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I

One thing can be said for William Faulkner's choice of a lawyer in his novels: he remained loyal to that choice over many years of hardship, ambiguity, embarrassment and even public displeasure. Few real-life attorneys could ask for a more faithful client, one who calls on us for almost all his complex problems and always forgives us our minor faults. So it was between Faulkner and his favorite fictional lawyer, Gavin Stevens. Not content with retaining his services over a thirty-year span for matters ranging from racial politics to real estate conveyancing, and criminal litigation to college admissions counseling, Faulkner would occasionally go so far as to substitute Gavin, quite brutally, for other lawyers with whom he occasionally flirted. So, in *Requiem for a Nun,* Gavin steps into the shoes of Horace Benbow and picks up Temple Drake's sordid perjuries as though poor Horace had never dealt with them before, never even existed for that matter. Seemingly confident of Gavin's abilities and even substantive support, Faulkner lends him out to many characters, so that at one time or another Gavin assists the whole county of Yoknapatawpha, including, severally, a falsely accused black man, a woman whose house has been burned to the ground and (at the same time) the family which did the burning, various bank presidents (against two of whom he also brings a fruitless lawsuit), a Snopesian hog-owner and immediately thereafter the family that Snopes is trying to blackmail,[1] and a man Gavin knows full well has just committed pre-meditated murder.[2]

If Faulkner's career-long confidence in Gavin Stevens led in part to some of these fictional conflicts of interest, his allotting Gavin reams of narrative space has also produced confusion, if not distaste, among the literary critics. Although Gavin was created with all the embellishments of a liberal, even literary, education, he has ultimately failed to win the hearts and minds of similarly educated and verbally gifted Faulknerians. For whatever the artistic motives behind Faulkner's loyalty to Gavin, the critics have

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1. William Faulkner, *The Mansion* (New York: Random House, 1955), pp. 341-49.

2. Significantly, Jason Compson is the only potential client Gavin always rejects; See Faulkner, *The Mansion*, p. 327.

finally rejected his favorite lawyer and sought counsel among other Faulknerian speakers.

Now it is well known that educated and articulate protagonists since Hamlet have fared well with the critics and, as we shall endeavor to make known shortly, lawyers far less ethical or sympathetic than Gavin Stevens have also won their way. Yet soon after the publication of the work in which he plays most centrally, *The Town,* mainstream Faulknerians started to turn against Gavin. Cleanth Brooks, in part because he thinks so little of Gavin, seems to suggest that *The Town* should be skipped over as an uninteresting and repetitive bridge between *The Hamlet* and *The Mansion.*[3] For Brooks, Gavin was never meant to be Faulkner's mouthpiece; the lawyer's "sophomoric posturings and highminded silliness"[4] could grant him "no privileged position in Faulkner's novels,"[5] not in *Intruder in the Dust* nor even this later, less doctrinaire novel. And Irving Howe, rarely in agreement with Brooks about Faulkner, was himself pointing out Gavin's "passion for rant"[6] and hoping that no one would associate the lawyer's "frantic verbal outpourings"[7] with Faulkner's own point of view.

While other critics were eventually granting *The Town* its rightful place among Faulkner's worthy efforts,[8] they too had little good to say about Gavin. Steven Marcus, writing soon after the novel appeared in 1957, called it "the most interesting work Faulkner has published in 15 years."[9] More accepting of Flem and Eula Snopes' place in the text than Brooks appears to be, Marcus, however, forcefully and incredibly applies the word "monster"[10] (which Brooks had always used for Flem)[11] to the mild-mannered, if all too windblown lawyer.

Poor Gavin! What a distance in critical perception he had travelled from the clever detective and trial lawyer of the early

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3. C. Brooks, *William Faulkner: The Yoknapatawpha Country* (New Haven: Yale Univ. Press, 1963), p. 216.

4. *Id.*

5. *Id.*

6. I. Howe, *William Faulkner: A Critical Study*, 3d ed. (Chicago: University of Chicago Press, 1975), p. 284.

7. *Id.*

8. Joseph Reed, Jr., *Faulkner's Narrative* (New Haven: Yale Univ. Press, 1973). "*The Town* is good to read . . . Faulkner is getting at something new here"; but the equation of Gavin with Faulkner, while "hard to escape" is a "less attractive speculation."

9. Steven Marcus, "Snopes Revisited" (1957), reprinted in *Three Decades of Criticism* (New York: Harcourt Brace, 1963), p. 382.

10. *Id.*, p. 390.

11. Brooks, *Yoknapatawpha Country*, p. 228.

stories, or the spokesman for Faulkner himself,[12] to the disapproval or outright hostility of thoughtful critics like Cleanth Brooks and Steven Marcus. The best, it seemed, he could hope for was the benign neglect of critics such as Warren Beck, who refused, at least in his longest book about Faulkner, to list the seemingly reflective intellectual as one of Faulkner's so-called "compassionate troubled observers."[13] (Even the Beck of *Man in Motion,* who eloquently supports Gavin as an ethical "intervenor," provides an analysis stressing Gavin's "chivalric" – almost Benbowish – "desperation.")[14]

Now we might think that Gavin Stevens, graduate of Harvard, Heidelberg and the University Law School, exceptionally well-read and selflessly eager to convey his poetic and rhetorical wisdom to the young, would be placed on any list of the compassionate, the idealistic and the humane. We might think this even if we do not fully endorse the view that those sentiments represent Faulkner's true voice in the novels. Yet Gavin, a respectably unhappy and reflecting intellectual, usually is ranked below apparently less humane observers, sometimes losing out even to fellow-lawyer Horace Benbow, or to the suicidal Quentin Compson, more typically ranking below V.K. Ratliff (whom Steven Marcus adores), the older Bayard Sartoris, the Reverend Gail Hightower, or his own protege and nephew, Chick Mallison.

