



T I C I E N M A R I E S A S S O U B R E

Avoiding Adjudication in William Faulkner's *Go Down, Moses* and *Intruder in the Dust*

WILLIAM FAULKNER WAS ten years old when a black man named Nelse Patton was lynched in Oxford, Mississippi. In a single day, Patton had been accused of slitting the throat of a white woman with a razor, arrested, and jailed under guard. During the night a mob of two thousand whites gathered outside the jail while local authorities, including the sheriff, a judge, and a minister, tried to prevent the lynching. Their efforts finally failed when a prominent Oxford lawyer who had served in the United States Senate exhorted the crowd to lynch Patton in the name of justice.¹ The young Faulkner may well have heard, if he did not in fact see, the lynching—his childhood home was only a few blocks from the Oxford jail.²

The “New South” into which Faulkner was born in 1897 had its roots in the South’s political and ideological reaction to Reconstruction.³ Not only had the South been forced to capitulate to the passage of the Thirteenth and Fourteenth Amendments as a condition of reentry into the federal government after the Civil War⁴—legally sanctioning what felt to Southerners like the destruction of their economy—but loyalty oaths prevented many antebellum and Confederate white leaders from participating in state and local government, effectively divorcing Reconstruction rule of law from the existing social and political order.⁵ White Northerners and freedmen filled the official positions of Southern state and local governments during Reconstruction, writing and ratifying the constitutions of the restored states and overturning the Black Codes with which Southerners had reinscribed racial hierarchy and black economic dependence after emancipation. In response, vigilante organizations intent on the return of their states to “home rule” quickly sprang up in Mississippi and across the South, justifying their recourse to “intimidation, violence and murder” as resistance to an “unjust and tyrannical power [that] had filled their state with mourning, beggared them, freed their slaves and as a last insult and injury made the ex-slave a political equal.”⁶

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In 1875 Mississippi Democrats “resolved to use as much force as was necessary” to regain control of their state government through elections, and their campaign of intimidation, which included the overt killing of blacks, succeeded.⁷ Over the next two years, the rest of the South was “redeemed,” or returned to local white rule, unleashing a wave of racial violence. This violence was fueled in part by anxiety about the maintenance of racial hierarchy, but also by frustration with the blight of the Southern economy, which the Redeemers blamed largely on emancipation.⁸ The violence was justified, however, in terms of an imagined threat to law and order: “a ‘new’ Negro, freed from the necessarily very tight bonds of slavery and retrogressing rapidly toward his natural state of savagery and bestiality.”⁹ And for racial radicals, “the single most significant and awful manifestation of black retrogression was an increasing frequency of sexual assaults on white women . . . by black men.”¹⁰ By 1903, when James K. Vardaman was elected governor of Mississippi, racial radicalism had become mainstream and the lynching of black men by mobs of white Southerners was a regular, and many argued necessary, occurrence.¹¹ Between 1889 and 1909 there were nearly three hundred documented lynchings of black men in Mississippi alone.¹²

Not surprisingly, the logic of the Nelse Patton lynching—the ritualized reassertion of racial hierarchy through violence—permeates Faulkner’s early fiction. This is not to say that Faulkner accepted the radical account. On the contrary, the details and victims of Faulkner’s early fictional lynchings belie its facile stereotypes. In “Dry September” (1931), for example, we suspect not only that Will Mayes, the black man lynched for attacking a white woman, is innocent, but that the attack never in fact occurred. Joe Christmas is lynched for killing a white woman in *Light in August* (1932), but he has himself passed for white, and his victim was his willing sexual partner. Still, Faulkner’s characters in these early texts clearly do think and live in a climate of racial radicalism.¹³ The crowd that gathers to watch the murdered Miss Burden’s house burn in *Light in August* is quick to assume a black man is guilty of the crime, and the arrested Joe Brown easily shifts suspicion away from himself by identifying Christmas as black. Even though the wrong man, and a white man, is lynched for the rape of a white girl in *Sanctuary* (1931), Faulkner’s invention of the impotent black rapist Popeye obviously turns on the anxieties of racial radicalism. And in “Dry September,” when McLendon, the instigator of the lynch mob, is confronted with his ignorance of the facts, he answers, “What the hell difference does it make? Are you going to let the black sons get away with it until one really does it?”¹⁴

In this climate, the lawlessness of lynchings apparently poses no threat to community stability or local legal authority. In Faulkner’s early texts the ability of lawyers and judges to safeguard the community in public and official capacities is unaffected, despite the community’s (and sometimes the legal authorities’) recourse to extralegal violence. Indeed, the District Attorney in *Sanctuary* invites the jury to think like a lynch mob in its consideration of expert testimony during Goodwin’s trial.¹⁵ And in *Light in August*, Sheriff Watt Kennedy uses the threat of

the forming mob to coerce information from a reluctant black witness at the Burden place.¹⁶ A mob in Mottstown, where Joe Christmas is finally caught in *Light in August*, wants to lynch him but refrains out of a sense of jurisdiction—they feel he “belongs” to Jefferson and so allow Sheriff Kennedy, Jefferson’s legal representative, to come get him.¹⁷ And even Christmas’s death and mutilation at the hands of Percy Grimm is not exactly a collapse of law and order, since Christmas’s attempt to escape strikes the people of Jefferson as a form of passive suicide.¹⁸ Not only does the mob in *Sanctuary* wait until the jury has legally (though erroneously) convicted Goodwin to lynch him, but the fact that it takes an Alabama jury the same amount of time—eight minutes—to convict Popeye of a murder he didn’t commit as it took the Jefferson jury to convict Goodwin of a murder Popeye did commit, and Popeye’s hanging is entirely legal, elides any bright-line distinctions between their two deaths.¹⁹

The lawlessness of lynching does not threaten but rather coexists with the rule of law in these texts, because Faulkner conceives law as properly the expression of the values of the community. Individuals who wield the power of law are responsible for the protection and maintenance of those values and the stability of the community the law serves. As Jay Watson observes, Faulkner not only “came of age in a regional society that exalted the legal vocation,” but was “remarkably sensitive to the role played by the law in the articulation of that society’s norms, codes, and boundaries.”²⁰ In Faulkner’s early novels, lynching clearly falls within this rubric.

But by the late 1930s, Faulkner would have cause to reconsider the role of lynching in Southern culture.²¹ Changing economic and social conditions accelerated by the New Deal and a subsequent trend toward federally imposed desegregation struck Faulkner as not merely a threat to the South as he knew it—indeed, historians have described the effect of New Deal legislation on the South as a “second civil war”²²—but also a transformation of law itself. For Southern politicians and legal thinkers, these developments represented a contest between state sovereignty and federal authority. For Faulkner, they represented the imposition of exogenous law, indifferently and artificially generated by a bureaucratic state, on historically specific and distinct communities—with potentially disastrous consequences for those communities. Faulkner registers this new threat in *Go Down, Moses* (1942) and *Intruder in the Dust* (1948), and in both novels the preservation of something Southerners recognize as justice involves resisting federally imposed law by employing extralegal norms and practices in the place of official adjudication.

In order to provide a viable alternative to exogenous law, the extralegal activity in which lawyers, judges, and sheriffs engage to protect and maintain the community in these texts must effectively answer the concerns that motivated federal intervention: economic instability and persistent racial inequality. Historically, Southern racial and economic anxiety had been expressed through the culture of lynching, which effectively intimidated black labor and reinforced the power and

status of white owners.²³ But “[i]f southern whites were never more white and southern than when they were participating in a lynch mob, by the 1930s that same experience made them considerably less than modern white Americans.” Moreover, “the violence against African Americans that had previously helped publicly fuse white unity now paradoxically pulled open buried fissures of class and gender.”²⁴ In *Go Down, Moses* Faulkner dissociates lynching from Southern customs, identifying the practice instead with the depersonalizing effects of market forces imposed from the North. Only in a local community of interdependence, Faulkner suggests, are blacks or whites secure. In *Intruder in the Dust* the lynch mob is associated with the impersonal and market-driven logic of the Northern-influenced town, while local legal authorities work together with an authentic, racially integrated, country-based community to prevent both a lynching and a trial.

It is my contention that Faulkner was acutely aware of the ways that law affects lived experience and personal identity, not just at points of direct contact between them, but through the pervasive influence of legal meaning on everyday life.²⁵ Rereading *Go Down, Moses* and *Intruder in the Dust* against their legal-historical contexts suggests new and more coherent readings of both texts. Though it is widely considered Faulkner’s last great novel, there are few satisfactory readings of *Go Down, Moses*, and it is frequently described as lacking a unified thematic core, despite Faulkner’s assertion that he intended the book to be read as a novel.²⁶ Accounts of *Intruder in the Dust* tend to bog down in discussions of Gavin Stevens’s gradualism with respect to desegregation, ignoring much of the rich and nuanced text in a narrow focus on the extent to which Stevens voices Faulkner’s own views.²⁷

Faulkner’s representation of the tension between local communities and federal law in the 1930s and ’40s registers what has been described as “the slippage between the production and the reception of law and legal meanings, [and] the ways in which specific cultural practices or identities coincide or collide with specific legal rules or conventions, thereby altering the meanings of both.”²⁸ Of course, the idea of community-based justice for blacks and whites that Faulkner elaborates in these novels is neither historically viable nor free from assumptions we would now easily identify as racist and paternalistic. But *Go Down, Moses* and *Intruder in the Dust* unexpectedly and provocatively associate lynching with the impact of federal legal change on the South in the 1930s and ’40s and imagine a mediation of this impact through the avoidance of adjudication through local, nonviolent, community-based dispute resolution.

The Historical Tension between Federal Law and Social Norms in the South

Southern anxiety about the disjuncture between federal law and social norms far predates the secession crisis and the Civil War. As early as the 1787 Constitutional Convention, the legal protection of the customs of slavery “formed the real

basis of divisions” between the states.²⁹ For the South, protection of the customs of slavery amounted to the protection of private property and economic stability; for many in the North, the question of slavery turned on the idea of liberty. The tension between the Southern view of slaves as property and the racial hierarchy inherent in the logic of slavery, on the one hand, and Northern conceptions of free labor and at least formal equality, on the other, pervaded the antebellum period. Alarmed by the common law adoption of a 1772 English fugitive slave case, *Somerset v. Stewart*, by Northern courts, Southern congressional delegations lobbied fiercely for the first federal Fugitive Slave Act (1793), officially sanctioning slaveholders’ practice of seizing alleged runaways.³⁰ In 1820 the necessity of the Missouri Compromise highlighted the vulnerability of the social and economic institution of slavery to a shift in federal power balance resulting from westward expansion.³¹ And as early as the 1830s, Southern leaders worried that secession might be the only way to prevent the erosion of the economic and social norms of slavery through federal legislation.³² Southerners also watched federal courts hear a wide range of cases regarding the legal status of free and enslaved blacks, as well as the legal rights of slave owners in the antebellum period, with troublingly inconsistent outcomes.³³

By the secession crisis of 1850, Southern leaders were deeply concerned that “the South was in danger of being discriminated against by the free states, of being denied the right to expand into the West, and, ultimately, of being plunged into a civil war of slaves against masters” resulting from abolitionist pressure on the federal government.³⁴ The crisis was averted through a congressional compromise that “asserted federal power over the interstate slave trade” but simultaneously enacted an even more robust Fugitive Slave Act.³⁵ Rather than effectively reasserting slaveholders’ property rights, however, the Fugitive Slave Act of 1850 intensified Northern antislavery sentiment and introduced a host of legal challenges that played out in state and federal courts over the next several years.³⁶ These cases culminated in the Supreme Court’s pro-slavery, pro-state’s rights decision in *Dred Scott* (1857), which “provided an early indication of the vast judicial power that could be generated if political issues were converted by definition into constitutional questions.”³⁷ The Court had sided with the South in *Dred Scott*, but there was no guarantee that it would continue to do so as the nation expanded to the West.

