allowing The Misfit to escape, but more substantively also failed to reform this criminal actor. The penal system is supposed to serve four theories of punishment including retribution, deterrence, incapacitation, or rehabilitation.¹⁸⁰ By his own admission, The Misfit has been heavily involved with the criminal justice system his entire life.¹⁸¹ Yet, it failed to deter, incapacitate or rehabilitate him. Indeed, the reader finds him not only unrepentant, but he claims he cannot even remember what he had done to be punished. As with Mr. Shiftlet, he acknowledges the government had "papers" to support his conviction, but he

<https://www.newyorker.com/magazine/2020/06/22/how-racist-was-flannery-oconnor> [https://perma.cc/59SL-PMWW], with Jessica Hooten Wilson, *How Flannery O'Connor Fought Racism*, FIRST THINGS (June 24, 2020), <https://firstthings.com/how-flannery-oconnor-fought-racism/> [https://perma.cc/8PCF-Q2TR]. See also ANGELA ALAIMO O'DONNELL, RADICAL AMBIVALENCE: RACE IN FLANNERY O'CONNOR (2020).

178. Ciuba, *supra* note 10, at 68.

179. *Id.* at 65 (emphasis added).

180. *E.g.*, *Graham v. Florida*, 560 U.S. 48, 71 (2010).

181. O'CONNOR, *A Good Man is Hard to Find*, *supra* note 1, at 149.

can go no deeper to find their validity. Indeed, he compares himself to Jesus and His trial. This comparison undermines his seeming acceptance of the illegality and harm of his own actions. His failure to recall his actions or distinguish his murderous rampage and criminal justice system experience from the actions of Jesus and the "justice" of Pontius Pilate demonstrate a lack of culpability and reform. Such a belief suggests an important failure of the law here to fulfill any one of the four purposes of punishment.

Similarly, the failure of the child protection legal system to respond to a violent criminal kidnapping of a child and shooting of would-be rescuers causes much social harm and more violence. In *The Violent Bear It Away*, O'Connor directly implicates two components of the legal system: the child protection system designed to protect children from abuse and violence and the state-run mental health hospital for, among others, the criminally insane. In this story, the asylum for criminally insane so familiar to O'Connor appears and she places Mason Tarwater there for years.¹⁸² When he leaves and kidnaps a toddler, the child, Francis Tarwater is clearly at risk. But this failure to retrieve the child, or to return to do so after Tarwater shoots Rayber, is significant. Indeed, the representative of this child protection system, Clarice Bishop, disappears completely from the story, having run away twice: when she failed to care for Francis and successfully retrieve him and once again when she could not or would not care for her own intellectually disabled child. This absence of child protection illustrates what is referred to as the "cycle of violence" in child abuse and neglect.¹⁸³ Rayber's unresolved trauma from his own kidnapping has led him to be unable to love his own son, Bishop, or accept religion of any kind.¹⁸⁴ The violence to which Francis Tarwater was exposed leads to (not causes) further violence, the arson of his home, his own rape, a second arson, and ultimately his drowning of the most vulnerable character of all, Bishop.¹⁸⁵

While the story has been understood as actually the reception of grace by Francis Tarwater, as he cannot escape his call to become a prophet, the active role this character of the law plays is critical. Although O'Connor uses this character and the ensuing violence to capture the reading public's attention, that does not mean she approves of the violence. O'Connor could have selected any mechanism to trigger it, and she selected the failure of the law. The breakdown of the law is woven into the problems in modern society that concern O'Connor: a social order in which some people are denied dignity, in which some people are not protected. When the law fails to provide the scaffolding for that, it is an enabler at the least and a facilitator at the worst, of violence.

For example, in *Wise Blood* the police appear on more than one occasion. However, each time seems to be a failure. The police can represent to a

182. O'CONNOR, *The Violent Bear It Away*, *supra* note 1, at 369.

183. E.g., Carolyn A. Greene et al., *Intergenerational Effects of Childhood Maltreatment: A Systematic Review of the Parenting Practices of Adult Survivors of Childhood Abuse, Neglect, and Violence*, 80 CLINICAL PSYCH. REV. 1, 1 (2020).

184. O'CONNOR, *The Violent Bear It Away*, *supra* note 1, at 375–76, 454–456.

185. *Id.* at 361, 456, 471–472.

community order, safety, and security. But in *Wise Blood* the police officers do not reflect those values. Early in the novel, the police harass Hazel Motes for jaywalking.¹⁸⁶ In the most pivotal chapter of the book, a police officer plays a crucial role. After Motes has murdered Mr. Layfield, a vulnerable poor and sick man, the police pull over Motes in his beloved car.¹⁸⁷ However, this detention is not due to the murder, but because the officer “did not like his face.”¹⁸⁸ When Motes responds in kind to the officer, the officer tricks Motes to move his car to the top of the hill where he then sends it off the embankment destroying Motes’ only prized possession.¹⁸⁹ These events act as catalysts for Motes’ reversing his perspective regarding God and his life and ultimately blinding himself.¹⁹⁰ While the encounter with law enforcement contributes to leading Motes to an acceptance of grace, it also conveys the failure of the law to address the death of the innocent Mr. Layfield who asked for Jesus when Motes killed him during an equally rash moment of vengeance.¹⁹¹ As with Tarwater’s violence arguably leading to grace, the law’s failure to protect could also be seen as another flaw in the contemporary world and a character playing an active role in the plot.

In *Wise Blood*, O’Connor emphasizes this through the role of the police officers at the end of the novel. Motes leaves Mrs. Flood’s house after she suggests a fraud: marriage as a way for her to gain access to his veteran’s benefits.¹⁹² However, after a cold evening, he does not return and she looks for him, ultimately calling the police and lying, saying that he had not paid his rent. Based on this falsehood concerning unpaid rent—not a missing blind man—the police look for him. Upon finding him nearly frozen, instead of bringing him to a hospital for care, they insist upon a return to Mrs. Flood and hit the nearly dead man in the head with their baton.¹⁹³ Whether the police caused his death either by the blow or neglect it does not matter. At this moment, it is Motes who is physically vulnerable: blind, frozen, wounded and they do not act to protect or even connect, but rather to enforce a financial law, abuse a vulnerable person, and fail to even notice he is dead when they drop him with Mrs. Flood.

