

# **A Frolic of His Own Study Guide**

**A Frolic of His Own by William Gaddis**

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# Plot Summary

*A Frolic of His Own* follows the legal entanglements of a plagiarized playwright, Oscar Crease, along with his quirky federal judge father, hapless girlfriend, Lily, controlling stepsister, Christina, overworked but affable corporate lawyer, brother-in-law, Harry, and assorted advocates, agents, artists and clergymen who are all looking out for their own best interests.

Oscar Crease is an independently wealthy college history teacher, who craves recognition. He discovers that the play he wrote over a decade ago, *Once at Antietam*, which was rejected for television, has been lifted to serve as the basis for a blockbuster Hollywood movie, *The Blood in the Red, White and Blue*. Reviews emphasize bad acting, spectacular battle scenes and sex. Oscar is affronted and determined to sue. He is also ready to sue his insurance company, rather than accept a No Fault settlement, after being run over by his own car. He's hospitalized and confined to a wheelchair, alone in his broken down, Long Island home.

Oscar's girlfriend, Lily, is perennially broke and struggling with attorneys to complete her divorce. She and Oscar's stepsister, Christina, and brother-in-law, Harry Lutz, a high-power corporate lawyer, drop in frequently. Lily's lawyer, Kevin, offers to handle Oscar's personal injury suit on a contingency basis. Harry cannot take on Oscar's plagiarism case, but puts him in touch with an old law school friend, and regularly cautions Oscar about the risk and cost of litigation. Harry is less successful in evading professional involvement with Christina's litigious socialite friend, Trish Hemsley.

At the same time, Oscar's father, federal Judge Thomas L. Crease, son of the late Supreme Court Justice Thomas Crease, the inspiration for Oscar's play, is under attack in the media for his decisions and offhand remarks in a series of lawsuits over an outdoor monumental sculpture, *Cyclone Seven*, and the economically struggling Tatamount, VA. A mongrel dog, Spot, gets trapped in the sculpture, gains national fame for his plight, and is subsequently killed by lightning. Lawsuits multiply and political enemies try to block Crease's nomination to a higher court and/or secure his impeachment.

Harold Basie, a black man and associate, is assigned to weigh the merits of Oscar's case, and while he finds it weak, agrees to see the movie before deciding. Evidence emerges as it's discovered that the film's producer, Konstantine Kiester, is the same producer who earlier rejected Oscar's play. He had simply changed his name to Jonathan Livingston (Siegal). Basie decides to move forward with the suit. Oscar is deposed by a Hindu associate in Harry's firm, Jawaharlal Mahdar Pai, who successfully argues the movie is based on materials in the public domain. Basie is discovered to be an ex-con and fraudulent lawyer. Oscar's domineering father, from whom he is largely estranged, is enraged by the verdict and anonymously writes an appeal that prevails. Oscar is awarded the film's immense profits, as damages. Pai gets Oscar's reward reduced to the original out-of-court settlement after learning Oscar has found a producer to stage the play. Pai becomes romantically involved with his scofflaw client, Trish.



Lily's father cuts her out of his will on advice from his greedy spiritual guide, Rev. Bobby Joe. At the same time, she learns that the lump in her breast about which she has long obsessed, is leakage from implants rather than cancer. Oscar's father and overworked Harry both die, each as he realizes a major victory. Crease leaves an estate too small for Oscar to pay his legal bills, and the firm collects Harry's life insurance. Oscar settles the personal injury suit, but ends depressed, discovering the chronology of his family myth on which he based his play is off by one generation.



## Section 1 (through page 38)

### Section 1 (through page 38) Summary

Harry and Christina Lutz argue in a hospital waiting room, waiting for her stepbrother, Oscar L. Crease, to return from physical therapy. Oscar has been run over by a car, Harry is due in court, and Christina is hounding him to show some concern for his brother-in-law. Harry has brought him a legal opinion to read and an ad for a new Civil War movie, but Christina says it is bad timing on both. Oscar's house is such a wreck no one will buy it. Young Lily, who is waiting for a messy divorce to go through so she can marry Oscar, will arrive any minute in a new BMW. Her family gives her no support, while Oscar puts off getting new teeth and tries to fund her lawyers. Oscar's house had belonged to his late mother. He fears that his father wants to sell it.

Trish Hemsley, stepping off an elevator, colliding with a nurse carrying blood samples, fumes about her wardrobe being contaminated. Christina approaches her schoolgirl friend. Trish gushes with joy over Oscar now having someone to sue so he will be set for life, and also about Christina landing a lawyer for a husband. Trish would hate to sue this hospital, for which she organizes benefits, and is sorry Christina's father is being splashed around the papers over that dog story.

Christina and Harry go to Room 612B and find Oscar upset over news reports that Father is being burned in effigy in some riotous scene, and someone is already suing over a Civil War movie Oscar claims is his story about his grandfather. Harry advises Oscar one cannot copyright history, and hands him his father's Opinion, which Harry is sure, will be overturned on appeal. Neither copyright nor bodily injury is Harry's specialty, but Oscar explains anyway how he has been run over while hotwiring his car from the front so as to avoid standing in a puddle. Oscar tells Christina about feeling terminal ever since a man in black came offering him money to carry messages to the other side. Christina argues he is not about to die and resumes complaining about the house, his coolness towards Harry, and Lily's forwardness. Christina reads Oscar a letter from John Knize, a graduate student wondering if he has anecdotes about his famous grandfather, Justice Thomas Crease.

Christina leaves as Lily arrives. Lily borrows \$50, complains Christina looks down on her, and announces her ex-lawyer is demanding \$2,500 to release papers to another lawyer. Oscar has already paid \$3,000 without there even being a separation agreement. He worries how much of his hospital bill insurance will cover. Lily's brother, Bobbie, is buying a Porsche and has joined a fundamentalist church. He will not help her -- and now Lily's purse has been stolen and her cards used fraudulently. When Oscar turns down Lily's offer of oral sex he earns mockery from the patient in the next bed. On her way out, Lily says the BMW belongs to her new lawyer. Frank Gribble, an insurance agent, arrives and goes over the incident with Oscar. Gribble believes the hospital costs will be covered, but Oscar refuses to sign papers without studying them.



Oscar settles in to read his father's Opinion. The facts are not disputed: a dog named Spot runs free and becomes trapped in a steel sculpture known as *Cyclone Seven*; emergency responders, the media and onlookers arrive; and the artist, Szyrk, has filed a restraining order to prevent irreparable damage to his work in the course of a rescue attempt. The court grants Szyrk a summary judgment for a preliminary injunction, but rejects Szyrk's allegations of animal trespass and irreparable damages, as well as, a counterclaim of attractive nuisance in installing and maintaining *Cyclone Seven*.

## Section 1 (through page 38) Analysis

It takes a while getting used to multiple characters interacting with one another without narrative support from the author. Gaddis neither identifies speakers explicitly nor makes clear he has begun a new scene. Oscar and Christina are siblings, and we recognize they share a nervous disposition, attention deficiency disorder, and childhood rivalries that have survived into adulthood. When we later learn they are stepsiblings, we must chalk this up to nurturing in a dysfunctional family. Christina's lawyer-husband initially appears standoffish and browbeaten, but only that latter will prove true. Note Harry (and other lawyers later) speaks in clipped sentences, omitting pronoun subjects; which helps in differentiating dialog. Oscar and Christina share many linguistic patterns and can often be differentiated only when one addresses the other using his/her name. Spoiled, snooty Trish will flit in and out of the novel as the most devoted litigant in a piece which examines the dangers and lure of dealing with the courts. Oscar's barely-mentioned father and grandfather, jurists both, will tie together the central lawsuit, involving the use of their family history in an original stage play Oscar writes. It's also involved in a Hollywood blockbuster movie that a studio appears to have plagiarized.

Judge Crease's opinion, quoted in full in a distinct typeface, is the first of several tongue-in-cheek legal documents that sprinkle the novel. For the lay reader, the pomposity of the language is delightfully entertaining, obscuring the cogent facts that will be used later in the novel. Whether the judge's language accurately reflects legal jargon is up to lawyers to judge. However, it surely reflects a certain quirkiness of character that will emerge as the novel proceeds. The theory that the essence of law lies in language will emerge as a major theme.



## Section 2 (through page 60)

### Section 2 (through page 60) Summary

Bringing Oscar groceries, Christina tells Harry about Lily pushing Oscar to use her new divorce lawyer to file a \$1.5 million injury suit. Harry has been dodging calls from both Oscar and Trish, who wants help suing the hospital for "foetal endangerment." Harry cannot get a word in edgewise trying to explain why suing over the movie will fail. Christina worries *Szyrk* may publicize family madness, and talks of Oscar writing his Civil War play for and about his beloved grandfather. Harry observes Oscar cannot copyright his grandfather.

Harry and Christina find Oscar trapped in his new wheelchair and complaining about his new maid. Oscar can find neither his play nor his glasses and depends on television for news. America has taken Spot to heart and hucksters are profiting from doggie souvenirs. Oscar forces Harry to read the *Times'* review of *The Blood in the Red White and Blue*, which convinces Oscar the producer, Kiester, has stolen the characters and themes of his play. Harry reminds Oscar about public domain and warns that the media are looking for signs of family madness to get even with Father over *Szyrk*. Oscar admits reporters have phoned fishing for what he knows about Grandfather's views on Jews and blacks and about Great Grandfather's diplomatic service in France in the 1840s. Harry hopes once *Szyrk* is reversed, interest will die down. Harry reads on about bloody battle scenes, steamy love and rape scenes. The hero bearing a raw battle scar from Ball's Bluff and goes to Pennsylvania to keep his late uncle's mining interests from being seized by the Union. In more responsive hands, observes the *Times*, the characters might have reflected the deeper opposing dualities of man's nature. As Oscar's objections mount, Christina wonders how he can both claim his play has been stolen and complain the movie is nothing like his script. The phrase "in other hands" sinks in: This movie could have been what he intended, which was a piece about justice, self-betrayal and destiny.

Christina carps at Oscar about readying the house for sale, but he is not sure he will walk again and has been assured by Kevin, Lily's lawyer; his scar is a permanent disfigurement ruining his earning capacity as a lecturer about Civil War battles. Harry warns of the risk and cost of contesting No Fault. Harry figures Kevin works on contingency, meaning if Oscar wins, Kevin will get half, but that is unlikely because a movie studio spends all it takes to protect a \$90 million investment. When Oscar hints that Harry could handle the case, Christina snaps that Harry is exhausted and has no free time. Harry gives Oscar a law school friend's phone number with the promise of an introduction. Christina, who has gone upstairs, hands Oscar his play. He demands that they read the opening scene together. Christina says Lily can do that, presumably, and leaves with Harry.

The hero, Thomas, is a born aristocrat in his thirties, dressed in a rumbled field uniform, bearing a battle scar that is evident but not disfiguring. Thomas' Mother is a desolate





presence. Oscar gives up trying to read without glasses and throws the pages on the floor as Lily enters. She delivers Kevin's legal brief, picks up the script without organizing the pages, finds Oscar's glasses, and helps him into bed. Lily complains about dire finances, but Oscar is reading intently about his facial scar limiting his earning potential. When Oscar wonders how Kevin can describe his scar, Lily reveals they ate dinner together last night, and watched a very bloody film. Relating its opening, Lily is distracted by a photograph of Oscar's Grandfather, which she turns to the wall as she opens her blouse and asks if her breasts are lopsided. Oscar ignores this, ordering her to read *Mother* while he reads *Thomas*.

## **Section 2 (through page 60) Analysis**

The next section deepens our understanding of sibling rivalry and Oscar's innate miserliness, self-centeredness, susceptibility to suggestion, greed, innocence, intelligence and naivety. Oscar's scar, coincidental with that of his protagonist's (in play and movie), becomes a motif, as do breasts - Lily's and the actress' portraying his heroine. The lopsidedness Lily mentions will turn into concerns about cancer, which will link several minor characters. The Crease family heritage, including possible mental illness, remains murky. The black vs. Jew theme will be examined in several contexts.



## Section 3 (through page 74)

### Section 3 (through page 74) Summary

In the play's prolog, Mother asks about Thomas' wound and heroism. Thomas rants testily about his uncle, a prominent Pennsylvania political leader, dying interstate, forcing Thomas to go north to prevent the Union government from seizing everything. This ends his dream of a life in public office. He and Mother are expected at Quantness, the nearby plantation Thomas has worked to build up to the detriment of the broken-down farmhouse Mother occupies, but she refuses to leave. Thomas demands what Mother wants, and she replies only to lay up treasures in heaven. Thomas still dreams about first stepping onto Quantness, moved by hunger to shoot a quail that will not die. Mother resents he married Giulielma to control the plantation. Thomas must go there to deal with his two slaves. John Israel has run away, Mother recalls, taking pride in having taught him to read the Bible. Thomas accuses her of cherishing injustice and refusing to relinquish the past, and recalls giving up an officer's commission so Israel could stay to help her. Mother remains alone on stage after evading the question of moving north with Thomas.

Lily asks Oscar if he has written this and declares that it spooky. She buttons her blouse, collects gas money, and advises him to read the rest with someone who can understand it.

### Section 3 (through page 74) Analysis

The prolog to Oscar's play is printed in normal font as a script. As will be pointed out later, Oscar's style is old-fashioned, with the characters delivering long-winded speeches to each other. Note the highly controlled stage directions, suggesting Oscar trusts no one to interpret his work independently. At the end of the prolog, Lily leaves, characterizing the text as "spooky" and claiming not to understand what Oscar is writing about. The reader must agree with Lily, but the characters and events muddled in Oscar's script will later be clarified in legal documents dissecting the play and the movie. Act 1, Scene 1 follows immediately, but with a new reading partner.



## Section 4 (through page 96)

### Section 4 (through page 96) Summary

Oscar seats a guest, Harold Basie, in Grandfather's chair and asks him to read Act 1, Scene 1, where the authoritative, patronizing, unimaginative, unyielding Major shows shorter, unkempt, shrewd Mr. Kane, a former fellow in philosophy, around Quantness, the last of whose cotton awaits shipping overseas. The Major is pointing out elegant touches in the parlor when Kane sees the Major's son, William, to whom he is reluctantly introduced.

Basie interrupts, hoping to forestall reading the entire script, admitting Oscar's lawsuit could be a landmark if they win. Today's newspaper implicates that the producer, Kiester, adopted deceptive practices in making his previous blockbuster, *Uburubu*. Oscar steers Basie back to the script, saying stealing someone's creation and turning it into a hog pen is worse than stealing money.

The Major's son-in-law, Thomas, enters and meets Kane, who already knows about Thomas' useful diplomatic contacts in France. Thomas downplays these and explains he must rush north today to keep his late uncle's interests from being seized by the Union government. William longs to fight in the war, which Thomas says is already lost. Basie interrupts again, baffled over where they are heading.

Oscar has not seen the movie but has heard and read the hero has a facial scar, which can hardly be a coincidence. The scar is not like Oscar's scar, which is entirely coincidental, and for which he intends to claim his constitutional rights. Oscar quotes Kevin's legalese about cases involving disabled persons, and Basie, surprised to learn Oscar has representation, tries to show how artists can innocently use things without outright stealing them. Basie is blunt: Oscar must be able either to make line-for-line comparisons between the movie and his play or prove Kiester has had access to his script. It has never been performed, Oscar objects, because Broadway only wants "tits and ass." He has submitted excerpts written as a novel to a publisher, but was turned down, because he was too old to merchandize. He has also mailed himself a copy of the script, insured and still unopened, which protects his copyright. Oscar recalls sending the script to some television director whose name he cannot recall. Oscar cannot recall where the rejection letter might be and denies signing a release. Oscar is certain, however, it could not have been Kiester, whose very name is laughable. Oscar and Basie banter about Oscar's surprise at being visited by a black man, and Oscar feels they have established a bond strong enough to continue.

The play resumes, discussing Israel's escape. The Major makes an aside to Kane educating a slave to read and carve wood like Israel is an invitation to trouble. Kane acknowledges slavery in ancient days but objects to skin color being the sole criterion. William admits aiding Israel, remembering talks with Thomas about the natural goodness of man. Basie interrupts to ask how Israel fits into his play. He does not,



Oscar replies; he is only a means of showing how, in those days, an educated black man was suspended between worlds. Oscar recalls being robbed at a bus stop by a trio of blacks in a virtuoso performance that for him had suspended disbelief. Oscar includes natural slavery in the play because the Major - not he - believes in it. Oscar skips forward to read dialog between Kane and the Major about slaves being too expensive and treated badly as in ancient Greece- or as the Yankees treat elderly mine workers. A little later, Oscar notes, he discusses mine labor, drawing ideas from George Fitzhugh. Basie reiterates: People can freely borrow ideas, so Oscar does not have much of a case.

## Section 4 (through page 96) Analysis

Oscar enthusiastically reads Act 1, Scene 1, to a black lawyer sent out by Harry's Jewish law school friend. Clues gradually accumulate as to Basie's race. Oscar's determination not to be uncomfortable about this is depicted. Telling his tale of being mugged, Oscar uses Samuel Taylor Coleridge's phrase "suspension of disbelief," frequently used to suggest the success of a literary work or performance. Basie seeks legal basis for proceeding with a lawsuit and seems concerned about wasting time. Lawyers being always "on the clock" and accounting their costs will become a significant theme ahead, but here it seems more that Basie, too, is racially uncomfortable. Oscar has swallowed the line that one needs a Jewish lawyer to prevail in artistic cases, developing the recurring theme: Black/Jewish relations. The mention of historical slavery in Oscar's play will expand into the question of his "borrowings" from Plato - and a debate about plagiarism that legalese will clarify.



## Section 5 (through page 128)

### Section 5 (through page 128) Summary

Oscar answers the phone, brusquely explains he is in conference, and confusedly acknowledges the caller has much to attend to. Basie remarks on the house's value and Oscar replies privacy is valuable in an era of tract homes. Oscar wonders if the movie's being advertised as "based on a true story" is not an admission of guilt. Basie explains it is, rather, a claim that the story is in the public domain. What if the studio invented the ad campaign after filming and learning about *Szyrk* - using the movie to demean the Crease family? In the 1930s, the yellow press ran stories about Grandfather hiring substitutes in both the Union and Confederate armies who ended up killing one another; and Justice Holmes, a Civil War veteran, had taken umbrage with the practice. Oscar resumes reading turgid dialog between Kane and Thomas about justice. Basie finds it familiar, and Oscar says it is from Plato's *Republic*. Basie warns that talk of Fitzhugh, Plato, and 1930s clippings will kill Oscar's case. The courts don't see the obvious, but laws and sound evidence.

Oscar demands a subpoena of Kiester's records to prove the ad campaign is a last-minute attempt to poison the atmosphere over *Szyrk*. Basie is surprised Oscar does not know *Szyrk* has been overturned and explains the legal process for Oscar will be long and costly. Oscar suggests waiting until the studio has made a fortune off the movie and then sue, and learns what Harry meant by "the laches." The law helps the vigilant, so if a plaintiff sleeps on his rights, he is out of the ballgame before it begins. Basie doubts Oscar has a case, but leaves, agreeing to view the movie, even without a copy of the play to compare.

