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### **Lawyer as critic: analysing the legal thriller through the works of John Grisham, Erle Stanley Gardner and Harper Lee**

Abstract:

Focusing on selected ‘classic’ novels by John Grisham, with reference to how they are informed by the earlier works of Erle Stanley Gardner and Harper Lee, this paper explores how these authors, writing in the legal thriller genre, present their lawyer protagonists as critics of both the law and the legal systems of which they are a part. Both Gardner’s and Grisham’s writings have been the focus of much criticism from legal scholars who suggest they are unduly critical of lawyers and provide outlandishly happy endings. This article challenges these criticisms by analysing how Gardner’s and Grisham’s narratives explore notions of law’s contingency on crime and materiality. In this way the article concludes that these narratives offer a way of understanding how just practitioners can operate in an unjust system and therefore constitute a powerful interrogation of how law operates.

Biographical note:

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## Introduction

The lawyer has always occupied an unusual position in crime fiction, simultaneously a figure of reverence and revulsion. At best, the lawyer is written as someone who can fight for justice, a conduit to truth that will ensure the right result. At worst, they are written as impediments to justice, professional liars paid to obfuscate the truth and enable the accused to escape their just penalty. These fictional representations of lawyers are important because they contribute to what Robert Cover (1986) calls a *nomos* – a normative universe where we ‘constantly create and maintain a world of right and wrong, of lawful and unlawful, of valid and void’ (Cover 1986: 4). Here, rules of law and legal institutions form only a smaller part of the larger normative universe and it is within the ‘narratives that locate it and give it meaning’ (Cover 1986: 4) that we can truly understand the role of law. Such narratives certainly include law reports and government policy (the study of law is traditionally a literary pursuit after all) but also extend to news reports, discourses of nationalism, religion and ethics, as well as popular culture narratives such as crime fiction. Indeed, crime fiction (along with film and television) is crucially important in the construction of the *nomos* because it is ‘the main source of *common* knowledge about the law [... exerting] a powerful influence on ordinary people’s attitudes to, and expectations of, law and the legal system’ (Laster 2000: 10–11). This is because these fictions are so much more accessible to the general public than law reports or even visiting courtrooms for themselves. In this way, the crime fiction writer who writes legal procedurals fulfils an interesting dual role of information provider and storyteller.

Roland Barthes argues that ‘iconic images distil complex details into blissful clarity’ (1972: 143) and this is evidenced in the ‘classic’ narratives of John Grisham, Erle Stanley Gardner and Harper Lee, which provide us with compelling images of noble lawyers struggling against overwhelming odds to represent their clients. To point to one example, *The Bulletin* journalist Diana Bagnall notes that this ‘myth of the lone, idealistic David taking on huge, multi-layered corporate Goliaths has become part of our popular culture, thanks to books and movies such as *A Civil Action*, *Erin Brockovich* and *The Rainmaker*’ (Bagnall 2001: 26). Here, it is the ‘iconic images’ from these popular narratives that have contributed most to the *nomos*, becoming mythic simply by virtue of their repetition across different fictional modes of story delivery – print and film.

But beyond simply representing the legal system as it is, we can also read such writers’ fictions as being in a dialogic relationship with these ideas, actively commenting upon notions of law, justice, the role of lawyers and the systems that implement law. Cultural theorist Douglas Rushkoff, for example, has suggested that ‘popular cultural forums’ (like crime fiction) offer a ‘conceptual interface between the order of our laws and the chaos of our world’ (1994: 51) that makes them ‘the place for us to evaluate our rules and customs’ (Rushkoff 1994: 52). This is particularly true of narratives featuring lawyers because, unlike detectives or policemen, Rushkoff suggests that lawyers are best suited for open discussion of such issues as they are nominated as ‘our culture’s best professional debaters’ (Rushkoff 1994: 52). Popular

legal-thriller writer Philip Friedman concurs, claiming that a legal context is functional as it allows him to deal with every societal issue because every societal issue shows up in the courtroom (Lawson 1994: 22).

