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## **Critics' Choice: The American Novel of Social Consciousness in the Mid-1990s: The Regression of the Human Mind in Legal America**

William Gaddis: *A Frolic of his Own*  
New York: Poseidon Press, 1994

This particular frolic is not a romp, a lark or an act of gaiety. It is, in fact, more of a rampage, a frenzy, an act of desperation. Yet, there is no confusion of terms here - the title of the novel is simply not in English but in Legalese, the language of a slightly apocalyptic but very imminent America, which tends to define phrases in terms of responsibility.

"Like an office worker puts out an eye shooting paperclips with a rubberband they say he's on a frolic of his own, no intention of advancing his employer's business his employer's not liable..." explains one of the slew of lawyers in Gaddis's award-winning novel:

The frolic in the title is of this kind, and about as cerebral an act as the one described above. We are served an early warning that the frolickers of these pages had abandoned not restraint but their brains - the novel is hardly under way but college professor-protagonist Oscar Crease has already run himself over with his own car and is suing, for lack of any other perpetrator, himself.

And thus the infernal floodgate of lawsuits is opened wide and they come gushing forth: Oscar suing the insurance company, the insurance company suing the dealer, the dealer suing the manufacturer - and this is just the beginning. We get a boy suing an artist in whose sculpture his

dog got trapped, the artist suing the city that wants to tear the sculpture down, the boy suing a mitten-manufacturer for misappropriation of his dog's name - later there is a minister is sued by the parents of a child who drowned during the baptism, a wealthy woman who sues pretty much everybody she bumps into (often literally), the Episcopalians suing Pepsi-Cola, claiming the brand name is an anagram of their church and so on and so on and so on - but bear with me, these are just peripheral legal actions, not always central to the plot which follows the meandering of, that's right, another lawsuit.

Oscar's very own frolic takes off when he discovers a few similarities between a blockbuster Hollywood movie and an unpublished play he had written some years ago about his grandfather and the Civil War. He immediately feels cheated, robbed, deprived of his rights and with an eye on the prodigious profits of the film, promptly sues its makers. Thus begins his descent into the legal nightmare that America has become and we follow his disintegration through countless complaints and cross-complaints, briefs, depositions and court opinions as Oscar keeps insisting he only wants "justice done."

If the idea is not highly original, its brilliant execution is - Gaddis explores the culture of litigation through a riveting flow of incessant dialogue, a tidal wave of verbiage which not only carries the reader

along effortlessly but thanks to the author's excellent ear for the vernacular, creates characters who appear incredibly true to life.

Oscar, the tragicomical protagonist is a tried-and-true stock character of literature with a twist. He is - or so he thinks - the civilized, educated, enlightened man amongst the barbarians (of contemporary life), the "last civilized man" as he calls himself. Still, it will take the reader but a short while to see through his pompous tirades, regurgitating of lofty ideas and see him for the rather repulsive, whimpering, spineless slug of a man he is. Independently wealthy, he can't stop whimpering about being ruined financially; a money-grubbing bastard, he claims he does everything for the lofty ideas of culture, literature and justice. Oscar truly believes he is entitled to millions of dollars for the theft of his wretched play which he had pieced together from Eugene O'Neill and the Greek classics - because the movie "degraded" his ideas - but when he actually watches the stupid, gory, exploitative film, he is totally engrossed in it.

Still, much as he deserves it, I find it hard to hate Oscar.

For Oscar is irretrievably lost in the moral complexities of our time, which make cameo appearances in the novel, represented by the dilemmas of abortion, gun control, environmental protection, famine, over-

consumption, illiteracy, political corruption and so on.

Bereft of a coherent set of values to guide him through this mess of our daily existence, Oscar turns to the most obvious device to bring order to chaos: language. Ideas started evolving when man first called a tree a "tree" and many trees a "forest." Hacking his way through the bewildering complexities of the world surrounding him, man reduced the chaos by first naming things then giving names to more and more abstract ideas. Then he could think about them, talk about them, write books about them. But somewhere along the way, it seems, words have lost their moral content and "right" and "wrong" depends on who you listen to, what set of values you adopt and these days there is an overabundance of entities offering incontrovertible truths, "only ways," and infallible directives as if a 2000-year-big baggage of these were not enough.