Lily screams, passing Basie on his way out, assuming he is a burglar. She is distraught over Billie's death and the expense of attending his funeral. She always feels Oscar resents her asking for money, and asks him to check if a lump has gotten larger. Without insurance, she cannot see a doctor. She flares when he asks if she is sleeping with Kevin as payment for handling the suits. Lily demands he unhand her breast, and accuses him of constantly putting down her intelligence. Oscar apologizes, gives her a bank check, and asks her to search his boxes for a letter. Lily refuses and hurries out.

Sitting with Basie, waiting for Oscar to finish physical therapy, Christina knows Oscar considers him little better than a distracted delivery boy. However, since Harry will not help, he has no one else to call. Harry believes he and Basie have agreed this is a nuisance suit, but Basie says a newspaper report has raised hopes, provided Oscar can find Kiester's rejection letter. Kiester admits buying an eight-minute sledgehammer sequence from an unnamed documentary maker and cut it into *Uruburu* before making proper verification. Before that film, Kiester had worked in television as Jonathan Livingston. He adds Siegal when he turns to motion pictures, and changes his name to Constantine Kiester after moving to Hollywood. His Civil War extravaganza has earned \$59 million in its first week, plus \$74 million in cassette and foreign distribution rights.



Christina tells Basie the boxes Oscar calls "archives" hold every scrap of paper he ever touched. She recalls Oscar ranting about the rejection letter. It called his first act superfluous, the last act untargeted, and the whole play void of purpose. It also said that the playwright apparently didn't trust the director, actors nor any audience he might be fortunate enough to have. Christina confirms Basie's suspicion that the lawsuit may be pure vengeance, because Oscar wants desperately to be taken seriously. That, rather than money, is why he teaches. Christina confides Oscar thinks Basie is too casual about his case and agrees Oscar is a pill. Basie admits it is difficult to get things across to him, particularly that the clock is running when one speaks with a lawyer. Oscar's play seems old-fashioned with its long-winded speeches, but whether it - or the movie - is good or bad is irrelevant. All that matters is proof of infringement. Basie intends to fish today to find grounds for filing a complaint, which Kiester certainly will move to have dismissed. That will certainly not be granted, and then they will have to figure their chances. Christina is frightened about costs, but Oscar has a wild idea his accident settlement will fund this suit. Basie explains how the insurance companies will tie him up. There may be something here, however, and Basie has come to like Oscar. Christina is surprised.

The horn on Oscar's wheelchair sounds, reminding Christina of childhood horrors as he raced about on his tricycle. Oscar wonders where his students are; he has invited them to read the script and perhaps gain insight into issues at stake in the Civil War. Some have seen Kiester's movie and can point some things out. Basie suggests it will be cheaper for him to take a copy and read it. Christina demands reimbursement for the \$200 she spent on photocopying this morning, and Oscar searches for a quote from Bernard Shaw about making movies from plays. Basie admits this may at some point prove useful, but presently they only need the rejection letter. Christina wants Oscar to donate the boxes to the historical society as they have been begging, but Oscar wants back the family correspondence they now hold. Basie confirms the right to letters pass legally to their survivors, provided they establish copyright in their name. Oscar orders Basie to do this but cannot provide the particulars needed for filing. Basie says they can file breach of implied contract and, if the court accepts it, then find documentation.

Basie questions Oscar as to whether the letter was a form letter, because no intelligent producer would turn his script down. It is essential to show Livingston/Kiester personally read it. Otherwise, he couldn't have stolen it. Basie dissuades Oscar from dwelling on the director's name change and from charging defamation of his Grandfather (the dead cannot be defamed). Still, Oscar wants everything included so they know this is not just a nuisance case. Christina calms Oscar as the students arrive. He seats them on the floor, passes out scripts, summarizes the Prolog and Act 1 superfluously, and begins with Act 2, Scene 1.

In an office setting, Thomas stares out a window as seedy, shrewd-looking Bagby approaches and begins speaking about foreigners and other undesirables in the mine planning strikes and looking for trouble. The ingrates need a good tap in the head from time to time. Thomas feels he has been fair to them since taking over and refuses to hire murderers to keep order. Thomas has made no friends among men of influence, who wonder about his innovations. Thomas should be getting out among people of a



higher sort rather than wandering the streets alone at night. He should live somewhere decent and dress more in fashion. Thomas suggests Brooks Brothers, holding up a letter showing Bagby has bought 12,000 substandard uniforms at \$9.50 a piece. How does Bagby explain paperwork on other items of no use in running a mine? Bagby is profiteering modestly and legally, but is looking to bigger ventures before the war ends in a crushing Southern victory. Thomas may laugh at "influence," but it is the next thing to power, and power is just the advantage of the man who can make things go forward.

As the sounds of a parade approach, Thomas talks about the coalminers' lives, and cautions Bagby, "lay not up for yourselves treasures upon the earth." Thomas grows angry when Bagby insists things must have utility. Bagby points to Quantness, which he knows about through a banker friend. Thomas' resources are spread too thin, and he takes too many risks walking the streets. He needs insurance. When Bagby confides he too has a scar from Bull Run/Manassas, Thomas begins treating him as a comrade-in-arms, until he finds out the wounds are from cavalry trampling his picnic area. The men stare at one another as the lights go down, Thomas vowing he will have order, obedience and authority. He informs Bagby his scar is from falling from a horse. Having finished the first scene, Oscar asks whether the students see any similarity with the movie. They remember an office, a mine and Bagby, but played two-dimensionally for comic effect. Basie says the studio will use a parody defense, and this will strengthen it.

## **Section 5 (through page 128) Analysis**

Basie appears a man of conscience as he talks with Christina about why he has returned. Oscar attributes to Basie all of his own worst habits of inattention, and Basie clearly sees that Oscar is a pill, but likes him anyway. By now, we have endured enough of Oscar's stiff prosody to agree with Kiester's analysis of its literary value, and are ready to commiserate with Basie at having to deal with a headstrong client unwilling to accept that the law functions according to its own methods. The conflict over the language of law continues to deepen.





## Section 6 (through page 156)

### Section 6 (through page 156) Summary

Oscar launches into Scene 2, set on a nighttime street corner. A lone child cries as Thomas approaches a limping Soldier wearing a worn Union uniform. Called back to active duty, the Soldier seeks to sell four months' worth of future pay for three months' worth of cash for his family. The Soldier rejects Thomas' \$20, until Thomas makes clear it is a free gift. A Young Man in torn working clothes leaps at Thomas like "brute force incarnate," but Thomas subdues him. Bagby, with a Senator and a Tart, approach and are all drunk. The Tart takes compassion on Thomas' scarred cheek, and the Senator orates about the militia draft. The Soldier returns and is assaulted by the Young Man. Oscar asks whether the movie contains these elements, and lectures a confused student that mugging is not a modern invention. Bagby's swindling differs from Pentagon operations only in scope (thousands vs. billions of dollars). Using only the newspapers of the day, Oscar is showing the blossoming of greed and corruption that will create modern America. Basie again cautions Oscar that such talk can only harm his case.

In the next scene, Thomas intends to ignore his summons from the draft board, and is adamantly opposed to Bagby's "digging" up a substitute. Kane appears and Bagby intercepts him, assuming he wants to become a substitute, but Kane clarifies he is selling tobacco. Thomas realizes why the payroll is shrinking monthly, and Bagby says the miners fear a drop in wages if the President breaks his promise and frees the slaves. He is said to be just waiting for a real military victory to deliver his prepared proclamation. When Bagby leaves, Thomas and Kane discuss the mutual enmity evident at Quantness and Thomas' present confidence the draft has terrified northerners, and Lee will sweep through.

Every night, Thomas remembers the horrible sight of dead boys and horses. He muses how the trees, rocks and ditches - all so casually ignored in peacetime - are crucial to survival in battle. Thomas recalls being thrown and dragged until mustering the strength to shoot his horse, and viewing his opponent and himself as together fighting death. Even now, he feels like he is meeting himself in a dark street and fighting himself off. Courage, Kane states, is the wisdom to stand trial when we do not suspect it.

Christina announces someone is taking pictures on the lawn, and Oscar demands she drive them away. He wants invasion of privacy added to the complaint, assuming these must be Kiester's spies. Christina objects Kiester knows nothing about his complaint, and Basie warns including too many side issues could get the plea thrown out of court. They return to horses: Do they figure in the movie, as the review says? Surely, Oscar cannot be expected to have horses crashing around on stage as they can in a movie. Christina suggests Kiester could have easily stolen it from *The Charge of the Light Brigade*, but Oscar does not want his name tied to Errol Flynn's movie. The students want to leave, but Oscar orders them to be seated, as Christina returns with word the





photographers are preparing a real estate brochure. Oscar says this can only attract robbers.

Oscar resumes: The Young Man who assaulted Thomas has killed the Soldier and is being brought to him for identification. Thomas intends to sail to Europe, but Bagby warns him that marshals are watching for draft dodgers. Thomas recognizes the Young Man as the man who inflicted his facial wound and hires him as a substitute. War, Kane announces, is attrition not of armies but of people, not wiping them out on the battlefield, but wiping out hope in their hearts. Thomas speaks in reverie about the war and this substitute, while Bagby checks out the Young Man to be sure he will pass the physical. Bagby observes he and the Young Man are able to seize opportunities to better themselves, while Thomas cannot. That is what he calls history.

Christina irritates Oscar by calling the scene "charming." All artists, she declares, want a good bravo. As Basie takes a script and prepares to leave, Christina asks about a friend who is getting an abortion despite the father's court order. While Oscar takes a collect call from Disney World, Basie says Christina's friend will likely face only contempt of court, but these days any case can become a landmark like *Roe v. Wade*. The students slip out, thanking Oscar for the "fun," a word that infuriates him. With great effort, he walks across the room, supported by his wheelchair, to fetch the remaining script pages and resumes reading.

Now, Bagby takes the stage, which is configured for the aftermath of battle, and philosophizes about the blood of 20,000 soaking the earth. One side is losing, because it does not win. The other side is winning, because it does not lose. He pries apart two corpses and is shocked to recognize one. He addresses the dead man: The unjust man, who is above all this, has set you free, given you his blessing, and now can enjoy life and make money. Bagby does not mind being unjust but does not want to appear so. Bagby is driven off by an approaching burial detail.

## Section 6 (through page 156) Analysis

Oscar continues reading his play with a scene that shows him hiring a Union substitute. The legal basis for substitution is worked into the play, perhaps showing Oscar's lifelong contact with the law, but at any rate contrasted with his current determination to do everything his way, no matter what his lawyer (supported by Christina) suggests is in his best interests. In flashbacks, the protagonist Thomas, reveals how he sustained his wound and how the look in horses' eyes in battle is more troubling than in the soldiers. The comparison of dialog in plays to action in films, which will prove crucial later, is first raised. The idea that one man's death sets another free will be taken by Harry, when Oscar's father dies.



## Section 7 (through page 163)

### Section 7 (through page 163) Summary

In a complaint filed with U.S. District Court, SD, New York, September 30, 1990, Oscar L. Crease, Plaintiff vs. Erebus Entertainment, Inc., Ben B. F. Leva, Constantine Kiester a/k/a Jonathan Livingston (Siegal), and others, Defendants, alleges on or about July 1, 1977, plaintiff submits an original play entitled "*Once at Antietam*" to Kiester, then a television producer; Kiester returns said play with a note, saying it is unsuitable for television. The plaintiff withdraws it from further circulation; 13 years later *The Blood in the Red, White and Blue* is made and exhibited, substantially appropriating from the play. Four causes of action claim the plaintiff has sustained 1) general damages, 2) special damages, 3) mental and professional damage entitling him to compensatory and treble or punitive damages, and 4) extreme mental and physical distress for which he is entitled to a constructive trust benefit from all profits and gross revenues to date. The defendants are enjoined to halt exhibition until the plaintiff is given equal credit with the producer and director.

Oscar complains Grandfather and all the rest are not included, and the language is muddled and repetitious. However, Basie explains the complaint must conform to the Federal Rules of Civil Procedure or risk being dismissed. Oscar sees the point, but, like Lord Byron, does not want his name tied to mindless trash. Basie advises Oscar not worry about putting his name up in lights; putting them on notice will get an injunction threatening their \$100 million profits.

Kiester counters the complaint, denying all allegations. The plaintiffs demand names, addresses, dates and supporting documents. Basie is concerned Oscar has not yet found the rejection letter. His explanation of what the defense is setting up in terms of affidavits and motions makes Oscar worry everything will be buried in words. Basie suggests Oscar get working on his depositions.

Kiester serves notice of intent to examine Oscar in Los Angeles and demands copies of any evidence. Christina mocks the thought of making a cripple cross the country to testify and suggests shipping them all the boxes to sift through. Oscar has no intention of going to California, and Basie will substitute a sworn affidavit. Oscar cannot start an action for infringement against the historical society until the copyright claim is registered. Christina reveals Kiester has retained Harry's firm to depose him locally. The insurance company, once willing to settle for \$500 plus hospital bills, now wants Oscar's claims dismissed on the basis of No Fault. Christina says Lily's lawyer is exploiting Oscar's misery for his own gain. Harry calls and advises Oscar to relax, tell the truth, and not volunteer. The \$50 million means they are beginning to take Oscar seriously.



## Section 7 (through page 163) Analysis

Legal documents, reproduced in full, are now being exchanged between Oscar and the defendants, clarifying the issues but provoking Oscar's anger at legalese trumping logic. Harry's firm is being drawn into the action, why and how being left for later explanation. It is hinted the assigned attorney is a lightweight, "affirmative action type." This theme will be developed going forward, as will the tragic effects of Oscar's greed to milk the insurance company for his accident.

## Section 7 (through page 208)

### Section 7 (through page 208) Summary

The official transcript of Oscar's deposition opens with Basie and Jawaharlal Mahdar Pai, counsel for the defendants, sparring over expediting matters. Basie objects frequently to the form of Pai's questions and preventing Oscar from answering fully. Their first confrontation is over the occupation from which Oscar derives the majority of his income; finally Oscar states he has taught American History at Lotusville Community College for 12 years, more as a hobby than as an occupation. The attorneys argue over the pejorative sense of "amateur." Pai suggests that if such contention continues, he will move the hearing before a federal magistrate. They examine Defendants' Exhibit 1, the script of "*Once at Antietam*." Oscar agrees the title evokes the death scene at the end of Shakespeare's *Othello*, which would strike a chord in educated audiences.

Pai, with rising exasperation, turns to Plaintiff's Exhibit 11, Oscar's sworn affidavit about submitting his script to Livingston, representing himself as the sole author and proprietor. Could Livingston not be expected to receive many such unsolicited scripts, written solely in hopes of financial reward? Oscar denies such motivation. Oscar discusses Shakespeare's writing for the "people in the pit," augmenting his income by means other than playwriting, and making free use of familiar materials. Pai argues that the average person, too, has access to such materials; and the way he and Shakespeare execute the ideas is what separates them. Pai shifts to Oscar's Civil War expertise and the prevalence of affluent men purchasing substitutes. Oscar admits at least one instance of two substitutes fighting and killing one another exists, which Pai takes as a quirk of history, like Shakespeare's sources. Oscar maintains "when the idea is used in the context of the expression, combined with the expression, then the idea becomes part of the abuse I'm referring to," but denies claiming proprietary interest in either the Civil War or the Battle of Antietam.

After a lunch break accommodating Oscar's nap, Pai apologizes for any appearance of disrespect and then submits *Once at Antietam* is heavily laden with symbolic overtones of death and suicide. Oscar admits that those themes are not original ideas. Pai asks Oscar to read several passages and state whether he recognizes them. Oscar acknowledges they come from Eugene O'Neill's dreary play, *Mourning Becomes Electra*, but denies copying from him, pointing out he would hardly use some of those phrases. Directing Oscar's attention to the dialog between the Major and Kane about money and how man at the point of death is troubled by things he has never before taken seriously, Pai reads a similar discussion Oscar identifies as coming from Book 1 of Plato's *Republic*. Thyrsasymmachus is a professional philosopher and Socrates poses as a poor student and dilettante to turn the tables on him. Oscar, says Pai, has characterized his teaching as a hobby. However, he now seeks substantial monetary damages for a work he claims to have created not primarily for monetary gain. Why, Pai asks, does Oscar feel free to incorporate whole passages from Plato without attribution?



Oscar explains that he expects people to recognize the passages and has used them as a kind of homage.

Pai directs Oscar's attention to Defendants' Exhibit 29, the story Glaucon tells of the shepherd Gyges in Book 2 of the *Republic*, and gets Oscar to admit parallels to a dialog between Kane and Bagby. Pai holds that by using the verb "hump," Oscar has rendered Plato's thoughts in a "vulgar and demeaning way." Oscar argues that he has let Bagby speak for himself, rather than through a literate intermediary, and outlines Aristotle's three levels in the *Poetics*. Pai brings Oscar back to the last act of his play, where Thomas' effort to save Kane from death is drawn straight from the *Crito*. Seeing where the questioning is leading, Basie objects everyone knows Oscar has not seen the movie and thus cannot be bound to anything he says in this disposition about similarities between his play and the movie, because they are so numerous. Basie will not allow Oscar to say anything that might limit his testimony at trial. Pai agrees to adjourn, pressing for an indication of the scope of monetary damages. Oscar declines, as translating the value of an offense into monetary retribution is so difficult.

## Section 7 (through page 208) Analysis

The transcript, set in a distinctive typeface, introduces Jawaharlal Mahdar Pai, the attorney from Harry's firm assigned to take Oscar's deposition. He is polite but aggressive, clearly having a chip on his shoulder that will later be explained as coming from treatment as an Indian in an English boarding school. Basie, seeing weakness in his opponent's distaste for being interrupted, interrupts frequently and calls for re-reading testimony. Oscar disregards Harry's advice about not volunteering information, and Pai deftly uses the openings Oscar gives him. The transcript makes it clear that Oscar has lifted heavily from Plato's *Republic* and clarifies, by referring to Plato's original, what his characters are talking about in the script portions we have heard Oscar read. The dialog following the transcript, about Cratylus and the changing of one's name, will figure later in the novel when Pai appears to be discussing literature off-the-record with Oscar, after the case is decided.



## Section 8 (through page 235)

### Section 8 (through page 235) Summary

Harry and Christina lie naked amidst piles of newspapers, taking up Spot's cause in *Szyrk*. Christina is not amused at making Father look like a monster. The Village fails to issue itself a demolition permit before Szyrk obtains a restraining order, and everyone turns to suing Szyrk. Trying to coax his pet out, James B. is bitten and files suit. An angry, cornered Judge Crease provides reporters a useful headline: "EVERY DOG ENTITLED TO ONE BITE, SAYS JUDGE." It's an effort, Harry thinks, to get himself disqualified from hearing any of the remaining cases brought by hoards of insurance company lawyers in no hurry to settle, with Spot emerging as a folk hero whose legal rights to his name and likeness are being abridged. When Harry cites the 1983 *Carson v. Here's Johnny Portable Toilets*, Christina lashes out about a federal judge's time being consumed by such frivolity. However, Harry responds that it is about the millions of dollars involved in free speech, the right of publicity, names, symbols and trademarks. Christina is upset that reporters are hunting for signs of heavy drinking and smoking, sacrilege and family insanity. They're also trying to tie Father into Oscar's Civil War mess.