O’Connor utilizes the corrupt police in other stories to manifest the law’s failure. She demonstrates the bleak consequences prominently in *The Comforts of Home*.¹⁹⁴ Arguably in this story the law tried to protect society from the mentally ill and pathologically lying Star/Sara but the mother brings her into the home.¹⁹⁵ Nevertheless, the police play an active role in the mother’s death and the suggested unjust conclusion that impugns a false motive to kill on Thomas.

186. O’CONNOR, *Wise Blood*, *supra* note 1, at 23–24.

187. *Id.* at 117.

188. *Id.* at 117.

189. *Id.* at 118.

190. *Id.* at 119.

191. *Id.* at 115.

192. *Id.* at 128–29.

193. *Id.* at 131.

194. O’CONNOR, *The Comforts of Home*, *supra* note 1, at 573.

195. *Id.* at 578.

Although the entire story displays tension between Thomas and his mother, they share a viewpoint that the corrupt sheriff is harmful.¹⁹⁶ When Thomas yells that his mother should have the sheriff pick up Star/Sara after a drunken scene, the mother states “I wouldn’t turn a dog over to that man.”¹⁹⁷ Thomas tries to resist the voices of his abusive father in his head, someone who “by gesture . . . lived his lie” on the courthouse lawn.¹⁹⁸ That voice repeatedly sent him to the unethical sheriff, ironically and inaccurately named “Farebrother.”¹⁹⁹

The sheriff was another edition of Thomas’s father except that he wore a checkered shirt and a Texas type hat and was ten years younger. He was as easily dishonest . . . Thomas, like his mother, would have gone far out of his way to avoid his glassy pale blue gaze.

* * *

The man made his own rules.²⁰⁰

When Thomas decides he will take the unethical action of forcing the removal of Star/Sara, he turns to the Sherrif to assist him and meets him in the “courthouse square” to hatch his illegal plan.²⁰¹ Not only is Farebrother willing to sneak into the house and search Star/Sara’s purse without a warrant, but when he does he encounters the unintended shooting of the mother after Thomas’ attempt to frame Star/Star.²⁰² Here the law not only fails in protecting the mother, but in death also fails Thomas when Farebrother wrongly concludes:

[T]he fellow had intended all along to kill his mother and pin it on the girl As he scrutinized the scene, further insights were flashed to him. Over her body, the killer and the slut were about to collapse into each other’s arms. The sheriff knew a nasty bit when he saw it.²⁰³

Common among all these stories is the law acting as a silent character. This silent character may have no dialog but *does* play a critical role acting as a catalyst for subsequent essential events. Moreover, it does so in a specific manner—by failing to act as intended.

B. *The Failure to Protect*

O’Connor’s stories would not be the first that utilize the law as a catalyst for events in the plot. However, this use of the failure of the law to protect is quite specific and causes one to wonder why O’Connor chose this specific use of the law. The premise of this article is not only that O’Connor utilizes the law

196. *Id.* at 585.

197. *Id.* at 584.

198. *Id.* at 583.

199. *Id.* at 589, 583, 585.

200. *Id.* at 585, 589.

201. *Id.* at 589.

202. *Id.* at 591, 593–94.

203. *Id.* at 594.

as a catalytic character, but also that she is influenced by crime and violence that occurred in reality. In O'Connor's reality, that failure is likely an aspect of the law she experienced. O'Connor would have observed law's failure to protect the most vulnerable of society. Living in the Jim Crow South, O'Connor watched a state sanctioned form of oppression of African Americans—an oppression that was often violent and fatal. Additionally, the mid-twentieth century was a time of emergence of individual rights and the struggle of the law to balance such rights against each other.

During O'Connor's ascendancy (roughly 1946-64), American jurisprudence delved into what is easily the most important and critical period of 'storytelling.' American law was 'ground zero' in the upheaval and rebuilding of legal precedents involving the status of blacks (and to a lesser extent, women), undergirding the civil rights movement.²⁰⁴

She even witnessed the law's failure to protect the first Catholic president from a violent murder.²⁰⁵ Therefore, she was surrounded by examples of those using the law for negative ends, or its inability to fulfill its promise to protect.

This choice to focus on the law's failure to protect also advances O'Connor's greater mission to capture the attention of a materialistic world to the critical—indeed existential—issues of grace. Perhaps because grace is felt most keenly when one imagines a world without God, so too it is potentially felt when one imagines a world without the law. Phrased another way, one could argue that in a lawless world, one feels the need for God more strongly.²⁰⁶

It is perhaps no mistake that in many of O'Connor's stories those who feel the brunt of harm when the law fails are the marginalized. The Polish refugees in *The Displaced Person* unprotected from a homicide, the children of *The Violent Bear It Away*, the neglected child in *The River*, the poor and disabled in *The Life You Lose Could Be Your Own* all reflect a concern for the defenseless.²⁰⁷ With the Catholic religion's teaching of a preferential option for the poor and the inherent dignity of all life, as well as the basic biblical teaching to care "for the least of these brothers and sisters brothers," this emphasis is natural for the Catholic writer.²⁰⁸ O'Connor acknowledges as much when reflecting on her Catholicism noting "I believe that a person is always valuable

204. Williams, *supra* note 176, at 154.

205. O'CONNOR, *Letter to "A"*, *supra* note 14, at 549–50.

206. E.g., *Prayer of an Unknown Confederate Soldier*, FIRST PRESBYTERIAN WINTER HAVEN (Nov. 26, 2018), <https://firstpreswh.org/a-prayer-of-an-unknown-confederate-soldier/> [<https://perma.cc/HM5P-BD54>] ("I asked for power that I might have the praise of men; I was given weakness that I might feel the need for God.").