In the sectional conflict over slavery, violence tended “to replace legal and political processes” long before the Civil War.³⁸ As early as 1854, the dispute over whether the Kansas Territory would be a slave territory devolved into armed conflict between pro-slavery Missourians and free-state settlers. After the Civil War, Southern resistance to emancipation and the federally imposed civil rights acts was partially legal: before Reconstruction the Black Codes reinstated social and economic conditions that mimicked slavery; after Reconstruction, the Federal Civil Rights Act of 1875 only briefly impeded the Redeemers’ efforts to impose

segregation and the economic dependence of former slaves.³⁹ But postbellum resistance to the federally imposed end of slavery in the South was largely extralegal.⁴⁰ It was not until the widespread adoption of state and local Jim Crow laws in the 1890s that official law and Southern custom were realigned through the legal enforcement of segregation in public spaces, employment, housing, and the systematic disenfranchisement of blacks through poll taxes, property requirements, and literacy tests.⁴¹

The Jim Crow laws that proliferated in the first two decades of the twentieth century responded to the agricultural depression that threatened the South in the 1880s and 1890s by protecting the hierarchy of white owners and dependent black labor.⁴² In the rhetoric of the South, Jim Crow laws merely reflected the reality of the existing community—they did not dictate it.⁴³ And as early as *Plessy v. Ferguson* (1886), the Supreme Court accepted this proposition, asserting that “[l]egislation is powerless to eradicate racial instincts” and that in determining the reasonableness of a statute, the Court was “at liberty to act with reference to the established usages, customs, and traditions of the people.”⁴⁴ But the Southern contention, in William Sumner’s famous 1907 formulation, that “stateways cannot change folkways” was profoundly challenged by the economic upheaval of the Depression and the sweeping federal intervention of the New Deal.⁴⁵

New Deal legislation enacted by the federal government in response to the Depression had profound, and often unintended, consequences for both the Southern economy and Southern society. Until the Depression, Mississippi’s economy was largely dependent on sharecropping, which reproduced the traditional Southern racial hierarchy in the form of dependent black labor bound (often by debt) to specific plots of white-owned land. A functioning wage-labor market did develop in the South after the Civil War, but most Southern blacks did not want to be part of it. Sharecropping offered long-term stability, whereas work for wages was often seasonal and geographically mobile.⁴⁶ In 1933 the federal Agricultural Adjustment Act (AAA) attempted to arrest the falling prices of staple crops, dairy products, and livestock by encouraging farmers to reduce production. In the South cotton and tobacco growers were subsidized to plow under their crops. As a result, half of the South’s cotton acreage went out of production, forcing an unprecedented number of blacks onto the wage-labor market.⁴⁷ Local communities were transformed as former sharecroppers moved to find work and plantation owners became dependent on government subsidies.

In 1935 the National Labor Relations Act (NLRA) initiated a profound shift in power between labor and employers, which exacerbated the effects of the AAA in the South.⁴⁸ Responding specifically to the conditions of industrial capitalism in the North and Midwest, where workers had increasingly resorted to strikes that often turned violent, the NLRA guaranteed employees the right to join unions and engage in collective bargaining while prohibiting employers from engaging in coercive tactics or discriminating against union members. In the still

largely preindustrial South, where labor relations were also race relations, the NLRA seemed to threaten the very fabric of society.⁴⁹ And like most New Deal legislation requiring legal interpretation and enforcement, the NLRA left the determination of “the boundaries of ‘legitimate’ labor activity” to federal courts.⁵⁰ The power of these courts to restructure local economies, combined with the more diffuse effects of the AAA and other New Deal legislation, renewed white Southern anxiety that federal legal intervention would destroy their way of life.

This anxiety was reflected in Southern politicians’ vehement and successful resistance to federal antilynching legislation proposed in 1935 and again in 1938.⁵¹ By the 1930s, race relations had grown sufficiently stable under Jim Crow that extralegal white-on-black violence in the South was much less frequent than it had been even a decade before.⁵² But black migration to urban centers had substantially increased the lobbying power of the NAACP, which backed the antilynching legislation of the 1930s.⁵³ The NAACP’s growing political power in the North, combined with the egalitarian political rhetoric of the depression era raised the specter of a national political fight over segregation. In short, there was reason to associate federal legal intervention with both a threat to Southern racial hierarchy (and the social structure that hierarchy supported) and a threat to Southern economic stability. It was against this backdrop that Faulkner wrote *Go Down, Moses*.

Law and Community in *Go Down, Moses*

Faulkner believed that New Deal policies had, “instead of offering relief to distressed farmers and workers, undermined independence and encouraged idleness.”⁵⁴ For his own part, Faulkner found he had to make frequent trips to Hollywood to earn money as a screenwriter during the 1930s in order to support his extended household of black and white dependents and pay the mortgages on his home and farm in Mississippi. Substantially written in 1939 and 1940, *Go Down, Moses* clearly registers the specific social and economic changes precipitated by New Deal legislation in the South and represents the destabilization of race relations Faulkner sees as their result.⁵⁵ In the novel, white owners who were once secure in their status suddenly find themselves transformed into managers dependent on black labor for their survival. But black labor is equally disadvantaged by the same changes: wage labor fundamentally disrupts domestic and community security. In the new South, in Faulkner’s view, blacks are more vulnerable than they had been as sharecroppers, not less.

Go Down, Moses also registers the ways in which the exercise of federal legislative power not only threatened Southern social stability—and the status quo of race relations—but signaled a transformation of law itself. Instead of law embedded in and reflective of the needs and values of the community, judicial authority in the text is increasingly indifferent, bureaucratic, and divorced from

the community. Faulkner's description of the arrival of a white planter and a black sharecropper at the federal courthouse makes this disjuncture clear:

When they reached town, the streets leading into it and the Square itself were crowded with cars and wagons; the flag rippled and flew in the bright May weather above the federal courthouse. [They] crossed the thronged pavement, walking in a narrow lane of faces they knew—other people from their place, people from other places along the creek and neighborhood, come the seventeen miles also with no hope of getting into the courtroom itself but just to wait in the street and see them pass—the faces they only knew by hearsay: the rich white lawyers and judges and marshals talking to one another around their proud cigars, the haughty and powerful of the earth.⁵⁶

The law here is inaccessible, indifferent, and above all, alien.⁵⁷

In order to resolve disputes in a way that preserves the integrity of the community, local legal authorities (as opposed to “the haughty and powerful” lawyers associated with the federal courthouse) in *Go Down, Moses* consistently avoid official adjudication by resorting to private, extralegal means. But Faulkner is careful to distinguish this extralegal activity from the lawlessness of lynching, the kind of lawlessness that would invite federal intervention. In *Go Down, Moses* lynching is refigured as the result of the dehumanization of both blacks and whites in an economy of exploitation and consumerism imposed by the North.

Faulkner establishes a precedent for the extralegal dispute resolution in which his Southern legal authorities will engage in the first chapter of *Go Down, Moses*. In “Was,” set in 1859, white planters play poker to settle a disagreement. The stakes are terribly high: if one man loses, his brother has to marry his opponent's sister; if he wins, his black half-brother gets to marry one of his opponent's slaves (which also means the player will acquire her for free).⁵⁸ The conflict is both a private domestic matter and a contract dispute arising from a previous wager. By resolving it through a poker game, Faulkner identifies extralegal, community-based dispute resolution with an antebellum code of Southern honor that binds society together.⁵⁹ In antebellum planter culture, white ownership doubles as legal authority. There is no need for official law in this setting: private parties can—and often must—resolve their own disputes.

The code of honor Faulkner invokes here maps onto a familiar Southern nostalgia for a romantic, and largely mythical, chivalric antebellum world. But it is also connected to the revolutionary period ideal of the lawyer-statesman embodied in the South by Thomas Jefferson. (It is no accident that the county seat of Faulkner's fictional Yoknapatawpha County is named Jefferson.) The authority of the lawyer-statesman originated in his personal honor and his stature in the community.⁶⁰ And Southern lawyers continued to enjoy a close affiliation with “agrarian society” and to play “a role of responsible leadership in the community”

in the nineteenth century even as anti-lawyer sentiment flourished in the North.⁶¹ The local legal authorities in the sections of *Go Down, Moses* set in the 1930s bear this legacy as they resist federal law. But they are significantly hindered by the restructuring of property relations precipitated by the New Deal. In Faulkner's South, legal authority remains inextricably tied to ownership.

Carothers McCaslin, progenitor of the black and white families that populate *Go Down, Moses* and founder of the plantation on which they live, is imagined in terms of pure and uncontested authority. As his great-great-grandson Roth remarks wistfully, "Old Carothers got his nigger bastards right in his back yard and I would like to have seen the husband or anybody else that said him nay" (112). Carothers is no lawyer, but the point is that he doesn't need to be. Faulkner represents Carothers's authority as pre-legal, derived from his status as an originary owner and founder of the community. He is the man who "saw the opportunity and took it, bought the land, took the land, got the land no matter how . . . when it was a wilderness of wild beasts and wilder men, and cleared it, translated it into something to bequeath to his children" (245). Carothers's authority is never matched in the text: his sons (one of whom is the winner in the poker game that begins the novel) enjoy diminished control over the land and its inhabitants, as does each subsequent generation of white owners. This gradual diminution of authority tracks the imposition of federal law on the South, first through Reconstruction and later through "governmental interference with the raising and marketing of [cotton]" (119) and the restructuring of labor relations under the New Deal. The result of this diminished authority, as the novel moves forward in time (the chapters themselves do not appear in chronological order), is that disputes—even if they are domestic—increasingly require external mediation. But subjecting these disputes to legal adjudication only exacerbates the intrusion of exogamous law into Southern culture, something no one knows better, in the novel, than local legal authorities.