The phone rings, and Trish leaves a rambling, disjointed message: She needs Christina to call and must talk with her husband "Larry." She fears being jailed over her abortion. Her attorneys talk among themselves and send bills, but accomplish nothing. This was after Trish had to leave a fabulous new restaurant, where everyone was glaring at her diamonds that the clever insurance people had bought back from the thieves. Now, the insurance lawyers are demanding she pay back the money she collected, which seems unfair and greedy, given the premiums she pays. Trish has bought a sweet little Ihasa apso dog they saw coming back from the clinic. She says she has to run, because Bunker has convinced her to sue the demonstrator who threw catsup on her sables outside the clinic. She is thankful that she didn't wear her chinchilla. Bunker says it is her duty to stand up to the hordes intent on destroying civilization. Trish may need Larry's help to stay out of Riker's Island - does Christina remember the night they spent in jail when they were young? Those were such good days; who knew life would turn out like this?

Harry does not want to get involved and warns Christina she may be called as a witness for foolishly accompanying Trish to the clinic. Trish had rescued a shoplifting street boy, who is now demanding paternal rights. Christina says Trish could hardly seek an abortion in the hospital she perennially helps finance and is currently suing for fetal endangerment. Christina thinks Trish is wise to keep both suits going after losing a dreadful custody battle over T.J. Neither spouse had wanted the boy to live with them, but she had gotten him and plenty of support payments. Now, she has to sue to maintain the payments after her ex has been murdered, leaving six paternity suits pending against his vast estate. Harry thinks the young boyfriend is trying to get her



pregnant, wait for her to divorce him, contest custody, and collect support. The phone rings again, and Oscar leaves Christina a quick message to call him.

The headline, "JUSTICE'S GRANDSON SEEKS JUSTICE," has worsened relations with Oscar's father. Harry shows from his current case how easy it is to get sloppy with words, but holds one cannot afford to lose one's temper and give the press lines like, "DAMN THE PUBLIC'S RIGHT TO KNOW, SAYS JUDGE." That will not lead to a seat on a higher court. Christina objects Oscar has been wheedling information from his father's doddering clerk. Now that the rundown Long Island house has appeared in the newspapers, Oscar is worried the old man will again demand they sell it. Christina accuses Oscar of foolishly inviting the reporters in to set the record straight and, of course, getting carried away and probably ruining the whole thing. Harry doubts that: They are waiting to see which judge will be assigned. Swyn & Dour have assigned their own smug, English-tailored ethnic lawyer as a balance to Basie. Basie has handled the deposition so well that Harry thinks he could be made a partner. Maybe then, a few more minorities could be brought in as window dressing.

Christina objects to Harry staring at her pubic hair while she does her nails, initiating a monolog about John Ruskin's castration anxiety and Freud's Medusa images. Christina notes Oscar has been afraid of snakes since boyhood. This leads Harry to muse on the winged penises at Pompeii and speculation about whether Lily is taking care of Oscar. Christina is sure she is and recalls her gaffe to Basie about dark hairy Ainu in Hokkaido. He had been so cool about it, while she blushed. Christina worries about Harry wearing himself out on his current case, not sleeping and ignoring an abscessed tooth. He objects that they could not live in this grand style if it were not for endless cycles of appeals. He has just passed a complete physical, but Christina asks whether the company doctor might be unjustly motivated to assure a clean bill of health. She wants Harry to see an outside specialist. The phone rings again, just as Christina is getting a response from rubbing Harry's "Ainu." Oscar sarcastically requests they call him.

When Lily asks Oscar if he received her card from Disney World, he condemns Mickey Mouse as a smug little racist and demands Lily tell the truth about sleeping with her lawyer. She explains they have driven down together and endured hearing about Bobbie's soul sitting at dinner with Jesus while seeing him dead in his casket. The newspaper says Oscar is about to receive \$75 million, but Oscar has no idea how much all of this legal business will cost him. He sees no reason to be grateful to Kevin, who has accomplished nothing. Lily demands to know how Oscar can be so cold. The Reverend wants Daddy to give the insurance money to the Lord so it can be cleansed, and she worries about having to go to the Philippines and not having the money to have the lump in her breast examined. She had sex with Kevin, because Oscar hurts her feelings. Lily is worried about the Philippines, because the thief who stole her purses is using her credit cards there to run a prostitution ring. Lily wishes she could turn down Oscar's money for little things like gas and cosmetics, but cannot.

An adjustor from Ace Fidelity enters, wondering if Lily is Oscar's daughter. He has examined the ruined fender on the BMW out front and can offer \$1,500. Ilse interrupts: A deliveryman wants to be paid. Oscar fulminates about No Fault being a cheap dodge





gnawing at the fabric of civilization, creating anarchy; going against the Constitution and every lesson in sanity since the Age of Enlightenment began. Exasperated, Prisklikhoviscel asks Oscar to have his lawyer contact him, and learns Oscar has been without counsel for 20 minutes. Oscar is reminded that the deliveryman needs to be paid, fumes Lily has taken the dozen \$20 bills, and orders Ilse find his checkbook. As he leaves, the agent hopes the homeowner's insurance is paid up, as decrepit as the front porch is.

Oscar demands Christina put Harry on the phone to talk about the ridiculous insurance agent. Basie is out of town attending to the copyright matters, and Oscar needs a good negligence lawyer. Oscar blames the law clerk for the mess in the papers and taking Father to see the infuriating film. Oscar asks whether Christina remembers how, when he wrote the play, he had been sure opening night would please Father. Now, Father believes Oscar has sold him out. Oscar tells Christina a famous British theater director is interested in his play and asks Christina to come spend a few days helping him sift through the boxes and organizing things that are beyond Ilse.

Oscar orders Ilse to put double-A batteries, corn soup and scallops on the shopping list and to massage his shoulders as she did yesterday. He needs help being lowered into the bathtub. The water is hot enough to boil lobsters, which reminds him to order asparagus and other things one eats with butter and to ask Ilse for a second blanket that night. The blue correspondence folder contains unopened envelopes from Ace Fidelity, Lepidus, Shea, and Blue Cross, a Mickey Mouse postcard, and a matchbook advertising instant credit and free phone consultations for malpractice cases. Oscar enjoys another glass of wine, as Ilse massages his neck, and he watches his afternoon nature program. Oscar instructs Ilse on how to prepare plain chicken and cabbage, while criticizing her housekeeping mistakes. Later, her red hands cradle his white body into the water, and he dreams of milking her splendid breasts into his morning tea. In the morning, he orders poached salmon for lunch and worries Basie might not care for sautayed carrots.

Christina complains about Oscar's treatment of her after begging her for weeks to visit. She finds he has been sitting around growing fatter, drinking Pinot Grigio, and barricaded behind books, folders, and papers. She is glad to see him almost sitting upright, but is angry he has dismissed the physical therapist in favor of Ilse's ministrations. Ilse wastes money taking a taxi to shop for groceries. Why has Oscar invited Basie out to the house today, when a phone call would suffice? Christina agrees to be present, since Oscar gets things muddled and needs someone to move things along. First, she must take a walk down to the empty beach and back.

Basie is explaining to Oscar that claims of professional distress will be vitiated if Sir John Nipples stages his play. Nipples has not yet read the script, and lawyer and sister strive to convince Oscar that the only way Nipples could know about his play is from newspaper coverage of the lawsuit. The court does not care about desecration of his poetry; it will consider only whether making the movie shuts down any chance he will see a dollar from his creation. Basie has been offered - and recommends Oscar accept - a \$200,000 (before taxes) out-of-court settlement. This will help with Oscar's legal





expenses shown on the latest statement, which might not include the California trip to depose witnesses. Basie had run into an old buddy from who she knew from working at the little-theater in the past. The statement might also not reflect his trip down south trying to register the copyright on the letters on which, unfortunately, old Judge Crease has beat them to the punch.

Christina is aghast at the statement and all the unopened bills in Oscar's blue folder. Kevin is demanding \$7,500. Oscar surprises them by declaring he has had a telephone consultation with a negligence lawyer. Basie advises Oscar that Kevin will sit on any request for files until he pays up, and agrees with Oscar that it is legal blackmail. A Blue Cross envelope contains a check for \$37.80, and Ace Fidelity is offering a \$1,500 settlement. These, plus the studio's settlement, will gross \$201,537.80 before taxes. What will Oscar do? Basie delivers the bad news that his old friend Button, who has a bit part in the opening scene of the movie, has sworn Bredford injured his face shortly before filming began, and they wrote his fresh scar into the script. Christina summarizes with two scenarios. First, Oscar can turn down the settlement and run to Nipples to realize his lifelong dream - but live forever in debt. Or, he can settle and begin setting his affairs in order. Basie would hate to see Oscar drop it after coming so far. The \$250,000 offer means the studio is worried it might lose, and like 90% of litigants, they want to settle out of court, as they just did over *Uruburu*. The judge they have been assigned has no track record, but if they lose, the Second Circuit Appeals Court has a reputation for slashing lower court decisions. Basie intends to "win, win or lose."

Oscar interrupts the beginning of a discussion of risks to announce that lunch is probably ready. Basie bows out of lunch, disappointing Oscar, and wonders to Christina why Oscar had insisted on this meeting, which could have been conducted over the phone. He pulls out a clipping about the Ainu now being theorized to be the ancestors of the samurai cultural elite - a far step from the image of "field nigger down here in Fayette County" as she had portrayed. He would never have noticed the article except for their previous conversations, he laughs. Basie tells Oscar not to call any more for discussions, because they are down to the wire, with the papers in the judge's hands. If Oscar orders it, Basie will accept the settlement, but otherwise, they must all sit and wait for the decision. Oscar resolves to hold his breath and wait. On the way out, Basie sends his best to Harry and suggests Christina look at Harry's billings if he wants to see real legal bills.

## Section 8 (through page 235) Analysis

New elements are still entering the story and matters are growing more complex. Trish returns, through a phone call, showing she has had her abortion with Christina at her side, and is involved in lawsuits over fetal and paternal rights. Lily's problems have deepened and sharpen the conflict with Oscar, who has grown cold towards her and jealous over her lawyer, Kevin. Lily, in turn, is suspicious about Oscar's interest in Ilse's breasts, while denigrating her every effort at housekeeping. Christina comes to sort matters out, and attends a second meeting with Basie, who admits Oscar could get out of the financial hole he is digging by accepting everyone's modest settlements.

However, he hopes that Oscar will not drop his big lawsuit over the movie. Oscar agrees to put his faith in the appellate court. Racism is raised twice in passing: Mickey Mouse is a racist to Oscar; and the Ainu are far superior to Christina's earlier statements.



## Section 9 (through page 262)

### Section 9 (through page 262) Summary

Christina jumps on Oscar's legal bills. His blonde plaything's lawyer wants \$7,500, and Oscar has secret new lawyers. Conflict with Father, since he saw the movie, may blow over once Oscar loses the lawsuit, proving the play is not worth stealing. Why had Oscar never learned to play with other boys as a child? Oscar confesses he had been content beside the Big-Sea Waters of Gitche Gumee, and recalls getting in trouble with Father for stripping the bark from a birch tree to build a canoe. Christina says that should have been an early sign he would never please Father.

Christina finds Oscar engrossed in a nature program and criticizes his odd tastes. Harry calls to report that the new doctor has given him a clean bill of health and recommended rest. Christina tells Harry about the nearly \$250,000 settlement offer, and Oscar's determination to continue with the suit. She abruptly shifts to ask Harry to be patient with Trish, whose mother has died. The Catholic Church is trying to get her mother's money. Oscar insists Christina come see the television. There's a mob carrying placards that say, "KEEP GOD IN AMERICA, MURDERER." Szyrk's sculpture has been hit by lightning, killing Spot. Now, a mob of slogan-bearing, T-shirted young people are holding a vigil. Father is the "Murderer" being burnt in effigy. The station goes to commercials about hemorrhoid relief, denture adherence, ex-star incontinence - and then shifts to Soweto, where armored personnel carriers are clearing streets.

In the morning, Oscar reads about the injuries, arrests, and a nationwide outpouring of grief for Spot, over whom James B.'s father is suing the Village for negligence, conversion, conspiracy, loss of companionship, and constraint of trade. Presiding Village Board member, J. Harret Ruth, again involves Szyrk, creating a "diversity of citizenship" that lands the case in the old man's lap. Ruth shares with Senator Orney Bilk a desire to see Father rejected for the appeals court. Bilk fires the people up against spending tax money on the arts - which are universally immoral, in his view. Christina complains about the smoke filling the room, as Harry tends the fireplace and worries what Oscar will say when he awakes. Christina is near her wits' end living with Oscar. She has her bags packed. Before leaving, she encourages Oscar to phone Father.

Lily is happy Oscar has built a cozy fire like the old days. Engrossed in a cartoon, Oscar fails to notice her new hairdo and demands why she is there. Lily proclaims that she has thought about him constantly, remembering how gentle he used to be and overlooking his recent coldness and suspicion about money. Her hopes of reconciling with her Daddy and receiving money have been dashed. Oscar wants only to complain about Kevin's bill and playing the same trick her woman lawyer had played on Lily. That woman is now a judge, says Lily, and Kevin is afraid of crossing her should he someday face her in court. When Lily hopes the scum gets his due, Oscar asks why she let a scum ball into her pants.



Lily complains confusedly about Oscar lying in bed with an enormous erection, but ignoring her like he has never seen her before. Another naked man and three cans of shoe polish are also involved. Oscar calls this the "junkyard of the mind," but Lily says it is just as real as Oscar's vision of a black-suited man wanting to pay him to carry messages to the other side. Lily remembers the sweet smile that used to come over Oscar's face when she entered a room, and laments he would rather dream about fondling a blonde he sees on television than her. She is also worried about the lump in her breast.

As Lily mumbles about the loneliness and neglect that led her to have sex with Kevin, Oscar focuses on a blonde interviewing a well-known black actor about how federal prison transformed his life. He describes play-acting therapy, intended to help prisoners release their hostility, and performing in *The Emperor Jones*. Lily begins sobbing, as she realizes Oscar is not listening. However, he concentrates on why the criminal-turned-actor has chosen to change his name to "Button." Oscar snaps off the sound and broods about his woes brought on by Kevin, who ought to be shot. Surprisingly, Lily agrees. She wants revenge on Kevin, who is currently screwing her buxom, red-haired girlfriend after Lily recommended him to help with her divorce. Oscar suggests turning him in to the lawyers' grievance committee, but she reminds him that lawyers always watch one another's backs. Lily wants to make a movie about this sleaze ball. They eat cold salmon and watch *The Charge of the Light Brigade* before Lily has to leave to return her girlfriend's car.

In the morning, Oscar vaguely watches coverage of the jury selection in the court case kept alive by Senator Bilk's attacks on the liberal northern press, and his perennial states' rights line that now concentrates on denying Judge Crease a seat on the appellate court. An Iowa congressman, who is vowing to restore the arts to their pristine decorative function, supports Bilk. Szyrk tells an interviewer that his sculptures have no meaning, but art critics take the stand as expert witnesses, seeking to decipher the sculptor's iconography. They find giant bird plumes, suggesting Christian sacrifices and suffering. Oscar turns off the television. He's repulsed by such attempts to reduce art to theory. Everyone is talking about how the judge has explicated "acts of God" in charging the mixed-race jury, already concerned about the Village's failure to provide basic services. This adds to the fact that they're riled by the foul-mouthed red atheist Szyrk to find for the defendants. In the end, they side with the plaintiff.

Judge Crease voices suspicion that some of the jurors lied about having no preconceived notions, which strangely reminds Harry of Trish's case. Christina sets the record straight: Trish had worn her old sable to the clinic, but poured catsup on her mother's expensive chinchilla to keep it from going to her old housekeeper, Mary. The insurance company will pay for the damage, Christina reasons, overlooking the fact that the poor demonstrator is being sued for ruining chinchilla. The man is claiming the courts lack jurisdiction, because he has acted under the guidance of a higher authority - the same involvement of God in court as with *Cyclone Seven*. Trish has used Harry's name to get into the senior partner's office and involved the firm in breaking her mother's will. Trish has been assigned "Mudpye" (Mahdar Pai) to keep her happy, but Trish has yet to ante up a dime. This reminds Christina that Oscar has been unable to



reach Basie. Oscar is very upset. He talks incoherently about a black actor in the film named Button, whom Oscar saw interviewed on television. He needs to talk to Basie about him. Even Harry's friend Sam, Basie's boss, will not return Oscar's calls.

In addition, Lily's ambulance chaser has Oscar suing himself. Harry declares this legally impossible, but Christina explains that Oscar has hired new lawyers from a matchbook, and they are pushing Oscar for a retainer - just like Harry is pushing Trish. Harry objects that Swyne & Dour retainers are in the \$25,000-\$50,000 range, which is why he is in a difficult position. The partners know of Trish's litigious and paranoid nature and believe Harry is responsible for introducing her. Some cousin is now suing her over diamond bracelets, and some Pole with an unpronounceable name has wheedled into the mother's confidences with promises to offer masses for her soul for 60 years, in return for being put in her will. The dispute over diamonds is a matter of language: The mother left two pairs of bracelets, one a matching pair and the other a pair of matching diamonds. Trish took the latter, which are worth a hundred times more. Harry tries to convince his wife that law is all about language and that legal language is no worse a conspiracy against the public than other professions (like psychiatrists and accountants) exercise for self-protection. Language is why her Father has thrown out the jury's faulty decision. Harry answers Christina's question about whether the Constitution does not guarantee trials by jury by citing old Justice Crease's argument with Justice Holmes, who held his only job is to uphold the law. Father is trying to rescue the language down in Virginia. Wait and see, Harry advises his wife.

Judge Crease's Opinion in *James B., infant v. Village of Tatamount et al.*, U.S. District Court, S.D. Va.453-87, on a motion for a renewal of a motion for judgment as a matter of law after trial, opens with the statement *Cyclone Seven* towers of the case figuratively and literally. Szyrk's permanent injunction is overturned on appeal, but before the Village can take any measures, *Cyclone Seven* is struck by lightning, and its reluctant tenant is killed. James B., infant, has brought suit for negligence, joined by Szyrk. The case goes to the jury with instructions to which plaintiffs object, but return a verdict for them nonetheless. Defendants appeal, asking the verdict be set aside.

The question at hand is whether the Village has failed as bailee under the requisite standard of care. Justice Holmes' "The Common Law Lecture V" discusses the relationship between parties in cases of bailment. Central are the concepts of possession by the bailee and ownership by the bailer. Here, the defendant claims not to have entered into any agreement with the plaintiff to commit his chattel in trust for a specific purpose to be returned unharmed when the purpose has been accomplished. The related charge of conversion deals with damages for irrecoverable loss. Dogs' values cannot be ascertained in the same way as consumable domesticated animals; they have no intrinsic value, and Spot exhibits none of the characteristics or talents that create value in some breeds. The jury has dismissed the court's instruction that sentimental value is not allowed in determining damages. Spot, however, has become a wellspring of royalties and licensing fees, and depriving the plaintiff of his right to remove the remains and dispose of them himself constitutes a violation of his Fifth and Fourteenth Amendment rights. The court, however, has dismissed the charge, because the plaintiff demurred from searching the Village dump.



