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MODERN
AMERICAN
LITERATURE

Jane Smiley, Jonathan Franzen, Don DeLillo

Narratives of Everyday Justice



Jason S. Polley

The novels of Jane Smiley, Jonathan Franzen, and Don DeLillo propose new readings of justice in contemporary American literature. Jason S. Polley argues that such distinctive writers as Smiley, Franzen, and DeLillo reconfigure what he calls “acts of justice” in various modalities and spaces. These authors re-conceptualize justice in their portrayals of peripheral groups, such as women, minorities, and outcasts. In lieu of fictionalizing justice in conventional courtrooms, these writers’ narratives make a virtue of representing the undetermined and everyday presence of justice. As a result, Smiley, Franzen, and DeLillo succeed in demonstrating the ordinariness of personal concerns with justice. Loosely tracing a legacy of justice in American literature, this book also compares contemporary American narratives to canonized earlier American novels, such as Melville’s *Moby Dick*, James’s *The Bostonians*, and Norris’s *McTeague*. The book likewise examines contemporary writers like Joyce Carol Oates and Toni Morrison. Polley concludes by observing that justice in contemporary American life is not about closure, but is an open-ended practice of human action, a theory that corresponds to postmodern theories of narrative.

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Jane Smiley,
Jonathan Franzen,
Don DeLillo



Yoshinobu Hakutani
General Editor

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New York • Washington, D.C./Baltimore • Bern
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INTRODUCTION

Ends and Odds

Performances of justice and narrative have a lot in common. As an ideal that necessarily evolves, justice requires narrative in order to be debated and implemented. Narrative puts justice into practice. Narrative arbitrates the legal apparatuses of justice. Narrative therefore facilitates and problematizes jurisprudence. It enacts the processes that define the legal method. Yet narrative also textually inscribes legitimacy. It therefore compromises the dynamic (and by definition unattainable) principle of the ideal of justice by administering it in a particular way. Legality, as vehicle for justice, exposes its pronouncements to supplementary intercession. Justice, in order to remain just, must always already risk conceding its previous verdicts—its actions, its precedents—need correction. As a matter of praxis, justice puts itself on trial through narrative acts.

Contemporary American writers repeatedly represent the liabilities of the law. They complicate a fixation on justice in the United States. This American fascination is illustrated in the cultural pervasiveness of “spectacles of justice,” or what might ironically be understood as the spectacularization of everyday acts of justice—the aggrandizement of a commonplace occurrence into a hyper-mediated

cultural event. American culture obsesses over public mediations of justice. American novelists and dramatists speak to this cultural spectacle of everyday justice. They configure justice in different ways and from within different spaces. They reflect on conspicuous exhibitions of legality. Fiction writers emplot the repercussions of these executions. More importantly, they too emplot the repercussions of the repercussions of these spectacular exhibitions of everyday justice. Fiction writers narrativize both the spectacle and the “post-spectacle”—or the period that survives media treatment (which often includes engineered obsolescence) and is indelibly affected by this mediated spectacularization.

An investigative commission published a contentious twenty-six-volume encyclopedia of evidence, accusation, and victimhood in the aftermath of President Kennedy’s assassination in 1963. Prosecutor Kenneth Starr’s multiple cases against President Clinton sparked comparable civic controversy. The same Republican attorney took over the investigation into Clinton’s involvement in the Whitewater Scandal in the mid-1990s. Starr then moved from real estate transactions to sexual indiscretions. He gathered testimony essential to Clinton’s impeachment following the Lewinsky Affair. American culture is captivated by chronicles of injured parties just as it is mesmerized by the perpetration of moral assassinations. American culture betrays an overwhelming concentration on justice perpetuated through different modes of legality. Contemporary American writers illustrate how acts of everyday justice emerge in many zones or environments, not just courtrooms. Dramatizations of legal processes happen in such places as college campuses, closed courts, gambling milieus, TV talk shows, and theaters. These spaces also ironically allow for the suspension of due legal processes.