The second chapter of *Go Down, Moses*, "The Fire and the Hearth," set in the late 1930s, charts the relationships of two of Carothers's descendants, one black and one white, still living on the McCaslin plantation. Twice in the chapter, Lucas Beauchamp, the son of the slave at stake in the poker game in "Was," and Roth Edwards, the white heir of one of the poker players, find themselves in the Jefferson courthouse. The central importance of these courthouse scenes is suggested by the fact that the chapter's working title was "A Point of Law."⁶² Both times that Roth and Lucas end up at the courthouse, the dispute that has brought them there is a domestic matter. And in both cases, local legal authorities with deep personal ties to the community are unwilling to subject disputes that would traditionally have been resolved through the private authority of white owners to the increasingly formal, indifferent authority of the law.

The first trip to the courthouse is the result of a miscalculation on Lucas's part in his attempt to get Roth to have George Wilkins—who is not only sleeping with

Lucas's daughter, Nat, but also competing with Lucas in the production of bootleg whiskey—arrested (and thereby removed from the plantation). Lucas is successful in his manipulation of Roth, which he conceives of as “like dropping the nickel in the slot machine and pulling the lever: all he would have to do then would be just to watch it” (36). Lucas knows Roth's dependence on sharecroppers has eroded his sense of his own authority to the point that he will not confront George privately, even though Roth is George's landlord and the whiskey still is on Roth's land. (58). When Lucas tells him about George's still, Roth immediately calls the sheriff—which is exactly what Lucas wants him to do.

But Lucas has underestimated his own daughter, who cleverly plants a second still at Lucas's house in retaliation. The sheriff's discovery of the two stills lands Lucas, George, and Roth in what Faulkner describes as “the commissioner's office in the federal courthouse in Jefferson” (62). Luckily for Lucas, the commissioner's office turns out to be an enclave of local, community-based authority. Ignoring the agency of the two black men in the dispute, the commissioner chastises Roth for not having control over the sharecroppers on his own plantation, and asks the white sheriff and deputy to describe the evidence. Although Lucas has no voice at this pretrial meeting, the conversation between the white men provides Lucas with the information he needs to protect himself from being found guilty of a crime at trial: the commissioner indicates that family members cannot testify against one another. So once Roth pays bail for Lucas and George (it is planting season and he needs them to plant their acres), Lucas negotiates a dowry with Nat (a porch, a stove, and a well for George's house) and obtains a fraudulent marriage license indicating that his daughter and George are already married.

The threat of exogamous and indifferent law is represented in the courtroom on the day of Lucas and George's scheduled trial in the persons of the “deputy marshal” chewing a toothpick and reading “a Memphis newspaper” and “an angry-looking man whom Lucas did not know—the United States Attorney, who had moved to Jefferson only after the administration changed” (70–71). But the judge himself is a man Lucas has known all his life, a man who stayed on the McCaslin plantation “for weeks during the quail season” when Roth's grandfather owned it and whose horse Lucas had often held while the judge was hunting with Roth's father. Once this connection is established, the narration of the novel observes that “[i]t took hardly any time at all” (71). Ignoring the United States Attorney's attempts to make a case, and clearly unconcerned with the authenticity of the marriage license Lucas has produced, Judge Gowan declares the charges against Lucas to be “nonsense” (71). Instead of conducting a trial, the judge inquires paternalistically about Nat's marriage. At the end of this interview, he instructs the sheriff to destroy the stills and Roth to “get them out of here”—the charges are dropped, since the matter was always, in the judge's view, properly a private one (72). Official adjudication—in the sense of the impersonal applica-

tion of formal rules—is avoided and, in the process, community-based norms of racial hierarchy but also of personal autonomy are restored.

Roth and Lucas's second trip to the Jefferson courthouse comes after Lucas becomes convinced that there is a fortune in gold coin buried on the McCaslin plantation. In order to obtain a divining machine without having to pay for it, Lucas engages in a variety of conceits, including proffering one of Roth's mules as collateral and burying money of his own to trick the divining machine salesman. Impersonal and uninformed by cultural context, the contract between the divining machine salesman and Lucas that follows constitutes an extreme case of the formalism of Northern market logic.⁶³ And while the salesman's disinterest in gradations of status, most significantly race, ultimately permits Lucas to gain the upper hand in the transaction, freedom of contract is imagined as dangerous in *Go Down, Moses* precisely because it facilitates the denial of social and personal context.

Lucas's fraudulent contract is not, however, the reason Roth and Lucas once again find themselves in court. In the logic of the novel the contract doesn't matter, because the unnamed salesman from St. Louis and the divining machine itself, "an oblong metal box," "compact and solid and businesslike and complex with knobs and dials," are utterly alien (79).⁶⁴ Instead, it is Lucas's wife, Molly, who causes the second court appearance by demanding a divorce after forty-five years of marriage, because his purchase of the divining machine (and the obsession it represents) has effectively ended Lucas's life as a husband and sharecropper. "When a man that old takes up money hunting," she reasons, "it's like when he takes up gambling or whiskey or women. He ain't going to have time to quit . . . All I can do is to go clean away from him" (100). Roth tries and fails to negotiate an alternative to the divorce: Molly won't agree to Roth's feeble compromise that Lucas only search for the money two nights a week. Finally, Molly forces the issue by almost killing herself trying to hide the divining machine on her own. Since Lucas refuses to defer to the authority of a man dependent on him for a livelihood—"I'm the one to say about my private business," Lucas insists—all Roth can do is take Lucas and Molly to Jefferson to get a divorce (116).

The case is heard in a "small detached building beside the courthouse proper" by a man Faulkner takes pains to identify with the old regime of planter-owners and local customs (122–23). The judicial figure is also identified as the "Chancellor," indicating that the divorce is being heard in a court of equity, not a court of law.⁶⁵ Nevertheless, the threat of impersonal, exogamous law—embodied by the angry-looking United States Attorney in the first case—is represented in the divorce proceedings by the clerk of the court, who would prevent Lucas from speaking at all, and who instructs Lucas to "Say sir to the court" (124), suggesting that legal authority is vested in the office rather than the person of the judge. Like the commissioner in the first case, the judge laments Roth's inability to resolve the matter privately:

He made a clucking sound. "After forty-five years. You can't do anything about it?"

"No, sir," [Roth] said. "I tried. I . . ." The Chancellor made the clucking sound again. (123)

The judge's reticence buys Lucas enough time to rescue this private matter from adjudication himself. He interrupts the proceeding, from which he has been officially excluded, to insist "[w]e aint gonter have no contest or no voce neither . . . I dont want no court" (124). The judge accepts Lucas's interruption and has the case stricken from the docket, erasing any record of its existence. Before leaving Jefferson, Lucas disappears and returns with a gift of candy for Molly, reinscribing the relationship in a private, domestic economy.⁶⁶ For a second time, the official adjudication of what is properly a private matter has been avoided, and community-based norms are restored.

Both of Lucas and Roth's trips to the federal courthouse involve domestic disputes, but they also both clearly reflect the encroachment of market relations (rapidly replacing long-standing community relations in the South during the 1930s) into domestic settings. Indeed, in this chapter, and throughout *Go Down, Moses*, Faulkner directly associates federal law's indifference to person and place with the impersonality of the free market. In "The Fire and the Hearth," the idealized past of interdependence and honor that provide the context of the poker game in "Was" have been replaced with contracts between strangers and competition within families.⁶⁷ Most of the sharecroppers on whom Roth is dependent are strangers to him, and he exercises what control he has at the plantation commissary, where they must buy supplies from him. Lucas, who has enjoyed extraordinary financial and personal security as a black man because of his familial relationship to the white McCaslins (102), nearly loses his immediate family when he adopts the logic of the market, first as a bootlegger and then in his treasure hunting, which Faulkner gives us to understand is really the pursuit of money "on which there was no sweat, at least none of his own" (119)—the equivalent of "profit" in a market economy.⁶⁸

Despite Roth's anxiety about the erosion of his own status—"an accumulation of floutings and outrages covering not only his span but his father's lifetime too back into the time of his grandfather" (101) resulting in the past from the federal interventions of Reconstruction and in his time from New Deal policies—blacks do not enjoy a palpable increase in security or the opportunity to negotiate advantageously for the benefit of their own labor in *Go Down, Moses*.⁶⁹ Regardless of the intentions of the AAA, NLRA, and other federal legislation that drove blacks onto the wage-labor market, Faulkner insists that freedom of contract could never have equalized the relative power of (white) owners and (black) nonowners in the postbellum South.⁷⁰ For Faulkner, the ascendance of market relations in the South makes blacks more socially and economically vulnerable, not less so.

There is substantial historical support for Faulkner's position. In addition to Jim Crow laws, widespread social and economic practices in the South enforced racial segregation and the dependence of labor—most dramatically through violence, but perhaps more insidiously through control over the entrance of blacks into the market as consumers.⁷¹ This control was exerted over what blacks were able to buy and the prices they paid in local white-owned stores and farm commissaries. It was also exercised to prevent blacks from buying land of their own.⁷² As a result of these practices, black laborers' wages did not bring the freedom associated with earning potential in the logic of market capitalism. Rather, those wages reinforced their dependence. In "Pantaloon in Black," the chapter that follows "The Fire and the Hearth," Faulkner imagines the Southern wage-labor market of the 1930s as not merely destructive for communities but literally fatal to individuals.⁷³ Without the stabilizing context of community and family, Faulkner suggests, personal identity is inevitably threatened.

In the first section of "Pantaloon in Black," Rider, a black sawmill worker of prodigious strength, discovers that he cannot transcend his status as labor, no matter how hard he works. This reality is brought home, symbolically, by the death of his wife, because for Rider marriage represents the promise of stability of place and of identity.⁷⁴ After his marriage, Rider and his wife, Mannie, spend their wages making improvements to a house they don't own and bank the remainder of Rider's pay (which will never be enough to buy it) with the man who owns it. After Mannie dies, Rider realizes that "the house had never been his anyway" and never could be (135). He can translate his labor into cash, but not into capital assets that might assure him security and independence in the future. When Rider realizes this, he experiences a profound alienation from his labor and from himself.