The issues of animal trespass and attractive nuisance have resurfaced and the court finds the plaintiff exempt from liability. On the related charge, the court suggests the plaintiffs are negligent in making adequate provision for Spot's feeding and comfort, but states it is not the proximate cause of his death, which originates in an act of God. Acts of God do not exclude liability where human agency intervenes or contributes to the result and, following the overturn of the original decision, the Village failed to issue itself a demolition permit; furthermore, Mel Kandinosopolis, a board member, conspired to prevent demolition of *Cyclone Seven*, because it overlooks his newly-designed Mel's Kandy Kitchen. The court dismisses these charges under common law immunity for public officers and recognition of the need for preserving independence of action. In dismissing these allegations *in toto*, the court finds the plaintiffs' claims purely conjectural. Lightning clearly qualifies as an "act of God" according to the law, despite the inflammatory brief submitted by an *amicus curizh* on behalf of Szyrk, quoting E. M. Cioran about how when contemplating the botched creation, one must incriminate the Author. Chief Judge Magruder in *Marshall v. Nugent* states that in borderline cases juries should decide such cases because they express the sense of the community, but Tatamount is so god fearing the court ought to have issued a directed verdict for the defendant, because God has no place in a court of law. The jury's verdict is, therefore, set aside N.O.V. and the judgment for damages to plaintiff are dismissed.

Judge Crease is burned in effigy and signs call for his impeachment at a pork barbeque honoring Senator Bilk, remembered fondly in his home region as "Old Lardass." Bilk addresses the people's desire to defend their constitutional rights to religious freedom and carrying guns. The recent overturn of the jury's decision resembles the way atheistic dictatorships operate. One should look at how that atheist foreigner invaded the community and put up his monstrosity, saying that Christian sacrifice and suffering make him puke. The senator wants to puke at the thought of taxpayers' money going towards things like this, rather than tobacco subsidies. They are heading down a godless path because of government interference in the sacred states' rights for which many have died. Federal judges are twisting the great American language around to do whatever they please - and they are appointed for life, unless impeached. Look at the U.S. dollar bill: "In God We Trust." That is gospel enough. That is why Bilk served at Fort Bragg and swore to protect and defend the Constitution.

The morning paper pictures the judge's effigy going up in flames, and the-sleepy village repeating the earlier melee. The latest disturbance follows a campaign event for Senator Bilk, visiting for the first time since leaving to enlist in the army following the end of hostilities in Southeast Asia. After serving as a field cook at Fort Bragg, Bilk succeeds an uncle in the state legislature when the latter is convicted of bribery. Bilk takes exception to Judge Crease's reversal of a jury verdict and calls for his impeachment. Talking later to the press after bourbon has been flowing freely, Bilk cites as grounds for impeachment the possibility of family madness given credence by *The Blood in the Red, White and Blue*, said to be based on Crease's father. Through his clerk, Crease dismisses the charges as "foolish fabrication." His son Oswald, a wealthy recluse in Long Island, who wrote the original script of the successful motion picture, recently lost his multimillion-dollar lawsuit against the producers and cannot be reached for comment.



## Section 9 (through page 262) Analysis

Judge Crease is again center stage, as he overturns a biased jury decision in the ongoing drama of Spot and *Cyclone Seven*. We are again given the full text of the legal decision, filled with legal argumentation and citations, and finding that, in the end, God has no place in law. This infuriates the population and the notorious Senator Bilk throws gasoline on the flames. Drunken, he names Oscar (whom he calls Oswald) as the screenwriter of the now-famous movie. Bilk seems to be begging for the downfall that will befall him at the end of the novel. We also learn details about Trish's deepening legal troubles and the problems they are causing increasingly hapless Harry. He openly derides his colleague Pai as with the rather original racial epithet "Mudpye." Oscar's lead attorney, Basie, appears to have disappeared, and Harry gives only the slightest indication he knows what is going on. Oscar has latched onto Basie's friend Button, whom he has seen on television. His story sounds familiar to Oscar, from the early chitchat with Basie and mentions of his involvement in the film.





## Section 10 (through page 290)

### Section 10 (through page 290) Summary

Christina is afraid Oscar will explode when he reads he has lost the suit. That is the only thing the papers have gotten right: Harry reminds her that he warned Oscar about risks and costs, particularly with this new judge. Christina phones Oscar, who says he has not seen today's paper. Harry will offer no opinion about filing an appeal until he reads the decision. It would be best for Oscar to drop the whole thing and cut his losses. Christina decides to drive out and asks Harry to phone Sam or Basie to have them contact Oscar. Harry cannot accompany her, because he must be in court. Oscar calls. He has read the news and wants Christina to hurry.

Lily whines about Oscar making things difficult, and asks about the stooped old man she saw walking past the window as she drove up. Oscar tells her that he's Mr. Boatwright, their family plumber. Lily is concerned that the whole house will fall down if Oscar does not care for it. Oscar fumes that they will soon come claim the house, now that the papers have disclosed he is a wealthy recluse on Long Island. Father will believe Oscar has exploited Grandfather and fed the flames of impeachment. That will kill a man who has devoted his life to the law. Still unable to reach Basie; Oscar knows it has something to do with Buttons. Lily tells Oscar that her Daddy and Rev. Billy Joe are blaming her for bringing a lawyer down to help Daddy collect the insurance money. However, since the company has learned Billie had no right to buy a car because he lacked a driver's license and had been drinking before the accident, it is denying the claim. Kevin is spreading her girlfriend out on his desk, and Lily thinks they should tamper with his brakes or put a rattlesnake in his mailbox, like in the movies.

Oscar tells Christina that Ilse is in the Bronx attending to her blind sister. Oscar tells Harry of his suspicions ever since he saw Button on television. His story sounds like the one Basie told him about his little theater days. Christina breaks the news to Oscar that Harry confided to her in the car: Basie is a fraud who never attended law school, lied on his bar exam, and faces revocation of his license and jail. Harry has known this a few days but refrained from telling Oscar, because it gives him his only chance of overthrowing a negative verdict. Harry had suggested Lepidus, Shea to keep Oscar's costs down, and they agreed to lower their hourly rates, but most of Oscar's charges represent administrative costs. Christina is adamant her brother will not pay these idiotic bills and will not exonerate Harry for referring Oscar. The state will do nothing to help, Harry explains, because the law profession is self-regulating. Christina demands Sam take responsibility for Basie and orders Oscar to look into it.

Oscar says he has a letter somewhere from his new lawyer, Mohlenhoff, about arranging immunity so he can testify against himself - but Mohlenhoff demands a \$500 retainer. As she brings Christina tea, Lily apologizes for introducing Oscar to Kevin, but Christina calms her down. Harry agrees to talk with Sam after he reads the decision, but doubts Oscar can get around the legal billings. He could also be ordered to pay





Kiester's legal bills, but that is unlikely. Christina insists it is simple: Sam is guilty either of fraud or negligence over Basie. Oscar has clearly been injured. Harry cautions that Oscar will have a hard time proving he has been intentionally misrepresented.

A phone call from the *South Georgia Pilot* sets Oscar to fuming about his right to privacy. Harry informs him he has become a public figure and has none. Oscar worries about what Father is thinking, and Harry says Judge Crease is neither stupid nor thin-skinned. He realizes anything Oscar says to set the record straight will play into the press's malicious hands. An indignant letter denying connection between his script and the movie will end up as Exhibit A if Oscar later appeals the verdict. Christina vehemently rejects the idea that Oscar should forget an appeal, but Harry asks who will represent Oscar. Harry sounds desperate, trying to get them to see nothing can be done until he reads the verdict; perhaps then he can convince Sam to put off payment and eventually write off the loss. Christina is indignant that Harry could think poor Oscar will not shout his pain from the roof tops, but Harry points out the papers will twist anything Oscar says. Christina accuses Harry of protecting Sam, his own law firm, and the legal profession, as they conspire against his own family.

Frustrated, Harry announces that he must go home. Christina remains behind and leafs through the blue folder, adding up all the overdue accounts. A lien has been placed on Oscar's salary for non-payment of fees in his vehicular malfunction suit against Sosumi Motors. The Ladies Historical Preservation Society is demanding any documents he has relating to Grandfather. Oscar refuses to ask Father for money as Christiana demands, worried the house may be sold out from under them.

Christina accompanies Lily to purchase groceries, not trusting her judgment, even though she cannot stand Lily's endless prattling about her family. Apparently, they are angry with Lily for marrying a Jew, who is now suing Kevin for adultery. The phone rings, and they hear Christina's anxious responses. When she hangs up, Christina rails about her brother's weight and all the trash in the house.

Lily confides to Oscar that Christina is no longer ready to kill Harry for leaving. Lily recalls the good old days of outdoor sex, but now there is all this money business. Christina lurks about, ready to catch them doing something. Christina, in turn, complains to Oscar about Lily's spending habits, prattling about a lump and panicking over everything. They cannot go on like this. When will Ilse return? Christina jumps to the conclusion that Oscar has fired her to save money while, in fact, Oscar just cannot see how they can put the sister up in order to let Ilse continue. He is going to send her the money he owes for her last week. Christina forbids this on the grounds that Ilse has left them in a lurch, and intimates that Oscar is paying her for services in the bathtub, which Lily has doubtless taken over.

Oscar resigns himself to never getting a thought across to Christina as she orders Lily to write down grocery items. She philosophizes about squirrels burying acorns they will never find again, but which will grow into trees, and how rabbits quiver through life. Now, that ridiculous *Cyclone Seven* case has surfaced again as Spot's owner is charging trademark infringement over a product named Spotskin®. Oscar drifts off into



reveries about Indian lore until Christina reproaches his rudeness and demands he at least write Father a letter. Christina crisply informs Lily that she and Oscar are simply stepsiblings, and Oscar's Father and Lily's Daddy are as unlike as day and night. The judge will never forgive and forget. Lily complains that Oscar thinks all she wants is money, and Christina responds with the order of the day for their shopping errands.

Lily wonders when Harry will arrive and worries about his taking Nembutal for exhaustion. Christina clarifies that the half-a-phone call Lily has overheard was with an old school friend who hides the drug in her dog's pwtly to keep it from driving her crazy. Harry is more likely to pour a drink - but they have not communicated since he left. Christina has invited her friend out to relax from a court case over her late mother's estate. As they approach the house, Lily again sees Mr. Boatwright walk past the window, but Christina realizes it is Oscar and runs in to help him before he falls. It is like having an infant learning to walk: You cannot wait for it to happen, but when it does, you are sorry for all the trouble it brings. Christina orders Lily to sweep up the papers scattered all around, but Oscar objects they are his script and must be picked up carefully and organized. Suddenly, Oscar decides they should see the movie, but Christina refuses. She asks Lily to move into Ilse's room to help out.

## **Section 10 (through page 290) Analysis**

Christina's frenzied, codependent state seems to fragment when Oscar loses his movie case. Harry has known for several days that Oscar's lawyer is a fraud, which gives him grounds for appeal, but will make his bills spiral. Whether Oscar will have grounds for appeal is held up, pending Harry's reading the verdict. Even Oscar despairs of ever getting a point across with Christina, and busy Harry leaves in an emotional scene only alluded to in the text. Ilse is gone, and Christina becomes dependant on Lily, whom she begins to defend to Oscar. Christina's fetish about grocery lists and menus is intensifying.



## Section 11 (through page 322)

### Section 11 (through page 322) Summary

In the morning, Christina finds Oscar dressed in one of Father's suits and smoking for the first time in 20 years. He wants coffee rather than tea and asks where his script has gone. Christina is adamant that he put out the cigarette, but hazy on the fate of the document. Oscar insists this is the one thing he may be able to rescue from this whole fiasco. Christina mocks him about finding a producer, and Oscar replies that Nipples is in New York. Oscar intends to pick the most effective passages to read to him. Christina is shocked that Oscar would waste time like this, rather than pursuing his appeal.

The whole thing has wrecked her marriage, and Harry is too obstinate to phone her. Oscar corrects her: She is too proud to make up, and he has not given up on the appeal. He cannot reach Harry or Sam, and from now on, lawyers will be paid only when they get results. Oscar began walking when the battery in his wheelchair died, and he will continue to walk - and will not miss the opportunity to produce his play. He will get professional actors to read scenes for Nipples gratis. Christina refuses to take part and suggests he involve Father, who doubtless has suggestions. Father has a lot on his plate, Oscar responds. The newspapers report he is hearing a new case involving the accidental drowning of a boy during baptism; the Senate is considering his appointment; and Bilk is pushing for his impeachment. Oscar finds the article, "LORD CALLED DROWNED BOY REVEREND UDE TELLS COURT." Lily says that is Rev. Billy Joe's Daddy - Rev. Elton Ude from Mississippi.

Christina frets about Oscar being seen walking by some insurance adjuster, but Oscar declares his suit signifies he is a civilized man and intends to live as one. He is leaving the legal business to his new lawyers, who will be paid for results, and has accepted an invitation to lecture about the Battle of Shiloh. Oscar insists on answering a knock at the door and is served a subpoena as a witness in the Sosumi Motors suit. Oscar refuses it and orders the server off his property. Christina warns him of the penalties for failure to appear, but his focus is on reading Act 1. At first, Oscar murmurs the lines, but soon is reading the parts in character.

Later, Oscar takes a break for phone calls and fails to reach his lawyer or Nipples. Frustrated, Oscar turns on a nature program today dealing with *Orchidiceae*. Lily brings tea, and Oscar fondles her breasts as televised insects are fooled into copulating with flowers to pollinate them. Lily is uncomfortable, because her ex, Al, might have spies out looking for ways to discredit her in court. She squirms free as she hears Christina coming downstairs, demanding why Oscar is watching television. He inundates her with information about the Battle of Shiloh as the news shows footage of massacres and famine. These images are relieved by a series of commercials and a feature story that reminds Christina to put butter on the shopping list.



After dinner and another windy night, the morning brings a show cause order from the Historical Society impudently demanding Grandfather's papers. Oscar tells Christina about all his pointless phoning, but she mocks him for wasting time. He is polishing his script, he responds, and preparing for his Shiloh speech. Oscar opens a letter from Mohlenhoff Shransky. It assures him that steps are being taken to get around the obstacles raised by his former attorney. The firm has experience with such matters and will get results. They recommend he speak to no one and refer all inquiries to them. The letter is signed Jack Preswig - surely a flunky, Oscar rants. Christina asks what he expects from a firm that advertises on matchbooks.

Oscar ignores the taunt and wants to return to work, capturing the voices of men dead a hundred years, struggling with the great questions of human existence. If he had a secretary like other people to handle phone calls and other trivialities, he might accomplish more. He reads on until the phone rings, but Oscar gets to the phone too slowly. Christina demands to know where Oscar is and who just phoned, and grouses how much easier it had been when he was confined to the chair. Oscar crashes in, yelling that his car has been stolen, and phones the police to file a report. He tells Christina he does not know who called earlier - some hysterical woman - who, Christina is certain, must have been Trish. Oscar watches the news, filled with famine, Papal declarations on the gift of children, and homeless people being ousted, while Christina and Trish discuss chinchillas being good only for coats. Oscar insists Christina pay attention to a happy story about a marriage performed in the shadow of *Cyclone Seven*. The wedding cake is a sugar replica of the sculpture. Footage of the earlier melee reminds the public the hoopla over Judge Crease has not died down.

Christina snaps the television off and announces all her legal difficulties have led poor, brave Trish to cut her wrists, but little T.J. called a doctor. Would Oscar be upset if Trish visits? When he asks how long, Christina condemns his selfishness. Trish may stay as long as she wants - they have taken in his friend Lily, have they not? Christina melodramatically claims she has to wait on everyone. Before Oscar can object, Christina and Lily drive off to the store, and he resumes work on his Shiloh speech, which, he feels, contains the strongest words in the finest language in the world.

The women return, and Christina resumes giving orders, ignoring Oscar's efforts at reading to her about a new *Cyclone Seven*-related lawsuit over marketing Spot's name. It is noted that attorneys in the wrongful death by baptism case are calling for Father's removal, because of his clear bias against Christians. Szyrk wants to tear the sculpture down, but the town is seeking landmark status for this profitable tourist attraction; James B's father is opening a theme park of modern American history.

Christina is interested only in getting Oscar to clean up the library for Trish and intends to get the wheelchair functioning again for Trish's use; God knows what shape she is in; and how can Oscar be so selfish about this? Bustling about, Christina suggests to Oscar that he swear he is the father of Trish's aborted baby; in order to end her legal problems. Christina is surprised Oscar never pursued Trish and this would be a nice gesture. Oscar might enjoy playing Lothario. When Lily wonders if it might be true, Oscar just looks at her wearily.



In the morning, Oscar hears a car door. It is a real estate woman whom he forbids to enter the house, so she surveys the outside. Christina tells him to calm down, and then asks if he has done anything about the letter from the bank about the mortgage. Oscar tries to hide the details of a letter from the Shiloh lecture organizers, but Christina insists on knowing how much he will be paid. When Oscar's hand begins trembling, Christina snatches the letter away to see what is wrong. Concerns over tensions in the Holy Land have inspired the organizers to ask him to play down the gory, vengeful aspects of the battle mentioned in Jeremiah. Oscar says they have all the facts wrong. Christina cannot see why a writer would waste his time traveling around lecturing to illiterates when he could be writing. Oscar responds with fury. He needs money to cover all the legal matters; his car has been stolen; people are telling him what to say about Shiloh, and a real estate agent is snooping around preparing to sell his house out from under him. Christina begs him to calm down.

Trish enters, covered in mink and diamonds, with her dog Pookie, and attorney Jerry (Mahdar Pai), fresh from a hearing postponed when the loathsome priest scheduled to testify about Mother's estate is detained on diocesan business. Trish is famished and has brought a gourmet picnic lunch. Trish explains the embarrassing truth about her injury: She cut herself on a chipped Baccarat vase she could not bring herself to throw away; and T.J. jumped to conclusions. Assuming Lily is a maid, Trish orders up plates, silverware and wine glasses. Jerry is convinced Oscar's wheelchair had been a legal ploy that might yet pay off; he should look into undisclosed warranties on his car and stick it to the insurance swine. Trish reprimands Pookie for eating the pwtty and produces a \$75 bottle of wine rather than Oscar's usual label. Christina is very brave, Trish declares, employing such a beautiful, large-breasted maid - the type that seduce a male family member so they can sue for paternity.

Trish gives neither Oscar nor Christina an opportunity to explain Lily, and Christina brings up Oscar's offer to testify that he is the father. Trish is surprised that she has forgotten to tell Christina the dreadful boy claims to love her and had wanted to spare her the stigma of unwed motherhood. However, she had refused to share the baby with him. Fr. Stepan has testified about the fetus' legal rights and about her mother's intentions for her fortune, being her confessor. Such greed nearly makes one ashamed of the human race, Trish declares. Trish rambles on about Jerry's wonderful complexion, the need to spay Pookie but fear of what the right-to-life crowd will say, and 18th-century French women's practice of getting pregnant for a month for the glow it brings to the face. Jerry has convinced her that argument will not work with this court, and is brilliant straightening out the team of lawyers sent by the Cardinal to argue for Mary's right to inherit Mother's money.