My assessment of justice focuses on novels and dramas, not critical dispositions to justice. This study of justice in some of its multiple everyday forms involves the intersection of a number of theoretical approaches to narrative and culture. I represent a narrative theory of everyday justice through the investigation of selected works by major American novelists Jane Smiley, Jonathan Franzen, and Don DeLillo. Each of these novelists shows in different ways how justice mediates all daily interactions, even when we are alone. "Everyday justice theory," as I lay claim too it, integrates the juncture—at times confluent, at other times divergent—of ethics, performance, gambling studies, new criticism, suburban theory, media analysis, narratology, and globalization. My principal concern is with justice per se and its permutations within the field of literature.

The nebulous word "justice," because of its banal usage (a usage I too preserve in this book) occupies a fundamental position in the public imaginary. The root "just" can denote prescribed philosophical adjectives like "jural," grammatical commands like "jussive," and legal terminology, like the nouns *jus cogens*, *jus gentium*, *justitarius*, and *juste milieu*. Less formally, or more publicly, and therefore apt in terms of this book, "justice" connotes more decipherable nouns, like "jurisdiction," "jury," and "judge." Justice also calls to mind the familiar verb "justify," along with its synonyms "validate," "defend," and "substantiate." Justice, in addition, indicates words normally interchangeable with the adjective "just": "fair," "unbiased," "proper," "decent," "correct."

"Justice" in its simplest formulation can be seen as the moral barometer or collective register for a civil discourse. The "social we" has a common recognition of the obligations of justice. Literary analysts and contemporary cultural theorists, however, have for the most part

under-examined justice as ground requiring critical inquiry. Andrew Ross points out “the vastly disproportionate attention that broadcast TV devotes to legal culture” (48). I would like to re-contextualize his instantly clear claim. I contend that legality—which concerns itself (however apparently tangential at times) with applications of justice—serves as the starting point for storytelling. Disturbances to justice initiate narrative. Narrative is itself legal culture. Fictional narratives are inherently embroiled in acts of justice. Independent of medium or genre, they are the consummate handbooks or *mises en scène* for the interrogation of free agency, which is what justice really determines. Justice mediates our being-in-the-world alongside other beings in the world. Representations of legality are not “disproportionate” to the interventions of justice in everyday life. Rather, it is *attention* to contemporary fictional applications of legality that proves incommensurate with the predominance of legality in contemporary America. Legal culture remains understudied, despite its popularity in fiction, film, and television. Richard Posner, for example, drafts multiple concordances between classic novels and legal texts in *Law & Literature*. Posner, a trained lawyer and economist, appropriates literature as a means to refine legality. But literature exists in its own representational terms. It is a symptom of neither philosophy nor theory nor legality.

Justice is not only the prerogative of law faculties and the producers of television docudramas. Serious (and popular) contemporary writers reconfigure justice in various modalities. Contemporary American literature appraises jurisprudence in substantive ways. Fiction emplots justice in terms of women, outcasts, depressives, and other marginalized figures. Smiley, Franzen, and DeLillo cross-examine justice by means of reflection, verdict, punishment, spatial-

ity, and the constellation of consequences that go hand-in-hand with the law. Each discounts clever jargon or specific name-hurling. Each likewise reframes the *modus operandi* typical to formal tribunal spaces. Courtroom deliberations, court documents, and legal texts provide expert accounts and certified examples for the arbitration of existing laws and the institution of new ones. What Smiley, Franzen, and DeLillo do is narrativize the many aftereffects of these traditional dispensations of justice. They scrutinize, for instance, the domino effect of victimhood (or how crimes may be caused by *crimen antecedere*). These authors elaborate upon illegality—which includes legal illegality and illegal legality. Irony, each illustrates, is the preserve of justice. Smiley, Franzen, and DeLillo move beyond the limits of the courtroom. Each widens the scope for the articulation and interpretation of justice.

A word on terminology is required. My decision to use the designation “contemporary” for the major works and writers I study in this book derives from a reflection proportionate to the extensive consideration justice obliges. I resist employing the “not ‘unproblematic’ aspects of the term ‘Postmodernist’” (McHale 3) for a few key reasons. Aware of Hutcheon’s Derridean understanding of “postmodernism,” which she defines as “a contradictory phenomenon, one that uses and abuses, installs and then subverts, the very concepts it challenges” (*A Poetics of Postmodernism* 3), and equally sensitive to Jameson’s elaborate thinking on the subject of postmodernism, as manifested in his compilation *The Cultural Turn* and his tome *Postmodernism*, I adopt the catchword “contemporary” to steer clear of this debate about the meaning of “postmodernism.” I’m indebted to this debate. But this deliberation would only sidetrack readers from my main concerns. The term postmodern, however, obviously arises in this investigation.