His initial response is to attempt to subsume himself in his work at the mill, to become, in a sense, *only* labor. In work, "he could stop needing to invent to himself reasons for his breathing, until after a while he began to believe he had forgot about breathing since now he could not hear it himself above the steady thunder of the rolling logs" (141). When this distraction fails, he undertakes an extraordinary feat of strength, single-handedly moving an enormous log, which demonstrates both the tremendous value of his labor and its uselessness to him. He then takes recourse to the liquor he knows he will be allowed to buy with predictably unsatisfying results. Finally, he decides that death is the only form of self-possession available to him and kills a white man, knowing he will be killed for it.⁷⁵ But Rider doesn't kill just any white man. He kills the white man who runs a crooked dice game at the lumber mill, cheating black laborers out of their money at night just as the white owners of the mill exploit them by day. Thus, in sharp contrast with the lynching in Faulkner's 1932 novel *Light in August* (in which a black man is lynched for sleeping with and then murdering a white woman), the lynching in "Pantaloon in Black" is both a suicide and an inarticulate protest against an economic regime stacked against black labor.⁷⁶

The second section of "Pantaloon in Black" is written from the perspective of the sheriff's deputy, who has allowed the white victim's relatives to take Rider from the jail and lynch him before there can be a trial. (Rider's body is found hanging from "the bell-rope in a Negro schoolhouse" [149].) The deputy misinterprets Rider's abject grief as indifference, rendering Rider's subsequent acts incomprehensible. The deputy concludes that Rider "aint human" (149), that "when it comes to the normal human feelings and sentiments of human being, [blacks] might just as well be a damned herd of wild buffaloes" (150). In part, Faulkner's point here is that urban segregation—a product, on Faulkner's account, of the destruction of the agrarian economy's mutually interdependent mixed race communities—results in dangerous misunderstanding between the races. The personal and economic interconnectedness of Roth and Lucas casts the gulf between the deputy and Rider in sharp relief.

But Faulkner is not only concerned with race here. The deputy's incomprehension of Rider is also a symptom of the dysfunction of all of the deputy's relationships, including his marriage—a dysfunction Faulkner associates with the new legal and economic regime. Preoccupied with her own affairs ("she had attended a club rook-party that afternoon and had won the first, the fifty-cent, prize until another member had insisted on a recount of the scores and the ultimate throwing out of one entire game" [150]), the deputy's wife is an unwilling audience for his version of Rider's story. She is not interested in Rider ("take him out of my kitchen," she insists vainly as her husband begins to tell the story [150]), nor is she particularly interested in her husband (at the end of the chapter, she announces that she is "going to the picture show" without him [154].) This self-absorbed, middle-class urban housewife is the opposite of Rider's wife, Mannie, who is Rider's partner and friend. And the deputy, who allows Rider to be taken and lynched despite a halfhearted assertion that "interference with the law cant be condoned" (152), is characterized as a passive employee, collecting a paycheck rather than protecting the community. Not only is the lynching in "Pantaloon in Black" a consequence of indifferent law and the market economy it fosters, but blacks and whites both suffer the depersonalizing affects of those forces.

In the last chapter of *Go Down, Moses* (also titled "Go Down, Moses"), Faulkner's account of the impact of federally imposed legal and economic change is reworked a third time in the story of Molly and Lucas's grandson, Samuel, who moves North to escape the dead-end labor market that destroys Rider. Samuel is alive, briefly, at the beginning of the chapter—smoking on a "steel cot" in the "steel cubicle" of an Illinois jail cell. His hair is straightened, and his voice is "anything under the sun but a southern voice, or even a Negro voice" (351). In other words, he is unrecognizable. Samuel tells a census taker that his occupation has been "getting rich too fast" (352) and the anonymity that money and mobility have afforded him has proven to be a fatal liability. Samuel has been sentenced to death for killing a cop that he claims a different, equally anonymous black man

actually killed. The census taker is indifferent to this mistake of identity, as the Northern judicial system clearly has been. In a world of discrete contractual exchanges between strangers, Faulkner implies, identity no longer matters.⁷⁷ In "Go Down, Moses" Samuel's execution is figured as a Northern lynching.

When Lucas becomes obsessed with finding the buried treasure, Molly and Roth and Judge Gowan are there to remind him of what he'll sacrifice (domestic security, personal autonomy) to get it. But in the North, Samuel—"in a business called numbers, that people like him make money in" (357)—is effectively killed for the same fantasy of money on which there is no sweat of his own. Before his execution the census taker asks Samuel how his remains will get back to Mississippi if his family doesn't know where he is. Samuel responds, "What will that matter to me?" (352). But the rest of "Go Down, Moses" is about the return of Samuel's body to Yoknapatawpha County, because it does matter there. In this way, Faulkner suggests that it is up to the South to redress, if not right, the wrong of Samuel's execution by restoring him to the security of the community.

On the day before Samuel's execution, Molly asks Gavin Stevens, a white lawyer in Jefferson, to help her find him. Molly doesn't know what's about to happen to Samuel, only that he has gone North because there is no future for him on the plantation, something she conceives through the lens of her own experience: she tells Stevens that Samuel has been "sold . . . in Egypt. I don't know what he is. I just knows Pharaoh got him. And you the Law. I wants to find my boy" (354). Molly's association of conditions in the North with oppression and slavery is telling, as is her sense that the law is the only means of access to this regime.

Still, Faulkner is careful to identify Stevens with the lawyer-citizens of Southern tradition, as opposed to federal law and its connection to the market. We are told that Stevens's "office was his hobby, although it made his living for him, and [his] serious vocation was a twenty-two-year-old unfinished translation of the Old Testament back into classic Greek" (353). Nevertheless, Stevens is not entirely *of* the community: he has been educated abroad ("Phi Beta Kappa, Harvard, Ph.D., Heidelberg" [353]), he lives in town in a boardinghouse, and he is unable to fathom the shared grief of Molly and Miss Worsham, the elderly white woman with whom Molly "grew up together as sisters" (357). This distance qualifies Stevens to mediate between the alien world into which Samuel has been lost and the community in the text. He enlists the help of the town newspaper's editor to help him locate Samuel, and the two find the notice of his impending execution in an Illinois paper. By the time they find the notice, it is too late to save Samuel, but not too late to recover his remains. Stevens lets Miss Worsham believe that her twenty-five dollars will cover the expenses, and solicits donations from the white businesses in Jefferson to defray the remainder of the cost of retrieving and burying Samuel's body (360).

In contrast with the interventions of Judge Gowan and Chancellor in "The Fire and the Hearth," Stevens's intervention is professional—an expression of his

public persona—rather than personal. It insulates Stevens's private indifference and masks the arbitrariness of Samuel's death. Ultimately, the homecoming Stevens arranges for Samuel is a kind of staged catharsis—an elaborate and artificial gesture intended to reassure the community that it has not changed. In reality, Faulkner asserts, the ties that united the community have been replaced with a new system of mutable and impersonal relations that may preserve the community but also transform it. Much of *Go Down, Moses* is an elegy for the old South, but the final words are Stevens's: "Let's get back to town. I haven't seen my desk in two days" (365).

The benevolent but impersonal businessmen of "Go Down, Moses" stand at the end of the arc of legal authority in the novel from an idealized agrarian past to the increasingly urban and commodified present of the South. In the idealized past—before Reconstruction—the power to resolve disputes and protect community norms is embedded in the community to such an extent that legal authority is inseparable from personal authority.⁷⁸ In the chapters set in the 1930s, legal authorities associated with the old regime preserve community norms by resolving disputes by extralegal means, while legal authorities associated with town and exogamous law threaten community stability and allow Rider's lynching. At the end of *Go Down, Moses* Faulkner attempts to imagine a new version of legal authority under new economic and social conditions that is still recognizably Southern. But Gavin Stevens's performance in "Go Down, Moses" is clearly not satisfactory. Faulkner would have to try again.

Avoiding Adjudication in *Intruder in the Dust*

"Go Down, Moses" sets the stage for *Intruder in the Dust*, in which Gavin Stevens and Sheriff Hampton save Lucas by preventing both a lynching and a trial. The period between the novels, 1942 to 1948, is the longest gap between novels in Faulkner's career. The attack on Pearl Harbor occurred just as Faulkner was finishing *Go Down, Moses*, and he was deeply preoccupied by the war.⁷⁹ The financial distress that had marked much of his career also forced him to return to Hollywood in 1942 to work as a writer for the movie industry. He spent the better part of the next seven years under contract there.⁸⁰ Thus it was with a sense of dislocation and disempowerment that Faulkner watched the transformation of the national landscape wrought first by the war and then by the Truman administration.

The most significant aspect of this transformation, for Faulkner and perhaps for the South, was the beginning of the end of segregation. In 1941 Roosevelt created the Fair Employment Practices Committee, which initiated the desegregation of the civil service, and only a few years later Truman began the long process of desegregating the military. In addition to the increase in government employment of blacks, wartime industrial production generated large-scale private sector employment of blacks. These new industrial jobs not only precipitated the

relocation of many Southern blacks to Northern and Western urban centers, but created a new middle class of black workers who earned competitive wages and joined unions.⁸¹ Membership in the NAACP increased from 50,000 in 1940 to 350,000 in 1945.⁸² In other words, the interests of blacks began to carry unprecedented political and economic weight. This new reality was reflected in a series of Supreme Court decisions in the early 1940s regarding public accommodations and voting rights that made significant inroads into long-established Jim Crow practices.⁸³ Finally, and perhaps most importantly, America's vision of itself as the defender of the free world and advocate for human rights during World War II made segregation increasingly embarrassing.⁸⁴

This vision was further tarnished by a rash of violence against blacks in the South in 1946 perpetrated by returning veterans surprised by blacks' rapid rise in social and economic status.⁸⁵ Congress and the Truman administration answered the violence by resurrecting federal antilynching and anti-poll tax legislation that the South had considered dead for a decade, reopening an old fault line between federal law and Southern customs.⁸⁶ Although the legislation was successfully blocked by the Southern states, Truman's newly established Committee on Civil Rights publicly reported Southern abuses to Congress, and civil rights became a key issue in the 1948 presidential campaign.⁸⁷ Indeed, the Democratic Party split over language in the platform calling for "full and equal political participation," "equal opportunity of employment," "the right of security of person," and "equal treatment in the service and defense of our nation."⁸⁸ Southern states, including Mississippi, nominated an alternative ticket with Strom Thurmond listed as the Democratic Party's presidential candidate.

It was against this backdrop that Faulkner wrote *Intruder in the Dust*. Faulkner believed that federally mandated desegregation in the twentieth century would fail as surely as emancipation and Reconstruction had in the nineteenth century.⁸⁹ He thought that the result would be, if not a second civil war, a reactionary response on the part of Southerners answered by federal occupation.⁹⁰ Only the South could effectively redress the injustices of slavery and make social equality of the races possible.⁹¹ In its insistence that justice must come from within the community, *Intruder in the Dust* proposes an alternative to federal intervention in the problem of race relations that restores the values on which Faulkner believed Southern identity and community depended.⁹²

Since the vast majority of Southerners opposed desegregation, however, Faulkner recognized that legal authority would be necessary to drive cultural change. His solution is local, indigenous legal authorities, deeply embedded in the community, who understand the mutual independence of whites and blacks, and the mutual benefit of change. In other words, what has been widely read as gradualism with regard to race relations on Faulkner's part can also be read as legal regionalism, a rejection of federal legislation in favor of the South developing its own, culturally and economically appropriate, legal protection of liberty

and equality. The inherent difficulties of this solution, however, are clear from Faulkner's use of the exceptional Lucas Beauchamp to establish the terms of mutual interdependence, and the conditions under which he collaborates with local white authorities.