Jerry finally gets to the purpose of their visit: He wants to consider the lawsuit water under the bridge and simply discuss Oscar's play. He praises the sheer poetry of the prolog. Had Oscar been offered and accepted \$200,000 up-front for the rights to his play, he still would not have recognized it after the studio rewrites. As battles sell tickets, they would have made exactly the same movie, but Oscar would not be facing these legal bills. Oscar objects that the studio had not bought his play; they had stolen it. Jerry says the studio has deep pockets; therefore, filing an appeal is foolhardy. Oscar is



surprised to hear about the filing, but Jerry declines to discuss the technicalities on which it hinges. Leave it to the professionals, he urges, and switches back to a literary discussion. Most people want to be writers rather than to write, and works like Oscar's play are not appreciated for their genius.

Oscar interrupts to say he has found a director who wants to do justice to his play. Jerry is overjoyed; having that kind of support will make finding backers easy. Jerry hopes Oscar will talk to Trish about settling her account to get the partners off his back. Jerry says he spotted Oscar's lawyer as a fraud from the beginning. Blacks (and Russians) lack a counting gene.

Jerry returns to the play: The masses are unlikely to understand the whole Civil War is raging in Oscar's main character. The mother's babbling about John Israel makes him a living reproach by the time they get to his escape. The Major's quoting Rousseau on the noble savage, and Aristotle on natural slavery is rather heavy going. However, it - and the lift from *The Republic* - fit the Major to a "T." His whole world is crumbling. Jerry reminds Trish of his saying, "you don't leave the money to the children, you leave the children to the money." While distracted by ordering lunch, Trish agrees money is in the hands these days. Jerry points to the pharmaceutical companies' investing in R&D, celebrities receiving \$5 million to have their stories ghostwritten, and lawyers coming in to clean up the messes. Money is the barometer for disorder. Trish says everyone is greedy, and describes how Jerry has won a small claim for her by delaying until the plaintiff could not afford to continue. It is expensive to be wealthy these days.

Getting Deedee out of her latest mess has cost a fortune already. She had tried to save money by not carrying collision insurance on her Lamborghetti, so she is out \$80,000 after a truckload of drunks ran into it. They are all claiming broken legs and concussions. The rich are always being lied to. Jerry has tried to convince Deedee's trust officer to give her enough money to live on, rather than set up a scholarship in her father's name.

## Section 11 (through page 322) Analysis

Oscar appears transfigured - dressing, working and standing up to hypercritical Christina, who responds by adopting a new stock phrase: "Relax, Oscar." Lily misunderstands half a conversation between Trish and Christina, who in turn misunderstands her old friend, assumes she is suicidal, and rallies the household to care for her. Instead, Trish descends like royalty. Food, as a theme, reaches new heights in the banquet Trish and Jerry bring. Jerry wants to discuss Oscar's play, which he sincerely admires as a piece of art. Catholic and evangelical greed are both touched upon, as is Lily's sensuality, which has been hinted at from the start of the novel, but is pinpointed by Trish, who seems to get nothing else right. Note the lecture sponsor's conflation of biblical and American Shiloh and their pious concerns not to foment trouble in the Holy Land. Oscar, the professional being told what to say, is insulted. If Christina were not on his back demeaning his efforts to get past the lawsuits, he might also have been amused.





## Section 12 (through page 349)

### Section 12 (through page 349) Summary

Oscar tells Christina about an appeal being filed and oral arguments being scheduled soon. Oscar has to thank whoever has acted on his behalf, and Christina says whenever she has tried to reach Harry, he has been unavailable. Jerry returns, wanting to discuss the stuffy character of Kane, who would better be treated as a rootless, wandering Jew, which will also put Broadway audiences in Oscar's hands. It might even earn him a Pulitzer. Oscar sniffs the Pulitzer is a hallmark of mediocrity. Jerry thinks Bagby can be intelligent and cultivated while losing his academic veneer; having Bagby hungering for intelligent talk in an intellectual wasteland will improve the character - and fit in with the counting gene, which is the second theme in Oscar's play. Jerry explains that the left hand side of the story is the runaway slave, the invisible man haunting Thomas (and the entire play), being hunted down as the old Bible-quoting woman bewails. The right hand side of the deadly equation is Kane hounding Thomas about justice and moral rectitude leading him deeper into his dilemma, and Bagby blackmailing him for 4,000 years of Christian guilt. Thomas is the battlefield itself - black vs. Jew.

Oscar objects this goes too far. His play is about the Civil War, not current headlines about quarrels between black and Jews. Jerry agrees crude street fights bring out the worst in both communities, but he is talking about Hollywood Jews backing films about blacks as jungle beasts, Jewish doctors dispensing disease to black babies, and Jewish storekeepers in Harlem using the counting gene to exploit blacks who lack it. White middle-class Christians seeing this on television and turning it off are like the wounded pheasant burrowing for refuge in the stone wall. John Israel and Kane both manipulate the hero's profoundly hypocritical capacity for guilt. Who will finally be the conscience of the morally bankrupt white Protestant establishment? That is the heart of the American dilemma. Trish apologizes for Pookie's latest antics and for Jerry's zeal. Many people do not understand their own case, until Jerry points it out to them.

Christina exiles the men and their cigars to the veranda, where Jerry makes a painful confession: He has not read the last act. Oscar demands how Jerry could dissect his play without knowing how it ends. At the deposition, they had discussed use of the *Crito* in the last act; so why had Jerry not requested it? How does Jerry imagine it ends? "Madness and death," Jerry says. Conversation turns to Father's impeachment, which Jerry dismisses as ridiculous, since the impeachment of federal judges has been rare. Plus, the current Congress is not up to the task. The U.S. is not a country; it is a continent and a melting pot where nothing melts. Oscar is worried about 40-50 million Bible thumping illiterates and a Neanderthal senator, and talks about 2,000 years of bloodshed in the name of religion. Jerry patiently explains how the British have malevolently created a myth of the Juggernaut as a rite of Hindu human sacrifice. Madness is an essential part of the human condition, and revealed religions come along



afterwards to channel the madness and shape it. The more chaotic the times, the more man demands absolutes.

Oscar objects religion and madness have nothing to do with the Church of England being just a framework for the comedy of manners holding together the ruling class and the social castes. However, Jerry speaks from experience of the cruelty and duplicity of the caste system from living in an English boarding school. Oscar points to Harry's "Pop and Glow" case, which has nothing to do with madness or religion. He feels the only true believers in America are blacks and cannot imagine how one could grow up black and stay sane. Jerry says "love thy neighbor as thyself" is an oxymoron that has turned America into a cradle of hypocrisy. The established churches are fighting for market share with 40 million crazy people ready to spill blood in defense of the right to life, refusing to make an end run around the Seventh Commandment through the Roman Catholics confessional. They are like the Muslims, praised by T. E. Lawrence for seeing the world in black and white. That is why young blacks are throwing off the Christianity imposed on them and embracing Islam.

Jerry recalls the end of their last conversation, about changing one's name. He has looked up Plato's *Cratylus* and agrees one's name signifies one's essence. Basie is the perfect Hermogenes, changing his name for convenience's sake which, Oscar feels, is natural when one's name comes from slavery. As a schoolboy, Jerry vowed to drop his venerable surname, Pai, because it was so often mocked. He does not trust Plato on slavery, women, and sexuality, and suspects him of being a dictator and censor, like Oscar's unbending character, the Major. Oscar agrees and explains that Bagby is Hermogenes, just like Livingston becomes Siegal, and then becomes Kiester. Kane is the play's *Cratylus*. Jerry suggests that free spirited Kane probably changed his name from Kaminsky when he set out to sell pots and pans, much like Basie adopts a name he likes the ring of. Jerry contrasts this with the efforts made by the old woman to inculcate Christianity in John Israel and reconcile him to the misery of this world in hopes of a better one to come. Oscar says he sees Mother as a devout but embittered Christian, while Jerry reads her as a whining, grasping hypocrite, who may be a better character than Oscar had planned.

The glass doors crash open as Christina thrashes about looking for her coat and purse so she can rush to Harry. Trish has just mentioned Harry's accident, in passing. Trish clarifies that he is not injured nor is Christina's marvelous car, but he is being sued for cutting off some woman and causing her to run into a storm drain. Harry maintains that she cut him off, and he swerved around her, but has been arrested for leaving the scene and DWI, although he has only been taking codeine for his toothache.

Christina blames the law firm for putting such pressure on Harry, but Trish assures her the firm is standing behind him, talking to the judge, and looking into the woman's troubled background. Trish feels bad about upsetting Christina and thinks she should stay with them, but Christina invites herself to drive into the city. Oscar wants to go along, since it will be more convenient for him to meet his producer and testify at the appeal hearing. Jerry doubts that will be necessary, and Christina demands he stay





home. Jerry gives Oscar additional cigars and claps him on the shoulder in farewell. The tree limbs fall away as the car drives off.

In the car, Trish babbles about Bunker's butler, Victor, raping his neighbor's illegal Filipino maid, but Christina sticks to the topic of Harry. Trish knows only what Jerry tells her but feels good Jerry is keeping an eye on the case. She wonders whether Oscar is having sex with that blonde. They gossip about a bosomy Polish schoolmate involved with a botany teacher, red-haired, Edie Grimes, whose cheekbones Trish so envies she might undergo another facelift from Dr. Grimes, despite his scandals. Debating whether poor Liz's dreadful husband killed her or she had a heart attack, Christina urges the driver to go faster. When Trish notices Pookie is missing, she panics and orders the car turned around. Christina objects, saying Oscar can take care of the dog until the driver returns for it. Trish suddenly remembers she is flying tomorrow to Aspen (so Jerry must get another postponement) and suspects T. J. is drinking. Christina has fallen asleep, and Trish allows Jerry's hand to slip up under her skirt.

Christina thanks Trish for the ride, enters her apartment, and crashes into Harry in a bath towel, saying she was not expected. Christina launches into him for not contacting her or answering her calls. Harry objects that he had not wanted to worry her by something she can do nothing about. Christina complains that she is his wife. How would it look if he landed in the hospital, and she knew nothing about it? Had it not occurred to him that she might be worried? Christina inspects the crystal bedroom, asks whether Harry has been watering the plants, and hears him answer the phone. She snatches it away and tells Oscar about the dog. Lily can help. Christina is exhausted from taking care of everything and cannot think of returning. Harry is fine, and Oscar should see a doctor. She hangs up and asks if there is any food in the house, because Harry cannot imagine the food ordeal she has undergone today. Oscar is back on his feet, wearing Father's old suit, bearded and smoking a cigar. He's portraying the last civilized man, looking forward to staging his play and showing up in court to testify. It is a madhouse out there.

Harry asks- what appeal? Christina guesses that Sam must have filed one to drive up his costs. Harry has not spoken with Sam and is surprised the circuit court will hear oral arguments so quickly. Christina says Sam has not talked to Oscar, but someone must have given Sam a push. Harry wonders why Mudpye had shown up, as that is highly irregular. Christina describes how Oscar had stood befuddled, hearing his play praised and being given a cigar. Oscar's car has been stolen, and his matchbook lawyers have him suing himself over the car accident. Oscar is getting ready to lecture to a bloodthirsty Hadassah audience, and Mudpye is telling him his play is really about a war between blacks and Jews. It turns Christina's stomach to see Mudpye treat Lily as a servant while staring down her blouse. Christina complains about having to cook for Oscar, who reads aloud from his play. Lily thinks only about her divorce and reconciling with Daddy so she can afford cosmetics.

Mudpye is ingratiating himself to Trish for her money and has besotted Oscar by praising his play. He's assured Christina the firm is behind Harry and shrugs off Oscar's appeal as a matter of technicalities. Harry agrees that Mudpye is a little too quick and



determined to show he is smarter than anyone. He's taking shortcuts; wanting to win, rather than be right. Christina responds by declaring that this is what all lawyers do. She recommends Harry try that, in order to clear up his absurd Episcopal merry-go-round case and begin living a normal life. It is affecting her, too. She is his wife; right? Harry maintains that it's too late to phone Sam, and as the alcohol gets to Christina, she grows amorous. Harry surprises her by asking if she thinks blacks have much body hair. She had never given it much thought, she replies, dragging Harry down on top of and inside her.

In the morning, Christina finds a note from Harry about an appointment with the firm's psychiatrist. She wonders whether they want to help Harry or further blur him by adding to the medications crowding the medicine cabinet. Christina is testy when Oscar phones to tell her to look in today's paper for a picture of Harry with William C. G. Peyton, III, the senior partner. The accompanying article reports final arguments are expected in the Episcopal Church's \$700 million damage suit filed against Pepsico, Inc., alleging trademark infringement. The charges had been dismissed in federal court six years ago, but taken up again - and doubled in the size of the damages specified - by a succession of law firms.

Harry Lutz, a spokesman for Swyne & Dour and 16 other law firms representing the defendant, is quoted as saying the charges are absurd and notes that legal costs for both sides have soared beyond \$33 million. Christina says Peyton cares only about gaining another million for himself, while everyone else - including her - suffer nervous breakdowns. The accident is a sign. Concerning Oscar's case, Harry knows it has been heard, but not who has prepared the arguments. Sam's office says he is trout fishing in Norway. The morning newspaper contains an article datelined Tatamount, VA. The controversy has again come before Judge Crease's court, with the two sides' positions reversed. The article summarizes Crease's difficulties in the Senate.

At dinner, Christina recalls the morning's phone conversation with Oscar, who is convinced that Mudpye's poking him in the chest to make a point has broken his sternum. He also insists that Mudpye's slapping him on the shoulder has cracked his scapular. Harry foresees a new lawsuit, because under the law, poking someone without consent constitutes battery. Oscar is intent on coming out with Lily to visit, see a specialist he can take into court as a witness, and invite Nipple over for a drink. Christina has forbidden this. Oscar is so bored and worried about his appeal that he phoned his new friend Jerry (whom he intends to sue) but was ducked. He now knows when he is being lied to.

Harry says Mudpye really is out of town, setting up a new client base in Aspen. The "word" is that a young out-of-state lawyer is handling Oscar's appeal. Christina worries about Oscar, dreading the appearance of the real estate agent who might have been sent by Father or the bank. The highlight of Oscar's day is reading about more trouble for Father.

Harry fears the firm is not behind him. Peyton is evasive and might turn on him if the story grows sticky. Christina is sure this is paranoia, because Harry has known Peyton



forever, and it is managing partner's job to be duplicitous. Peyton probably worries that Harry will sue the firm for putting enough pressure on him to get into an accident, and is paying for Harry to see the firm's psychiatrist to prepare an expert witness to Harry's mental instability. Christina confesses that she has been harsh and impatient with Harry, lately, because she cannot stand watching what this case is doing to them. She loves Harry and wants to return to the way they were. Harry says Judge Bone will hear the appeal. He punishes fools no more kindly than Father does and is both a misogynist and a xenophobe, both of which are to Oscar's advantage. Harry doubts Mudpye has even pleaded a case before the Second Circuit and will probably be shaken when the formidable judges cut off his well-prepared presentation and ask if he has any arguments beyond the brief. Christina begs Harry not to get Oscar's hopes up. Beneath Oscar's mangy beard, surrounded by a cloud of cigar smoke, she sees the fragile little boy destroyed by Father's scolding his canoe. Oscar had been so anxious for Father to approve and is now setting himself up by belief his play will be staged and his appeal will be won. Oscar is quite different from the person he thinks he is.

Christina resents Harry's characterizing Oscar's play as a "frolic of his own." However, he explains that this is a legal phrase, pertaining to actions a person undertakes, voluntarily, outside the job for which he has been hired. It mitigates the employer's liability for, for instance, a fellow employee being blinded during horseplay. Christina is annoyed Harry must turn every conversation into a legal brief and that he devalues the two years Oscar spent writing his play. Harry defends himself: No one asked Oscar to write a longwinded play about Grandfather; no one hired Oscar to seek justice. Oscar has not written another play but has instead splurged on this one and is letting it devour him, just as the memory of the canoe does. He blames the world for not appreciating him.

Resentment is driving Oscar, and if he wins the appeal, it will be on a technicality. It's the same way in which indicted officials, who everyone knows are guilty, pretend that having charges dropped means they are innocent. Imagine where Christianity would be if Jesus had gotten 10-20 years? If Oscar wins, he will believe his cockeyed vision of himself is vindicated. Christina asks is this not what the legal system is all about. Is Oscar not doing what artists do? Harry gives up and asks Christina to come to bed.

## Section 12 (through page 349) Analysis

As Oscar and Jerry continue debating the philosophical fine points of Oscar's play and the violent nature of revealed religions, Jerry also reveals Oscar's appeal has been filed. Trish, in the midst of her discordant chattering, mentions that Harry has fallen into trouble. Christina flees to his side, adding a new stock phrase to her vocabulary: "he is my husband." Harry downplays his predicament, but Christina is skeptical about the firm watching out for its own best interests. Harry knows little about Oscar's appeal, except that it has been mysteriously filed and rapidly scheduled for arguments. We learn the meaning of the novel's title: Oscar is doing something for which he is not paid and must assume the legal risk for it.



## Section 13 (through page 373)

### Section 13 (through page 373) Summary

An opinion by Circuit Judge Bone on behalf of himself and judges Wakefield and Scholtz identifies Oscar as plaintiff seeking damages and other relief against Erebus Entertainment, Inc., its CEO, and Kiester for infringement of his play. The district court hearing the original complaint had accepted the defendants' motion for summary judgment, and the plaintiff now appeals. Bone summarizes the plot of the play, observes classical sources have been used, and analyses the first two acts scene-by-scene. He next describes the movie in equal detail, describes Erebus as a well-established studio; and how Kiester while an independent television producer had received and curtly rejected the plaintiff's script. Kiester denies any recollection of that script when undertaking a Civil War epic as a suitable vehicle for an actor named Bredford. Kiester turned to an old friend and Civil War buff, John Knize, to provide a story idea and develop it into a treatment. Five co-authors hired by Erebus all deny reading or using the play in any way and contend they drew materials from the public domain provided by Knize.

To meet these denials, the plaintiff appeals to substantial similarity between passages in the picture with parts of his play. In granting the summary judgment, the district judge found the play not sufficiently novel to create "proprietary interest," no evidence of intent to contract between the parties; and no basis for unjust enrichment or fraud. The plaintiff here argues the court below has erred by misunderstanding the applicable law and should have applied a different body of doctrine. While the plaintiff's play script is indisputably protected, the district court ruled the use of general themes, motives and ideas by the defendants would not constitute copyright infringement. If it is shown that the judge focused on superficial differences or ignored identities of locale, motivation, and similar persuasive factors, the case should be sent back for review. If, however, the judge assumed copying and failed to pursue the question at trial, this is an abuse of discretion. The task of this court is to determine whether the issue of novelty or originality applies. Judge Learned Hand's view that a copyrighted work must be original and new prevents plagiarism better than the narrower, more recent decisions on which the defendants depend. The question must be whether the selection, ordering and arrangement of a work are appropriated.