When it does, I defer (unless otherwise qualified) to Allan Hepburn's unequivocal explanation in *Intrigue*. Postmodernism, Hepburn clarifies, concerns the ability to hold "conflicting opinions and values simultaneously" (197). Hepburn summarizes that postmodernists do not "rally behind doctrinaire causes" like their modernist precursors/contemporaries (197).

The "contemporary" novels, plays, and essays most closely examined in this book are all published between the mid-1970s and the present. They are thus released in the 40-year period comprising responses to the Kennedy assassination, Vietnam, the Space Race, the fall of the Berlin Wall, the close of the Cold War, and the current zeitgeist of Hot Peace. This era encompasses, among others, the administrations of Reagan, Clinton, and the Bushes, in addition to the post-9/11 epoch and the War on Terror (and however Obama and the media repackage these incursions). I refrain from alluding to all of these incidents specifically. They, nonetheless, provide new-historical background for what I portray as contemporary culture, an age variously described as oriented towards images, media, markets, suburbs, technology, and information. I incorporate phrases like "the image age" or "market culture" almost interchangeably electing one or another as a more reliable indicator of the tendency I am exposing. Synonyms, after all, provide a degree of slippage that fosters greater degrees of precision and nuance. This is partly how dictionaries, and specifically thesauri, operate, after all. They lie to us. Or, rather, they define words by means of other connected, but not twin, terms.

My selected authors do not write about justice and its costs either exclusively or overtly. Don DeLillo, who's one of the most studied writers in the US, avoids any patent legal drama or courtroom procedure. He avoids staging recognized varieties of due process in his

work, notwithstanding the very politicized, or dissident, or even anarchic, nature of his protagonists. So too do Jane Smiley and Jonathan Franzen avoid narrativizing justice in its all-too-popular courtroom form. All three writers fictionalize the underdetermined prevalence of justice in the lives of everyday Americans. Each illustrates the commonness of individual concerns with justice by writing about legality *qua naturalis*, not *qua legalitas*.

Novelist and essayist Jonathan Franzen evaluates narrative as contingent upon containment and manipulation. Justice takes the form of self-correction in his work. In *The Corrections*, personal senses of freedom, sanity, and happiness work in conjunction with the personal will to change, not to mention the will to accept the changes others adopt. Justice concerns individual agency for DeLillo, who's both a novelist and a playwright. In the novel *Players*, the play *Valparaiso*, and the novella *The Body Artist*, characters turn inward. Each does this as a means to escape culturally enforced codes. Each reasserts a respective claim to agency by means of what Franzen unironically would call a "cultural *Je refuse*" ("Why Bother" 90). Jane Smiley enlarges the compass of justice in her two long, international fictions. *The Greenlanders* and *Horse Heaven* relate to justice in terms of random interpersonal relations. She dilates on free agency by means of independent responses to unplanned social interactions. All three writers connect justice to the re-determination of individual fate.

Justice is about debate and execution, not about being right. None of these writers presents justice in a more just way than another. Whether mediated through haphazard circumstance (Smiley), narrative control (Franzen), or spatial constraint (DeLillo), justice entails prolonged narrative acts, not verdicts. Justice, for these authors, takes into account the rights and viewpoints of other nations. International

episodes inform domestic versions of justice that implicate vigilantism, revenge, escape, precedence, creativity, and risk. International events address and update local applications of the law.

Smiley, Franzen, and DeLillo reevaluate their understandings of justice in the course of their separate careers. Franzen reexamines *The Corrections* and the media event that followed its publication in his book of essays *How to Be Alone*. DeLillo reworks his novelistic depictions of agency by focusing on drama in the latter half of his career. Smiley increases the geographic range of her narratives as her oeuvre develops. She departs from American regional spaces to international settings. I incorporate two chapters on each author in order to suggest how each reconstitutes his or her personal position toward justice. The second chapter on each author is a prolongation of its precursor. Each second chapter also amends its predecessor. These qualifications typify the impossibility of the ideal of justice. Executions of justice are only ever just if meted out provisionally. Pluralistic, agonistic, global America must recognize how every enactment of justice can be reopened, reinvestigated, and corrected. Never definitive, always inconclusive, justice cannot be instituted unilaterally. Nor can it be used to any absolute end, save one that is categorically conditional. The law serves and protects on a case-by-case basis. The law upholds differentiations, not universals; justice recognizes exceptions, not constants.