In this article, I explore one genre of crime fiction, the legal thriller. Focusing on selected works of John Grisham, with reference to how they are informed by the earlier works of Erle Stanley Gardner and Harper Lee, I argue that the legal thriller presents its lawyer protagonists as critics of both the law and the legal systems of which they are a part. Grisham's work has been the focus of much criticism from legal scholars who suggest he is critical of the concept of law and provides outlandishly happy endings. This article will challenge these criticisms and suggest that Grisham, Gardner and Lee's explorations of how a just practitioner can operate in an unjust system constitute a powerful interrogation of how law operates.

In this way, these legal thriller narratives become sustained critiques of how modern societies deal with crime and, perhaps even more importantly, the contingency of legal institutions themselves upon crime, both its commission and the individual perpetrators responsible. While the legal thriller is only one genre of crime fiction, these ideas are particularly prevalent in popular culture because of the transmodal nature of storytelling presented herein – with Grisham, Gardner and Lee all being successfully adapted across multiple media platforms, including film, television and even comic books. Furthermore, these authors embody another important idea – that of lawyer-as-writer. Both Grisham and Gardner were practising attorneys before becoming novelists while Lee based her protagonist Atticus Finch on her own lawyer father, Amasa Coleman Lee. The idea is important, for in some communities, before widespread literacy, often only the clergy and lawyers were able to write, thus gaining a mechanical and creative privilege over the rest of the population. Grisham and Gardner therefore represent the endpoint of this idea, inheriting the craft of storytelling from many generations of practitioners before them.

### **The legal thriller**

In his analysis of genre (and how genre operates on television) Glen Creeber refers to the cultural theorist Toby Miller and his identification of a narrative present at the heart of all crime fiction:

The villain and the detective depend on each other through an overarching third term: the law and its embodiment in the state, which one must elude and the other convince that justice be meted out (qtd in Creeber 2001: 18).

Indeed, it is this relationship between the law and its participants that helps us demarcate and define the genres of crime fiction. For example, any number of detective stories or police procedurals treat the law discretely, their disenchantment with the legal system best demonstrated by what does *not* appear in their narratives. Frequently such novels end with the capture or reveal of the criminal, the implication being that it is here that justice occurs, sparing us the intricacies of the legal system, its failures and its delays. As Lawrence Friedman notes, popular fiction consistently evinces 'impatience with technicality and procedure' through its depiction of legal

technicalities as ‘obstructions to justice’ (2000: 556). Such genres offer an implied critique of law through omission. (Popular exceptions where ‘technicality and procedure’ are considered and therefore prove this rule would include the television series *Law & Order* and any number of true crime narratives where intricacies form important elements of the plot.)

By way of contrast, legal dramas present lawyers as heroic protagonists simply because they are discharging their duty, or attempting to discharge their duty, as in Meyer Levin’s *Compulsion* (1956, later adapted into the 1959 Richard Fleischer film of the same name) or Gerry Conlon’s autobiographical *Proved Innocent* (1991, later adapted into the 1993 film *In the Name of the Father*). The professionalism of the lawyers Jonathan Wilk and Gareth Peirce in these narratives actively helps to maintain faith in the legal system, reinforcing the need for due process, while the fact that narrative resolution occurs within the courtroom underscores the importance of rational argumentation as a way of finding justice. Barry Reed’s *The Verdict* (1980, later adapted into the 1982 Sidney Lumet film of the same name) works in the same way, as the protagonist lawyer Frank Galvin learns how to overcome his alcoholism and depression, work hard and win a case. Here, Galvin’s progression toward professionalism is presented as heroic in, and of, itself. The lawyers in each of these popular culture examples clearly signify an uncritical faith in the Rule of Law, even (as in the case of *Proved Innocent*) where there are delays in achieving a truly just result.

The legal thriller exists somewhere between the detective story/police procedural and the legal drama. Unlike the legal drama, where conflict comes from the relationship between the lawyer and their client, in the legal thriller, conflict arises from the relationship between the lawyer (or individual legal practitioner) and the legal system of which they are a part (Robinson 1998). As such, the lawyer takes their place beside the superhero, the private detective, the unorthodox policeman and the embittered loner – characters like Batman, Philip Marlowe, Harry Callahan and Rambo – in the romantic tradition of the individual hero, suspicious of bureaucracy and always facing overwhelming odds.