At the beginning of *Intruder in the Dust*, Lucas has been arrested for the murder of a white man named Vinson Gowrie. Discovered standing over Vinson Gowrie's dead body, Lucas survives long enough to be arrested through the serendipitous presence of the local constable, Skipworth—"a little driedup wizened stonedead old man not much larger than a half-grown boy with a big nickel-plated pistol . . . who on this occasion anyway revealed an almost gratuitous hardihood and courage."⁹³ But no one expects Lucas to survive the night—let alone make it to trial.⁹⁴ As a member of the lynch mob that gathers outside the jail asks, "Who in this county or state either is going to help [the sheriff] protect a nigger that shoots white men in the back?" (39–40). What's more, the victim's family, the Gowries, are notoriously independent and violent: "a ramification of cousins and inlaws covering a whole corner of the county"—"brawlers and fox-hunters and whiskeymakers not even . . . a simple clan or tribe but a race a species which before now had made their hill stronghold good against the county and the federal government too, . . . where peace officers from town didn't even go unless they were sent for and strange white men didn't wander far from the highway after dark and no Negro at any time" (35). In response to the news of the murder and arrest, the black population remains out of sight while the white population streams into the town square in order to be there for the lynching.

Faulkner makes it clear that the white community looks forward to Lucas's death with particular relish, because, as we know from *Go Down, Moses*, Lucas has never shown the deference or dependence it expects. Gavin Stevens's own brother-in-law, who imagines himself superior to the lynch mob gathering in the square, nevertheless shares their view of Lucas's fate: "They're going to make a nigger out of him once in his life anyway" (31). But Lucas's association with the old planter culture of his white grandfather—the source of his aggravating independence—is also the reason he makes it to the town jail. Like Judge Gowan, the commissioner, and the Chancellor in *Go Down, Moses*, Skipworth protects Lucas because he and Lucas are both relics of the old South. Indeed, the avoidance of adjudication in *Go Down, Moses* sets the stage for the avoidance of both a trial and a lynching in *Intruder in the Dust*. Sheriff Hope Hampton and Gavin Stevens ultimately engage in a broad array of extralegal practices (exhuming a body, hiding Lucas at the sheriff's house, entrapping the real killer) in order to protect Lucas and preserve the integrity of the community.

Rather than providing a solution to the threat of interracial violence, federal law and the market relations of the North are figured as the root causes of that violence in *Intruder in the Dust*. The tension between indigenous Southern values and the imposition of Northern power is figured in the description of the town square

as Stevens drives to meet with Lucas in the jail: “the amphitheatric lightless stores, the slender white pencil of the Confederate monument against the mass of the [federal] courthouse looming in columned upsoar” (48). The jail and the church are the only original buildings in the square, the rest “having been burned to rubble by Federal occupation forces after a battle in 1864” (49). The town is the location of the translation of the old South, where on Faulkner’s account, men worked together “doing the base jobs and the splendid ones not for pay or politics but to shape the land for their posterity” (50), into something foreign (the “amphitheatric stores”) and anarchic (the lynch mob). Stevens’s conclusion, as he arrives, that “no man can cause more grief than that one clinging blindly to the vices of his ancestors” (48), is only half of Faulkner’s point. By the end of the novel it is just as clear that one’s ancestors’ virtues are worth struggling to preserve.

It makes all the difference, in the logic of the novel, that the lynch mob that forms outside the jail is comprised not of farmers but

young men or men under forty, bachelors, the homeless who had the Saturday and Sunday baths in the barbershop—truckdrivers and garagehands, the oiler from the cotton gin, a sodajerker from the drugstore and the ones who could be seen all week long in or around the poolhall who did nothing at all that anybody knew, who owned automobiles and spent money nobody really knew exactly how they earned on weekends in Memphis or New Orleans brothels—the men . . . in every little Southern town, who never really led mobs nor even instigated them but were always the nucleus of them because of their mass availability. (42)

These men, wage laborers and petty criminals, are creatures of the federally willed transformation of the South. They are not, in Faulkner’s mind, indigenous. In contrast, the Gowries, who represent the old South, ultimately—and unexpectedly—participate in Lucas’s vindication while the mob still waits in the square.⁹⁵

When he saves Lucas, Constable Skipworth puts Lucas’s fate in the hands of the local sheriff, whose charge is to protect and preserve the values and security of the county—the rural community in which the murder occurred. Sheriff Hampton is described as a “countryman, a farmer and a son of farmers” (105), and his authority derives from the values and traditions of that community. When he arrives in town with Lucas, he protects Lucas by the sheer force of his will. “I told you folks once to get out of here,” he tells the waiting mob in his “mild cold bland heatless voice,” “I aint going to tell you again” (44). Hampton, we are to understand, is a man who will do his job regardless of external pressure, a man with the independence and assurance to defy the town because of his standing in the community.

Hampton also answers the question of who will help him protect Lucas by posting Will Legate, a farmer and the “finest shot” in the county, at the jailhouse

door instead of the jailer or one of his own deputies. Like Judge Gowan in *Go Down, Moses*, Will Legate has hunted with Lucas and his white cousins in the old days. He can also keep an entire town at bay with a single gun he won't have to use, because everyone knows he won't hesitate to use it, or miss (51). Hampton will also have the lawyer Gavin Stevens's help. And in a significant change from his characterization in *Go Down, Moses*, in *Intruder in the Dust* Stevens occupies the same office as his father, who was the county attorney before him, through which "the county's legal business" had passed for as long as anyone could remember, the "dogeared faded papers and the needs and passions they represented and the measured and bounded county too were all coeval and one" (29). Like Hampton and Legate, Stevens's authority is embedded in Southern tradition and values.

Though Faulkner means ultimately to redeem them, these men are not without their flaws.⁹⁶ For instance, in the initial interview between Lucas and Stevens, Stevens takes Lucas's guilt so completely for granted that he won't let Lucas talk. Even if he would listen to Lucas, though, Lucas wouldn't tell him who killed Vinson Gowrie (he witnessed, rather than committed, the murder). Lucas knows naming the white murderer would carry its own kind of death sentence. Instead, the exchange between Lucas and Stevens proceeds as a kind of poker game, with each man trying to call the other's bluff.⁹⁷ Stevens offers to defend Lucas in the hypothetical event that Lucas lives long enough to be tried by a judge and a "District Attorney," who "dont live within fifty miles of Yoknapatawpha County" (63). But Lucas doesn't want a defense attorney. His only hope is for someone to exhume the body and have the bullet hole examined, which will prove his innocence. Over the course of the exchange, Lucas realizes Stevens is too sure of Lucas's guilt to ask him to do it. So instead he asks Stevens's sixteen-year-old nephew, Chick Mallison.

Lucas can make this request of Chick because when Lucas saved Chick's life four years earlier, instead of expressing his gratitude, Chick tried to reassert his racial superiority by offering Lucas money. When Lucas refused the money, Chick suffered a humiliation that haunts him right up to the moment Lucas makes his request. And it gradually becomes evident in the novel that Faulkner intends this relationship between Lucas and Chick to provide a model for a new regime of race relations in the South: continued mutual interdependence, with whites acknowledging their debt to black labor instead of denying it. And personally seeing justice done.

Even if Lucas had asked for Stevens's help, Chick knows there wouldn't be time for his "uncle to go to the sheriff's house and convince him and then find a [Justice of the Peace] or whoever they would have to find and then convince too to open the grave" (73) before the mob got to Lucas. Chick must find the courage to help Lucas without the aid of the adult men. But there is precedent in Chick's experience for this—he has already learned that "[i]f you ever needs to get any-

thing done outside the common run, don't waste yo time on the menfolks; get the womens and children to working at it." Men "cant listen. They aint got time. They're too busy with facks" (70).⁹⁸ And mere facts, Faulkner insists, cannot capture the truth of a community's history—or understanding of itself (49). So it is Chick, his black best friend, Aleck Sander, and an elderly white woman named Miss Habersham (Miss Worsham in *Go Down, Moses*) who will have to save Lucas by digging up Vinson Gowrie's grave in the middle of the night.⁹⁹

Instead of finding Vinson Gowrie's body, however, they witness an unidentifiable figure on a mule carrying a body-shaped load and find in Gowrie's grave the body of another man. These developments put Chick, Aleck Sander, and Miss Habersham in real peril from the actual murderer, making it necessary to enlist the help of the very local legal authorities whose job they have had to do. But their determination "to preserve not even justice and decency but innocence" (114) has set an example for Stevens and Hampton.

Once Chick, Aleck Sander, and Miss Habersham initiate the process in *Intruder in the Dust*, the local legal authorities begin to serve the interests of justice through private and community-based action. As Chick has reasoned the night before, Stevens and Hampton quickly determine that there isn't enough time to get a judge's order to exhume the body, even if they could convince a judge to issue such an order given the way the "evidence" to support it has been gathered. Instead, Hampton doesn't so much ask the Gowries' permission as tell them to meet him at the grave. When he convinces them to let him open it, they find it empty. At this point, the sheriff and the lawyer have to do what Faulkner imagines only community-based legal authority can and must do: figure out where the bodies are and who killed them based on their specific local knowledge. This knowledge is partly geographical. They know where the softest dirt someone could dig a hasty new grave in is, they know the location of the quicksand in the riverbed that a man driven to desperation by having to dispose of the second body in one night would resort to. It is also social and historical. They know not only what kind of gun Lucas carries but also that Vinson's brother Crawford owns the kind of gun Vinson appears to have been shot with, and that Crawford was in business with Jake Montgomery, the man Chick and Aleck and Miss Habersham found in Vinson's grave.

In the old cemetery nine miles from town, this local knowledge allows Hampton and Stevens to unravel the mystery: Crawford had been skimming lumber from his partnership with Vinson and selling it to Montgomery on the side. When Lucas, who has stumbled on the knowledge, threatens to reveal the scam, Crawford kills his own brother (and later Montgomery) and frames Lucas for the murder. The murder is thus the result of the market logic of the North—the promise of a profit worth killing for.