Something about Gavin clearly bothers the critics, paradoxically even those (like Beck) who try to answer what they call a "nihilist, Frankensteinian" approach to Faulkner's meanings. Originally admiring of his courtroom brilliance in *Knight's Gambit,*[15] the critics resented his didacticism in *Intruder in the Dust,* and wrote him

12. As to Gavin's abilities as a detective, particularly in the stories of *Knight's Gambit*, see Gidley, "Elements of The Detective Story in William Faulkner's Fiction," *Journal of Popular Culture* 7 (1973):97-123. As for Gavin as Faulkner's spokesperson, the controversy centers on *Intruder in the Dust*. Eventually, critics had some difficulty dissociating Gavin from Faulkner (even where they disagreed with Gavin's lengthy statements in the novel). An attempt, which also reviews the critical debate, is Monaghan's, "Faulkner's Relationship to Gavin Stevens in *Intruder in the Dust*," *Dalhousie Rev.* 52 (1972):449-57.

13. W. Beck, *Faulkner* (Madison: Univ. of Wisconsin Press, 1976), p. 8.

14. Beck, *Man in Motion: Faulkner's Trilogy* (Madison: Univ. of Wisconsin Press, 1963) and, seeing Benbow as "Gavin's prototype," *Id.* at 110. Beck could not be more eloquent, in this book, in defending Gavin; he sees the lawyer as a disinterested, compassionate voice. But Beck's inaccurate vision of Gavin as a weak, fading flower in the Benbow tradition ultimately does less justice to the character (and to Faulkner's use of him) than does a direct attack on Stevens' actions and words. Lawrance Thompson was among the first critics in this mold, those who sympathize somewhat with Gavin, but find him "quixotic"; see L. Thompson, *William Faulkner: An Introduction and Interpretation*, 2d ed. (New York: Barnes and Noble, 1963), p. 158. On balance, as we shall see, Gavin's pragmatic qualities outweigh his occasional adolescent excesses and ultimately come to direct them toward effective action.

15. See, e.g., Doster, "The Several Faces of Gavin Stevens," *Mississippi Quarterly* 11 (1958):191, where he speaks of "an almost perfect picture of the use of pure reason" in the story "Smoke," and of Stevens "as a clever [not quixotic or abstractly idealistic!] intellectual."

off as a "high-minded egghead"[16] in *The Town.* Brooks finally claimed that Faulkner treated Gavin "as a figure of fun – almost as the butt of the author's jokes,"[17] and Howe suggested darkly that Faulkner "will some day have to answer for the creation of Gavin Stevens."[18] To the extent that enlightened western literary culture – northern or southern – was seeking ratification of its values in Faulkner, it apparently needed to reject the most articulate and well-read of his characters, Lawyer Gavin Stevens.

It might have been the kind of dilemma to bring a grin to Faulkner's lips, the kind of story about which Phil Stone would have shared "half the laughing."[19] To see the adjective "monstrous" applied (by Brooks) to the arrivist Flem Snopes might have seemed appropriate enough; to find it transposed (by Marcus) onto the Harvard-educated country lawyer would surely strike a comical chord.

My purpose here is not necessarily to revive Gavin's reputation, but to re-associate it with some of the most pressing difficulties in approaching Faulkner's meanings. I argue that we can no more shunt Gavin aside or perceive him as monstrous than we can ignore Flem and Eula or utterly degrade their behavior.[20] Whatever shortcomings those characters have, they are central to Faulkner; they stand not at either of his moral antipodes (as does the despicable Jason Compson and Popeye on one end or the perfectly sound Byron Bunch and the admirable Dilsey on the other). It follows that we cannot ignore *The Town,* the text in which the portrait of Gavin admittedly gains focus, and in which (not coincidentally) the fates of Flem and Eula reach their denouement. We must return to "The Snopes Trilogy" in general, and to *The Town* in particular, finally to approach Faulkner's implied system of meaning and values. Ultimately we may find that Gavin Stevens, although Faulkner's finest lawyer, was never meant to be Faulkner himself but rather modern literate culture as a whole; not Faulkner in other words, but us. Concomitantly, we may perceive that Flem and Eula, both of whom also retain Gavin's professional services,

16. *Id.*, p. 195.

17. Brooks, *Yoknapatawpha Country*, p. 194.

18. Howe, *Critical Study*, p. 146.

19. The phrase, of course, is the headnote to *The Town.* William Faulkner, *The Town* (New York: Random House, Inc., 1957).

20. Brooks finds Flem to be "a kind of monster," Brooks, *Yoknapatawpha Country*, p. 228, worse than Jason Compson whom he judges to be "at least recognizably human." *Id.*, p. 229. Steven Marcus, more accepting of Flem's humanity than Brooks, can still say that Linda "inexplicably" loves her father, (Marcus, p. 383), despite ample textual justification for such filial affection. More than one speaker in *The Town* attests to Flem's (admittedly peculiar, but nonetheless "human") paternal generosity, pp. 323-25; courage, p. 300; and capacity for silence, p. 297, a trait which, as we shall see, Gavin (as well as Ratliff) comes to admire and even emulate.

are closer to Faulkner and to his values than we might have surmised.

These claims will best be supported by seeing Gavin Stevens as he has, oddly enough, not yet been seen, as a contribution to the development of a distinct literary type in nineteenth and twentieth century western fiction, that of the lawyer-figure. Similar, in *Knight's Gambit* and *Intruder in The Dust*, to fictional lawyers created elsewhere, he finally departs from their model (and from that of other Faulknerian lawyers like Horace Benbow) in one key respect: Gavin Stevens becomes the first major literary lawyer to develop positively as a human being *in the direction of,* and not in rebellion against, his professional strengths. As part of this growth, Gavin gradually learns the primacy of *silence over language* in all vital human affairs, an easier conclusion for a lawyer to draw than one might think; as another part, he finally extends to his personal life his greatest virtue as a lawyer in *Knight's Gambit*, a willingness to take risks (even to the point of personal embarrassment) in the service of what he considers right.