This position may, in part, arise from two of the legal thriller’s antecedents. The first is the Gothic novel, which provides a sense of massive disorder (Palmer 1979) that is relocated in the legal thriller to the overwhelming odds presented by the legal system itself (Pringle 1997: 18). The second is cowboy fiction, which similarly focuses on individuals brought in to right wrongs (Rader and Zettler 1988). Indeed, Baker and Nietzel also connect this idea of the heroic individual to American frontier heroes such as Natty Bumppo who similarly worked and lived alone (1995: 7). Therefore, legal thriller authors write the lawyer as an heroic loner working in spite of an overwhelming system. In this way, the lawyer is made an overt critic of the institution of which they are a part, with the ensuing narrative operating as a sustained critique of that institution’s operation.

It is tempting to think of the legal thriller as a relatively recent invention and that before the novels of John Grisham and Scott Turow the lawyer was relegated to little more than a supporting character, used only for satire or comedy as, for example, in

Charles Dickens's *Bleak House* (1853). However, it is only the *visibility* of the legal thriller that changed in the 1980s, developing from a sub-genre of crime fiction to a genre in its own right largely thanks to the publication of three bestsellers, Tom Wolfe's *The Bonfire of the Vanities* (1987), Scott Turow's *Presumed Innocent* (1987) and John Grisham's *The Firm* (1991) (none of the authors were involved in producing the screenplay adaptations of their novels). Not so coincidentally, all three became transmodal, evolving into blockbuster Hollywood films (big in the scale of both budget and leading actor: Tom Hanks, Harrison Ford and Tom Cruise respectively). Yet despite Wolfe's bestselling *Bonfire*, it is Turow's *Presumed Innocent* that is generally credited with starting the boom in legal thriller writing throughout the 1980s and 1990s, selling more than 700,000 hardcover copies and staying on the *New York Times* bestseller list for hardcover fiction for 44 weeks (Pringle 1997: 18). As a courtroom lawyer writing about courtroom lawyers, Turow claimed to offer a 'proctologist's view' of his profession, an idea that was replicated by fellow lawyers-turned-novelists like Grisham (debuting with *A Time To Kill* in 1989).

In truth, what we can now identify as a legal thriller has been in existence for well over a century (Robson 1995). Francis Nevins regards Melville Davisson Post as 'the [twentieth] century's first important writer of stories about lawyers and the law' (1995: 1). Post's first work, *The Corpus Delicti* (1896), clearly lays out the generic tropes of the legal thriller by featuring attorney Randolph Mason (clearly a popular surname amongst attorneys) showing a client how to murder someone, admit to it in court and still get away with it. This tense working relationship with the law is maintained throughout the Randolph Mason stories, as for example in Post's *The Life Tenant* (1907), wherein Mason demonstrates how justice can be attained through the 'quirks and glitches in the legal system' (Pringle 1997: 17), that is, working against the larger goals of an almost overwhelming institution. This narrative approach challenges contemporary conceptions of the lawyer as a lone figure noted above, and also serves to reinforce the notion of lawyer-as-critic, with the defence lawyer actively exploiting the flaws in the institution to ensure his client goes free.

Implicit in this tension between legal practitioner and legal system, then, is a critique of that system, with the lawyer protagonist being established as highly critical of law – both in how it is instrumentalised and how it is applied. Nowhere is this more apparent than in Harper Lee's *To Kill a Mockingbird* (1960, later adapted into the 1962 Robert Mulligan film of the same name). At first glance Atticus Finch's victory in *To Kill a Mockingbird* seems to be an endorsement of the legal system, signified by a lawyer simply discharging his duty, more in keeping with the afore-mentioned genre of legal drama. However, Finch's struggle to exonerate Tom Robinson is clearly framed as a struggle by a moral lawyer *against* a flawed and bigoted justice system, marking it out as a legal thriller. As both R. Simon (2001) and W.H. Atkinson (1999) note that Finch concludes the book by engaging in an obstruction of justice. Sheriff Heck Tate and Finch collude to say Bob Ewell's death was an accident rather than the act of Boo Radley, who was defending Finch's children from Ewell's attack (Lee 1960: 286–291). While Finch does argue with the sheriff, saying that Radley should go to trial as the killing is justified, he ultimately concedes Tate's point that just as the legal system has most recently failed Tom Robinson it will most likely fail Boo

Radley too. So he commits, in effect, a ‘justified cover up’ of Radley’s actions – an overt criticism of the legal system and its inability to ensure justice in this case.