The defendants have taken the same locale; the same two fragmented families; the protagonist's relationships and mission to the North; the substitutes drawn from the mines and suffering the same fate in the same battle; the bleak, embittered mother; and the uncle. The movie simplifies the characters and edification as befits a vehicle intended to entertain. The Mother remains consistently unpleasant in both incarnations. The main action of the play commences well after that of the movie, but the opening dialog reads like the scenario written for and played out in the movie. Dialog employed as a blueprint for active portrayal has resulted in decisions that plays can be pirated without using the dialog. The defendants' insistence on dissimilarities, changes,



omissions, additions and variations strengthens the plaintiff's case. Sequence more so than ideas forms the "raiment" of a play. Plays are character-driven, whereas movies are plot-driven, so the defendants cannot point to independence in matters of dialog. Much of the movie owes nothing to the play, but that is immaterial, because substantial parts clearly are pirated. Therefore, the district court has abused its discretion.

The lower court is correct in finding that the plaintiff cannot claim protection for his grandfather's exploits, that a contract can exist without joint consent, and that Kiester has committed fraud by changing his professional name. The plaintiff, however, is correct in four causes of action covering naked theft of characters and sequences, unjust enrichment, fraud and conspiracy. The plaintiff is entitled to punitive damages and reasonable attorneys' fees. Even if other elements can be construed as deriving from the public domain, the major characters are clearly derived from the play, and the defendants' concern for protecting the public domain is illusory. Knize and his fellow writers cannot avoid liability, because unconscious plagiarism is as actionable as deliberate. The defense offered to the lower court is frivolous, and the lower decree is reversed. The plaintiff will be awarded damages and an accounting plus attorneys' fees to be fixed by the district court upon final decree.

Christina quietly describes to Harry by phone the revolting atmosphere in Oscar's house: Ilse and her blind sister have moved in, are hanging laundry everywhere, and are cooking cabbage; Oscar is marching around, reciting the court order like *Hamlet*, and gloating about showing Father. He wants to buy a new car. Christina understands the defeat has cast a shadow on Mudpye's career, cannot see how Harry can be blamed for Trish's billings, and is surprised Harry's case may be settled out of court. Christina is distracted by a man delivering Oscar's new fish tank and berates him about it, his appearance, and his recent behavior.

Christina warns Oscar against spending money until the master appointed by the court computes the actual award. Oscar insists he has earned what he is getting; will get out of debt and stay out, and will make choices rather than having them forced upon him. Christina reminds Oscar how hard Harry has fought for him and how Basie alone saw the irrelevancy of the defense and allowed it to play out in order to create a winnable appeal. Basie had been Oscar's only friend when she and Harry advised him to take the settlement - and now he is in jail or on the run. Oscar says that is just how the system works.

Christina and Lily drink a scotch together, when Oscar is heard panicking about a police officer in the front yard. The officer tells Oscar the insurance company has impounded his car, and he is in trouble for reporting its theft without reporting the serious accident they have on record. Christina cannot take much more of this craziness, which goes back to his raving about a man in black in the hospital. Talk about an artist's immortality is as insane as Christians going to church on Sunday so they can watch that revolting movie during the week. Oscar agrees about church going but maintains the artist working out his immortality daily is not. That is why infringement is sacrilege. Christina suggests that money might have something to do with it, and Oscar accepts it is the only way he can be vindicated.



Lily's Daddy phones, wanting to talk over something important with her. She is sure it is the reconciliation for which she has been praying. Christina wonders where the dog is, and Lily figures it is hiding to avoid being stepped on. Oscar comes in from the library, worried about a letter from Preswig about his car, places a call, and is told Preswig is no longer with the firm. Christina tells Oscar that Harry has phoned with news that Oscar has been awarded all of the movie's profits. Oscar is too excited to hear Harry's warning that the master can still reduce the award as the defendants are seeking. Harry is off to Westchester and cannot be reached. Christina tears open a package to find a childish pair of Hiawatha's Magic Mittens. Oscar boasts he is no longer dependent on Father for anything. Lily figures Rev. Billy Joe is why her parents will visit.

## **Section 13 (through page 373) Analysis**

Another legal decision is given in full, explaining in thick detail why the district court's decision erred in limiting the scope of plagiarism to the literal text and announces Oscar is to receive restitution in an amount to be decided by a master. Oscar becomes insufferable to Christina and Harry. Through phone calls, they realize that he is delusional. When he learns that he is to receive the movie's massive profits, Oscar does not hear the warnings. His hospital vision of the man in black carrying over messages is kept alive in the reader's mind. Lily is set up for a confrontation with her Daddy and his holy man that is unlikely to end as well as she hopes. The minor themes of Hiawatha, religious hypocrisy, and preoccupation with food are kept alive.





## Section 14 (through page 405)

### Section 14 (through page 405) Summary

A copy of District Judge Crease's Instructions to the Jury in the case of *Fickert v. Ude* arrives in the mail. Jurors are told their duty to sift through evidence and conflicting testimony for facts, unclouded by prejudice or sentiment. It is a civil suit, involving only monetary damages. No one challenges the minor child Wayne Fickert has been swept away by the Pee Dee River during the service of baptism performed by Rev. Elton Ude. The jurors are to disregard all emotional outbursts by spectators, particularly that of the defendant's son. The medical reports verify drowning as the proximate cause of death; the jurors must decide if there are any intervening causes within the defendant's control, which would make him liable for the death. Negligence means risk to others that can be foreseen by a reasonable man, and the burden of proof is on the defendant. Witnesses confirm the site is frequently used for baptisms, and the decedent had been an enthusiastic participant.

As Baptists put off the ceremony until after the age of reason, Wayne must bear part of the blame for his death. However, the jury must consider if Wayne had been under some degree of community pressure to participate. Justice Holmes rightly holds the law does not attempt to see men as God sees them. In performing the baptism, Ude, as a leader of the "Christian Recovery of America's People" movement, had been a servant in the Lord's employ, and English common law holds employers liable for unintentional acts of employees performed as part of their work. The Lord, whom scripture shows controlling nature and the death of creatures, cannot be absolved for failure to protect his servant.

The jurors must disregard testimony that indicts Satan for meddling in the situation. Allocation of damages in the case of a minor must take into account earnings, services and contributions over a lifetime, and while everyone's future is wrapped in mist, it should be noted that Wayne's estate consists of \$4.36, after he spent \$18.76 on a suit for his baptism. The defendant has testified that Wayne expressed interest in attending the Christian Recovery Bible Mission School, which could have prepared him for a career of utter poverty or the untold riches of televangelists. Wayne's mother, Billye, will receive nothing, because she contributed to the death by her enthusiasm over Wayne's baptismal regeneration. She also reclaimed her name only to participate in the action. The plaintiff has consistently shown he would have prevented the baptism had he known about it. The award is \$18.76 plus \$1 for punitive damages.

Oscar is livid that Father has no time to read his play, but steals "laying up treasures in heaven" from his prolog. Christina suggests the Judge may have had occasion in 95 years to read the Bible itself, but Oscar contends he would stick to the Old Testament. Last time, Father throws God out of his courtroom, and now, he brings Jesus in through the back door. Lily says the Judge has given Rev. Bobby Joe 30 days for contempt for shouting to Jesus to come. Father would give Jesus 30 days if he could, Christina





observes. She then berates Oscar about dealing with all the mail arriving in the wake of his victory. She dismisses his plans to hire a secretary, suggesting he needs only a wastebasket and a housekeeper since she sent Ilse and her mother packing. They could also use a cook, but Lily will do for now. Lily asks Oscar to feel the lump in her breast, which leads to mutual groping.

Lily finds it odd that Trish has not called about her dog. When she finally does, Lily suggests that Trish offer a reward for Pookie. Christina grabs the phone away, and they discuss Jerry's job woes and his ludicrous idea that Oscar could have been talking about the case with Father. They have not spoken for ages. Lily confesses she found Pookie dead and threw him into the pond. Christina tells Oscar about Jerry's conspiracy theory, and Oscar says turning to Father never occurred to him. Christina wonders why not. She has been urging Oscar to call him. Oscar knows Father conspires with no one, but if the lower verdict angered him, he could well read the play, tear the verdict to pieces, and send a local lawyer up to file the appeal. Oscar is struck with remorse and needs to phone Father. He reaches a bailiff who says the judge is in court and hangs up, reminding Oscar of never knowing whether any of his childhood phone messages had reached Father. Christina urges Oscar to calm down and quit guessing. When Harry gets home, she says he will look into it. Oscar is ashamed at having misjudged Father.

Oscar announces Nipples' project at the School of Scandal has fallen through over union problems, so he will have free time. With his famous name behind them, it will be no problem to rent a theater, find backers and recruit actors. This will allow Oscar to atone for his doubts about Father. Finally, Father will be proud of him. How ironic the profits from the revolting travesty of a movie will fund the presentation. Christina goads Oscar about seeing the movie and joining panels of distinguished Americans speaking to ladies clubs. He could, Oscar responds; he plans on buying a car, and they can drive into town. Christina says "no." No one can see the film, because of his injunction. That will ruin his profits, Oscar realizes.

Christina suggests Oscar concentrate on straightening things out with Father, and then rebukes Lily for prattling on about her own problems and hopes for reconciliation with her Daddy. For all the lofty words, all she is concerned about is money. Oscar is frustrated by Father's drunken clerk, who tells him the Judge is involved again with *Cyclone Seven* and wonders if Oscar has received the jury instructions and seen any good movies lately. The newspaper reports Jack Preswig's arrest for digging a pothole in the street where a client had an accident. Oscar tries to explain whom he is suing, but gets lost in the tangle. He returns to his futile phone calls to Mohlenoff and Nipples. Late night, Lily complains to Oscar about always going to his room after sex, leaving her alone with the fish and wondering if Al is out there looking for her.

In the morning, Christina advises Lily to see a doctor about her lump. Life seems an endless bout of waiting. Seeing Harry's car in the yard, Christina calls for him, but Lily informs her that Oscar has bought an identical model. Oscar is lying down with a cold - practically laryngitis - but Christina demands to talk about spending money he does not yet have. Lily also reports Harry is coming out with some information about Oscar's



appeal that he may not like. Christina panics over how Oscar may react to the newspaper announcement of a Gala Television Premier, and phones Harry to order his immediate appearance.

Harry asks if they have seen today's obituaries. They see an announcement for "THOMAS L. CREASE, 97, VETERAN JURIST," accompanied by an ancient photograph. The text says he died of a massive heart attack. Christina is angry at his clerk for not calling immediately, but realizes Oscar might have answered, and they would have spent a sleepless night. They agree to keep Oscar in the dark, for now. Christina will call the clerk to head off a state funeral, because Father had been a very private person. The clerk says the Judge stipulated immediate cremation, no funeral, and no grave markers. Christina berates him for making them learn of the death in the newspaper and is surprised to hear the clerk had called Harry. As executor of the Judge's estate, the clerk has filed for probate and will bring up papers for them to sign. Christina tells him to buy plane tickets out of the estate. Lily cannot keep Oscar busy much longer. Oscar walks in, coughing and requesting yesterday's paper to re-read about the broadcast. Christina asks him to be patient until this evening. She mentions Harry is coming to cheer him up, which makes Oscar suspicious of bad news. Christina diverts him with today's paper, minus Section D. He demands to see Section D, to read the continuation of an article and refuses to be put off by an omelet. Christina hands him a pile of mail, pointing out a letter from a new law office. Oscar howls, opening it. The estate of Eugene O'Neill is suing both him and the movie for infringing *Mourning Becomes Electra*.

Harry awakens Oscar from a nap, while the women are shopping. He gathers that Oscar has not seen the obituary, and explains the injunction is lifted, and the studio hopes by televising the film to jumpstart its vast marketing potential. Oscar plans to use the settlement to stage his play and wonders whether Father wrote the appeal. Harry says the Judge's handprints are all over it, and when appellate judges realize a colleague is involved, they disregard the opposition.

Mudpye, wanting revenge, has argued profits must be apportioned, taking into account production costs and massive legal expenses. Expert witnesses say 5%-12% of the movie depends on the play alone, and the plaintiff has not refuted them. So, Oscar will receive 20% of the *net* profits, on a contribution as limited as the hairdresser's. Outraged, Oscar reveals that Mudpye thinks the play has commercial potential in Nipples' hands. Learning that Oscar has spoken with Mudpye, Harry realizes Oscar has handed him the means for reducing the settlement. The \$200,000 settlement that Oscar turned down has become the purchase price the studio is offering. Oscar's best hope is the court's power to award damages in lieu of actual damages and profits. Gross participation deals by the stars and Kiester have taken \$31 million off the top; and creative accounting is reducing the net. A third of Oscar's contribution - his script - has been cut out, because the third act does not figure in the film. Oscar's only consolation is that he will be able to produce the play his own way and show it to Father.

Harry is squeezing Oscar's shoulder and agreeing, hollowly, that perhaps Father will see it when Christina and Lily return. Harry tells Christina he had not felt it his place to



break the news, and Oscar accosts her for taking his car without permission. Christina reminds him things could be much worse. She advises him to shave his shaggy beard, and worries at how exhausted Harry looks. She is glad to hear his big case is nearly settled, and feels a sudden chill as she asks whether they are as hungry as she is. She's looking for ways to postpone the inevitable conversation about Father. Oscar wants only ice cream and then plans a nap. Harry commiserates with Christina, who has also suffered loss, and marvels at her strength.

While Christina rests upstairs, Harry falls asleep reading the obituary with dwindling attention. Lily wakes him with a comment about how young the Judge looks and wonders how newspapers can produce obituaries so quickly following a death. Harry explains that prominent people often produce and update what they want said about them. When death comes, the paper just adds the circumstances. The careless press of Lily's leg against his own attracts Harry, as does the scent of soap and perspiration rising from her carelessly buttoned blouse. All the while thinking about the natural link between death and Eros, Harry asserts funerals provide survivors a social situation that allows them to deny and obliterate reality. Harry falls asleep again as Lily blots a spill on his trousers. He dreams of sucking her breasts and having her discover the pulsing source of her deliverance - thereby, together, redressing the balance of nature disrupted by death.

Harry starts awake, hearing Oscar ask Lily not to wake the poor exhausted man. Dragging a quilt and dumping himself into a chair, Oscar has more questions about disentangling contributions. The last act is very short, not a third of the whole, and Mudpye admitted never seeing it. How could that be? Harry explains Basie had no obligation to hand over more than the defense demanded and must have known they were on safe ground with whatever ending to the film their writers dreamed up. Oscar complains the historical society wants control of Grandfather's papers, but is cut off by Father's copyright registry. Harry responds copyright passes to Oscar *per stripes*. Oscar does not catch the *faux pas* and claims the filmmakers could not make sense of his play without the third act, as the whole play builds to that point. Harry demurs that he has not seen the defendants' exhibits and suggests it is time for the news. Watching the movie will help them see what happened with Act 3.

## Section 14 (through page 405) Analysis

Judge Crease dies, and the family conspires to keep Oscar in the dark as long as possible. Father names his law clerk as executor and specifies no funeral. We read the full text of Father's instructions to the jury, which pit him wryly against the sentiments of evangelical Christianity. His use of scriptural texts as quasi-legal proof and the painting of the principals in the wrongful death case are brilliant. Harry is summoned to help break the news of Father's death to Oscar, but explains instead how the studio is maneuvering to limit his award to the amount it originally offered. Still, Oscar holds hope that Father will be pleased at seeing the play on stage. Lily's breasts, which Christina insists be x-rayed, seduce the slumbering attorney in the most blatant application of this ongoing theme.



## Section 15 (through page 430)

### Section 15 (through page 430) Summary

Harry wanders into the kitchen, leaving Oscar before the glowing screen. Christina wishes he would take better care of himself and is fretting about popcorn when Oscar yells for them. Seeing the flaming effigy and melee, Christina rushes to tell Oscar it was inevitable; after all, the man is nearly a hundred. Lily realizes that Oscar has not been told about Father's death and fetches Section D. Oscar is upset at the nonsense in the obituary, obscuring Father's career. Oscar explodes to read his nomination to the Court of Appeals passed the Senate Judiciary Committee this morning when Senator Bilk abruptly withdrew his opposition and stated that Crease, like his illustrious father, now belongs to the ages. It is revolting to hear such glorious - and true - words spoken by such a vile, lying character. Bilk cannot be allowed to help bury Caesar, wrapping himself in the American flag and Stars and Bars. Christina tells Oscar to relax; there will be no funeral. Oscar insists it is his duty to provide a proper funeral, which Christina interprets as a slur at her as the upstart stepdaughter. Lily breaks up the growing fight, reminding Oscar that Christina is also upset. The obituary says the Judge demanded immediate cremation and no ceremonies.

The step-siblings make up, and Christina states that the clerk is executor of the will. Harry explains the decedent's wishes about a funeral are not legally binding like his directions on real property, and they can arrange something if they wish. Oscar obsesses about a clerk being given this job, rather than a son. He threatens to sue. Christina cannot believe Oscar would think about any more legal dealings, and Harry credits Father for cutting off Bilk's political trash and public spectacle. The whole country is now about entertainment - his lawsuit has shown that. Harry assures him the law is explicit about what happens to any executor caught pulling fast ones on the survivors. The executor will receive up to 3% of the estate as his fee, unless he waives it. Christina is sure the estate and will are simple - they will be joint heirs - and urges Oscar to honor Father's wishes to avoid a grand Viking funeral. Father should at least have named Harry executor to keep the 3% in the family, Oscar trails off; however, Harry says it is best to have those duties in the hands of someone familiar with local laws.

After a flurry of commercials, cannon fire and battle action appear behind the bold title followed by a series of names made hateful to Oscar during the legal battles. Oscar spots Button directing a horse and buggy away from the mansion to a decrepit farmhouse, and hisses at the ravishingly beautiful young woman glimpsed behind a curtain. He gasps as he recognizes the old woman teaching a black man, and a game bird smashing into the rock wall. Next, appears \$3 million worth of breasts and thighs welcoming the lowborn lover. Oscar giggles and is outraged. He asks Harry if he has seen how they used his entire prolog, but Harry is focusing on Lily's carelessly buttoned blouse. He recovers to explain the use of satire. After the wedding at Cross Creek, sex



gives way to brawn and battle. Oscar is stunned watching an exact depiction of men perishing at Ball's Bluff, and points out Holmes, wounded on the beach.

Christina insists the movie's hero is *not* Thomas/Grandfather as Oscar complains the actor is at least twice as old as he should be and cannot act. Oscar touches his own scar, as he recalls the story of the actor being bit by a cab driver. Christina suggests they spare themselves the rest, but Oscar insists on watching the travesty committed on the creatures he has invented. The Major sends the lousy actor north and deals with the sniveling son about to be shipped off as a substitute. Oscar fetches wine during the next sex scene and fumbles with the corkscrew through the Italian parody of Bagby and the Union recruiting of lowlifes. Oscar is annoyed when Christina demands he be careful with the bottle. He unwillingly suspends disbelief, and the hero sends a substitute off to his fate. Oscar sees his contribution to the movie steadily diminishing.