These are remarkable virtues, not usually granted lawyer-figures by their creators; when added to other of Gavin's qualities and faults which are more typical of novelistic lawyers, they produce a rich (if highly flawed) character and a truer index of Faulknerian meaning than is to be found in Ratliff, Hightower or anyone else, Flem, Eula and Linda Snopes perhaps excepted.

II

When Faulkner created Gavin Stevens (and Horace Benbow and his many other fictional lawyers), he was writing under the sway not only of biographical[21] but also literary influence. Anglo-American fiction since early in the nineteenth century had produced a fair sampling of important characters who practice, or try to practice, law. Sensitive, as older values waned, to the growing importance of legal substance and procedure, the novelist of that period delighted in creating lawyers. For the most part, English and American writers struck a gentler note in these portraits than did their artistic colleagues on the continent of Europe.

21. See Joseph Blotner, *Faulkner: A Biography* (New York: Random House, Inc., 1974); S. Snell, "Phil Stone of Yoknapatawpha" (unpublished Ph.D. dissertation, 1979); and many other sources about the importance of law to the Faulkner family and to the author throughout his life.

These latter, from Balzac and Dostoevski[22] to the more contemporary Camus, were producing just as many fictional lawyers, but hardly a one with any redeeming social value whatsoever.

The word "gentler" may surprise those readers who recall, accurately, the more glaringly negative portraits of the profession in Anglo-American fiction. Indeed, lawyers themselves take an almost masochistic delight in reciting to each other the many literary passages critical of their guild. Shakespeare's "let's kill all the lawyers" and Samuel Johnson's "I would be loath to speak ill of any person who I do not know deserves it, but I am afraid he is an attorney," were elaborated upon in such nineteenth century remarks as Keats' "I think we may class the lawyer in the natural history of monsters" and Dickens' uncharacteristically pithy "The law is a ass," to which list is frequently added the twentieth century poetic vision of Carl Sandburg's "When the lawyers are thru, what is there left? Can a mouse nibble at it and find enough to fasten a tooth in?" or, "Why is there always a secret singing/When a lawyer cashes in?/Why does a hearse horse snicker/Hauling a lawyer away?"

These passages reflect Anglo-American literature's darker lines of approach to the law. Whole portraits come to mind, or rather caricatures, fictional conveyances of the public's feelings about the legal profession. The nineteenth century, perhaps particularly, took an almost definitional stance towards lawyers, so that even disinterested descriptions often managed to be implicitly derogatory. Thus, George Eliot, in *Felix Holt, Radical,* describes a character's perspective:

> [H]e would not have been disgraced, if, on a valid legal claim being urged, he had got his lawyers to fight it out for him on the chance of eluding the claim by some adroit technical management.

Bleak House, with its titular reference to the architecture of the London law courts, which Dickens describes as "depressing, dreary, ugly, dirty, filthy, mouldy, squalid, lack-lustre and choked with rubbish" (quoted from the essay "Chambers" in *The Uncommercial Traveller*), presents its lawyers in depressing tones as secretive, cold, manipulative, and given to falsifying delays. The

22. Faulkner knew Balzac and Dostoevski, as well of course as Dickens and Twain, particularly perhaps as to the legal and detective-story aspects of their fiction. On his knowledge of the first two, see, e.g., Gidley, "Elements of The Detective Story in William Faulkner's Fiction," pp. 98-99; Peter J. Rabinowitz, "The Click of the Spring: The Detective Story as Parallel Structure in Dostoevski and Faulkner," *Modern Philology* 76 (May, 1979):355, Scherer, "La contestation du jugement sur pieces chez Dostoievski at Faulkner," *Delta: Revue du Centre d'Etudes et de Recherche* 3 (1976):47; Weisgerber, "Faulkner's Monomaniacs: Their Indebtedness to Raskolnikov," *Comparative Literature Studies* 5 (1968):181.

case of Jarndyce v. Jarndyce, plagued by legal maneuvering, drones on for generations. Mr. Tulkinghorn, chief among numerous lawyers in the novel, is characterized as the "unopenable oyster of the old school" whose personal power is enhanced and matched by the mysteries of the law, over which only he holds the answers. And the same novel's Vholes, described as a bird of prey, greets the exhaustion of the estate's assets in legal costs with "one gasp as if he had swallowed the last morsel of his client." Snapshots such as these might leave one surmising that narrative fiction in English at least matched the vituperation towards lawyers of the continental artists.

Faulkner's own century, perceived by many laymen as belonging to the lawyers, has produced its equal share of novels about the law. Since the second world war alone, major fictional portraits of lawyers in English have been rendered not only by Faulkner but also Richard Wright, Bernard Malamud, E.L. Doctorow, John Barth, Louis Auchincloss, Gore Vidal, Truman Capote, Saul Bellow and many others. Fascinating practitioners and even law professors are also to be found all over our popular culture. By and large, the image of the lawyer in this twentieth century fiction somewhat modifies the pejorative view of the nineteenth century novelist, while perhaps increasing, through narrative technique as much as theme, the sense of bewilderment before the law itself which typifies the modern alienated layman.