207. O'CONNOR, *The Displaced Person; The Violent Bear It Away; The River, The Life You Save May Be Your Own*, *supra* note 1, at 154, 172, 285, 329.

208. Matthew 25:31-46; see *Option for the Poor and Vulnerable*, U.S. CONF. OF CATH. BISHOPS, <https://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/option-for-the-poor-and-vulnerable> [<https://perma.cc/UZ82-XVRB>] (last visited April 17, 2026).

and always responsible.”²⁰⁹ “Her frequent justifications for writing about the poor and the grotesque indicate her desire not to exclude those who were typically excluded—excluded by the postwar culture of commercialism and conformity and excluded by a region whose identity had often been based on defining itself against the threatening other.”²¹⁰

Within this atmosphere, O’Connor includes extensively the poor and marginalized in her stories. She reflected that “[W]hen I look at stories I have written I find that they are, for the most part, about people who are poor, who are afflicted in both mind and body”²¹¹ However, they are not always the ones in need of grace, but the ones who in reality are in need of protection. “[I]f the marginalized are not rejected from her fiction, they are often rejected in her fiction.”²¹²

Indeed, in *The Partridge Festival* she draws a link between this theme and the outcast Singleton. While the story itself in the end seems to reject Mary Elizabeth and Calhoun’s misguided belief that Singleton was an innocent victim,²¹³ she does make frequent references to the mock trial of this outcast.²¹⁴ Central to her faith, of course, is the proceeding against another outcast where an angry mob determines Jesus’ sentence of death by demanding his crucifixion and the release of a known murderer, Barabbas.²¹⁵ As occurs in *A Good Man Is Hard To Find*, in *The Partridge Festival*, Mary Elizabeth and Calhoun separately compare Singleton to Christ on several occasions, stating at one point that Christ was “better off” as He only had to suffer forty-three hours, as opposed to Singleton who is placed in Quincy State Hospital for the remainder of his life.²¹⁶ While O’Connor does not excuse Singleton’s or Francis Tarwater’s murderous acts, her work “lays bare O’Connor’s career-long concern for the outcast” as she is “a critic of the hidden victimization in culture.”²¹⁷

One could argue that O’Connor’s use of the law is merely incidental to her fundamental goal of communicating grace to the reader. Such a theory might assert that while O’Connor does use the law’s failures as catalyst events, those

209. Betsy Lockridge, *An Afternoon with Flannery O’Connor*, THE ATLANTA J. & CONST., Nov. 1, 1959, reprinted in CONVERSATIONS *supra* note 13, at 38; see also Granville Hicks, *A Writer at Home with Her Heritage*, SATURDAY REV., May 12, 1962, reprinted in CONVERSATIONS *supra* note 13, at 22–23 (“[T]he Bible gives meaning and dignity to the lives of the poor people of the South.”).

210. Ciuba, *supra* note 10, at 60.

211. O’CONNOR, *The Fiction Writer and His Country*, *supra* note 1, at 804.

212. Ciuba, *supra* note 10, at 61.

213. Johnson, *supra* note 38, at 10.

214. This paralleled what she witnessed in the wake of Stenbridge’s killings: The sesquicentennial celebration and the mock court set up on the courthouse grounds for those who did not want to participate by growing a nineteenth century beard.

215. *Matthew* 27:16.

216. Compare O’CONNOR, *The Partridge Festival*, *supra* note 1, at 787, with O’CONNOR, *A Good Man Is Hard to Find*, *supra* note 1, at 151.

217. Ciuba, *supra* note 10, at 72.

forthcoming outcomes are not negative but often necessary to the development of the character and his or her journey to accepting God's grace. However, that is too simplistic a dismissal of the repeated use of *the law's* failure as a catalyst. First, it is significant that O'Connor chose the law's failure as a triggering event because when the law fails, society has a sense of living in a "lawless" state which is a very vulnerable experience.²¹⁸ This is the same feeling one might experience in a world without God.²¹⁹ Hence this literary choice is a shout to wake up a hard of hearing public. Secondly, throughout her stories, O'Connor uses violent events which may not have anything to do with the law as triggering events: fires, physical illness, and unintentional self-poisoning to name a few. This does not suggest she is indifferent to these events or favors them. Similarly, she is likely not indifferent to or arguing in favor of the law's failure, but embracing its power as a literary device.

Rather, it is more likely that this is an example of her views of Christian realism where she recognizes Christianity is not, as she once put it, an "electric blanket."²²⁰ To the contrary, she saw the central Catholic truth that the road to grace is often through inexplicable—and lonely—suffering.²²¹ That being said, she may have utilized the law's failure to accomplish two experiences for the reader. First, as mentioned, the absence of law and the resulting absence of order can be a vehicle to experience a small sense of chaos and the absence of God. Such an experience, where there is no legitimate authority or protection can make one feel quite vulnerable to forces of wrongdoing. But having the resulting outcome possibly be one of grace, O'Connor may be trying to offer readers a feeling of hope to accompany the taste of vulnerability. Just as she believed from the depths of the unjust trial, conviction, and sentence of Jesus grace emerged, so too can the reader have hope that in the midst of suffering and seemingly inexplicable pain there can be a grace filled future. As one O'Connor scholar noted, "This moment takes the darkness of the drama out of a nihilistic register and into a Thomistic one, making an otherwise bleak end tinged with the hope of redemption."²²²

V. O'CONNOR'S TEACHINGS FOR ATTORNEYS

O'Connor's self-professed mission was to capture the attention of an unbelieving world, move it to reject some of the misguided moral relativism and materialism of the mid-twentieth century, and see the importance and possibility

218. E.g., O'CONNOR, *The Circle of Fire; The Comforts of Home*, *supra* note 1, at 232, 585, 589.

219. Indeed, when Calhoun and Mary Elizabeth are confronted with Stembridge's true nature, and the near failure of the law through the orderlies to protect them, they experience the failure of their secular nihilism and ultimately despair, leaving it to the reader whether they will accept this revelatory grace. Johnson, *supra* note 38, at 10.