Oscar falls asleep during a commercial, but Christina awakens him for the tale-of-two-titties sex scene. Bugles and cannon fire capture Oscar's attention, and he identifies historical characters and places. "It's starting! It's starting!" Oscar gasps. He spots the second substitute, briefly, as the cornfields are torn apart in the crossfire. Oscar bounces on the sofa, gasping for breath, proclaiming the accuracy remarkable, as he offers commentary and points out details. Oscar flails about, demanding and gulping down more wine. He points out Antietam Creek, telling them to watch for Sumner's strategic error - the whole Civil War could have ended here! When Bloody Lane appears, Lily says this is where she closed her eyes. Oscar warns her not to look at the piles of amputated limbs in the field hospital. McClelland miscalculates, making the war continue. "You idiot!" Oscar explodes at the loss of 12,000 men.

The terrible aftermath of battle is shown graphically, ending with the two slain substitutes twined together in final agony. Lily proclaims it spooky, as a final commercial commences. No one obeys Christina's call to go to bed; they watch a carpetbagger approach the red-haired, open-bodied beauty and hear a mysterious single gunshot as the music swells and the credits roll. Oscar, who has fallen asleep, awakens to read the hairdresser's name. He is dripping sweat, as Lily helps him off to bed.

In the pale morning sun, swans and a mallard grace the pond as dynamite explodes in the face of a cartoon duck hunter. Oscar and his car are missing, and the way he had been acting, he could be far away by now, in jail or a hospital. Harry urges his wife to be patient and talks obliquely about how senior partners work little, but at year's end, enjoy immense profits. On the other hand, their personal liability for the associates is wide-open to the tune of millions of dollars. Look at Sam, who owns only the clothes on his back; everything else is in his wife's name. Christina interrupts with another attack on the self-regulating conspiracy and the harm done to Oscar. She asks if Harry is thinking of putting everything in her name. Harry says he will not become a senior partner without examining the firm's books. Trish alone must owe a few hundred thousand and is probably waiting for them to sue her. Harry reveals he has \$500,000 in life insurance for the firm, but he is worried about \$10 million in liability. Christina is skeptical about Peyton and the whole atmosphere of mistrust.





The adversary culture is what America is all about, Harry observes, and is ready to launch into a discussion on dialectical materialism when Oscar returns, white as a sheet. He asks if anyone knows what the men are doing in the trees at the end of the drive. He then remembers the glorious depiction of Hooker's batteries. Christina criticizes Oscar's dress and wandering off with a gallon of wine in him. He looks like he has lost 10 pounds overnight. When they point out Oscar has shaved, Christina complains he looks like a schoolboy going to a funeral, and turns to musing about the purpose of funerals. Denying Father a funeral is the final slap in the face. Harry points out the wisdom in the Judge's decision to preempt the mealy-mouthed politicians and spare everyone the embarrassment, but Christina objects he never spared anyone anything. He was selfish and cold-blooded. Harry admires the clean break the Judge is making, stripping away the poetry, and hopes Christina will do the same for him when the time comes. Christina orders Harry not to joke about such things. Oscar remarks the joke is on him, the last laugh, and prattles about Bilk's impeachment plans being ruined, and Holmes being shot in the film and enjoying the amputations.

Ignoring Oscar's musings, Harry asks Christina to drive in with him, but she must remain to sign papers. Harry is sure it will be simple: Father earns \$100,000 on the bench a year and spends almost nothing. How ironic the hotshot lawyers before him get \$500,000-\$1 million! Oscar is still talking about how the movie ends. He is confused about the battlefield specter, since his point was Grandfather had sent substitutes - and Bagby had stumbled on their corpses. Had they shown John Israel at Quantness? Harry confesses he fell asleep at the end. Oscar continues: The scene with Kane in prison is straight out of *Crito* in his Act 3. Harry promises to read it when he can give it full attention. Oscar laments the quality of production a fifth of the net profits, but says it does not matter since Father is not here to see it. Harry challenges Oscar to realize Father read the play and stood by him by producing the winning brief.

Oscar's situation is just like Harry's. His father went into debt to put him through law school and didn't live to see his success. Harry had felt guilty, until he realized he now has only himself to disappoint. He has been set free by his father's death, and so has Oscar. When Christina enters, Harry drops the subject, accepts Christina's sandwiches for the ride, and promises to try to see a dentist. He takes a quick drink of Lily's "toothache medicine," pausing to memorize the scent and feel of her breasts. He departs without looking back at something too close for comfort. Christina feels a chill, sniffs a fugitive scent, controls herself, and thanks Lily for cleaning up. Oscar wonders where the dog is. They evade his question and prepare to go shopping, but a shudder runs through Oscar. It is strange having him gone, Oscar says, and Christina responds assuming he means Father. However, Oscar is talking about Harry. Christina goes shopping alone, and Lily cannot get Oscar to move away from the view of four deer grazing beside the frozen pond.

## Section 15 (through page 430) Analysis

Oscar learns about Father's death from the television and is upset by the plans for his non-funeral, and the outsider handling the estate. He is also upset by how little of his

play the filmmakers used, but stunned by the precise realism of the battle scenes. The parting conversations with Harry are charged with foreboding and his departure overlaid with sensuality. Christina and Oscar both shudder as he departs to finish work on his big court case.





## Section 16 (through page 458)

### Section 16 (through page 458) Summary

That night, the phone rings and it is not Harry, but the law clerk. Christina roars off to fetch him. They warm him with tea and Oscar's quilt, and they turn up the heat. As the clerk pulls from his old Gladstone bag a bottle wrapped in a green sock, a coffee can rolls across the floor. It is the Judge's ashes, he explains; the crematorium wanted \$100 for an urn, which would infuriate the Judge. The clerk muses how the death of a great man is like the burning of a library, and he has followed instructions and burned all the Judge's papers accumulated over nearly 100 years. Lily prepares vanilla pudding for their guest. Christina remarks that after a few more pulls from his bottle, they can pour ham gravy over it, and he will not know the difference. Oscar is watching cartoons, and Christina sends Lily in to check if he is smoking, because she is sure she smells something burning.

Oscar is upset when Christina and Lily return from shopping with ham, assorted snack foods, and Cream of Wheat, which will have to substitute for grits. Oscar summarizes Father's decision in the case about Spotskin and Hiawatha's Magic Mittens, but Christina and Lily are figuring to cook a ham. Christina hands Oscar a bag of Tater Skins and orders him to finish the business quickly. Oscar fears Father might have resented how Grandfather is portrayed and asks the clerk to read Act 3. By the time Oscar carves the ham, the clerk is asleep and has turned a bit yellow. They eat dinner in peace. Christina observes that Harry had expected people to be furious when Father all but indicted Jesus for manslaughter, but they had been flattered he respected their intelligence. They took his Latin phrases for speaking in tongues, liked his understandable images and his swipe at the Catholics baptizing young ones. Christina is amazed Father put up with this for 30 years, but Oscar is still mad the clerk is the executor and mentions the old man has some spicy story about Old Lardass. Full from dinner, they take the back stairs to avoid the clerk, whom they hear getting up to go to the bathroom.

In the morning, the clerk has attacked the ham and is watching cartoons. Lily is spooked by the clerk's many trips to the bathroom and the sound of trickling, because he does not close the door. Christina refuses to be held hostage in the kitchen. An earlier phone call had been from Rev. Bobby Joe, freed from jail, saying Daddy cannot come to visit, because he is having a big operation and Bobby Joe is offering him spiritual comfort in case the Lord carries him home during it. Christina rants about Oscar getting nowhere with the clerk, and Harry storming out again and not calling his own wife. The clerk, watching television alone, says Oscar has taken Father's cigarettes down to the pond. Christina spots a packet of letters in the Gladstone, which turn out to be the documents the Judge rescued from the Historical Society's clutches. The clerk has balked at destroying them, because they belong to Oscar and Christina. Christina has him toss them on the pile of bills and other communications and requests they sign whatever is needed for him to return home.



Oscar returns with a real estate woman who has a client in her car. Oscar admits her figuring she is answering his ad. Christina demands to know why she thinks the house is for sale. The agent points out some things they can do to improve the price, which she figures is around \$3 million, considering the view of the pond. Whoever buys it will tear down the house and put up something like what is planned next door, she says. Christina is revolted, hurries the agent away, and announces she will take a walk. Christina is calming down when she stumbles upon Pookie's corpse floating in the shallows and staggers back to the house. There has been an urgent phone call from Harry's office for Christina to come immediately. Why can Oscar not get the clerk to finish up and leave? Father made a \$500 bequest to him, so he wants them to read the whole will, to be sure no improprieties have occurred. Christina demands to sign immediately and has Lily witness it. Oscar does not want Christina to take his car and leave them isolated. He suspects it is just a ploy to escape, which she confirms.

Against a backdrop of nature programs, commercials and ethnic warfare on the news, Oscar presses the clerk to leave. Oscar explains to Lily the clerk's annoying urinary habits stem from the prostate gland, which Lily says is what is ailing Daddy. Oscar explains it is a common procedure, and the only danger is if they find cancer. Lily clutches Oscar's hand to her breast and promises to get it x-rayed when Christina returns the car. Oscar imagines a history game show filled with contestants as ignorant as the clerk, and Lily declares they are out of food staples, which Oscar figures will let them starve the clerk out.

Lily needs money to go down and reconcile with Daddy, but Oscar says it is just an excuse, like Christina's, to get away. Lily wonders why she is even in this spooky situation. Oscar wants her to wait until Christina returns, but Lily doubts she will be in any hurry to return. Oscar settles into a nature program, as the clerk tells about Bilk being involved while at Fort Bragg with a male prostitute, who has recently surfaced as a priest molesting altar boys. In asking for Bilk's help, he has ruined Bilk's political career. Oscar rushes to the sound of breaking dishes. Lily's mother says it is too late. Oscar assumes Daddy is dead and tries to comfort her, but Lily is mad - not mourning. Rev. Bobby Joe has talked them into putting his church in their will, and Lily wants Oscar's black suited man to send a message to her brother telling him what she thinks of him - and Daddy and Momma when they get there. She needs money; they do not.

A car drives up that night, and Christina seems distracted as she enters. Oscar fumes about being hung up on by some rude sister-in-law when he called their apartment. Her name is Masha, Christina clarifies. Harry is dead, she says. Christina does not want to discuss it, but launches into a diatribe about loathsome Masha and simpering Norrie poking around their apartment. The in-laws have always treated Christina horribly. Lily tells Oscar not to press Christina, and Christina is appreciative until she hears the clerk's tinkling and demands he be disposed of immediately. Towards dawn, the clerk is herded into the car, and driven off at breakneck speed by Lily with Oscar.

In the terminal, Lily runs into Trish and Pookie, found by a young man collecting the \$500 reward. Pookie seems bigger and does not know his name, but at least he no longer yaps. How is Oscar? Trish has been busy helping Bunker redo his country place,



and she hopes Christina is not insulted by being left out of her wedding, hurriedly arranged to take tax advantage of her losses this year. Trish has seen Christina's father in the paper and seems to remember he did something famous. She also has not dared call Larry as she is suing his firm over its ridiculous billings. Self-preservation, Trish declares as she departs, is nine tenths of the law. Lily comes out to see a policeman writing a citation but diverts him to chase down whoever just stole her purse, hops into the car, and races off into traffic.

Oscar reveals he has learned of Father's fury when Mudpye pulled the wool over the nitwit judge's eyes and prepared an appeal brief for Judge Bone. Father knows Oscar is not venal, and the whole movie business is an attempt to keep him off the appeals court. Father cares about Oscar. Sweat is beading on Lily's lip as she darts through traffic. She suggests Oscar pawn Father's watch to buy her a gold watch. Lily lashes out about the coddling Oscar has been getting and proclaims the past is the past. Ignoring Oscar's pleas, Lily accelerates past a station wagon and complains about Oscar's unconcern for Christina and her full catalog of troubles - including the idiot intent on passing her. Lily orders Oscar to fasten his seatbelt and veers off at the exit, leaving a flaming collision in her wake. She silences Oscar as she slows down and drives unobtrusively into a parking lot. Lily buys groceries, and as the emergency vehicles pass en route to the accident, calmly resumes the wordless drive home.

## **Section 16 (through page 458) Analysis**

Amidst grudging entertainment of the annoying law clerk, centering again on food and television, Christina is called home to learn Harry is dead. Lily needs to see her parents until she learns the reverend has stolen her inheritance. In both crises, Oscar only sees his family and friends' determination to abandon him. He links for Lily the clerk's frequent urination and the lump in her breast, and after Christina forces the clerk to finish up his business, Lily drives him to the airport. Trish reappears in another manic scene with Lily, and Lily finally snaps. She confronts Oscar with his crass selfishness, and causes a massive traffic accident. One can surmise she will be arrested and involved in new legal matters, but instead her breasts will move to the front of the plot, along with Christina's greedy sisters-in-law, mentioned in passing. Harry's saga must be resolved.



## Section 17 (through page 488)

### Section 17 (through page 488) Summary

Oscar and Lily find Christina on the phone with her vulture sisters-in-law, warning them to keep their hands off everything in the apartment and slams down the phone. In the obituary, Peyton plugs the firms and mentions Harry's recent ill health. They have Harry's age and birthplace correct, but have misrepresented his cutthroat father with whom Harry has long been estranged because of Harry's unprofitable interest in theology and poetry. Harry, the obituary reads, put himself through law school and worked for a series of public interest firms before entering corporate law. He has recently been named partner and resolved a case dealing with the constitutional fundamentals. Oscar questions and relates the story Harry told him. Christina says the old man is a millionaire, and the sisters are vultures. As next of kin, Christina has consulted no one about fulfilling Harry's wish for a clean getaway like the Judge. Christina thinks Harry told Oscar a comforting, uplifting personal yarn to help him. Harry admired Oscar's determination to do something useful. Lily calmly announces she is going for an x-ray.

Oscar tells Christina that Peyton called while she was sleeping to warn her that the insurance investigators will want to interview her and examine Harry's medical and psychiatric records. Christina is sure Peyton worries she will sue the firm for driving Harry so hard, which will hurt their reputation. They will get their psychiatrist to suggest Harry had been unstable and self-destructive. Masha will do anything to keep Christina from collecting \$500,000 in insurance. Christina is surprised at how hard Lily is taking this and how badly she looks. Oscar is summarizing the Daddy situation when Lily serves eggs and asks for \$30 so they will tell her what they see on the x-ray. Christina gives her \$50, but is suspicious about the quality of care at the Urgent Medical Care facility on the highway. Lily should have waited and gone to a real hospital. She has already waited too long, Lily complains; now, she needs a biopsy.

A flatbed drives up, carrying Oscar's Sosumi, which he orders put where it will not be in the way. Christina next finds Oscar staring blankly at a letter from Lepidus, Shea, which he happens to have found in the pile of mail. The final amount apportioned to Oscar is 2.5% of the gross receipts to costs or \$200,000. The film makes \$370 million, but they claim to have lost \$18 million. Oscar will not receive enough to cover his legal bills and no longer has Harry's advice. Christina resents Oscar sounding like Harry is on vacation and reminds him \$200,000 is better than 20% of nothing. Oscar apologizes, but Christina has turned away, worrying about Harry's life insurance and the prospect of destitution. She has no idea about anything, because Harry handled the finances. She is sure Harry did not die penniless, but he had not been paid at a senior partner's level, as he long should have been. Oscar objects that salary would have come out from blood money collected from stealing his play. Christina orders him to stop the pity; they are not destitute. Harry figures Father's estate at around \$5.5 million. Most of that is in property, Oscar responds, and he will have to pay taxes on his mother's house.



Christina explodes at again being made to feel like an intruding stepsister and having his sainted mother flaunted. It is all history, to be forgotten, along with his childhood rage at Father.

Lily bursts in, swearing to kill Kissinger for giving her implants that have ruptured and are filling her with silicone jelly. They want \$700 to remove them. At least it is not cancer, says Oscar. Lily asks if Oscar is mad about something, and when Christina says he has found something upsetting in the mail that no one told him about, Lily indignantly begins going through the folder, demanding what he wants to do with each. When she reaches Father's old letters, Christina tells how the law clerk rescued them for Oscar. Lily leaps ahead until Christina suggests they throw out the lot and catch their breath. Lily objects all they do here is catch their breath. It is like Halloween, sitting around surrounded by ghosts and turning into mummies unable to do anything about anything. Lily intends to do the laundry and suggests Oscar find a wastebasket and broom. Christina wants Lily to go to a proper hospital and offers to write a check. Lily says she has not been hinting about money. The implants are her fault. She has heard stories about people losing their hair and minds because of that gel. Christina suggests they think about supper.

Lily wonders why there are so many books around, but no one reads them. Christina reminds Oscar of playing Mozart and arguing about responsibility for the mistakes. Lily wishes she could see that, but Christina is sure the old piano is out of tune, locked in the unheated music room for decades. Oscar and Christina argue about Shakespeare until Christina shivers as a touch of Harry passes through the room.

In the morning, Frank Gribble from Ace Worldwide Fidelity appears on the porch with some papers for Oscar to sign to put the whole episode behind them. Gribble produces a letter from Preswig, whom he understands is no longer in the picture, suggesting they avoid further legal expenses. Gribble summarizes the events that, since their hospital meeting, have resulted in Ace going after the chain of dealers, wholesalers, manufacturers, suppliers, parts makers, subsidiaries, etc. When Gribble sweetens the offer with dental care and \$2,000 a month for disfigurement, Oscar signs the letter of agreement. As Gribble is leaving, Lily asks advice about suing the reverend for defrauding her late brother's insurance money, and they talk about making a case for Bobbie failing to make a proper avowal of faith and thus voiding the contract for everlasting life. What a shame Father is not alive and on the bench for a lawsuit, Oscar says. Christina interrupts to announce that Lily she has been squeezed at the hospital after lunch.

After dropping Lily off, Christina explains that she had sent Peyton paperwork on Harry's dental appointment the day he died. Who would undergo a tooth scraping and temporary cap if they intended to commit suicide? Christina advises Oscar to use his settlement to pay his lawyers' out-of-pocket expenses and let them whistle for the rest. Lily is upset the hospital demands another \$800 to cover the operating room and anesthesiologist, and anxious to get out before they charge her another day. Christina and Lily find Oscar staring blankly in the library. He declares he has been lied to his entire life. Those old letters show the hapless diplomat had served and died in France a generation earlier than believed, and thus the whole chronology of his play is off. The



wrong brother gets married. Grandfather is actually owed nothing by his uncle, but is given a broken down farm and \$300 as a starter. Father had known the story was false. Christina suggests Father had been sheltering him, knowing how he revered Grandfather.

Oscar throws the letters disgustedly into the fireplace and relates how the clerk at the airport had laughed at the thought the Judge could be sentimental about anything except the law. The lower court decision had enraged him, and they together spent 48 hours preparing the appeal brief. The Judge had loved no one and nothing but the law and the language that the law ultimately comes down to. Christina tries to get Oscar to put it all behind him, but he cannot get over being lied to. Lily suggests he buy some new pets, but he just goes off to take a nap.

## **Section 17 (through page 488) Analysis**

Lily's lump is resolved as another potential source of litigation, and Oscar's car accident avoids going to the Supreme Court. His teeth will receive care. Harry's legacy, and thus Christina's future, are still up in the air; however, she has proved he did not commit suicide. Oscar's budding faith in Father receives a blow as the family myth is destroyed, and he looks bound for depression.