The specter of racial violence, too, is generated by Crawford's corruption—Lucas's race is not the reason Crawford frames him, though Crawford clearly

hopes to exploit racial animus to save himself by framing Lucas. In the process of discovering the truth, black jail inmates whom the sheriff has brought to do the digging and the grieving Gowries dig together (173). The community is symbolically restored.¹⁰⁰ And this restoration is the opposite of the spectacle that the lynching would have been. Lucas is never publicly exonerated, nor is the heroism of Chick, Aleck, and Miss Habersham acknowledged. But Chick would neither have wanted nor accepted this, “since it would have abrogated and made void the whole sum of what part he had done which had to be anonymous else it was valueless” (189). The value of their actions lies in preserving the integrity of the community. Justice, here, is what is best for the community, not the individual. And the point is not so much that Lucas has been saved, but that by saving Lucas, Chick and the others have protected the community from the violence of a lynching. They have not just saved Lucas; they have saved the mob, which silently disperses, from itself (180). Moreover, since Vinson’s real killer is his own brother, the specter of interracial violence that haunts the book is revealed to be fratricide at its core—fratricide deriving not from forces indigenous to the South but from the depersonalizing effects of the market.¹⁰¹

In the final episode of the novel, Lucas and the sheriff partner to catch the real murderer, using Lucas as bait. There is no question of a trial for Crawford Gowrie—not only has Hampton “disposed of what little evidence they had by giving it back” to the Gowries to rebury (193), but a trial is not in the best interests of the community. “[W]e’re after just a murderer, not a lawyer,” Stevens observes tellingly as the plan unfolds. And the murder is, after all, a family matter. Indeed, the matter is kept so private, Faulkner provides only glimpses of Crawford’s capture to the reader: a phony message is sent to lure the killer to a remote spot where Lucas and Hampton will be waiting; later Crawford has reportedly committed suicide in the sheriff’s custody (231). Faulkner is apparently unwilling to speculate about the details of an actual partnership between Hampton and Lucas—which in his scheme for the South is both necessary and so distant a prospect that it is unimaginable. Instead, in the closing pages of the novel Faulkner offers the details of the initial murder, in its rich cultural specificity.

Intruder in the Dust imagines three stages of the transformation of race relations—and legal authority—in the South. Faulkner concedes that white men, particularly men in power, will find it hardest to change, because their very power derives from the status quo. But women and children, perhaps because they are already variously disempowered and dependent, and perhaps because they live their lives in daily contact with blacks, Faulkner imagines as willing to risk their own security to create justice for blacks. Once a humble and courageous few set the change in motion, local legal authority will begin to follow by finding solutions within the established norms of the community. The final stage—the stage of cooperation between Lucas and the sheriff—stands for the possibility of a future partnership of blacks and whites in the service of the greater communal good.

In Faulkner's vision the lawyer-citizen of the past must become, like Stevens, the lawyer-paternalist: guiding both blacks and whites in the right direction.¹⁰² Faulkner's lawyer-paternalist moderates those elements of the community prone to violence (the origins of which are universal, not racial, as the fratricide makes clear) while protecting community-based norms that are properly the source and limit of law. He also resists the corrupting influence of market forces. This vision is obviously fundamentally conservative. But it is also already deeply nostalgic. Faulkner's community of rural, interdependent black and white Southerners was all but extinct by the publication of *Intruder in the Dust* in 1948.¹⁰³

Faulkner's attention to the impact of federal law on the South may finally be directed less at imagining an alternative legal regime than at imagining a different South. In writing *Intruder in the Dust*, Faulkner played the very role he assigns to the Southern lawyer-paternalist.¹⁰⁴ Faulkner meant to redeem the South by saving Lucas, to create a different, better (if fictional) South. Instead, the novel resulted in Faulkner's own redemption in the South. In part because of its provocative racial politics, *Intruder in the Dust* was a commercial success—Faulkner's first commercial success in twenty years.¹⁰⁵ Not only was his imagined South widely disseminated, but after a lifetime of financial frustration, Faulkner would be solvent for the rest of his life. The novel's success also precipitated a film version, which, in the interest of authenticity, was shot in Oxford, Mississippi, in 1949.¹⁰⁶ Despite initial resistance connected to the plotline and the long-standing perception of Faulkner as a drunk and an embarrassment, the white community of Oxford embraced the movie production and, finally, embraced Faulkner himself.¹⁰⁷

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Notes

1. Joel Williamson, *William Faulkner and Southern History* (New York: Oxford University Press, 1993), 156, 160. Ostensibly, the justice that required swift and unequivocal action was the protection of white property, and especially white women, from the lawless desire of blacks—protection official law had failed to provide, in the Southern imagination, at least since Reconstruction. But lynching was deeply tied to the maintenance of racial hierarchy and control (through intimidation) of black labor. Stewart E. Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930* (Urbana: University of Illinois Press, 1995), 18–19. “Spectacle lynchings,” like that of Nelse Patton, attempted to “publicly resolv[e] the race, gender, and class ambiguities at the very center of the culture of segregation,” while “brutally conjur[ing] a collective, all-powerful whiteness” intended to rationalize the “color line.” Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Vintage, 1999), 203.

2. The mob's fury was in no way mitigated by the absence of a sexual aspect of the crime. Because the sheriff refused to reveal where he had hidden the keys, the mob spent three hours trying to ram through the steel doors of the jail until they finally gave up and went to work on the steel-shuttered windows with saws, hammers, and chisels. Eventually they opened up a hole that was large enough to fire guns into the cell where Patton was held. When they finally got into the jail, they found he was badly wounded, but they still dragged him out, strung him naked from a telephone pole, and "riddled his body with bullets." Williamson, *Faulkner*, 159.
3. C. Vann Woodward makes this argument in *Origins of the New South, 1877–1913* (New Orleans: Louisiana State University Press, 1951).
4. Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper and Row, 1988), 239.
5. Kenneth Stampp, *The Era of Reconstruction, 1865–1877* (New York: Vintage, 1965), 158–77. See also Foner, *Reconstruction*, 316–17. Confederate leaders were able to reenter government once President Johnson began issuing pardons.
6. Stampp, *Era of Reconstruction*, 199.
7. *Ibid.*, 200.
8. Foner, *Reconstruction*, 198. Southerners also blamed the corruption and incompetence of carpetbaggers during Reconstruction.
9. Joel Williamson, *A Rage for Order: Black/White Relations in the American South since Emancipation* (New York: Oxford University Press, 1986), 71.
10. *Ibid.*, 84.
11. Vardaman argued that Southern blacks were increasingly criminal (one-third more criminal in 1890 than they had been in 1880, he asserted) and blamed that increasing criminality on "the aspiration of blacks to social equality." Williamson, *Faulkner*, 157. See also Orlando Patterson, *Rituals of Blood: Consequences of Slavery in Two American Centuries* (New York: Basic, 1998), 179, 192.
12. Williamson, *Faulkner*, 157.
13. Faulkner seems to have thought and lived in this climate, too, as Neil McMillen and Noel Polk have observed. See McMillen and Polk, "Faulkner on Lynching," *Faulkner Journal* 8, no. 1 (1992): 3–13.
14. William Faulkner, "Dry September," in *Collected Stories* (New York: Vintage, 1995), 172.
15. William Faulkner, *Sanctuary* (New York: Vintage, 1993), 284.
16. William Faulkner, *Light in August* (New York: Modern Library, 1968), 276.
17. *Ibid.*, 328.
18. *Ibid.*, 419.
19. *Ibid.*, 291, 312, 316.
20. Jay Watson, *Forensic Fictions: The Lawyer Figure in Faulkner* (Athens: University of Georgia Press, 1993), 6. According to Watson, "the idea of the forensic figure as lawyer-citizen, animated by an ethic of service and typically aligned, for better or worse, with communal values, exerted a powerful pull on Faulkner's imagination throughout his career" (6). Lawyers populated Faulkner's immediate circle of family and friends. His great-grandfather, grandfather, uncle, and brother were all lawyers, as were his wife Estelle's father and first husband (7, 10). His close friend and early lit-

- erary mentor, Phil Stone, was a lawyer as well. Williamson, *Faulkner*, 174. Watson argues that Faulkner conceived of the lawyer figure as “part mentor, part competitor. A kindred soul to the writer as fellow humanist and rhetor, yet also an authority figure, possessed of the power and status that Faulkner no doubt coveted for himself but resisted in others.” Watson, *Forensic Fictions*, 11.
21. The fact that lynchings were originally a community-based means of preserving stability and order makes them increasingly significant, and vexed, for Faulkner in the 1930s and 1940s as he tries to imagine an alternative to federal law.
 22. Richard Godden, *Fictions of Labor: William Faulkner and the South's Long Revolution* (Cambridge: Cambridge University Press, 1997), 115. Godden explores the changes wrought in Faulkner's perspective by the historical developments of the 1930s through a comparison of *Absalom! Absalom!* (1936) and *If I Forget Thee, Jerusalem* (1939). He also offers a reading of *The Sound and the Fury* (1929) in terms of labor relations in the South.
 23. Tolnay and Beck, *Festival of Violence*, 18–19.
 24. Hale, *Making Whiteness*, 285.
 25. Over the last thirty years, the field of cultural studies has become increasingly aware that “we come, in uncertain and contingent ways, to see ourselves as the law sees us; we participate in the construction of law's ‘meanings’ and its representations of us even as we internalize them, so much that our own purposes and understandings can no longer be extricated from those meanings.” Austin Sarat and Thomas R. Kearns, “The Cultural Lives of Law,” in *Law in the Domains of Culture* (Ann Arbor: University of Michigan Press, 1998), 7–8.
 26. Joseph Blotner, *Faulkner: A Biography*, vol. 2 (New York: Random House, 1974), 1102. The status of *Go Down, Moses* as a novel has been the subject of critical debate. See, for example, John Limon, “The Integration of Faulkner's *Go Down, Moses*,” *Critical Inquiry* 12 (1986); Walter Taylor, “Faulkner's Pantaloon,” *American Literature* 44, no. 3 (1972): 430; John E. Cleman, “‘Pantaloon in Black’: Its Place in *Go Down, Moses*,” *Tennessee Studies in Literature* 22 (1977): 170; and John T. Matthews, “Touching Race in *Go Down, Moses*,” in *New Essays on Go Down, Moses*, ed. Linda Wagner-Martin (Cambridge: Cambridge University Press, 1996), 21–47. Thadious Davis's *Games of Property: Law, Race, Gender, and Faulkner's Go Down, Moses* (2003) treats the role of law in the novel particularly as it relates to questions of rights and ownership.
 27. See, for example, Erik Dussere, “The Debts of History: Southern Honor, Affirmative Action, and Faulkner's *Intruder in the Dust*,” *Faulkner Journal* 17, no. 1 (2001); Charles D. Peavy, *Go Slow Now: Faulkner and the Race Question* (Eugene: University of Oregon Press, 1971); Noel Polk, “Man in the Middle: Faulkner and the Southern White Moderate,” in *Faulkner and Race*, eds. Doreen Fowler and Ann J. Abadie (Jackson: University Press of Mississippi, 1986); and Neil Schmitz, “Faulkner and the Post-Confederate,” in *Faulkner in Cultural Context*, eds. Donald M. Kartiganer and Ann J. Abadie (Jackson: University Press of Mississippi, 1995).
 28. Naomi Mezey, “Law as Culture,” in *Cultural Analysis, Cultural Studies, and the Law*, eds. Austin Sarat and Jonathan Simon (Durham, NC: Duke University Press, 2003), 54.
 29. Harold H. Hyman and William M. Wiecek, *Equal Justice under Law: Constitutional Development, 1835–1875* (New York: Harper and Row, 1982), 89.