220. O'CONNOR, *Letter to Louise Abbot*, *supra* note 14, at 354.

221. *Id.*

222. *Id.*

of encountering grace.²²³ That is to say, O'Connor had a truth, and she was compelled to have the culture "wake up" to see the truth she offered.

O'Connor once wrote a friend that she did not write for the "reasonable man" found in the law, "Mine is certainly something else—God's reasonable man" ²²⁴ Notwithstanding this distinction, the task to convince any reasonable and reluctant person of the truth is shared by both O'Connor and the advocate. This is particularly true for prosecutors or advocates on behalf of the marginalized. Often in the law such an attorney seeks to achieve the same quixotic goal on behalf of the all too often unseen client or victim. She provides a voice for the victimized who often are selected as victims because of their invisibility and weakness—weaknesses that are exploited at trial to argue the victim is unworthy of belief. Their advocate seeks to shake the fact finder out of their complacent malaise and *see* the marginalized as worthy of their inherent human dignity and their voices as worthy ones to be heard. O'Connor's work parallels that of the marginalized's advocates both philosophically and practically. O'Connor was so successful in her approach to her vocation that she offers such advocates an inspirational framework with which to approach their own vocation.

A. Philosophically, Both O'Connor and the Attorney Advocate Share a Vocational Approach to Their Work

It is axiomatic that the law is more than a career or profession. Justice Joseph Story famously discussed the demands of the law stating, "[the law] is a jealous mistress, and requires a long and constant courtship. It is not to be won by trifling favours, but by a lavish homage."²²⁵ Justice Sandra Day O'Connor echoed this more than a half century later outlining that a distinction exists among careers, with the law holding a unique place as a profession.²²⁶

The role of the lawyer is also considered by many explicitly as a vocation. In *The Practice of Law as a Vocation or Calling*, Timothy Floyd writes:

[T]hrough the practice of law we can become persons who better serve God and neighbor. For that reason, the practice of law can be a calling . . . God is in the midst of all that we do as lawyers. The world of law practice—no less than any other place in God's creation—is a sacred place. God constantly calls us to serve God and our neighbors through our work as lawyers, and through that work to become the best people we can be.²²⁷

223. See O'CONNOR, *Letter to John Hawkes*, *supra* note 1, at 1119 ("I am interested in the indication of Grace, the moment when you know that Grace has been offered and accepted"); *id.* at *Letter to Andrew Lytle*, 1121 ("There is a moment of grace in most of the stories").

224. *Id.* at *Letter to A.*, 968.

225. Joseph Story, Speech, A Discourse Pronounced upon the Inauguration of Joseph Story as Dane Professor of Law at Harvard University 29 (Aug. 25, 1829).

226. *Shapiro v. Ky. Bar Ass'n*, 486 U.S. 466, 489 (1988) (O'Connor, J., dissenting).

227. Timothy Floyd, *The Practice of Law as a Vocation or Calling*, 66 FORDHAM L. REV. 1405, 1424 (1998).

To be a calling or vocation does not necessarily have a religious dimension, and this article does not espouse that the calling to advocate for the marginalized is necessarily religious. To the contrary, such calling can easily be experienced as a secular calling. That being said, Floyd's argument that the practice of law "can be a calling" takes on particular resonance for advocates on behalf of the marginalized.²²⁸ Such attorneys include prosecutors most especially, but also criminal defense attorneys, plaintiffs' attorneys, civil rights attorneys, etc. These attorneys literally hold the well-being of their clients or victims in their hands. They provide voice to the voiceless, particularly when these marginalized groups are litigating against large entities or the government such as in discrimination cases, products liability, wrongful death, or criminal cases.

The concept of lawyering as engaging in a vocation is especially apparent in the role of a prosecutor. The prosecutor not only offers a voice to the crime victim but does so with a unique role: on behalf of the community. Henry Hart defines a crime as "conduct which, if duly shown to have taken place, will incur a formal and solemn pronouncement of the moral condemnation *of the community*."²²⁹ Tasked with proving an offender inflicted harm on often a vulnerable victim, this role has another dimension when one is a prosecutor. Because in that role one is not only vindicating the victim but doing so on behalf of the community and embodying the idea that the community will intervene and collectively hold the offender accountable for his harm. As such, the calling to uphold the societal code that protects the vulnerable is its own unique and consuming vocation.

This calling is nothing short of doing justice. The American Bar Association prescribes "The primary duty of the prosecutor is to seek justice within the bounds of the law, not merely to convict."²³⁰ The National District Attorneys Association outlines this vocation as follows:

The prosecutor is an independent administrator of justice. The primary responsibility of a prosecutor is to seek justice, which can only be achieved by the representation and presentation of the truth. This responsibility includes, but is not limited to, ensuring that the guilty are held accountable, that the innocent are protected from unwarranted harm, and that the rights of all participants, particularly victims of crime, are respected.²³¹

The import of this vocation extends to the personal character of the prosecutor. The Department of Justice places the viability of the criminal justice system entirely on the shoulders of such a person.

228. *Id.*

229. Henry M. Hart, Jr., *The Aims of Criminal Law*, 23 L. & CONTEMP. PROBS. 401, 405 (1958) (emphasis added).

230. ABA, CRIMINAL JUSTICE STANDARDS FOR THE PROSECUTION FUNCTION, STANDARD 3-1.2 FUNCTIONS AND DUTIES OF A PROSECUTOR (4th ed. 2017).