Indeed, American literary culture in particular, in a manner perhaps harmonious with its idealistic and consitutional strain, has managed to produce fully sympathetic lawyers, a statement impossible to support from the stuff of English or continental fiction. Such unequivocally likeable figures go some way to offset the purely negative image just discussed. The film or television version of the crusading lawyer derives in part from this novelistic strain, but in serious fiction these individuals rarely achieve their professional goals. Nor does one find Perry Mason figures – consistent winners – from among these "good guys." The trouble is that sympathetic fictional lawyers fall into one of three categories: they have no law practice to speak of; or lose the cases on which they are working in the novel; or lose their lives altogether without solving anything.

Horace Benbow, in Faulkner's *Sanctuary,* is paradigmatic of the nice-guy[23] legal loser. Horace transposes most of his personal

23. Not all critics would agree to the characterization. Myles Hurd, for example, speaks of Benbow's "chastity neurosis," but blames Horace's weakness not so much on Freud's categories as on Faulkner's indecisiveness. See Hurd, "Faulkner's Horace Benbow: The Burden of Characterization and The Confusion of Meaning in *Sanctuary,*" *College Language Association Journal* 23 (1980):416.

life's ineffectiveness to the courtroom; "the fundamental Benbowish failure" extends to his defense of Lee Goodwin, which breaks down due to Horace's fatal inability to see the darker side of his adversaries. On the other hand, in that same novel (and elsewhere in Faulkner) conniving, unsympathetic lawyers manage to prevail. This less-than-mature approach to lawyers in Faulkner replicates the use of other "nice guy" legal failures in American fiction: Pudd'nhead Wilson (unemployed for the first 20 years after he gets his law degree); Max in Richard Wright's *Native Son;* Atticus Finch in Harper Lee's *To Kill a Mockingbird;* Ascher in E.L. Doctorow's *The Book of Daniel;* Bibikov in Malamud's *The Fixer.* Nice lawyers lose cases (except on TV), sometimes even their lives; only the shady and unethical always seem to succeed in law.

The very writers, however, who most effectively vilify legal success or sympathize with legal failure also sometimes produce more subtle portraits which combine good and bad in the context of overall professional competence. Sometimes, as in Dickens' schizophrenic lawyer, Mr. Wemmick *(Great Expectations)* an absolute line is drawn between the character's personal life and his professional endeavors. More frequently, a powerful lawyer is granted mere glimmerings of humanity, occasional moments of human weakness, so to speak, which shock because they seem so uncharacteristic, but which nonetheless advance the portrait from sketch to coloration.

Equivocation, then, epitomizes the greatest fiction about lawyers, and this is surely more true of Faulkner's novels about Gavin than those about Benbow. As Lawyer Stevens gradually comes into his maturity as a character, Faulkner fits him more closely to the complex tradition of lawyer-figures. To understand him in this context, and to grapple better with his faults and virtues, we would do well to elaborate on this literary history.

The model for all fully formed lawyer-figures in our fiction is Mr. Jaggers in Dickens' *Great Expectations.*[24] Mr. Jaggers eminently serves the esthetic demands of Dickens' most masterful work, for he is a character whose complexity matches that of the novel as a whole. Jaggers' traits are worth delineating, for all notable literary lawyers, including Faulkner's, share many of them:

1. *A Tendency to Manipulate Others.* Both in his professional and personal dealings, Jaggers' use of manipulative power is constantly demonstrated. His clients fear him, for he knows too

24. Dickens' finest novel first appeared serially in 1860-61.

much,[25] and so do the judges before whom he appears, for he is a master professional. While his power is partly social and partly physical, it is essentially *verbal* in nature. In a non-heroic, non-spiritual world, the lawyer's gift of glib and forceful speech gives him ascendancy over others. Estella, Molly and Miss Havisham feel this power, but so especially does the adolescent country-boy Pip.

2. *A Careful but Consistent Use of Words.* Jaggers never utters more than he must; rather he prefers at first to scrutinize and listen and only then to speak. But while he takes pains to use his major weapon carefully, he uses it always. Speech, effectively structured speech, is his metier.

3. *Professional Ethical Relativism.* Fiercely loyal to his clients' interests, Jaggers may not always appear to act with as keen an eye toward the strictures of ethical legal behavior. The traditional professional dilemma in the English and American adversary system – do we serve, ultimately, the client or the needs of society generally – seems by most literary lawyers to be resolved for the former.

4. *Frugality.* While literary lawyers like to earn large fees, they rarely expend much on personal extravagances. (Wemmick tells Pip, for example, that Jaggers never purchases silver; "Britannia metal" will do.) In a less material sense, the fictional lawyer's disinterest in personal comforts frequently extends to his remaining a bachelor; again, Jaggers refuses the comforts of marriage and family.

5. *Passivity.* A paradox well exemplified in the case of Gavin Stevens, all the earlier traits contrive to produce an individual not totally at the center of things, but rather on the fringes, directing the fates of others and not participating.[26]

These traits taken singly might seem unlikely to produce a sympathetic character. Yet Jaggers has an underlying humanity, revealed both in his affirmative deeds (saving Estella and her mother, allowing Pip to benefit from his financial wisdom) and his occasional moments of insecurity, as when he and the schizophrenic Wemmick *almost* enter into a discussion of feelings in the marvellous Chapter 51. No wonder that Dickens alludes to a humane side of Jaggers, for the lawyer's combined traits of keen intelligence, observation, and articulateness make of him at least

25. On *Gavin's* self confessed quest for superior knowledge, see William Faulkner, *The Mansion* (New York: Random House, Inc., 1955), p. 343.

26. *Id.*, p. 147: a "lawyer" is "one of them frantic waterbugs skating and rushing immune and unwettable on top of a stagnant pond."

a potential representative of the author who created him. Like many another fully mature novelistic lawyer, he possesses qualities and employs methods shared only by the novelist himself.[27] Thus Jaggers catalyzes the legal and economic relationships among characters who are more passionate and spontaneous than he, but less intelligent, verbal, and perceptive. If Dickens meant Jaggers to represent the author within the action of the book, he surely wanted him to possess more than verbal craftsmanship, admirable though that is; he needed some likeable personal traits as well.