30. *Ibid.*, 90.
31. Through the compromise, Missouri was admitted to the Union as a slave state, but slavery was forbidden in the remainder of the Louisiana Territory north of Missouri. The controversy both “provoked an exhaustive congressional review of the constitutional status of slavery and black people,” and “alerted” both North and South “to the constitutional implications of slavery’s westward expansion.” Hyman and Wiecek, *Equal Justice*, 91.
32. *Ibid.*, 139.
33. See *ibid.*, 94–113. See also Don E. Fehrenbacher, *Slavery, Law, and Politics: The Dred Scott Case in Historical Perspective* (Oxford: Oxford University Press, 1981), 7–40. One high-profile example was the *Amistad* case, which reached the Supreme Court in 1841. The *Amistad*’s Spanish owners sued for the return of its cargo of captured Africans, who had mutinied, as property. The Court found the Africans who had taken over the ship to be free men because they had been captured in violation of treaties suppressing the international slave trade.
34. Hyman and Wiecek, *Equal Justice*, 143.
35. The compromise did not, however, settle the question of the constitutional status of slavery in much of the West. Hyman and Wiecek, *Equal Justice*, 144.
36. See *ibid.*, 150–59. The return of the fugitive slave Anthony Burns to his Virginia owner on the order of a Massachusetts court prompted Henry David Thoreau to write “Slavery in Massachusetts.” Also in 1854, Sherman Booth, a white citizen of Wisconsin, was arrested and found guilty of violating the Fugitive Slave Act. Booth challenged the act as unconstitutional in a habeas proceeding in the Wisconsin state courts, which agreed with him. But the U.S. Supreme Court reversed the state courts. *Ableman v. Booth* 62 U.S. 506 (1858).
37. Fehrenbacher, *Slavery, Law, and Politics*, 5.
38. Hyman and Wiecek, *Equal Justice*, 167.
39. Woodward, *Origins*, 23, 28, 33.
40. At the peak of this violence, in 1892 alone there were 156 reported lynchings. The frequency dropped to one lynching every four days in the first decade of the 1900s. Williamson, *Rage*, 84. See also Foner, *Reconstruction*, 119–23.
41. Woodward, *Origins*, 71, 85.
42. *Ibid.*, 98–101, 77, 81.
43. Woodward argues, however, that it is a mistake to reify the rigid racial relations that emerged after Reconstruction as natural or inevitable outgrowths of Southern society; these norms were not so much existing as evolving. Woodward, *Origins*, 65, 103–04.
44. *Plessy v. Ferguson* 163 U.S. 537 (1896), 551–52.
45. Woodward, *Origins*, 103 (quoting Sumner).
46. See Gavin Wright, “Postbellum Southern Labor Markets,” in *Quantity and Quiddity: Essays in U.S. Economic History*, ed. Peter Kilby (Middletown, CT: Wesleyan University Press, 1987), 101, 112, 116. See also Foner, *Reconstruction*, 174. See generally Gavin Wright, *Old South, New South: Revolutions in the Southern Economy Since the Civil War* (New York: Basic Books, 1986).
47. Godden, *Fictions of Labor*, 117.

48. The goals of the NLRA included strengthening collective bargaining and the right to unionize, redressing the unequal bargaining power of employers and employees, and increasing workers' buying power. Karl E. Klare, "Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 1937–1941," *Minnesota Law Review* 62 (1978): 281–83.
49. The same economic changes precipitated by New Deal policies that were destabilizing race relations were also transforming the South more generally: "The new South might best be seen as an evolving bourgeois society in which a capitalist social structure was arising on the ruins of a pre-modern slave society. It was going through a process of social change, of modernization, that the rest of the nation had gone through a half a century earlier. But where the rest of the nation had made the change with a social and political structure and an ideology that generally supported such changes, the postwar South was going through the change with the remnants of a social and political structure and an ideology that had been antagonistic to such changes." Godden, *Fictions of Labor*, 121.
50. Klare, "Judicial Deradicalization," 268.
51. Failed attempts to pass federal antilynching legislation dated back to the late nineteenth century and had long represented the Northern assault on Southern traditions and culture in the Southern imagination. See Robert L. Zangrando, *The NAACP Crusade Against Lynching, 1909–1950* (Philadelphia: Temple University Press, 1980), and Claudine Ferrell, *Nightmare and Dream: Antilynching in Congress, 1917–1922* (New York: Garland, 1986).
52. Williamson, *Rage*, 85.
53. Donald R. McCoy and Richard T. Ruetten, *Quest and Response: Minority Rights and the Truman Administration* (Lawrence: University Press of Kansas, 1973), 7–9. See also Hale, *Making Whiteness*, 285, and Zangrando, *NAACP Crusade*, generally.
54. Williamson, *Faulkner*, 265.
55. *Ibid.*, 227. Faulkner himself described the novel as about the "relationship between the white and Negro races here." *Ibid.*, 265 (quoting Faulkner).
56. William Faulkner, *Go Down, Moses* (New York: Vintage, 1990), 69–70.
57. All law is tainted by federal influence in *Go Down, Moses*. Jim Crow laws—which did reflect Southern norms—are conspicuously absent in the text. Though there is no tension between state law and federal law as different categories in the text, Faulkner does imagine two categories of lawyers and judges: those who are indigenous to the South and those who are interlopers from the North.
58. Thadious Davis offers an interesting reading of this complexity in "The Game of Courts: *Go Down, Moses*, Arbitrary Legalities, and Compensatory Boundaries," in *New Essays on Go Down, Moses*, ed. Linda Wagner-Martin (Cambridge: Cambridge University Press, 1996).
59. It was through a "tradition of honor" that Southerners "differentiated themselves from the North and the Federal government." Dussere, "Debts of History," 37. In the antebellum South, the "debt of honor was most commonly a debt incurred through gambling, through a contest between two men of equal—aristocratic—standing." Debts incurred through gambling "were one of the central rituals upon which Southern planter society was built." *Ibid.*, 38.

60. Robert Ferguson uses the term “lawyer-framers” to describe the lawyers who shaped the early republic. Ferguson, *Law and Letters in American Culture* (Cambridge: Harvard University Press, 1984), 60. Jay Watson uses the term “lawyer-citizen” interchangeably to describe both the founders and twentieth-century lawyers like Gavin Stevens. Watson, *Forensic Fictions*, 31–35. In my reading, Faulkner replaces the public, law-making “lawyer-citizen” of the antebellum period with a new conception of the “lawyer-paternalist,” committed to the private, extralegal enforcement of community norms and protection of community autonomy by the end of *Intruder in the Dust*.
61. Maxwell Bloomfield, *American Lawyers in a Changing Society, 1776–1876* (Cambridge: Harvard University Press, 1976), 50.
62. Blotner, *Faulkner*, 1028.
63. This contract embodies the “classical-formalist” logic of the market, which, in contrast to status-based norms of exchange, understands contracts in terms of autonomous, self-interested individuals agreeing to discrete exchanges. Robert W. Gordon, “Macaulay, Macneil, and the Discovery of Solidarity and Power in Contract Law,” *Wisconsin Law Review* (1985), 566. The specific identities of contracting parties and their cultural contexts are irrelevant, as is the content of the contract. Contracting parties have no obligations to one another beyond those prescribed by the contract itself, and the fairness of the bargain is considered irrelevant once the deal is made. P. S. Atiyah, *The Rise and Fall of Freedom of Contract* (Oxford: Clarendon Press, 1979), 402–03, 416.
64. John Matthews reads the “business” transactions in the novel as emblematic of slavery’s commodification of persons. John T. Matthews, “Touching Race in *Go Down, Moses*,” in *New Essays on Go Down, Moses*, ed. Linda Wagner-Martin (Cambridge: Cambridge University Press, 1996), 40. But this reading suppresses the extent to which the ascendancy of market logic in the postwar South strikes Faulkner as threatening the commodification of everyone and everything.
65. “[I]n 1791 the English legal system was divided into separate equity and common-law courts. Equity developed as a distinct system of justice largely in order to compensate for the deficiencies of the common-law courts. Because pleading and practice in the law courts had become inflexible and highly technical, injustice frequently resulted, for which equity provided a partial safety valve.” The United States inherited this divided system. Significantly, courts of equity began to disappear in the United States as states began adopting the Federal Rules of Civil Procedure in 1938. Jack Friedenthal, Mary Kay Kane, and Arthur Miller, eds. *Civil Procedure*, 3rd ed. (St. Paul, MN: West Group, 1999), 503. Faulkner seems here to be figuring local justice in terms of equity as against the new federal regime.
66. On the connection between gift giving and the Southern notion of honor, see Dussere, “Debts of History,” 45.
67. This contrast is also evident in the language of the two chapters. The vocabulary of “Was” is personal and domestic—in its first scene Uncle Buddy’s “cursing and bellowing” fails to prevent the household dogs from chasing a fox through the kitchen and around the house. *Go Down, Moses*, 4. In contrast, “The Fire and the Hearth” opens with Lucas’s frustration over “the temporary interruption of business,” his