Here, then, Finch is clearly written as critic rather than officer of the court. In *To Kill a Mockingbird*, justice – relying on what Simon calls ‘moral pluck’ which is defined as ‘a combination of transgression and resourcefulness in the vindication of justice’ (2001: 422) – is ultimately found to lie outside and occasionally (as here) in opposition to the legal system. Similarly at other points in the narrative, Lee writes Finch as being forced to act outside his role as Robinson’s lawyer, standing guard over his gaol cell to protect him from a lynching and engaging in detective work to ‘prove’ (though not to the jury’s satisfaction) that he is incapable of the rape ascribed to him. Finch’s (qualified) success therefore relies in equal measure on his abilities inside the courtroom and, at certain moments, on his actions outside or even in opposition to his role as a lawyer. Finch must therefore draw upon a mixture of rationality and emotion, where due process is frequently overridden by his pursuit of substantive justice for his client.

Simon pursues this idea of moral pluck through the literary works of John Grisham and the television series *LA Law* (1986–94) (2001: 40) – but it is an idea that can be applied to most lawyers in the legal thriller genre, most notably Erle Stanley Gardner’s criminal defense lawyer Perry Mason. Like Turow and Grisham, Gardner was a lawyer-turned-novelist and the Mason novels ‘hinge on points of law, forensic medicine or science as clever as a watch mechanism’ (Symons 1972: 131).

Originating in a variety of pulps (including *Black Mask* magazine) in 1933, *Perry Mason* always straddled a variety of genres as Gardner’s tales were part legal procedural and part pulp thriller. Mason’s transition from pulp to courtroom procedural is demonstrable in a comparison of the narrative of *The Case of the Velvet Claws* (1933), which takes place entirely *outside* the courtroom, and *The Case of the Sulky Girl* (1934), which features a lengthy courtroom interrogation, in which Gardner describes Mason as ‘a specialist on getting people out of trouble. They come to me when they’re in all sorts of trouble, and I work them out ... If you look me up through some family lawyer or some corporation lawyer, he’ll probably tell you that I’m a shyster’ (1933: 23). Mason appears in 82 novels, a few short stories and a novella, becoming the third best-selling book series of all time (after *Harry Potter* and *Goosebumps*) and transmodal as early as 1934, crossing over to films, then radio (from 1943–55) a newspaper strip (1950–54) and three different television series (1957–66, 1973–74 and 1985–93).

Some critics have been quick to relegate Gardner’s Mason novels to legal fiction because of the inordinate amount of time Mason spends on detective-work, the formulaic nature of his cases (Barzun 1989) and the fact that he rarely loses. For example, Steven Bochco, creator of *LA Law*, describes *Perry Mason* as a ‘mystery series’ while Collins and Javna classify it as a ‘private eye series’ (1988: page 113). However, in 2015, Gardner’s *Perry Mason* books began being reissued by the American Bar Association’s publishing imprint, Ankerwycke, seemingly confirming their importance to legal fiction more generally. Perhaps even more importantly, in the context of the legal thriller, Gardner’s work can be understood as highly critical of

legal process because of its implicit idea that a lawyer discharging his duty is not enough to get a just result in and of itself. Mason must not just defend his client (discharging his duty), he must also uncover the guilty party. Gardner's skill as a writer – and indeed the skill of the legal thriller writer more broadly – is to maintain these often competing roles within the one protagonist, someone who can detect and succeed legally.

As with Lee's later Atticus Finch, Gardner suggests that to be heroic necessarily requires a combination of legal and extra-legal action. In the novel *The Case of the Caretaker's Cat* (1935), District Attorney Hamilton Burger tells Mason that: 'You're a better detective than you are a lawyer. When you turn your mind to the solution of a crime, you ferret out the truth' (153). Similarly, in *The Case of the Moth-Eaten Mink* (1952), a judge describes Mason's modus operandi as arising from 'predicaments from which you extricate yourself by unusual methods which invariably turn out to be legally sound' (142). Indeed, this became a running joke in the *Perry Mason* newspaper strip, where Mason was continually reminding his clients 'I'm a lawyer ... not a policeman' (*The Case of the Innocent Thief*) or 'you need a detective, not a lawyer' (*The Case of the Nervous Horse*) – and, of course, in both these cases he ended up lending them his services (Mason 1989).