Twain's Pudd'nhead Wilson, surprisingly, shares many of Jaggers' traits (at least after he begins to practice law), and forms almost as significant a nineteenth century model for subsequent *American* depictions of the profession. Incapable of attracting clients, because considered a simpleton, he leads a frugal bachelor's life until he finally earns fame and a fee during his clever defense of the Italian twins who stand accused of murdering old Judge Driscoll. Wilson proves his nickname false by using the courtroom as powerfully and cleverly as Jaggers, both to exonerate his client and to gain personal renown. Pragmatism, hard work, personal magnetism, verbal acumen, and above all, the appearance of superior knowledge, the tools of Jaggers himself, allow Pudd'nhead, an unambiguously "nice" lawyer, to win.[28]

The Gavin Stevens of *Knight's Gambit* and *Intruder in the Dust* clearly evokes both Jaggers and Wilson, although he has only been explicitly compared by critics to the latter.[29] For one thing, all three (like Todd Andrews in John Barth's more recent *The Floating Opera*) are bachelors.[30] All are devoted to their craft. All excel in the tricky, witty atmosphere of the courtroom. All occasionally philosophize at length about many social issues besides law.

Then, too, these earlier Gavin-novels, like *Great Expectations*, employ an adolescent voice or perspective as a dominant narrative technique. The adolescent narrator is emblematic of society's less powerful elements, responding to the lawyer-figure with a mixture of fear, admiration, and gradual skepticism. Having appar-

27. See generally Richard H. Weisberg, *The Failure of the Word: The Protagonist as Lawyer in Modern Fiction* (New Haven: Yale University Press, 1984).

28. On Pudd'nhead's ability to advance his career through the traditional tactics of the successful literary lawyer, see Alsen, "Pudd'nhead Wilson's Fight for Popularity and Power," *Western American Literature* 7 (1972):135; D.M. McKeithan, "Trial of Luigi Capello," *Court Trials in Mark Twain and Other Essays* (New York: Nijhoff, 1958), p. 26.

29. For a cogent comparison of Pudd'nhead to Gavin Stevens, see Arthur Mizener, "The Thin, Intelligent Face of American Fiction," *The Kenyon Review* 17 (Autumn, 1955):507, 518-24.

30. As we argue further on, Gavin can only settle into the mature pleasures of marriage (as background to Faulkner's *The Mansion*) after he has integrated his professional use of silence into his personal life at the end of *The Town*.

ently derived a basic approach to experience from his Uncle Gavin, rather than his own parents, Chick Mallison finally comes to see that it may all be a form of words. Gavin's long narrations about social institutions and justice, particularly in *Intruder in the Dust,* seem to mask a basic passivity; if a potentially innocent black man is to be exonerated, others must do the leg-work.

But Faulkner's portrait of Gavin Stevens displays a three dimensional progression, and only the first two fall within this strong literary tradition. In the *Knight's Gambit* stories, Gavin appears as the purely clever, somewhat tricky and manipulating courtroom investigator. While his relationship with Chick particularly shows some signs of underlying warmth, Gavin is indistinguishable here from the alert and aggressive professional "winner" who (as in "Smoke") is not above unethical tactics and mystifying speech to prevail in his chosen career. *Intruder in the Dust* sharply modifies this aggressive tendency in Gavin, as he slips towards reflection and passivity, while still maintaining his love of clever, even voluminous and somewhat mystifying, speech. But when we arrive at *The Town,* we begin to see a progression in Gavin beyond these Dickensian qualities. We will discover (perhaps because the narrative voice of Chick Mallison has itself matured and become influenced by the gently skeptical Ratliff) that this ultimate Gavin seems far more vulnerable, less Jaggers-like than in *Knight's Gambit* or *Intruder in the Dust.* As some of his traditional lawyer-figure traits become softened, while others develop positively, Gavin's human qualities emerge fully. We must explore this twilight Faulknerian portrait of Gavin as a variation on the traditional theme of fictional lawyer and at the same time try to understand why this seemingly less manipulative, more humane Gavin has been so unpopular with mainstream critics.

III

As I suggested earlier, those critics who have disliked *The Town* tend to consider Gavin Stevens an embarrassment; those who see merit in the text do so despite Gavin, either enjoying Faulkner's renewed interest in narrative perspective,[31] or singling out the portrait of Ratliff as indicative of what Steven Marcus calls Faulkner's

31. See Reed, Jr., *Faulkner's Narrative;* see also Michael Millgate, "William Faulkner: The Problem of Point of View," in *William Faulkner: Four Decades of Criticism,* Linda W. Wagner, ed. (East Lansing: Michigan State University Press, 1973), p. 179. Millgate states that *The Town* "deserves greater recognition as a novel in which Faulkner seems finally to have come to terms with the problem of point of view with which he had wrestled so long . . ." (p. 189) and proceeds to characterize Stevens as "refusing, grandly but foolishly, to recognize . . ." the limitations of a "highly imperfect world." *Id.*

"impulse to discover the condition [of] achievement" in *The Town.*[32] Those few critics, like Beck, who have come to see some merit both in the novel and in Gavin Stevens, stress Gavin's idealistic and inflexible nature, admitting its quixotic excesses and practical failings. As Beck puts it, "Horace Benbow, also lawyer and interventionist, seems Gavin's prototype."[33]

Surely Faulkner did not intend, however, for the lawyer who obliterated Benbow's presence in *Requiem for a Nun* several years earlier to retreat to a Benbowish stance of pathetic ineffectiveness. Indeed, Gavin is simply not accurately grasped as "a moral idealist,"[34] bound up in "quixoti . . . absolutes."[35] He stands, first and foremost, as a highly successful lawyer, the one whom the eminently pragmatic Flem Snopes himself engages twice during the mid-section of *The Town,* first to help rid Jefferson of Montgomery Ward Snopes and his "French postcards," then to act as witness to Flem's reconveyancing of a mortgage on Mrs. Hait's burned house.