231. NAT'L DIST. ATT'YS ASS'N, NATIONAL PROSECUTION STANDARDS, I.1 1-1.1 PRIMARY RESPONSIBILITY 2 (3d ed. 2009).

[T]he success of [the criminal justice] system must rely ultimately on the character, integrity, sensitivity, and competence of those men and women who are selected to represent the public interest in the federal criminal justice process [I]t is with their efforts that the purposes of these principles will be achieved.²³²

With this philosophical framing of the role of an attorney or prosecutor, the similarities between this effort and O'Connor's sense of her role as writer emerge. Just as the purpose of the advocate for others is larger than himself in a court, so too is it for the author in a story. As O'Connor noted, "There is no excuse for anyone to write fiction for public consumption unless he has been called to do so by the presence of a gift. It is the nature of fiction not to be good for much unless it is good in itself."²³³ Philosophically, then, O'Connor's approach to telling a story of truth to awaken God's reasonable person overlaps significantly with the vocation of an attorney to convince a law's reasonable person of the truth.

B. *Practically O'Connor and the Attorney Advocate Share A Common Struggle*

The parallels between the writer and attorney who consider their work vocational provide a philosophical synergy between the two actors. However, perhaps more powerfully, there is a strong connection between the practical realities of what O'Connor was attempting to accomplish and what the modern attorney, particularly the modern prosecutor, faces.

1. O'Connor Struggled To Move Society

Flannery O'Connor frequently expressed her frustration at the failure of some to understand her work.²³⁴ This includes misunderstanding both the general goal of her writing as well as the point of particular stories.²³⁵ She explained her reliance on violence to overcome this. "If you have the values of your time you can usually write without having to shock anyone to attention; but if you want to show something the majority don't believe in or wish to see, then you have to hold their attention usually by extreme means."²³⁶

232. DEP'T OF JUST., JUSTICE MANUAL 9-27.000 PRINCIPLES OF FEDERAL PROSECUTION (updated Feb. 2023).

233. O'CONNOR, *The Nature and Aim of Fiction*, *supra* note 6, at 63, 81.

234. E.g., O'CONNOR, *Some Aspects of the Grotesque in Southern Fiction*, *supra* note 1, at 813 (discussing the misconception of being labeled a "Southern writer.").

235. O'CONNOR, *Letter to "A"*, *supra* note 14, at 90 (describing "the reviewer always has hold of the wrong horror.").

236. Katherine Fugin et. al., *An Interview with Flannery O'Connor*, reprinted in *CONVERSATIONS* *supra* note 13, at 60 (1987) (describing "the genuine stupidity of the reader [having] the average mental age [of] thirteen years,").

For example, she notes that some readers understood *A Good Man Is Hard To Find* as a story about a family trip to Florida.²³⁷ To her that misses the more significant point, that it is a story about much more powerful events. These include the presence of evil in the world and the power of grace.²³⁸

Some of her frustration is not only about being misunderstood. Indeed, that seems the least of her concerns as she also has commented on the need to not dissect stories but to simply read them for enjoyment.²³⁹ She is concerned about both the lack of understanding her work, but also the lack of the public's recognition that it faces an active threat of evil to society's actual wellbeing.

I have found, in short, from reading my own writing, that my subject in fiction is the action of grace in territory largely held by the devil. I have also found that what I write is read by an audience which puts little stock either in grace or the devil. You discover your audience at the same time and in the same way that you discover your subject, but it is an added blow.²⁴⁰

Indeed, the modern sensibilities of post war materialism and moral relativism is of concern to her.²⁴¹ She does view it as a tragic obstacle to people's openness to and ability to obtain grace.

When you can assume that your audience holds the same beliefs you do, you can relax and use more normal means of talking to it; when you have to assume that it does not, then you have to make your vision apparent by shock—to the hard of hearing you shout, and for the almost-blind you draw large and startling figures.²⁴²

She noted that although the audience that is receptive to her message is narrow, she must write for all. "One of the Christian novelist basic problems is that he is trying to get the Christian vision across to an audience to whom it is meaningless. Nevertheless, he can't write only for a select few."²⁴³

237. O'CONNOR, *ON HER OWN WORK*, *supra* note 6, at 108; *see also* O'CONNOR, *Letter to Mr. —*, *supra* note 1, at 1148.

238. O'CONNOR, *On Her Own Work*, *supra* note 6, at 108.

239. O'CONNOR, *Letter to Cecil Dawkins*, *supra* note 14, at 505.

240. O'CONNOR, *On Her Own Work*, in *supra* note 6, at 118; *see also* C. Ross Mullins, Jr., *Flannery O'Connor: An Interview*, reprinted in *CONVERSATIONS*, *supra* note 13, at 103 (1988) ("I will admit to certain preoccupations with belief . . . and with the devil."); FLANNERY O'CONNOR, *Letter to Andrew Lytle*, *supra* note 1, at 1121 (noting "nobody knows about the devil now").

241. *Southern Writers are Stuck in the South*, ATLANTA MAG. (Aug. 1963), reprinted in *CONVERSATIONS*, *supra* note 13, at 109; *id.* at Betsy Francher, *My Flannery O'Connor*, BROWN'S GUIDE TO GEORGIA (1975), reprinted in *CONVERSATIONS*, *supra* note 13, at 112–13 ("[T]o a 20th century audience, reeling from the Myth of Madison Avenue, she found it necessary to make her vision appear shocking.").

242. O'CONNOR, *The Fiction Writer and His Country*, *supra* note 6, at 25, 34; O'CONNOR, *Letter to Andrew Lytle*, *supra* note 1, at 1121 ("[N]obody knows about the devil now.").