- weariness “compounded in advance,” and the problem of his “competitor”—introducing the commercial vocabulary that permeates the chapter. *Ibid.*, 33.
68. “As the promise of infinite buying power,” the buried money “appears to offer a way out of the coercive relations of a real economy.” It holds this promise because it represents “pure surplus value completely dissociated from either its utility or the accrued real value of whatever labor went into the production of a comparable material good.” Arthur VanderVeen, “Faulkner, the Interwar Gold Standard, and the Discourses of Value in the 1930s,” *Faulkner Journal* 12, no. 1 (1996): 46, 44. In *Go Down, Moses* the promise of money in a market economy, like freedom of contract, fails to provide an alternative to the existing hierarchies of race and of ownership. Rather, their tendency toward decontextualization weakens identity and community. In other words, cash fails to provide relief from the property relations of the South, because cash doesn’t provide the freedom to stay where you are and change the terms on which you stay. Instead, cash corresponds to the freedom of mobility established by contractual relations, freedom Faulkner characterizes as not only illusory but dangerous.
69. Lucas is the exception that proves this rule. Critics have frequently observed Lucas’s exceptional status in the text. See, for example, Blyden Jackson, “Faulkner’s Negroes Twain,” in *Faulkner and Race: Faulkner and Yoknapatawpha*, eds. Doreen Fowler and Ann J. Abadie (Jackson: University Press of Mississippi, 1987), and Richard H. King, “Lucas Beauchamp and William Faulkner: Blood Brothers,” in *Critical Essays on William Faulkner: The McCaslin Family*, ed. Arthur F. Kinney (Boston: G. K. Hall, 1990).
70. As Ian Macneil has observed, freedom of contract “looks equalitarian” but is actually “inequalitarian in its immediate effect to whatever the degree the status quo is inequalitarian, and generally more so.” Ian R. Macneil, “Values in Contract: Internal and External,” 78 *Northwestern University Law Review* (1983): 359. In other words, the “extent to which the total amount of ‘freedom’ within a given legal community is actually increased depends entirely upon the concrete economic order and especially upon the property distribution.” *Max Weber on Law in Economy and Society*, ed. Max Rheinstein (Cambridge: Harvard University Press, 1954), 189.
71. Faulkner’s portrayal of the Southern labor market reflects the success of early twentieth-century Jim Crow legislation in “weav[ing] about the ignorant laborer . . . a system of laws intended to keep him utterly dependent upon the will of the employer and the land owner.” Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901–1969* (Urbana: University of Illinois Press, 1972), 66. William Cohen calls it a “compulsory free labor system.” William Cohen, *At Freedom’s Edge: Black Mobility and the Southern White Quest for Racial Control, 1861–1915* (Baton Rouge: Louisiana State University Press, 1991), 9–11. This system included the contracting of black convicts to work off their sentences on plantations and in mills—a fate Lucas fully expects as a result of his illegal whiskey distilling in “The Fire and the Hearth”—and the legal and extralegal protection of peonage. Daniel, *Shadow of Slavery*, 20, 24.
72. Gavin Wright argues that what black labor aspired to “was not an ever-increasing wage as their productivity increased, because the labor market did not offer that, but accumulation of wealth leading to eventual farm ownership.” Wright, *Old South*, 99.

- But the translation of cash capital into land was impeded by white unwillingness to allow blacks to own land. *Ibid.*, 101. The percentage of blacks who owned land in the South did not increase between 1900 and 1920, and increased only 5 percent between 1880 and 1900. *Ibid.*, 119. “In a nutshell,” Wright concludes, “the typical white unskilled worker could expect to move up over time, the typical black could expect to go nowhere.” *Ibid.*, 185.
73. The connection between “Pantaloons in Black” and the rest of *Go Down, Moses* has been the subject of extensive critical debate. See Limon, “Integration,” Taylor, “Faulkner’s Pantaloons,” and Cleman, “Pantaloons in Black.” In my reading, “Pantaloons in Black” and “The Fire and the Hearth” are parallel investigations of the possibility of black personal and economic security. In both cases, Faulkner imagines that security in terms of domesticity, the ability to establish and maintain a home. The lovely image of the fire in the hearth that is the symbol of the permanence of their commitment in both Lucas and Molly’s and Rider and Mannie’s homes is also symbolic of the longing for full personhood of the men who live there. Against the increasingly contractual logic of the labor market, marriage represents the promise of interpersonal relations that are stable, integrated with the community, and reflect long-term mutual obligations—relations necessary to stable identity.
 74. Wright observes that laborers in the Southern timber industry (in which Rider works) had little job security, because logging and sawmill operations were mobile, leaving an area when resources had been exhausted. Wright, *Old South*, 159–61. He also argues that land ownership and its nearest correlative for blacks, the kind of tenancy Lucas enjoys, provided the greatest domestic security for blacks, even after industrial wages superseded agricultural wages. *Ibid.*, 91–94, 185. But by the time of Mannie and Rider’s marriage, less and less acreage was available to tenants and croppers as a result of the New Deal. *Ibid.*, 199, 229.
 75. Faulkner suggests a reason why Rider will need someone else to kill him earlier in “Pantaloons in Black” when Rider feels between himself and Mannie’s ghost “the insuperable barrier of that very strength which could handle alone a log which would have taken any two other men to handle, of the blood and bones and flesh too strong, invincible for life.” *Go Down, Moses*, 137. Rider is no match for his own vitality. Nevertheless, killing a white man is suicide. When the sheriff and his deputy find Rider, he offers no resistance. “Ah done it,” he tells them, “Jest don’t lock me up.” *Ibid.*, 152.
 76. Rider’s final words before the murder support this reading: “Ah kin pass even wid mis-souts,” he tells his victim, “But dese hyar yuther boys—.” *Ibid.*, 148.
 77. Indeed, the tension between the abstract idea of freedom promulgated by market logic and the security of the status quo, which Faulkner finds preferable even as he insists it is deeply flawed and unsustainable in the face of market pressure, permeates the novel.
 78. The tenure of McCaslin Edmonds, the white owner who sees the plantation through Reconstruction and the depression of the 1880s and 1890s, is treated in the novel in “The Bear.” But “The Bear” figures McCaslin as an exception, and the discussion of justice in the chapter is oriented around property, not judicial authority.
 79. Blotner, *Faulkner*, 1090.
 80. *Ibid.*, 1105–1107, 1113.

81. McCoy and Ruetten, *Quest and Response*, 7–9. See also Barton J. Bernstein, ed. *Politics and Policies of the Truman Administration* (Chicago: Quadrangle Books, 1970). Faulkner himself realized early on that World War II would have to change race relations in the South. Williamson, *Faulkner*, 271.
82. McCoy and Reuten, *Quest and Response*, 11.
83. *Ibid.*, 10.
84. *Ibid.*, 16.
85. *Ibid.*, 43–45.
86. *Ibid.*, 34, 46.
87. *Ibid.*, 86, 96.
88. Charles Hannon, “Race Fantasies: The Filming of *Intruder in the Dust*,” in *Faulkner in Cultural Context*, eds. Donald M. Kartiganer and Ann J. Abadie (Jackson: University Press of Mississippi, 1997), 275.
89. Williamson, *Faulkner*, 303, 306.
90. The possible spread of fascism to the United States is registered in both *Go Down, Moses* and *Intruder in the Dust*. In “Delta Autumn” Roth worries that Hitler, or “Smith or Jones or Roosevelt or Wilkie or whatever he will call himself in this country,” will transform American life. *Go Down, Moses*, 322. In *Intruder* the lynch mob of unthinking, urban white Southerners merges, in Chick’s perception, into a “composite Face,” one of the staples of fascist iconography. William Faulkner, *Intruder in the Dust* (New York: Vintage, 1991), 190.
91. Faulkner and his character Gavin Stevens agree about this in principle, but Faulkner’s vision of a mutually interdependent community is beyond Stevens for most of the text. Stevens’s views have often been read as Faulkner’s own, but Faulkner always asserted that Stevens is a fictional representation of the typical white Southern liberal of the 1930s. Gene D. Phillips, *Fiction, Film, and Faulkner: The Art of Adaptation* (Knoxville: University of Tennessee Press, 1988), 89. In 1949 Faulkner published a book of stories, *Knight’s Gambit*, in which Stevens plays the role of detective in a variety of cases where justice is not necessarily served by the law.
92. Williamson argues that *Intruder in the Dust* was a racially progressive text in its day, though it has frequently since been read through the lens of statements made later in Faulkner’s life as a reactionary text. Williamson, *Faulkner*, 270, 310. Contemporary reviewers shared Williamson’s position. See, for example, Edmund Wilson, “William Faulkner’s Reply to the Civil-Rights Program”; Elizabeth Hardwick, “Faulkner and the South Today”; and Andrew Lyle, “Regeneration for the Man,” in *Faulkner: A Collection of Critical Essays*, ed. Robert Penn Warren (Englewood Cliffs, NJ: Prentice-Hall, 1966).
93. Faulkner, *Intruder*, 37.
94. It is also clear from the outset of the novel that even if Lucas makes it to trial, his guilt will be a foregone conclusion and the result will be a lynching officially sanctioned by law. The same men who form the mob would form the jury. Faulkner, *Intruder*, 134.
95. This is in sharp contrast to the “Southern” coalition of drummers and locals like McLendon in “Dry September.” Faulkner, *Collected Stories*, 171.
96. Watson argues that in Faulkner’s work “the integrity of the lawyer-citizen is a direct function of the integrity of the community on whose behalf he speaks and acts. If its

- values are basically sound, he emerges as worthy of respect and emulation, but if they are narrow or intolerant, he is often all the more so." Watson, *Forensic Fictions*, 36. In *Intruder in the Dust* Faulkner seems intent on revealing the community as better than it seems to be by revealing the ways in which its legal authorities are better men than they initially seem to be.
97. Chick himself describes it as a poker game. Faulkner, *Intruder*, 59. See also Dussere, "Debts of History," 49.
 98. This advice is recast in even more explicitly legal terms after the body is exhumed: "If you got something outside the common run that's got to be done and cant wait, don't waste your time on the menfolks; they works on what your uncle calls the rules and the cases. Get the womens and the children at it; they works on the circumstances." Faulkner, *Intruder*, 110–11.
 99. Miss Habersham not only has a personal connection to Lucas through his wife, but is herself a relic of the old regime. Her "name was now the oldest which remained in the county," and her forebears had "ridden horseback into the county before its boundaries had ever been surveyed and located and named." Faulkner, *Intruder*, 75.
 100. This is not to say that the community has meaningfully changed at this point—black labor is still bound.
 101. In Stevens's analysis, it is the result of the Northern capitalist obsession with "the divinity of the individual man (which we in America have debased into a national religion of the entrails in which man owes no duty to his soul because he has been absolved of soul to owe duty to and instead is static heir at birth to an inevitable quit-claim on a wife a car a radio and an old-age pension)." Faulkner, *Intruder*, 197.
 102. The lawyer-citizen owes fidelity to law and to the nation; the lawyer-paternalist owes fidelity to the community.
 103. The encroachment of Northern values—embodied in the "subdivisions" of "prosperous young married couples with . . . an automobile each and the memberships in the country club/and the bridge clubs and the junior rotary and the chamber of commerce and the patented electric gadgets"—is as foreign as the federal law. Faulkner, *Intruder*, 118. This is what prompts Dussere to argue that the "actual pre-occupation" of the novel is not race but "capitalist Northernization." Dussere, "Debts of History," 55.
 104. Watson argues that Faulkner is attracted to the lawyer figure because lawyers must simultaneously submit to the symbolic order of the culture and resist it, providing a model for how one can be critical of the community to which one belongs yet remain a part of it. Watson, *Forensic Fictions*, 14.
 105. Phillips, *Fiction, Film*, 89.
 106. Metro-Goldwyn-Mayer purchased the movie rights to *Intruder in the Dust* before it was even published and immediately began production. Faulkner helped scout locations and was involved with both the screenplay adaptation and casting decisions. Phillips, *Fiction, Film*, 92–93.
 107. *Ibid.*, 92; Hannon, "Race Fantasies," 269, 276–77.