

Why Atticus Finch Doesn't Belong in the Legal Analysis of Faizabad Bar Resolution



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The legal analysis got the constitutional principle right. Its cultural references deserve more scrutiny.



Faizabad Bar Association member marche towards Ram Janm Bhoomi Police Station to complain against temple trust members over alleged donation theft, in Ayodhya, Uttar Pradesh, July 2, 2026. Photo: PTI

The Faizabad Bar Association recently passed [a resolution](#) that no lawyer within its membership would represent the accused in the Ram Temple embezzlement case. According to a [legal analysis](#) published in *The Hindu*, the resolution is constitutionally indefensible in light of the Supreme Court's 2010 judgment in [A.S. Mohammed Rafi v. State of Tamil Nadu](#), which declared such resolutions "wholly illegal, against all traditions and professional ethics."

Article 22(1) of the Constitution mandates that no arrested person shall be denied the right to consult and be defended by a legal practitioner of their choice. A bar association cannot pass a resolution that nullifies a fundamental right. The Hindu's analysis is [correct on the law](#).

What the analysis reached for beyond the law, however, deserves attention.

What the law already says

The *Mohammed Rafi* judgment is unambiguous. Every person, “however wicked, depraved, vile, degenerate, perverted, loathsome, execrable, vicious or repulsive he may be regarded by society,” has a right to be defended in a court of law. An advocate is professionally bound to accept any brief, provided the client is willing to pay the fee and the lawyer is not otherwise engaged. A boycott of the accused, even if he is a suspected terrorist, rapist or mass murderer is against all norms of the Constitution.

This is sufficient. The constitutional principle requires no literary scaffolding to stand. That the analysis nevertheless reached for it tells us something worth examining.

The Erskine reference

Justice Katju’s 2010 citation of Thomas Erskine [defending Thomas Paine](#) against charges of seditious libel in 1792 is a legitimate historical reference. Erskine took the brief, knowing it would cost him his position as Attorney-General to the Prince of Wales. It did.

Paine was convicted in absentia, having already fled to France, but the defence is remembered as a foundational statement of the lawyer’s professional obligation: the right to representation is most meaningful precisely when the client is most unpopular, most threatening to established power, most politically exposed.

Paine was a radical thinker whose ideas unsettled the state. Erskine paid a real personal price for defending him. The political coordinates – dissenter against state, lawyer against institutional pressure – are at least historically grounded and professionally coherent. But they do not map onto the Faizabad matter. The accused in the Ram Temple embezzlement case are not radical thinkers in opposition to the state.

The Atticus Finch problem

In 1993, in informal conversations among first-year law students about what had drawn them to law, one of my classmates invoked the protagonist of *To Kill a Mockingbird*, Atticus Finch. Others nodded in solemn agreement. The name was received as [a role model](#) before it was examined as a figure. Its surrounding coordinates, its political and racial architecture, its fictional status, none of these were the point. The reverence was.

In 2010, the Supreme Court’s citation of Atticus Finch in *Mohammed Rafi* gave judicial authority to what had been peer mythology. Three years later, *To Kill a Mockingbird* found its way into the Legal Methods curriculum at NLSIU as assigned reading for at least two cohorts of students and was discussed in relation to ideas of legal ethics and structural racial discrimination. In 2026, The Hindu’s legal analysis repeated the citation without scrutiny. At no stage was the figure examined

through the lens of critical race theory or the white saviour critique that had been available in legal scholarship since at least 1999. At each stage, his authority grew.

Atticus Finch has long been the legal profession's cherished self-image: the courageous advocate who stands alone against the crowd, who defends the unpopular client at personal cost, who loses but does so honourably. Law schools across the world have invoked him. The profession has found in him a mirror it admires.

That mirror has cracked. The white saviour critique of *To Kill a Mockingbird* is now well-established in literary criticism. Tom Robinson, the Black man falsely accused of rape whom Atticus defends, is not the moral centre of the novel. Atticus is. Tom Robinson exists primarily as the occasion for Atticus's heroism, his suffering the raw material for white professional courage.

The novel's emotional centre is white moral growth, told from a white perspective, in a story where Black characters are largely passive in their own tragedy. The publication of *Go Set a Watchman* in 2015, which revealed an older Atticus as a segregationist opposing school desegregation, complicated the heroic version further, though the white saviour critique of *Mockingbird* does not depend on that later revelation to hold.

The right to legal representation under Article 22(1) is structural and mandatory, not heroic. Framing it through the lens of individual professional courage romanticises what should be ordinary, and, in doing so, subtly relocates the moral weight of the right from the accused to the lawyer. For a legal analysis invoking this right in the Faizabad context, Atticus Finch is an awkward exemplar.

The coordinates do not match

The problem is that Atticus Finch does not map onto the Faizabad case.

Atticus defends Tom Robinson: a poor Black man, falsely accused, in a racially stratified Southern American town in the 1930s. He is the marginalised against a racially enforced order. Thomas Erskine defends Thomas Paine: a radical political thinker whose ideas directly threaten the authority of the state. He is the dissident against the state.

The accused in the Faizabad matter are neither of these. They are powerful figures associated with the construction of the Ram Temple, the current political dispensation's most symbolically significant project. Their alleged crime is embezzlement from within that project.

Whatever the merits of the case against them, they are not the marginalised. They are not the politically subordinated. They are not dissenters against the state. Invoking Atticus Finch in their defence, even to make a correct constitutional point, elevates their political and moral stature in ways the case does not warrant.

The constitutional principle is sufficient on its own terms. The right to fair trial belongs equally to the powerful and the powerless, to the politically convenient and the politically embarrassing, to those who build temples and those who cannot afford lawyers. Article 22(1) needs no heroic narrative to support it. It needs only to be enforced.

What the analysis should have considered

When legal analysis repeats a cultural reference, it inherits everything that reference carries. Atticus Finch carries more than the 2010 citation may have intended: a compromised literary history, a white saviour structure, and a set of political coordinates whose problems have been documented in legal scholarship since at least 1999. Repeating the citation in 2026 without examining what it carries is not analysis. It is transmission.

The reverence that Atticus Finch commands in legal professional culture is the product of professional mythology, not critical reading. The 2010 Supreme Court citation gave judicial authority to that mythology. The Hindu's analysis extended it further. The legal profession, and those who write about it, deserve exemplars whose coordinates actually match the cases they are meant to illuminate. In the Faizabad matter, Atticus Finch does not.

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Note: This article was updated since publication to refine some of its points.