243. Joel Wells, *Off the Cuff*, THE CRITIC (1962), reprinted in *CONVERSATIONS*, *supra* note 13, at 87.

Therefore, a challenge for O'Connor was her audience failing both to share her beliefs, and to see the society's situational precariousness that she identified. O'Connor believed that failing to recognize this precluded people from being open to grace. In discussing the role of the fiction writer, O'Connor observes that the Christian writer has "the sharpest eyes for the grotesque . . . [and] unacceptable Redemption is meaningless unless there is cause for it in the actual life we live, and for the last few centuries there has been operating in our culture the secular belief that there is no such cause."²⁴⁴ As she states, then, she must work to capture their attention to see the not only the content of her message, but the reality in which she is making it. "If her character often emerged as displaced persons, it was because she felt that all human beings are displaced persons standing in need of divine grace."²⁴⁵

O'Connor does appreciate the expansion of contemporaneous society's knowledge. However, she laments its lack of a connection to faith. Indeed, rather than being unsympathetic to her contemporaries and what they no doubt experienced during the depression and the war, she is aware of it.²⁴⁶ However, part of her mission is to help the reader identify the true threat, which includes not just the contemporary social concerns.²⁴⁷ Rather, she is attempting to have the reader delve more deeply into the threat to them which is something she feels society is unwilling to see, how a lack of faith amplifies these tragedies.

If other ages felt less, they saw more, even though they saw with the blind, prophetic, unsentimental eye of acceptance, which is to say, of faith. In the absence of this faith now, we govern by tenderness. It is a tenderness which, long cut off from the person of Christ, is wrapped in theory. When tenderness is detached from the source of tenderness, its logical outcome is terror. It ends in forced-labor camps and in the fumes of the gas chamber.²⁴⁸

She described the "prophet function" of the writer to "see through reality and recall people to known but ignored truths."²⁴⁹ The problem facing contemporary society is that the value and faith distortions she sees are seen as natural to her audience.²⁵⁰ "[A]nd he may well be forced to take ever more violent means to get his visions across to this hostile audience."²⁵¹ This prophet function is also a practical function of attorneys.

244. O'CONNOR, *The Fiction Writer and His Country*, *supra* note 1, at 805.

245. Betsy Francher, *My Flannery O'Connor*, BROWN'S GUIDE TO GEORGIA (1975), reprinted in CONVERSATIONS, *supra* note 13, at 112.

246. She accepts the "well-grounded complaints" that "religious literature" can "minimize the importance and dignity of life here and now" O'CONNOR, *The Church and the Fiction Writer*, *supra* note 1, at 807, 809–10.

247. O'CONNOR, *Letter to A.*, *supra* note 1, at 943 ("My audience are the people who think God is dead. At least those are the people I am conscious of writing for.").

248. O'CONNOR, *Introduction to A MEMOIR OF MARY ANN*, *supra* note 6, at 213, 227

249. Wells, *supra* note 243, at 87.

250. O'CONNOR, *The Fiction Writer and His Country*, *supra* note 1, at 801, 805.

251. *Id.* at 805.

2. Advocates for the Vulnerable Struggle to Move the Fact Finder to a Place of Truth

In many ways these are the same practical obstacles for the modern-day advocate for the marginalized. These advocates can be prosecutors of personal crimes providing a voice for crime victims—often selected for their victimization because of their marginalization. They can also be other attorneys representing victims of discrimination or civil rights violations or other harms. In many of these scenarios, the advocate is seeking the fact finder to do something it does not want to do: face the threat to the victim, believe the harm occurred, and condemn the person who inflicted it. But if a juror does not *want* to believe that a person could harm a child, or that prostituted people can be sexually assaulted, or that police can deprive people of their civil rights, it is a challenge to convince the fact finder to believe the specific crime occurred.

Often, when one is advocating on behalf of the marginalized in court, one begins with an audience less likely to accept their message. This could be for many reasons. First, marginalized people are, well, marginalized. By definition, the marginalized have been “relegated to an unimportant or powerless position in a society or group.”²⁵² As such, the claims of a marginalized person begin as claims from a person society deems unimportant. The parallels to such an advocate’s work and O’Connor’s writing are most pronounced when that advocate is a prosecutor. Just as the societal system was not constructed to accept the faith messages from a southern, Catholic, woman writer, so too is the criminal justice system intentionally constructed to reject the prosecutor’s presentation.

In addition to the powerlessness of the vulnerable victim, the system itself intentionally—and rightly—places upon the prosecutor the burden of proof. In the criminal system, that burden is the highest burden of proof in the law: beyond a reasonable doubt.²⁵³ While this is appropriate, as the defendant’s liberty interest is at stake, it is nonetheless a necessary structural hurdle to the fact finder accepting the prosecutor’s message. Therefore, the prosecutor, bearing the burden of proof, starts with the presumption that the defendant did not commit the crime. Additionally, people in general are reluctant to convict a fellow citizen and inflict Hart’s “moral condemnation.”²⁵⁴ When it comes to personal crime, the resistance of the audience is even greater. Psychological research in civil trials suggest that people desire to believe that the world is safe and stable. When confronted with a story of violence or personal violation, some jurors may engage skepticism of the event to reconcile their desire for safety with

252. *Marginalize*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/marginalize> [https://perma.cc/JKT9-YAX3](last visited Dec. 6, 2024).

253. Cong. Rsch. Serv., Amndt.14.S1.5.5.5 *Guilt Beyond a Reasonable Doubt*, CONSTITUTION ANNOTATED, https://constitution.congress.gov/browse/essay/amdt14-S1-5-5-5/ALDE_00013763/ [https://perma.cc/2LBN-UY97] (last visited Jan. 15, 2026); *In re Winship*, 397 U.S. 358, 363 (1970).

254. Henry M. Hart, Jr., *The Aims of Criminal Law*, 23 L. & CONTEMP. PROBS. 401, 405 (1958).

evidence offered by a person already labelled as unimportant and not worthy of belief.²⁵⁵ This can lead to a juror distancing themselves from the victim because by rejecting them, the juror rejects the risk of harm a shared existence would represent.²⁵⁶ This phenomenon is known as “defensive attribution” and can manifest in various behaviors, “including derogating the victim, reinterpreting the injury as victim-precipitated.”²⁵⁷ Robbennolt and Hans describe the pattern of blaming victims for their own injuries as a strategy for jurors to “maintain a belief in a just world.”²⁵⁸

Therefore, the practical realities for the modern advocate for the marginalized are not unlike those faced by O’Connor. Both are screaming into the system to not only introduce the audience to a world unseen by them so that they can perceive the threat, but to also compel them into a recognition of the truth and subsequent action.