> 'Why did you come to me?' Uncle Gavin said. 'For the same reason I would hunt up the best carpenter if I wanted to build a house, or the best farmer if I wanted to share-crop some land,' Mr. Snopes said.[36]

Now Flem Snopes may be "monstrous" in certain contexts, but his rare articulateness in answering Gavin's question, combined with his willingness to plunk a ten-dollar bill down on his lawyer's desk, clearly indicates the town's continuing professional esteem for Gavin. No Benbow he, no perennial loser, but a lawyer who, throughout *Knight's Gambit*[37] and even *Intruder in the Dust,* generally succeeds at his craft. And the daily practice of law in a small but savvy community demands, as Flem knows best, not idealism but cleverness, not moral absolutism but studied flexibility and a keen knowledge of the human animal.

Thus, of the various traits we earlier associated with novelistic depictions of *successful* lawyers, Gavin has exhibited all five. In

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32. Marcus, "Snopes Revisited," p. 389.

33. Beck, *Faulkner's Trilogy*, p. 110. The identical fallacy appears in Peter Swiggart, *The Art of Faulkner's Novels* (Austin: University of Texas, 1962), p. 198: "Both are idealistic Jefferson lawyers, and both lack a full understanding of the evil they seek to combat." As we argue further on, Gavin is not an idealist and justly doubts that what he is fighting (i.e., Flem Snopes) represents pure "evil."

34. The phrase resounds in the criticism. See, e.g., Edmund Volpe, *A Reader's Guide to William Faulkner* (New York: Farrar, Straus and Giroux, 1964), p. 326.

35. *Id.*, p. 326.

36. William Faulkner, *The Town* (New York: Random House, 1957), p. 246.

37. As the usually modest Gavin says to Chick Mallison of a case he tries in the story "Tomorrow," "it was the only case, either as a private defender or a public prosecutor, in which he was convinced that right and justice were on his side, that he ever lost." William Faulkner, "Tomorrow," *Knight's Gambit* (New York: Random House, 1939), p. 85. No litigator lacking the keenest pragmatic skills could have mounted such a record. And, even in "Tomorrow," Gavin winds up unravelling the mystery of the losing case.

the earliest story Faulkner wrote about him, "Smoke" (1929-30, later part of *Knight's Gambit*), Gavin solves the mystery of Judge Dukenfield's murder and elicits a courtroom confession in the grand tradition of modern literature's cleverest lawyers, Twain's Pudd'nhead, Dickens' Jaggers and Dostoevski's Porfiry Petrovitch.[38] His keen insight into the nature of reality, his knowledge that facts and truth are disjoined, and above all his advanced powers of sight, hearing, even smell and, of course, speech, help garner him the reputation on which Flem Snopes continues to rely in the novel written years later.

If Faulkner's lawyer is in some ways an idealist, his moral abstractions thus seem to cloud only his personal development (never a forte of literary lawyers anyway), not his professional career. Unlike Benbow, Gavin does not confuse the hard-boiled exigencies of the adversarial system with the softer yolk of philosophical romanticism. He mixes his ingredients only once, when (in *The Town*) he sues Manfred de Spain and Flem Snopes regarding the brass fixtures, masking through litigation a burning subjective animus about these men and Eula Snopes. But Gavin is no more a Captain Vere[39] than he is a Benbow; the litigation ends quickly, and (through the mediation of his father, Judge Stevens) somewhat successfully: Manfred resigns his post as Mayor of Jefferson.

For all the emotional turmoil he experiences in *The Town*, Gavin never repeats that error. Idealism is confined to the personal; its place in legal professionalism, as Gavin has always known – the Pudd'nhead Wilson in him – is restricted to the *ends one chooses to seek* through the highly practical, often marginally ethical, medium of litigation. Gavin's admitted tendentiousness, which reaches its height in the closing half of *Intruder in the Dust*, usually descends not on his clients or juries but on his nephew and protege, Chick Mallison. It serves a pedagogical, not a practical, function.

Yet, for all of this, Gavin begins to change as the pages of *The Town* take us intimately through his sentimental education. There is no doubt, as Edmond Volpe observes, that Gavin's "moral development . . . has become the main story of the novel,"[40] and

38. See Richard Weisberg, "Comparative Law in Comparative Literature: The Figure of the 'Examining Magistrate' in Dostoevski and Camus," 29 *Rutgers Law Review* 237-58 (1976).

39. Vere, I argue elsewhere, uses the "forms, measured forms" of the law to mask a purely subjective desire for vengeance. See Richard Weisberg, "How Judges Speak: Some Lessons on Adjudication in *Billy Budd, Sailor* with an Application to Justice Rehnquist," 57 *New York University Law Review*, 1 (1982).

40. Volpe, *A Reader's Guide*, p. 328.

it may be the critical intuition that Gavin is changing which leads even Volpe to consider "*The Town* . . . one of Faulkner's weakest novels."[41] For, if Gavin's professional skills remain a constant in *The Town* we are forced, perhaps for the first time, to look closely at the *personal* dimension of this complex, highly verbal and reasonably sensitive protagonist. The task is unpleasant for it is risky: Gavin's personal traits are too close to our own. Better to see these virtues rigorously devoted to professional success, however manipulative or even unethical[42] the tactics; for once they are tested against others in the unregulated domain of financial, political, martial, and sexual power, they may come up wanting.