Legal precedents—or stories—determine the particular limits of due process. No case, however, is proportionate exactly to another. Juridical procedure accommodates evolving understandings of criminality and punishment for this very reason. Shifting legal conventions are performed in particular spaces of ceremony and rule. Acts of everyday justice thereby occur in zones resembling the spaces

where games are played. Yet the dynamism of jurisprudence *prima facie* contradicts the circumscribed rules normalizing game spaces. Roger Caillois marks an unambiguous distinction between the set confines of play spaces and the open parameters of the everyday world. He describes the domain of the game as “a pure space,” as “a restricted, closed, protected universe” (*Man, Play, Games* 7). “The confused and intricate laws of everyday life,” Callois clarifies, “are replaced, in this fixed [game] space and for this given time, by precise, arbitrary, unexceptional rules that must be accepted as such and that govern the correct playing of the game” (7).

Precise rules aspire to direct game play in its different forms. Rule offenders, if caught in the act of taking advantage of other players or of trespassing specific guidelines, are immediately penalized. In his early novel *End Zone*, DeLillo accentuates rule violation and punishment in college football (among other things, including martial exercise). Protagonist Gary Harkness, carrying the ball for the Logos squad, at one point steps out of bounds because two opposing players have “the angle” on him (123). Despite his tactical departure from the zone of play, he gets “hit and dropped and hit again” (123). He is impassioned by the illegal collisions. He retaliates by coming “up swinging” before being grabbed, pulled down, and kicked (123). The opposing squad, Telcon, obtains a fifteen-yard penalty for “roughing” as a result of these infractions (123). A translation of justice gets played out immediately within the dictates of the game. This contrasts with the everyday world, where “trusting to autonomous and complete [not to mention instantaneous] justice is futile” (Roos 157). The Telcon offenders in one of *End Zone*’s ballgames receive their punishment, while Gary’s immediate attempt at revenge is overlooked. Complete with problematic depictions of discretion and

judgment, *End Zone* reflects on strictly regulated violence as well as the conditions of justice. The title refers to the two ends of the football field, thus signaling the sidelines and boundaries of the game. The narrative, however, questions these limits. Though “play and life are constantly and universally antagonistic to each other” (Caillouis 63), games are not completely separated from the everyday. Like player injuries, of which *End Zone* contains a litany (145–7), the “ethical creativity of limited and regulated conflict” (Caillouis 169) cannot be confined wholly to play spaces.

End Zone clearly alludes to Samuel Beckett’s *Endgame*. DeLillo’s second novel makes a virtue of motion, regulation, and spatiality. Beckett refers to the micro-movements, ponderings, and attacks of the final stages of a chess match. DeLillo repositions these militaristic orchestrations to the West Texas desert. He amalgamates the anomie and emptiness of the “*Bare interior*” and the stillness of the “*Brief tableau*” that open *Endgame* (92) to the archetypal American zone of justice: the desert. DeLillo includes desert-scapes in most of his fictions. *End Zone* condenses three different spatial determinants for the allocation of justice. DeLillo places the football field, where arbitrary rules swiftly manage offenses, at the core of the college campus, where symbolic rules sanction assorted social interactions. The campus sits at the center of the bare desert, where outlaw justice encodes classic or frontier mano-a-mano clashes. DeLillo features concentric demarcations of justice. He commemorates the institutionalization of empty space, as implied by the underdetermined rules and limits intrinsic to the names *Endgame* and *End Zone*. Endgames and end zones are the spaces where activity stops—like Ground Zero, which rests in the awful vacancy left in the absence of the Twin Towers. Yet these endings paradoxically inaugurate or compel

epochal embellishment. DeLillo therefore observes how serious play, in its multiple varieties, transcends its own prescribed limits. Play zones incorporate the questionable arbitrations defining domestic distributions of justice. Play zones are not just models for the lawful assignment of recompense.