To be clear, there are some obvious differences between the writer and advocate of the marginalized. The clearest of which is that O’Connor functions in the world of fiction, and the ethical lawyer in the world of fact. While the attorney can under no circumstances create facts, she still must use her skills to explain a series of facts often from the perspective of a victim. In so doing, the evidence taken together must present a coherent sequence of events that is not only believable, but strong enough to convince the fact finder that such is the truth beyond a reasonable doubt. In short, both have to move a reluctant audience to see facts they will be uncomfortable accepting, care about the marginalized person, and embrace a set of values and virtues that will lead to truth.

3. O’Connor Offers Wisdom to Advocates Screaming into the System

The vocation of an attorney is challenging and even more so when faced with the daunting task of representing the marginalized in a system created to decide against them. This mirrors Flannery O’Connor’s vision of her own work in speaking to a readership that perceived neither the threat of evil nor the opportunity and need for grace. While O’Connor was clearly influenced by actual crime and violence, using the criminal law as a somewhat silent character in her work, she also can influence contemporary advocates facing the same obstacles. That is to say the relationship is symbiotic. Attorneys can find inspirational guidance from how O’Connor rose to this shared challenge.

255. See MELVIN LERNER, BELIEF IN A JUST WORLD: A FUNDAMENTAL DELUSION 9–10, 21 (1980).

256. *Id.*

257. VALERIE P. HANS, BUSINESS ON TRIAL: THE CIVIL JURY AND CORPORATE RESPONSIBILITY 40 (2000).

258. JENNIFER K. ROBBENNOLT & VALERIE P. HANS, THE PSYCHOLOGY OF TORT LAW 144 (2016).

Her first piece of wisdom relates to the process. O'Connor famously wrote and rewrote, with extensive attention to detail.²⁵⁹ The analogy for the advocate is investigating one's case. Cases are won or lost on a thorough investigation of the facts of a case to both verify and then support the facts presented by the victim or client. Both the author and the advocate must prepare with extraordinary focus on details. The relentless pursuit of truth during preparation is essential.

Relatedly, this preparation requires absorbing and examining all details. O'Connor's essays repeatedly emphasize that the fiction writer must see the ordinary and earthly to discover the absolute.²⁶⁰ She encouraged the writer to have a "prophetic vision" to "see[] near things with their extensions of meaning."²⁶¹ This underscores for the advocate that attention to detail is essential and through such attention one can slowly build a mountain of facts to meet one's burden of proof. But this guidance also emphasizes the importance of never losing a critical eye regarding one's case. "Your beliefs will be the light by which you see, but they will not be what you see and they will not be a substitute for seeing."²⁶² Being vigilant with regard to all the facts, forces the attorney not to avoid facts which may call into question her understanding of the truth. A lawyer must avoid the trap of believing in her case to such an extent that she fails to see its flaws, or fails to follow the evidence where it actually leads, rather than to where one expects it to lead.

Third, in addition to this discussion of preparation and details, O'Connor provides guidance regarding audience. She reminds advocates to be acutely aware of the skeptical audience and think intentionally about presenting the case. She told Vanderbilt lecture attendees, "what is on the receiving end makes a difference not in what the writer sees, but in the way he shows it."²⁶³ More specifically, she writes that the novelist's vision is not enough for effective communication. Rather, "his vision has to be transmitted and that the limitations and blind spots of his audience will very definitely affect the way he is able to show what he sees."²⁶⁴

It is axiomatic that a lawyer must believe in her case and present only truthful facts to the audience.²⁶⁵ However, that is not the end of advocacy. To achieve the goal of reaching a just verdict, one should be intentional about how those facts are delivered to the judge and jury. As O'Connor suggests, the

259. "[E]very detail has to be put to work." O'CONNOR, *Writing Short Stories*, in *supra* note 6, at 87, 93; Scouten, *supra* note 102, at 40 ("[S]he still worked and reworked her material until she produced a polished short story . . .").

260. O'CONNOR, *Writing Short Stories*, in *supra* note 6, at 87; Ciuba, *supra* note 10, at 69.

261. O'CONNOR, *Some Aspects of the Grotesque in Southern Fiction*, *supra* note 1, at 817.

262. O'CONNOR, *Writing Short Stories*, *supra* note 6, at 91.

263. Flannery O'Connor, Draft Speech to Vanderbilt University (Apr. 1959) (transcript available in the Georgia College archives); see DRIGGERS & DUNN, *supra* note 156, at 163 (file 258c) (1989).

264. O'CONNOR, *The Grotesque in Southern Fiction*, *supra* note 1, at 813, 819.

265. MODEL RULES OF PRO. CONDUCT r. 3.3 (A.B.A. 2025).

lawyer must capture the attention of her skeptical audience and explain to them not only what occurred, but why it matters.

In the case of the marginalized, this includes why society should care about the victim and believe him, despite the societal efforts to relegate him to the margins of unworthiness. Another dimension to reaching the audience is to obtain their attention. O'Connor reminds lawyers that this does not happen organically. It is through the author's "directed intention . . . we find that the writer has made alive some experience."²⁶⁶ So too must the advocate bring alive for the jury the experience of the victim or client. Only then will the jury find her voice worthy of attention.

Fourth, O'Connor offers insight into the paramount value of truth. Although O'Connor worked in the world of fiction and she could create her facts, she still has powerful advice on dealing with the truth and, at times, the messiness of life. In *The Church and the Fiction Writer*, O'Connor discusses the value of presenting the truth and the "wholeness of the natural events" to the reader.²⁶⁷ "If the Catholic writer hopes to reveal mysteries, he will have to do it by describing truthfully what he sees from where he is."²⁶⁸ Writing in a more Christian context, O'Connor underscores truth as a pre-eminent value, "by grounding it in concrete observable reality . . . [the writer] will be obliged to use [his eyes] honestly."²⁶⁹ This is especially true for the prosecutor because her duty, to serve justice, not her client, can be framed as declaring the truth on behalf of society and acting as a "prophetic" voice in modern life.

