

Fictions of Justice: Literary Lawyers in the American South, 1946-1966

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This thesis re-examines and redefines the structuring paradoxes of the post-war American South through a sustained interrogation of its literary lawyers. Moving between canonical and marginal authors, and alert to the overlapping spaces of race, law, history, and violence, my research sheds new light on the critically neglected ‘pre-Civil Rights era’ by connecting the Cold War American novel to the contradictory discourses of the American South’s shifting social and legal terrain. In an era caught between localised reassertions of racial hierarchy and broader national claims of emancipatory justice and equality, I contend that my four central writers – William Faulkner, Harper Lee, Jesse Hill Ford, and Ann Fairbairn – employ fictional lawyers to embody the unsettled meanings of ‘law and justice’ in a region poised on, but still awaiting, the transformative changes wrought by the 1960s Civil Rights struggle.

The first chapter focuses on William Faulkner’s Gavin Stevens; particularly his appearances in three less critically familiar novels: *Intruder in the Dust* (1948), *Knight’s Gambit* (1949) and *Requiem for a Nun* (1952). A morally complex character, Stevens pursued ‘justice as he [saw] it’, providing the first lens through which to explore the South’s problematic relationship between racist violence and the deeper ambiguities of legal justice. The second examines the iconic Atticus Finch – first introduced in Harper Lee’s *To Kill a Mockingbird* (1960) – as he attempts to exonerate the wrongly accused Tom Robinson (in a plot based on the ‘Scottsboro Boys’ trial (1931-32)). Despite her enduring popularity, Lee has been largely side-lined in post-war literary histories, so this thesis explores her famous lawyer in more depth, paying distinct attention to the controversies surrounding the recent publication of *Go Set a Watchman* (1957; 2015) and its dramatically different portrayal of the primary legal figure.

The third and fourth chapters deal with fictional lawyers from novels set in the aftermath of the landmark *Brown v. Board of Education* Supreme Court decision of 1954. Set in the defining decade of the Civil Rights struggle, Jesse Hill Ford’s *The Liberation of Lord Byron Jones* (1965) presents two contrasting legal figures, as the nostalgic Southern ideals of Oman Hedgepath are pitted against those of his radical young nephew and associate, Steve Mundine. Finally, and further developing the focus on the relationship between race and law, the fourth chapter examines the project’s most critically marginalised text: Ann Fairbairn’s *Five Smooth Stones* (1966); an epic narrative set over three decades, depicting the life of black attorney David Champlin.

This project also engages with, and extends, current debates in the field of law-and-literature studies, refracting such theory through its careful explication of specific dilemmas fictional lawyers faced in the South during the turbulent post-war era. Furthermore, in contextualising the law-in-literature paradigm described by Richard Weisberg, who claims literary-legal narratives allow the legal profession to better comprehend the ‘nature of law’, as well as reacting to recent influential criticism of the post-war novel, such as Mark Grief’s *The Age of*

the Crisis of Man, this thesis argues that the fictional lawyers in these texts operate in two distinctive ways. First, they foreground the localised mores and politics of legal (in)justice(s); and second, rather than simply reasserting post-segregation era criticism that Southern texts degenerate into populist narratives covertly reinscribing segregation and violent cross-racial encounters, these legal figures instead come to perfectly articulate what Danielle Allen argues remains historically ‘undigested’ in the ever-evolving complexities of post-war Southern race relations.