Gardner's idea of justice requiring a combination of the legal and the extra-legal is important. Mason's victories consistently depend on both his legwork (usually with the assistance of his private investigator Paul Drake) outside the courtroom and his devastating cross-examinations within. These cross examination scenes are particularly important, as they directly relate to the idea of lawyers being our society's best debaters, for it is in these cross-examinations that Gardner and legal thriller writers more generally take the 'core business' of being a lawyer and transform it into the art of storytelling. Underlying them is this criticism that discharging one's duty as a defence attorney (defending one's client to the best of one's ability) is not enough to achieve a truly just result. Rather, it is necessary to go one step further and uncover who is *actually* guilty. Here is the legal thriller's criticism of the legal system writ large; the system is more about resolution (discharging duty) than justice (finding who is responsible for the crime). Furthermore, any amount of rule-breaking (and occasional law-breaking) is presented as justified in light of Mason's end result; in one extreme example, *The Case of the Curious Bride* (1934), Mason even 'bought an apartment building so he could legally change the locks and doorbells and screw up DA (Hamilton) Burger's evidence' (Collins and Javna 1988: 30). In the later novels Mason behaves more ethically, though he clearly sees the lawyer's duty as somewhat restricting, as he explains to his secretary Della Street in *The Case of the Long-Legged Models* (1958):

an attorney doesn't have to sit back and wait until a witness gets on the stand and then test his recollection simply by asking him questions. If facts can be shuffled in such a way that it will confuse a witness who isn't absolutely certain of his story, and if the attorney doesn't suppress, conceal, or distort any of the actual evidence, I claim the attorney is within his rights (42).

## Grisham

John Grisham's second novel, *The Firm* (1991), brings together these twin strands of the legal thriller in presenting a lone protagonist lawyer (like Mason and Finch) in opposition to the legal institution of which he is a part (railing against prejudice, corruption and/or racism). While Grisham's first novel, *A Time to Kill* (1989), with its narrative revolving around the defence of a black man being tried in a largely racist community, may seem thematically closer to Lee's *To Kill a Mockingbird*, it is with *The Firm* that he establishes the pattern for the majority of his texts. Here, the distinction is drawn between the corrupt Memphis-based tax law firm of Bendini, Lambert and Locke (involved in tax fraud and money laundering for the Morolto crime family) and the idealistic Harvard law graduate, Mitch McDeere. Grisham thus establishes a system of law that is inherently flawed and incapable of achieving justice, and then demonstrates how, in spite of that system, the protagonist is still capable of achieving a 'just result': gaining a fair trial (as in *A Time to Kill*), exposing the guilty party (as in *The Firm*), or winning some form of 'restitution' for a client (as in *The Rainmaker* [1995]).

Grisham's distrust of big corporations, be it Bendini, Lambert and Locke in *The Firm* or the corrupt Great Benefit Life Insurance Company and their law firm in *The Rainmaker*, seems in part a product of his origins as a street lawyer representing 'people, never banks or insurance companies or big corporations' (Grisham 1989 [Author's Note]) and in part descended from the paranoid law thrillers of the 1970s (Nevins 1995). In *The Street Lawyer* (1998), for example, he describes the associates at Washington, DC, firm Drake and Sweeney as 'corporate whores' (1998: 198). It is the legal system that Grisham's novels criticise, not the individual lawyers themselves.

To this end, the victories of Grisham's protagonist lawyers are, at best, small moments of courtroom catharsis that cannot be sustained outside it. *The Rainmaker*'s Baylor wins his case, but the insurance company is bankrupted and there will be no payout for the victims. *A Time to Kill*'s Brigance gets his acquittal, but has lost almost everything else in the process. *The Firm*'s McDeere reveals Bendini, Lambert and Locke's corruption, but will forever be looking over his shoulder for reprisals even as he enjoys his stolen wealth with his family in the Caymans. Of course, each of these 'victories' can also be read as a criticism of the circumscribed ability of the law to provide adequate resolution and compensation for those subject to its operation.