Performances of justice are never indisputable, even when allegedly irrefutable (as in the “arbitrary” precincts of play Caillois highlights). Legal processes rely on narrative, and specifically on dissimilar renditions of a particular story. Courtroom judgments, in other words, corroborate the devices of narrative. Justice is inextricable from storytelling. Justice provides local applications, not universal answers. The law also integrates theories of ethics and literary analysis. James Phelan, Martha Nussbaum, and Robert Eaglestone respectively bolster Shirley’s Heath’s claim that good literature, like religion, proves “substantive” because it provides neither “answers” nor “closure” (in Franzen, “Why Bother” 82). Phelan drafts a link between active disagreement and disinterested consideration, between doubt and ethics. He contends, “The activity of discussing the values of texts is ethically more important than getting it right” (95). Nussbaum analogously encourages readers to “applaud and investigate” the different ethical judgments of a given text (71). Eaglestone makes a related intervention when he concludes “criticism too must fail, must always be open to interruption. There can be no final reading, no last word” (179). Nevertheless, it is the job of justice to endorse its procedures. Justice must implement (arguably) absolute pronouncements. Court cases can last for protracted periods of time. But they must, like novels, come to an end—at least temporarily.

Just decisions leave themselves open to supplementary contention. Justice is debated, deliberated, and delivered via the legal

method. Courtroom judgments or findings endorse dispute at the macro and the micro levels. These findings must be understood as signposts along the way to justice, not as definitive destinations for the would-be proper institution of justice. A legal precedent can be instituted. A legal precedent can be overruled. A judge's ruling can be appealed. The right to appeal prolongs the negotiations of due process. The right to appeal enforces the justness of justice. The right to settle a case out of court is a related form of legal intervention. When faced with malpractice suits, hospitals and their affiliated physicians tend to opt for this alternative in order to safeguard against the establishment of precedents that could further increase liability. Appeal and settlement redirect the courses of justice. The former prolongs formal conclusion. Appeals call for additional presentations of narrative in order to uphold the mandates of justice. Appeals exaggerate the devices of justice. They depend on added detail, extended appraisal, and recalibrated assessment. Appeals aim to cancel initial rulings. Appeals call attention to reconsideration, to re-narrativizing, to rereading. Irrespective of official conclusiveness, legality applies its means to its end. Jurisprudence incorporates the reinvestigation of its own conclusions. Jurisprudence investigates its own acts of injustice.

Out-of-court settlements sanction a procedure that disallows the creation of new regulations. Out-of-court settlements, by extension, veto new understandings of illegality. By thus prohibiting the institution of new legal precedents, justice paradoxically maintains its track. Justice must prohibit its own abuse in order to be just. Legality obstructs the overuse of just recourse. Legality tempers its own control over the citizens it governs and serves. The system for the institution of justice discourages unjust increases in personal account-

ability by discouraging the endless creation of laws and bylaws. Precedents are the starting points for the exacting of justice. Precedents clearly encourage self-professed victims to resort to lawful or unlawful tactics for the redeployment of justice. The rising status of the “victim”—whose specter is visible in the allegations of President Clinton’s sexual misconduct with White House intern Monica Lewinsky—legitimizes spectacles of justice. Precedents suggest constellations of events, much like the curious or discomfiting or traumatic incidents that serve as the starting points for fictional narratives. Precedents permit so-called “victims” of putative “crimes” to link themselves to comparable acts of injustice. Novel applications of the law amplify interpretations of victimhood and criminality.

Legal methods restrict the limitations a culture places upon itself by checking the introduction of new laws. Cultures clearly evolve on account of the realization of new laws and freedoms. Yet overly regulated societies, like overly permissive ones, impose limits on the freedoms of their citizens. Too much legality can arrest personal agency. So too can too much liberty. Smiley, Franzen, and DeLillo show how surpluses of legality, like shortages, alter the boundaries of everyday life. Justice, in other words, ought not to be the leitmotif of anyone’s personal story. A crevice divides the ideal of justice from applications of the law. Narratives emplot exclusive endorsements of justice. Disparate acts of justice surrender the ideal to local appraisals and usages. Justice cannot be dispensed in one way, in or out of court. Justice limits itself as it applies itself to itself.