This is where the Law steps in and in its attempt to construct a set of values binding for everybody, it undertakes to redefine Language. In a series of brilliant and often hilarious legal briefs, opinions and discussions, Gaddis gives us an insight at the process and shows how, through its endeavor to redefine Language, the Law influences our entire contemporary culture with its values, standards and views. It must of necessity fail to provide an ultimate framework of values due to its inability to address

the spiritual side: in the novel, a lawsuit against Satan is dismissed for his address is unknown, in another legal action, Jesus is held liable as the master and employer of a pastor who had let a child drown.

What emerges from the avalanche of legal paperwork and twisted legalese verbiage is a redefined reality in over-litigious America, a rudderless society adrift on the wild waters of moral and spiritual putrefaction, hopelessly entangled in one apocalyptic legal action composed of innumerable interlocking lawsuits, desperately trying to find the light and meaning of it all, but it is probably too late: bankruptcy beckons in the form of legal costs and everybody is too busy anyway to return your phonecalls, life has no end and no beginning, just an interminable feeling of the present, an endless and torturous existence between two court hearings.

If it is a slightly futuristic vision, this future is upon us now. The social, political and cultural aspects of the emerging Litigation Society is examined by Philip K. Howard in his recent book, *The Death of Common Sense*, in which he lays out the rather common-knowledge tenets of the phenomena. Yes, we all suspect that we are becoming a culture of adversaries, nitpickers and finger-pointers (as he argues) and that the illness is so widespread that our very subconscious is infected. While Howard discusses the pathology of the dis-

case, in Gaddis we are treated to the psychiatry of it all and shown a frightening picture of the regression of the human mind.

The individual's plight in a culture where responsibility has lost its meaning and gave way to a world of blame-shifting is frightening indeed. Traditionally, responsibility has been the dividing line between children and adults, the capability of assuming responsibility for one's own actions setting immaturity apart from maturity. Voting, drinking, driving are all bound up with different definitions of maturity and legal culpability as such is based on this concept. But in a world devoid of all responsibility, "maturity" is thrown out with the bathwater. In such a world, we face the grave danger of becoming Oscars.

Oscar, for all his epithets - "wealthy Long Island recluse," "college professor," "historian," "playwright" - is nothing but a whimpering child, defenseless and lost in an incomprehensible world, who runs to the Law for everything, just as a child runs to his parents to complain of the neighbour kid who broke his toy truck. It is a master-stroke of Gaddis to have made Oscar's father in the novel a Federal judge, for his relationship to the Law is indeed filial, if not religious. The way the human mind undergoes a trophy in *Litigation Society* is elegantly depicted in Oscar's physical

and mental decline. He grows a beard, wears the same shirt for weeks, takes to drinking while the family mansion is falling down around him and he is taken advantage of by every hack lawyer, insurance salesman or passerby who promises him a quick buck. The reader will be exasperated by his haplessness, but bear with him and watch him - there is a little (at least potential) Oscar Crease in most of us.

But the novel is more than "just" a social commentary and a detailed description of Legal America. It is a remarkable literary achievement and a deserving recipient of the 1994 National Book Award. With its masterful depiction of characters, with its crafty balance of wit, humor, frenetic dialogue and choice of devices, the novel is arguably an outstanding feat by a very highly regarded author. In 1955, after the publication of his first novel *The Recognitions*, Gaddis was heralded as the American James Joyce. Forty years later and after reading *A Frolic of His Own*, we can safely conclude that he has not become one. (But then, does world literature need more than one Joyce?) What he has become though, is a master of his art, a sharp-eyed chronicler of a changing world and its effect on the individual, a highly confident, sure-handed, unique and remarkable voice in 20th century American novel.