Robson notes that while Grisham's novels cover a range of themes, including the courtroom format, the work of corporate and criminal lawyers, and legal education (1996: 205), they can broadly be divided into two narrative types: 'issue' stories and 'chase' stories (1996: 206–207). In the courtroom-based 'issue' stories, criticisms of the trial process amount to a healthy degree of cynicism, as when Jake Brigance in *A Time to Kill* carefully selects a jury to ensure some prospect of success. Criticism in the 'chase' stories, however, reflects a complete disenchantment with the system by disengaging from it altogether, as when Mitch McDeere must flee the enforcers of Bendini, Lambert and Locke in *The Firm* or when Rudy Baylor is forced to rely on his physicality, rather than the law, to protect Kelly Riker from her abusive husband



in *The Rainmaker*. Both sets of texts therefore appear on a spectrum of critique, ranging from critical observation to critically rejecting the system as a whole.

In understanding this relationship between the protagonist lawyer and the flawed institution of which they are a part, I have previously used the term ‘postmaterial law’ (Bainbridge 2003). In Grisham’s work ‘postmaterial law’ is pursued on a mostly pro bono basis and always seems to transcend both the system and practice of law. Most often this is depicted in these texts as a reliance on a combination of legal and extra-legal means to get a just result. Furthermore, the distinction between this ideal and other conceptions of law is always made in material terms, as when *The Rainmaker*’s Deck Shifflett (the name itself rife with connotations of shiftiness) juxtaposes law school with the ‘real life’ practice of law which, he argues, requires ambulance chasing. The greatest fear of Grisham’s protagonists, then, is giving up on their personal ideal of the law and giving in to the material – in other words ‘selling out’.

This postmaterial ideal of law that McDeere, Brigance and Baylor all cling to is an impliedly Romantic notion in the sense that it is based on a ‘subjective idealism’, one of the themes of Romanticism identified by Paul de Man (1983). But when this ideal fails to be realised, then a second theme of Romanticism comes into play, the ‘return to a certain form of naturalism after the forced abstraction of the Enlightenment’ (de Man 1983: 198). This is imported into the legal thriller as the protagonist’s final flight from the modern legal system (‘the forced abstraction of the Enlightenment’) to some other more ‘natural’ state at the end of each novel. In *The Rainmaker* Rudy becomes so disillusioned with the law he lets his licence expire and decides to become a teacher. Forced to abandon his legal career, *The Firm*’s McDeere flees to the Caribbean, having stolen \$10 million from one of the corrupt firm’s Grand Cayman bank accounts. Even for *A Time to Kill*’s Brigance, joining with his client Hailey’s family gathering at the end of the novel, seems emblematic of his own ostracism; having sacrificed everything to win the acquittal, Brigance leaves that world (of the law) to be part of Hailey’s (family). We can argue that this is the protagonist’s ‘natural’ state because, as Diggs notes, the Grisham protagonists are often Capra-like, in that they ‘emerge from outside the metropolis, only to face the ridicule of the power elite’ (1996: 73). It therefore seems right somehow, even natural, for them to go back ‘outside the metropolis’ once their job is done.

Postmaterial law is therefore descriptive of both an ideal of law that transcends the materially driven legal system and a romantic ideal of leaving the industrial / commercial / material world of the city to return to nature. With Grisham’s often Southern settings (Memphis, as well as the fictional location of Clanton, Mississippi), postmaterial law depends upon the contrast Raymond Williams identifies in *The Country and the City*: the ‘contrast of the country with the city and the court: here nature, there worldliness’ (1973: pp). While Williams is not referring to the ‘law’ court here, it can be read either way in this instance. For Williams, the contrast ‘crystallised’ with the city of Rome, ‘the point where the city could be seen as an independent organism’. Williams quotes Roman satirist Juvenal when he asks: ‘What can I do in Rome? I never learnt to lie’ (1973: 46), which is itself reflective of the paranoia with which Grisham imbues his legal system and big business, to the point that the two become indistinguishable.