O'Connor wrote about complex figures with complicated moral stories, highlighting the human condition as often imperfect but still worthy of redemption. She believed that as a Catholic writer, imperfect people are often the medium for grace.²⁷⁰ The lawyer is given the facts and witnesses as they are and often must present them and address their messiness with the jury. Realities such as a criminal record, drug abuse, and poor decision-making of a necessary witness cannot be hidden from a jury but must be honestly explained. O'Connor reminds lawyers that "we can't change what we see to suit the reader but must convey it as whole as possible into his spacious quarters for his divided suspicious consideration."²⁷¹

Finally, O'Connor provides guidance on how to present the difficult truths to an audience poised to reject them. These ugly realities may often also relate to the violence. Research demonstrates that juries are particularly reluctant to believe some forms of violence such as sexual assault and child abuse actually

266. O'CONNOR, *The Grotesque in Southern Fiction*, *supra* note 1, at 813, 815.

267. O'CONNOR, *The Church and the Fiction Writer*, *supra* note 1, at 807, 811.

268. *Id.*

269. *Id.* at 810.

270. O'CONNOR, *Letter to John Hawkes*, *supra* note 1, at 1125–26.

271. Flannery O'Connor, Speech to University of Chicago (Feb. 1959) (transcript available in the Georgia College archives), *see* DRIGGERS & DUNN, *supra* note 156, at 163 (file 258b) (1989).

occur due to their depravity.²⁷² This creates a tangible challenge for those who must present the horror of abuse and exploitation to the jury. To do this, O'Connor reminds lawyers that at times one must convince the fact finder that some humans are capable of committing unspeakable harm to other human beings. Perhaps in describing her own efforts, O'Connor describes Calhoun's thought process in *The Partridge Festival* as having "to show, not say, how primary injustice operated."²⁷³ In *Writing Short Stories*, she repeats this need to do more than tell the audience what happened, but explains the writer must convince the reader "through the senses."²⁷⁴

No reader who doesn't actually experience, who isn't made to feel, the story is going to believe anything the fiction writer merely tells him. The first and most obvious characteristic of fiction is that it deals with reality through what can be seen, heard, smelt, tasted and touched.²⁷⁵

While advocates do not deal in fiction, they do "deal with reality." As such, they must also have the juror experience the events through their senses in order to believe that they occurred.

This can be challenging when the abuser is powerful as compared to the victim, particularly violent, or inherently deceptive—not infrequent qualities in offenders who prey on the most vulnerable victims to groom them into increased vulnerability. Within this violence O'Connor notes that "the man in the violent situation reveals those qualities least dispensable in his personality, those qualities which are all he will have to take into eternity with him."²⁷⁶ So too must the advocate present the graphic and awful harm left in the wake of the offenders. From these acts a jury can infer the mental state of such an offender and his culpability. For example, in *The Partridge Festival*, neither Calhoun nor Mary Elizabeth want to actually visit Singleton. However, O'Connor forces them to come face to face with the actual man, not their preconceived notion of him, and see what they did not want to believe.²⁷⁷

By embracing her work as a vocation, O'Connor offers guidance and an inspirational framework to all with vocational approaches to their lives. For the

272. See, e.g., Siobhan Headd & Dominic Willmott, *Do Pre-Trial Juror Attitudes Predict Rape Trial Verdict Decisions? Investigating the Role of Rape Myth Beliefs, Contemporary Sexist Attitudes and Sexual Victimization Experiences on Juror Decision-Making*, 0 BRITISH J. CRIMINOLOGY 1 (2025); Elizabeth M. Hammond, Melissa A. Berry, & Dario N. Rodriguez, *Influence of Rape Myth Acceptance, Sexual Attitudes, and Belief in a Just World on Attributions of Responsibility in a Date Rape Scenario*, 35 LEGAL & CRIMINOLOGICAL PSYCH. 7 (2011); Quincy C Miller, Alissa Anderson Call, & Kamala London, *Mock Jurors' Perceptions of Child Sexual Abuse Cases: Investigating the Role of Delayed Disclosure and Relationship to the Perpetrator*, 37 J. INTERPERSONAL VIOLENCE 23 (2022).

273. O'CONNOR, *The Partridge Festival*, *supra* note 1, at 784.

274. O'CONNOR, *Writing Short Stories*, in *supra* note 6, at 91.

275. *Id.*

276. O'CONNOR, *On Her Own Work*, *supra* note 6, at 107, 114.

277. O'CONNOR, *The Partridge Festival*, *supra* note 1, at 787–88.

attorney, so often facing the similar situation of screaming into a system seemingly constructed against them, her approach is of particular import.

CONCLUSION

This article does not argue that the role of the fiction writer equates to that of the advocate. Writers function in the world of fiction and attorneys in the world of fact. While writing fiction is not equal to advocating in a court of law, the *motivations* between the writer and attorney to reveal to their audience the truth are closely related. They share a vocation. The concept of vocation transcends disciplines, and varied vocations share a calling to engage in a life committed to the greater good. Flannery O'Connor excelled in her vocation to convey to an unwelcoming audience difficult truths. She used violence and actual crime to do so, influenced by the criminal law and its failure to protect the vulnerable. The influence can be understood not only as that of the law on her work, but also her work onto the practice of law. Her approach to her vocation speaks as much to the lawyer committed to the truth and the representation of the vulnerable. Both face an inhospitable audience in a system designed against them. Just as readers are grateful for O'Connor's writing, attorneys can also be grateful for her vocational approach to presenting the truth—an approach for all to emulate.