Thus the relentless exploration of the enlightened, verbal, bourgeois personality, particularly during the middle pages when Gavin plots and schemes to communicate surreptitiously with Linda Snopes, has proven too much for the critics. Admiring always of the Faulkner who fathoms states ranging from idiocy to courage, suicidal depression to Snopesian deviousness, we grow restless when the genial novelist turns his attention to us. Gavin's fatuous pursuit of a cause we probably endorse (education of the young, mediator between an intelligent girl and her ignorant foster-father) makes us squirm. Rivalries with teen-age motorists, and clandestine ice cream sodas with adolescent girls tend to bring to light no longer the distanced environments of southern glory or black spirituality but instead the sacred turf of our own daily enterprises.

That Faulkner associates the sillier aspects of Gavin's behavior in *The Town* with various verbal acts (note-passing to the teen-aged Linda Snopes; the laborious and totally misguided lecture to Eula on the eve of her suicide) forces us to recognize that the professional strengths of great literary lawyers – but also their personal failings – have always derived from their dependency on language. Gavin knows better even than Chick that his presumptive condition is that of a talker – "(I presume I was; I usually am) speaking" – and that a man who almost always talks is one who is also "incapable of harm"[43] in any domain, perhaps, except law and literature.

41. *Id.*, p. 330.

42. As late as *The Town* (and certainly in the earliest story "Smoke") Gavin frequently employs dubious methods to achieve just ends. Thus he allows Montgomery Ward Snopes to be arrested for violating the otherwise rarely enforced Jefferson Automobile Law (first legislated by old Bayard Sartoris). When Montgomery Ward exclaims that everyone present also owns a car, Gavin replies, "[w]e've passed the H's. We're in S now, and S-n comes before S-t. Take him on, Hub." Faulkner, *The Town*, p. 164.

43. *Id.*, p. 216.

Thus chinks in Gavin's professional armor threaten all readers who gather behind his ornate shield. These audiences include literate intellectuals as well as lawyers. But before Faulkner (and excepting the "good-guy loser" type), literary lawyers had been distinguished from their fellow verbalizers (the intellectuals) through their effective use of language for a practical purpose. Constrained to sharpen their use of speech and hone it to the exigencies of their craft, literary lawyers (whatever their personal problems) disciplined themselves to talk only after they observed, to fill the air with sounds only after they listened to the sounds of others.

For the great literary lawyers like Jaggers, the use of the observational senses always precedes speech; for intellectuals, speech comes before everything. It takes Lambert Strether at least his long physical and spiritual voyage to the Paris Opera to learn, at the single visual moment when Chad makes his entrance, of the primacy of the visual over the oral, and he still resists the evidence of his eyes and ears beyond that incident. Faulkner did not like James, but he had ample opportunity to refine his insights about the dichotomy between lawyers and intellectuals through his readings of *Crime and Punishment* and *The Brothers Karamazov*.

Lawyers seem to learn right away, at least the good ones who fill literary texts, that their gift of gab must be tempered and disciplined by the superior power of silent observation. To some extent, I believe, we tend to respect successful lawyer-figures, whatever their personal failings, because of this capacity to channel articulate speech into meaningful, practical pursuits. As a disinterested courtroom winner, Gavin is thus almost universally admired; but as human passion threatens to degrade his professional speech – witness his total discursive breakdown in open court trying to explain the aim of his suit against Manfred de Spain (p. 86) – he upsets the equilibrium of all verbalizers and hence stands indicted as ridiculous.

From this nadir of professional inarticulateness, Gavin gradually recovers. He must first relearn, however, through his dealings with the Snopes women and their various men, what he always knew as an excellent lawyer: the most vital elements of human behavior are tied up in silence, not speech. This process is painful, but it is, as we shall see, the structuring principle in *The Town*, and one of the most central themes in Faulkner as well.

Two generations of Varner-Snopes women first force this difficult realization upon him. He discovers at the Cotillion Ball that sentimentality and speech do not even approximate love. Observing Manfred and Eula, he perceives that love ennobles a couple to a state of epic being, not consistent and self-conscious becoming. In Eula's well-earned phrase to the Gavin who later refuses to take the gift she unambiguously offers him, "You spend too much time expecting . . . . You just are, that's all" (p. 94). From Linda Snopes he learns the magical yearnings, allegiances and fears of the as yet unformed and unformulated spirit. He tries hard to listen to her plans about college, but at the climax of their relationship, he is still so steeped in verbal preconceptions that he fails to grasp her final message to him, through her mother: Marry me! (p. 217).

Gavin cannot reaffirm the supremacy of silence, however, until his relationship with Eula (and then Flem) is completed. This takes a structurally effective series of three exchanges with each, a double-tripartite structure which Faulkner may have first observed in *The Brothers Karamazov.*[44] The lawyer is finally touched by Eula – not physically, for he rejects such simple modes of communication – but spiritually. Few sections in all of Faulkner's writing since *The Sound and The Fury* are as moving as the three dialogues Gavin has with Eula throughout *The Town.* Her increasingly mature and gentle tone, her elliptical use of language, her loving incapacity for bitterness, these reveal her as more than a magnificent sexual being. She has softened into a radiant understanding of a wider sphere of human love than her mere physical presence illuminated for Yoknapatawpha's men (including Gavin); and his elegy for her recapitulates the professional lesson of observation over speech:

> 'Thank you,' she said. 'Good night,' and I watched her, through the gate and up the walk, losing dimension now, onto or rather into the shadow of the little gallery and losing even substance now. And then I heard the door and it was as if she had not been. No, not that; not not been, but rather no more is, since was remains always and forever, inexplicable and immune, which is its grief. That's what I mean: a dimension less, then a substance less, then the sound of a door and then, not never been but simply no more is since always and forever that was remains, as if what is going to happen to one tomorrow already gleams faintly visible now if the watcher were only wise enough to discern it or maybe just brave enough.