Justice articulates and approves the appreciation of individual limits. It is not fashioned in order to establish personal limitations. Justice regulates while it complies. Justice orders as it answers. One of the inbuilt ironies of justice is it manifests itself by remaining half

concealed. Too visible, it constrains the people it guards. Too invisible, it ignores the personal narratives of certain individuals by disrespecting differences and complexities. Franco Moretti argues in *Way of the World* that everyone has a right to a story, and these stories, as personal testimony, are implicated in systems of justice (205, 213). Moretti's consideration of the bildungsroman from Fielding to Dickens implies all novels "back up an ideology of justice" (213). Moretti clarifies this "cooperation of literature and law" (212). He stresses how fiction "introduces" and "strives to prove, in explicitly egalitarian fashion, that everyone—bastard child, woman, drunk, fugitive, pauper—has the right to tell her/his side of the story, to be listened to, and to receive justice" (213). Representative subalterns, in Moretti's estimation, have been "deprived of the right to have rights [and] restoring it to them is nothing more than an act of justice" (205). The history of the novel from its inception is, in some ways, a form of justice.

Contemporary American narratives concern legal arbitrations of justice. Modern European novels, in Moretti's estimation, do not support the same meting out of legal or financial rewards. The works of Smiley, Franzen, and DeLillo, among others, do not dwell on heavenly (or archetypal) rewards. Instead, they focus on the apparatuses that attribute justice. Fielding's hero Tom Jones, for instance, receives a socially mandated reward (he marries the squire's daughter after his urban experiences). Jones is thereby circumscribed by a paradigmatic narrative conclusion: the tyranny of a romantically coded happy ending. Justice, on the other hand, is mediated through processes of legality in contemporary America. Joyce Carol Oates's campus novel *Nemesis* (1990) features a composer-in-residence accused of abusing a male student. The student does not file criminal

charges. The composer receives a buyout from the conservatory as a result of his alleged crime. Oates's narrative adjudicates the situation not as a dispensation of right and wrong, nor even as a compensation for being a decent person. Ethical implications fall on understandings of legal rightness, as determined by a particular tribunal, irrespective of a person's evasions of the law. Canonical Western and contemporary American fictions configure and distribute justice in different ways. Both, however, make a virtue of how justice revolves around storytelling.

American fiction has a long history of representing injustices in order to redress them. The narrator of Melville's *Moby-Dick* (1851) invites or hails readers into the text with the request "Call me Ishmael" (3), a move Joan Didion later echoes in *Democracy* (1984): "Call me the author" (16). Melville's narrator delivers his self-justifying story alongside accounts of the actions (and gestures) of the almost impenetrable yet eminently admirable and "affectionate" Queequeg (28), a heavily tattooed black man of unclear origin. Queequeg plays many parts in Ishmael's narrative. He's at once human symbol of the unvanquished sea, unreadable subject, Ishmael's lifesaver, and Ishmael's proxy audience. These roles indicate how free agency necessitates the sharing of personal stories. Frank Norris also emphasizes individual narratives. His articulation of justice concerns the grim justice of naturalism, not divine justice or providence. *McTeague* (1899) features an eponymous dentist whose mounting passions overwhelm his small refinements. McTeague escapes his cramped apartment in overcrowded San Francisco. But he ultimately finds himself destitute in a desert fighting an ex-friend to the death. His fate is sealed by his friend-turned-foe-turned-victim, who handcuffs himself to his conqueror as he expires. Handcuffed to a dead man,

McTeague's finally trapped in the vast expanse of Death Valley, not unlike the symbolic "half-dead canary" he carries around in "its little guilt prison" (324).

Contemporary writers configure everyday justice in light of the complicated ties between identity, performance, and freedom. Frederick and Steven Barthelme demonstrate the flexibility of justice systems in terms of individual narratives in the memoir *Double Down*. The brothers narrativize notions of victimization, theatricality, and risk as they consider problems of justice and independence. Characters in contemporary American fiction access freedom by risking this very lack of restriction. Self-justification, which is a mode of legality, concerns risky questions, actions, and decisions.