This conception of the city also fits with the way Mandel describes the rise of the detective novel as a genre, acting as a mirror turned on ‘the growing, explosive contradiction between individual needs or passions and mechanically imposed patterns of social conformism’ (1984: 135). Bourgeois society, Mandel argues, is primarily a criminal society. Through Grisham, society is reduced to, in Robson’s (1996) terms, ‘corrupt officials, rotten institutions and financially determined justice’ (1996: 215), leaving Grisham’s idealists no choice but to flee.

Similarly, Williams makes the connection between ‘the internal corruption of the city’ and, among other things, ‘the rise of the lawyer’ (1973: 47), but ultimately concludes that the contrast between the country and the city is a ‘fiction ... to promote superficial comparisons and prevent real ones’ (1973: 54). The same problems that plague the city are present in the country. In this litigious world, there is ultimately no escape from the legal system. Returning to some sort of natural state, be it a law school (as in *The Rainmaker*) or the Caribbean (as in *The Firm*), even if that escape is illusory, seems to be a necessary part of this process. Common to all these examples is a betrayal by the ‘city’ (of which the legal system is a part), a regression to this ‘natural’ state (because of some childhood connection or remoteness), and a sense of building (or rebuilding) a family by learning how to be a better friend, or a better husband, or by simply starting over.

Critiques of John Grisham’s books seem to be primarily concerned, as they were of Gardner’s, with his contempt for the law and his penchant for positive resolutions. But close readings of these novels show that this is not the case. Grisham clearly distinguishes between his lawyer characters and the legal system in which they work, with his portrayal of supporting characters like Lucien Wilbanks and Avery Tolar particularly, critiquing the system that corrupts, not suggesting that the lawyer is inherently bad. Furthermore, Grisham sets the ideal of law quite apart from the legal system, or, more particularly, the *materiality* of the legal system. This is an idealistic view of law that can only be held by those that the system has not already corrupted, the young lawyers like Mitch McDeere, Rudy Baylor and Jack Brigance. Finally, Grisham’s conclusions demonstrate that this ideal of law cannot exist in the ‘real world’ these novels construct. His protagonists’ victories are limited to the courtroom and, with judgements that are unable to be sustained in this ‘real world’ once the case is done, his practitioners are compelled to leave that system in an attempt to move closer to their ideal of law.

The idea that law is contingent, on crime, on violence, on business, on prejudice, is not in itself original. ‘Legal interpretation takes place in a field of pain and death’, Robert Cover famously wrote. As he notes further:

Legal interpretive acts signal and occasion the imposition of violence upon others: A judge articulates her understanding of a text, and as a result, somebody loses his freedom, his property, his children, even his life. Interpretations in law also constitute justifications for violence which has already occurred or which is about to occur ... Neither legal interpretation nor the violence it occasions may be properly understood apart from one another (1986: 1601).

Here Cover writes how the practice of law is contingent on violence and how the implementation of law itself cannot be understood without acknowledging its connection to *physical* violence. What Lee, Gardner and Grisham do in writing their legal thrillers is to make these ideas of contingency (on prejudice, on violence, on crime) even more visible, even more explicit – and hold them up to sustained criticism.

## Conclusion

While Harper Lee's Atticus Finch, Erle Stanley Gardner's Perry Mason and John Grisham's Mitch McDeere, Rudy Baylor and Jack Brigance all remain officers of the court, inevitably they must act outside the scope of their role as lawyers – and often in direct contravention of it – to achieve justice. Indeed, this has become a narrative expectation for legal thriller writers. Both Finch and Mason's transgressions are only justified by their client's innocence, McDeere by his firm's guilt, Baylor by the business's corruption and Brigance by the system's racism. As former lawyers-turned-novelists, Gardner and Grisham offer up their idealistic lawyers as critics of the legal system and how it is instrumentalised through institutions and judicial implementation. Through the craft of writing they take the core business of being a lawyer and shape it into a sustained critique of the systemic failure of law's functioning and its inability to achieve justice. Here, an ideal of law that embraces substantive justice becomes the primary motivator for their protagonists, transcending the materialism of these systems as other legal rights and duties must be suspended to achieve it. Here too, through the art of storytelling, these legal thriller writers offer another narrative option for the lawyer, to be a critic of the system of which they are a part and ultimately become an advocate for change.

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