Perhaps for the first time in his mature life (with the exception of a single description in the story "Knight's Gambit" in which Gavin quietly grasps the maturity of his nephew, Chick: "Then

44. Dostoevski, like Faulkner, was fascinated with sets of three. Thus in *The Brothers Karamazov*, there are three interviews with Smerdyakov which change Ivan's life; three judicial inquests of Dmitri; and a consuming tripartite structure of narrative exposition, preliminary investigation and trial.

he discovered that his uncle was looking at him, steady and speculative and quite hard. 'Well well,' his uncle said. 'Well well well' – looking at him while he found out that he hadn't forgotten how to blush either . . . ."[45]) Gavin in this passage applies professional technique to a personal experience. The senses of sight and sound are finally allowed to predominate, in love, over random speech. And, most importantly for Faulkner's reader, the resulting language is ordered, poetic, beautiful. As the excruciatingly aware, because totally non-verbal, Benjy Compson seems to feel about this hierarchy of the senses: each, finally here, is "in its ordered place."[46]

But Gavin gains this knowledge on a personal level also from an even more surprising teacher: Flem Snopes. Ratliff says of his own fateful ride with Flem to the Varner house late in the novel,

> And we had the conversation, too, provided you can call the monologue you have with Flem Snopes a conversation. But you keep on trying. It's because you hope to learn. You know silence is valuable because it must be, there's so little of it. So each time you think *Here's my chance to find out how an expert uses it.* Of course you won't this time and never will the next neither, that's how come he's an expert.[47]

That same power to observe which triggered Flem's ascendancy over Jody Varner in *The Hamlet* now comes full circle in *The Town;* the stakes are higher – several lives and the bank presidency itself – but Flem's tactic is the same: knowledge precedes speech. For Gavin, whose three dealings with Flem in *The Town* parallel the tripartite relationship with Eula, the awareness of how closely Flem's methods replicate his own professional approach, gradually leads him to a foreboding of the Snopes within himself. Faulkner subtly and silently hints at a growing alliance which lies beneath the superficial (because highly articulated) *opposition* between these two characters. In the first interview in Gavin's office, the lawyer and the banker covertly agree that Montgomery Ward Snopes' transgression should be legally transmogrified from pornography to bootlegging, all this "for the good of Jefferson." In their second face-to-face meeting, Flem retains Gavin to act as his "witness" in returning Mrs. Hait's mortgage. Their third transaction, and by far their most important one, requires no physical meeting, no exchange whatsoever of words. Gavin goes about completing Flem's plan for the cemetery monument to Eula. "It

45. Faulkner, *Knight's Gambit*, p. 174.
46. On Eula's ("Helen's") silence, see Faulkner, *The Mansion*, p. 133.
47. Faulkner, *The Town*, p. 297.

was Flem's monument," reported Ratliff, protesting somewhat too much. "Don't make no mistake about that. It was Flem that paid for it." But the unspoken unity of Gavin and Snopes ("like that one between a feller out in a big open field and a storm of rain: there ain't no being give nor accepting to it: he's already got it . . . ."[48]) induces the lawyer to complete the project, and also to take full charge of sending Linda Snopes to pursue her life in Greenwich Village.

The structural care with which Faulkner brings the novel to closure emphasizes Gavin's growth, through the surprising mediation of Flem and Eula Snopes, into a lawyer-like person. In all things human, he has learned, language plays a subordinate role. Silent observation or non-verbal action takes precedence over all uses of speech and finally colors the effectiveness of such speech. Gavin has merged with Flem and Eula in this crucial respect, and now is ready at last for the overt social action, and the unspoken conjugal happiness, which await him in the pages of *The Mansion.*

CONCLUSION

Among fictional lawyers, Gavin Stevens surely stands as one of contemporary literature's more sympathetic evocations. Prone to all the verbal excesses generally associated by novelists with lawyers, Gavin also enjoys their professional ability to couple the speech act with powers of acute observation. While the literary lawyer's method of looking and listening before speaking occasionally seems manipulative, in Gavin's case (since as early as the *Knight's Gambit* stories) it is placed in the service of justice, which is the fitting resolution and remedy for the given legal case. Even in *Intruder in the Dust,* where Gavin's tendency to wait and watch almost costs Lucas Beauchamp his life, the lawyer finally takes his clue from young Chick Mallison and forcefully sees to Lucas' safe release from prison.

As to Gavin's personal side, Faulkner also paints the equivocal portrait normatively offered by great novelists about complex lawyers. Again, *Intruder in the Dust* tests our tolerance of Gavin's personal passivity, a tendency to inaction which colors most negatively the now obtrusive verbal gift. However we try to understand his long lectures on southern race relations in that text, we cannot admire endless speech dissociated from professional or personal commitment.

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48. *Id.*, pp. 348-49.

My argument here has been that the structure of *The Town* allows Faulkner finally to extend the traditional lawyer portrait to encompass *personal* growth through the use of professional methods. Whereas most successful lawyers in fiction fail to grow personally, or do so *in reaction against* their legal skills, Gavin Stevens ultimately recognizes that the same ordering is required of his personal, as his professional, life: a generous quest for silence must override the articulate individual's proclivity to talk. While he never totally overcomes his proclivity, his assimilation of Eula Varner Snopes' suicide and of Flem Snopes' successes moves him closer to the norms of human communication in areas previously foreign to him: sexual love, the will to power and the demands of human empathy. Given his co-extensive capacity, in *The Town,* to exchange personal comfort for what he deems right (another trait he takes from his practice of law), there is every indication of ultimate soundness, after all, in Gavin Stevens.