Double Down documents the two-year gambling addiction of the Barthelme brothers. Their splurge, which is funded by an inheritance, ends when they are prosecuted for complicity in cheating a casino. Frederick and Steven remark on how the law is "awkward" and "remarkably unsupple" (169). They fashion *Double Down* as an appeal, as deferred legal testimony. The memoir prolongs the deliberations of due process. In cross-examining justice as perpetrated in its courtroom form, they speak to links between narrative and liberty. "The law," they plea, "wasn't about finding the truth. It wasn't about guilt or innocence. It was about telling the jury a story. And whoever told the best story won" (172). The brothers insist prevailing legal narratives cannot reflect the complex ambiguity of the everyday: "[The court] did not want reality. [It] wanted a picture you could draw with a child's marker" (176). Justice—as protocol—materializes as both a game of reduction and a high-stakes gamble. Storytelling in a courtroom is a modeling of truth for the purposes of approaching a just verdict. Courtroom justice involves serious play with serious conse-

quences.

Double Down puts the justness of justice on trial. The narrative thereby acts as alibi for the brothers, who present themselves as thrifty academics in the everyday world and high-rolling gamblers in the play space. "At home," they admit, "you might drive across town to save a buck on a box of Tide, but at the [blackjack] table you tip a cocktail waitress five dollars for bringing you a free Coke. You do both of these things on the same day" (25). Frederick and Steven entreat readers to identify with them by using the pronoun "you." They make the case they are guilty only insofar as the law needs to be reconsidered. Their narrative restores a balance of justice, seen here as impartiality executed through legal acts instead of via merit or providence. The brothers, after all, are "hooked on risk," not on luck (102). They further the formal limits of justice and freedom. Narrative invites justice to risk re-justification.

American literature contains the prevailing sentiment the law is a set of stories. Any interpretive construct can be correct, or at least arguable. The dimensions of this ethical problem increase because felony always comes in concatenated stories. The consequences of criminal acts can justify, cancel, extend, or duplicate the putative instigating or original crime. This is the *raison d'être* for laws—to supersede vengeance with justice, to supplant vigilantism with stories. The intriguing problem, of course, is that every story silences another story, as Pulitzer Prize-winner Junot Díaz subtly illustrates throughout *The Brief Wondrous Life of Oscar Wao* (2007). Acts of justice and injustice alike take into account prior provocations and actions—as well as future ones. Justice is never enacted *ex nihilo*. Novelists and dramatists consequently construct specific zones for the circulation of justice.

The Barthelmes engage in awkward acts of justice in American casinos and courtrooms. Joyce Carol Oates, the most productive serious writer in the US, represents justice in regional milieus. A realist, like Smiley and Franzen, she positions herself in the naturalist tradition by frequently incorporating revenge motifs and the emplotment of retribution in her novels. She writes her roman à clef *Nemesis* under the assumed name Rosamond Smith, a move that protects any “potentially libelous author” (McHale 2006). *Nemesis* highlights how the simple enunciation of the will-to-revenge transforms victims into suspects. It is set at the Forest Park Conservatory of Music, a fictional substitute for Princeton, where a sex scandal led to the dismissal of a tenured professor in the late 1980s (see Rabinowitz [1989]). *Nemesis* concerns events surrounding the alleged rape and beating of gauche and creepy grad student Brendan Bauer by Composer-in-Residence Rolfe Christensen. Rolfe is judged by a campus tribunal made up of his colleagues. Known more for his rap-sheet of sexual indiscretions than for his musical repertoire, he receives a counterintuitive sentence: relief from his teaching duties with full pay. He maintains his eminent title and proportionate salary, with the perquisite of additional spare time. Rolfe appears to be recompensed for his dubious actions, a recompense implicitly rendering Brendan’s claims questionable or even defamatory.

Rolfe later dies as a result of consuming poisoned chocolate, which he mysteriously receives in a gift-box delivered through campus mail. Brendan becomes the prime suspect in the police case. Brendan’s putative rape—never proven in a legitimate court because he refuses to press charges and declines taking a medical exam—therefore alters from an under-investigated crime perpetrated on an unsuspecting young man to the same young man’s motive for com-