## Section 18 (through page 509)

### Section 18 (through page 509) Summary

Lily comes home with ten guppies. Cleaning the tank gets Oscar involved. He mumbles about the Gay Alliance backing Bilk, and his Iowa congressman ally resigning. There is a letter saying they will repossess Oscar's car, but since Christina has its twin here, that does not matter. Peyton has sent a monstrous but expensive plant, realizing the dentist's bill has him dead to rights. Oscar is not eating well and is interested only in fish. They have caught the woman who stole Lily's purse and credit card. Christina has had a dream about Basie and how everything suggests he was a decent man who sprung the trap on the defense by not challenging its arguments when he could have. He left it to the appeal, which he knew would be won. Basie is Oscar's true friend.

Jack Preswig, no longer a lawyer, hails Oscar from the porch, offering a no-cost way of making money. He stands his ground as Oscar orders him to leave, and listens as Oscar chase away the real estate woman, who has returned with a rich client wanting to buy the property for \$2.7 million in cash. Preswig steps in, claiming to be Oscar's attorney, and suggesting \$5.6 million is more realistic. The agent gets her anxious client up to \$3.2 million and laments this lawyer is getting in the way of a unique opportunity. She drives away hurriedly when Oscar opens his pants and relieves himself in the yard, like when he was 8 and liked to write his name in the snow.

One evening, Christina notices Oscar's car is missing and begins fretting. She finds Lily's implants on a shelf, being kept as evidence in a class action lawsuit. Oscar comes in and phones the police to report his car stolen. Christina fumes about Lily not reminding her to call the repair shop in town to have Oscar's car driven out and places that call. Oscar has a letter from St. Pancras School asking a recommendation for Dr. J. Madhar Pai, who is applying for a faculty position. Imagine Trish in that setting! The clerk's final accounting of the estate shows the \$5,649,500 in total assets being reduced by taxes, fees, and bequest to \$3,199,500 - the value of the house. Christina is snarling at Peyton's failure to deliver the insurance check.

Bulldozers and chainsaws break the peace at dawn. Christina rushes out to try and stop a man repossessing her car. Christina realizes Pedro had been driving Oscar's car rather than hers, and phones the police to set the record straight. Pedro is illegal and will probably be deported. Harry would know what to do, she thinks, and pours herself a drink. Outside, the woods are being destroyed. Indoors, Oscar is playing the piano, and Christina sends Lily to rescue him from the cold while she answers the door. Lenny Wu has come as Peyton's personal emissary. He speaks with reverence about her late husband and gushes over the brilliance of Harry's argument in the Pop and Glow case, showing if Pepsico is an anagram for Episcopal this is not defamatory, but, in fact helps it in an age of ordaining homosexuals and women and generally relaxing standards to minimize losses. Tying in Classic Coke, R. C. Cola, the Roman Catholic Church and Vatican II is brilliant.





Christina only wants the insurance check. Wu is surprised she does not realize Harry was covered by key employee insurance with the firm as beneficiary. As the embarrassed young attorney babbles on, Christina realizes he never even met Harry and hurries him out the door. Christina orders Oscar to burn Harry's brilliant mementos, and strikes the match when he cannot get it to catch. Oscar reminds her that his own situation would be no different if she had died and Harry survived. One of the spouses would be buying out his share of the house, because he cannot buy them out. Standing beside Lily, holding his wrecked birch canoe, Oscar remembers their lovemaking in the woodlands now being fed into the wood chipper. Gloom descends over the pond, and Lily turns away. Christina is prodding the smoldering lump in the fireplace when a door burst open. Oscar makes her cry for help, as he tickles her from the rear.

## **Section 18 (through page 509) Analysis**

The final threads are tied up with Christina receiving nothing from the firm that worked Harry to death - but is regaled with the details of the legal brilliance of that final argument. Oscar does not sell the house for a profit. Pai is going into teaching, and the woods are coming down. He and Christina revert to childhood for a tickle, and possibly, some long-overdue stress relief.



# Characters

## Oscar Crease

The novels' protagonist, Oscar, is a stubborn, argumentative, and paranoid college teacher, writer, lecturer and legal devote. His age is not stated, but having taught American History at Lotusville Community College for 12 years and being turned down by book-publishers decades earlier as being too old to market, Oscar must be, at least, in his mid-forties. Oscar teaches uninterested students he despises, despite having a trust fund from his rich mother. In 1977, he writes a play, "*Once at Antietam*," as homage to his late grandfather, a Supreme Court justice. Grandfather is the only person Oscar feels ever truly loved him. Oscar also hopes it will impress the cold Father he has always feared, but the script is rejected as unsuitable for television by the one producer to whom he submits it. We first meet Oscar, as he's hospitalized for broken ribs and a leg suffered in a freak accident, when the red Sosumi he is hotwiring slips into drive and runs him over. Oscar needs new teeth, new tires, and extensive upkeep on his exclusive Long Island home. However, he is frugal about everything except (grudgingly) helping his penniless girlfriend, Lily.

Oscar is careful about separating his funds from stepsister Christina's, with whom he maintains a childish sibling rivalry. After his accident in 1990, Oscar grows determined to sue not only over it, but also over a Civil War film epic, *The Blood in the Red, White and Blue*, which he alleges is lifted from "*Once at Antietam*." As he recuperates, Oscar mistreats Lily for whom he lusts but seems not to love and fights with his codependent stepsister. He disregards his many lawyers' advice and digs himself into a tremendous financial hole, naively believing everything will work out for him. He is regularly crushed by the partial victories he does enjoy.

## Thomas L. Crease

Crease is Oscar's 90-year-old courtly father, still serving on the federal bench and looking for promotion to the circuit court. Judge Crease issues an unpopular opinion in the case of *Szyrk v. Village of Tatamount et al*, has it overturned, and is assigned a second round of litigation, which ends in his overturning a jury verdict and being burned in effigy. Senator Bilk leads a crusade to block the atheistic Crease's promotion and to impeach him. Crease unwisely provides the press quotable headlines, as he lashes out at criticism of his decisions and rumors arise about family insanity. Efforts to tie the judge to Oscar's lawsuit over the stealing of his Civil War play about his famous grandfather, for whom Crease clerked in 1924 at the beginning of his legal career, further degrade relations between father and son.

Oscar has always feared Father, who quickly remarried after rich Winifred Riding Crease's death, bringing Oscar a stepmother, Mable, and stepsister, Christina, into the household. Oscar never forgets how Father sneered at a birch bark canoe he built and



cut down the stripped tree the next day. Father takes up smoking at age 75 and is up to three packs a day. Crease's final case is *Fickert v. Ude*, a copy of whose instructions to the jury he sends to Oscar. Oscar learns Father has intervened in filing an appeal of the lower court's decision against him, and is anxious to atone for his filial inattention, but the Judge dies suddenly of a massive heart attack. He names his longtime clerk as executor of the estate and stipulates immediate cremation, no funeral, and no crosses or other symbols of capital punishment on his tombstone.

## Christina ("Teen") Crease Lutz

Oscar Crease's willful, meticulous stepsister, recently married to a prominent, overworked lawyer, Harry Lutz, Christina shares Oscar's penchant for half listening and interrupting others. Her childhood resentment of being treated as a poor stepchild and sister survives into adulthood. She lived with Oscar in his mother's home until her marriage, and now lives several hours away in an opulent penthouse. Several times in the course of the novel, she moves in with Oscar to help care for him and the house. Several more times, she intends to but grows too infuriated by him to remain. Initially dismissing Lily as a moneygrubber, Christina comes to depend on her to run the household and takes her side when Oscar mistreats her.

Christina has a martyr complex about having to take care of everyone and everything, while rarely raising a finger to do anything. Instead, she delegates or suggests putting things off so everyone can catch their breath. Christina is greatly concerned her husband is destroying his health by overwork and nags him about it. She nags Oscar about his appearance, his sloth, his ambition, and his Pollyanna belief he will prevail. She despises the way lawyers watch out for their own benefit. When Harry dies, Christina fights her sisters-in-law and his law firm to prove it is not suicide. She is disappointed when the firm is the beneficiary to Harry's \$500,000 life insurance policy and appears destined to have to sell the penthouse and move back in with Oscar.

## Harry Lutz

An overworked, meticulous corporate lawyer married to Oscar's stepsister, Christina, Harry objects to people making a mess of things and expecting to be rescued. He practices corporate law at Swyne & Dour, because everyone knows it is all about money. Harry is engaged on an exhausting "Pop and Glow" case as the lead attorney representing Pepsico, Inc. against the Episcopal Church's \$700 million damage suit for trademark infringement under the Lanham Act and libelous intent to disparage and mock the plaintiff's good name. The charges had been dismissed in federal court six years ago, but taken up again - and doubled in the size of the damages specified - by a succession of law firms. Harry's father is a millionaire from whom he is estranged, but he tells Oscar a tale about the man bankrupting himself to put him through law school and dying before he sees his success. In fact, Harry's interests had been theology, briefly, and poetry, abidingly. His father thought them impractical. Harry took up corporate law after growing disillusioned practicing public interest law.



Harry cannot represent Oscar, but sets him up with an old law school friend after warning him about the risk and expense of litigation. Christina gets Harry to introduce her litigious friend Trish to the firm, and he is held responsible for thousands of dollars in unpaid fees. Harry is on the verge of being made senior partner, when he dies in an accident, which the insurance company tries to portray as suicide. Christina disproves this. Harry is cremated immediately, to make a clean break, like his father-in-law.

## Harold Basie

Basie is the coffee-drinking, heavy-smoking Black associate sent by the firm of Lepidus, Holtz, Bloomfield, Macy & Shea, to interview Oscar about suing Kiester. Basie claims he studied drama, shares knowledge of Yeats with Oscar, and overlooks Oscar and Christina's racist comments. While feeling Oscar has no case against Kiester, he agrees to watch the movie before recommending against taking Oscar as a client. When Kiester is identified as Jonathan Livingston (Siegal), Basie sees hope for winning the suit and begins working in earnest. He also handles copyright matters on the family letters that a historical society is seeking to obtain. Harry Lutz tells Oscar and Christina that Basie does a good job during Oscar's deposition, repeatedly challenging Kiester's counsel for leading the witness and interrupting his answers. In his last meeting with Oscar and Christina, Basie suggests if they lose the case they will certainly prevail on appeal.

At the time Oscar loses the suit, it comes out Basie's little theater experience consisted of anger management programs in federal prison. He has a useless correspondence law degree and passed the New York bar based on falsified affidavits. He faces revocation of his license and jail, and is on the run. Harry realizes Basie kept quiet when Kiester's lawyers made key mistakes, rather than objecting, which set the stage for the overturn on appeal. Christina argues that Basie is Oscar's true friend.

## Lily

Oscar's young fiancée, in the process of obtaining a divorce, Lily has fired one lawyer and is trying to get free of another, both at Oscar's expense. She has just had her purse stolen and her credit cards used for illegal purposes overseas. Oscar treats Lily badly, calling her stupid, criticizing her spending, and spurning her playful attempts to reinvigorate their sex life. His inattention leads her to have sex with Kevin, her latest lawyer, who drives her to Florida to attend her brother Billie's funeral. Lily's Daddy disinherited her when she married Al, a Jew, and has given Bobbie his fortune to avoid death taxes later. Lily hopes to reconcile with Daddy and get the badly-needed money, but is intercepted by a greedy evangelical clergyman. When Kevin drops Lily and takes up with her best friend, Lily is out for vengeance all around.

Christina initially describes Lily as "a breezy blouse half unbuttoned, blonde hair flying and enough lipstick to paint a barn," but comes to depend on her and even like her. Throughout the novel, Lily is preoccupied with a lump in her breast and begs Oscar to



see if it has grown. Oscar uses it as an excuse to fondle her callously, and all of the males in the book enjoy looking down her cleavage. Eventually, Lily gets an x-ray, which reveals the implants AI made her get have ruptured. Christina pays to have them removed. The pressure of running Oscar's house and being cut off from Daddy's money make Lily snap. On a drive home from the airport, she causes a massive, fiery car crash, but is not found out. In the end, Lily is standing up to Oscar and Christina, demanding the past is past.

## Trish Hemsley

Christina's socialite friend from school days with whom she shared many risk and illegal activities, Trish gives hospital benefits and has had her diamonds stolen during one. Trish has been married three times at the start of the novel, and is concerned about contracting AIDS from anyone under 30. She is pregnant by someone half her age, whom she rescues from the street and from arrest for shoplifting. Trish is in the hospital when she runs into Christina to undergo amniocentesis to determine whether the fetus has any birth defects. If so, she will abort it rather than being stuck married to well-pickled old Bunker, whom she will marry and keep it. Trish has a 10-year-old son, T.J., whom she describes as sweet but whose custody neither she nor her fabulously wealthy ex-husband wanted when they divorced.

Despite a court order forbidding her to get the abortion, Trish takes Christina along to an abortion clinic, where a demonstrator throws catsup on her furs. She fears imprisonment for defying the restraining order, and wheedles her way into being represented by Harry's firm. It assigns associate Jawaharlal Mahdar Pai, whom she calls Jerry, to baby-sit her. He ends up becoming her fourth husband, on short notice. They visit Oscar and Christina after Christina misunderstands her to be suicidal. They forget her dog "Pookie" during a hasty departure, and Trish pays a \$500 reward for the return of an imposter dog. Christina has another suit going to keep the Catholic Church from receiving her late mother's estate, but is paying none of her legal bills, causing difficulty for Harry and Jerry.

## Jawaharlal Mahdar Pai

Pai is the Hindu associate assigned by Swyne & Dour to depose Oscar. Harry and Oscar both mock him with the nickname, "Mudpye." Blinded by dollar signs, the partners assign Pai to keep rich socialite Trish Helmsley happy in her nuisance suits. She keeps him busy professionally and personally. She outfits her "Jerry," and together they drive out to Oscar's house after he wins the lawsuit for Kiester and the studio. Asking that bygones be bygones, the proper British-trained gentleman wants to discuss Oscar's brilliant play, filled with meaningful themes and philosophy. He suggests one character change Oscar dislikes and tells Oscar everything comes down to Jews and Blacks. Pai is bitter about his treatment by the British and talks about religion as a means of channeling insanity. Harry is later sure the conversation gave Pai the



information he would need to minimize the payout when Oscar's successful appeal goes to a court-appointed master for determination of damages.

In the circuit court, Pai has no chance to speak and stands no chance against a brief written anonymously by the judge's old friend, Oscar's father. Pai's reputation in the office declines following the defeat - and Trish's failure to pay her substantial bills. After he gets revenge by limiting Oscar's damages to the same \$200,000 he initially offered as an out-of-court settlement, Pai appears to retire from practicing law. We last hear of Pai applying for a teaching position.

## Mr. Bagby

The fictional Thomas' office manager in Oscar's play, Bagby is indulging in every form of legal profiteering he can while the war goes on. He sees having influential friends as his path to power and cultivates a Senator. In the film, Bagby is parodied as an Italian, to Oscar's dismay.

## Senator Orney Bilk

Bilk is the hometown boy determined to bring God and morality back into American life by limiting the power of federal courts. Judge Crease is his particular target in alliance with J. Harret Ruth. Bilk's career is threatened when it comes out he was involved, unknowingly, in homosexual prostitution while serving as an Army cook. Gay rights organizations back his bid for reelection.

## Bobbie

Lily's brother, recipient of their father's fortune as a means of skirting the death tax, Bobbie is newly converted to fundamentalist Christianity. He buys a Porsche, rather than help his fallen sister with her legal bills, and dies in a crash. Lacking a driver's license and being intoxicated at the time of the accident, Bobbie's insurance is voided.

## Robert Bredford

The aging star (Thomas) of *The Blood in the Red White and Blue*, Bredford combines meager talent with a major addiction to alcohol. Just before shooting begins, Bredford is bitten on the cheek by an enraged New York City cabbie, and the wound is written into the script to keep production on schedule. Bredford earns \$24 million for his role, off the top of profits.



## Bunker

Bunker is Trish's hard-drinking lawyer, twice her age. She will marry him if she is pregnant, and the fetus has no birth defects. When she is assaulted outside the abortion clinic, Bunker urges that Trish sue, in order to defend civilization.

## The Law Clerk

Judge Crease's elderly, longtime assistant, driven to alcoholism by the Judge's demanding nature, the unnamed law clerk is named the executor of Oscar's father's estate. He moves in to annoy the heirs for several days, drinking, watching television, babbling, obeying the demands of his growing prostate, and drawing out the process of signing papers. He informs Oscar about how the Judge wrote the appeal brief in anger at the lower court judge's mistakes.

## Button

Basie's prison buddy with whom he reunites in California while taking depositions, Button is explained to Oscar and Christina as a friend from his little theater days and a bit player in *The Blood in the Red White and Blue*. In reality, he's a vicious ex-con who in prison helped Basie find himself. Now, he's a sworn witness to the fact that Bredford injured his face shortly before filming began, and they wrote his fresh scar into the script.

## Justice Thomas Crease

Justice Crease is Oscar's beloved grandfather and a member of Holmes Supreme Court, who dies at age 96. He and Holmes are both wounded at the Battle of Antietam and tilt furiously over the relative value of justice and the letter of the law. Grandfather is the inspiration for and the hero of Oscar's play about the Civil War. His letters, on which Oscar partially based his play, are being sought by the historical society. His son gains copyright and passes them to Oscar.

## Earl Fickert

Fickert is the plaintiff in a civil suit heard by Judge Crease, brought to seek damages for the accidental drowning death of his minor son, Wickert. He would have prevented the fatal baptism had he known about it.

## Wickert Fickert

Wickert is the minor child drowned during baptism by the Rev. Elton Ude. The Reverend baptized Wickert in the Pee Dee River in Hog Corners, Missouri, on October 25, 1985.





## Anga Frika

The voluptuous Nordic-Eurasian co-star of *The Blood in the Red White and Blue*, Frika receives \$3 million playing an anything-but-the shy and plain Giulielma Oscar had envisioned. Expert witnesses claim Frika's bare breasts are the film's greatest asset.

## Barry Gench

Gench is the UCLA graduate student in filmmaking who raises allegations that Kiester has incorporated actual footage of a murder by sledgehammer into his blockbuster *Uburubu*.

## Frank Gribble

Oscar's insurance agent, representing Ace Worldwide Fidelity, the Dale Carnegie-inspired Gribble fails to get Oscar to sign papers in the hospital at the novel's beginning. He succeeds at the end, sweetening the deal for Oscar and heading off litigation that would have gone on for years. A Pentecostal layman, Gribble discusses with Lily the use of Jn. 3:16 (wrongly cited), as grounds for a breach of contract suit against her deceased brother.

## Justice Oliver Wendell Holmes

Chief Justice of the Supreme Court and Civil War veteran, Holmes differs over law and justice with associate Justice Thomas Crease, Oscar's beloved grandfather and the subject of his play. Oscar's father is fond of quoting Holmes' opinions.

## Ilse

Ilse is the immigrant woman, remarkable for her powerful thighs and large breasts, hired by Christina to look after Oscar while he recuperates from his accident. A rude Oscar calls her "that woman," until Christina sets him straight. Ilse leaves Oscar to care for her blind sister in the Bronx, forcing Oscar to fend for himself and inspiring Christina and Lily to stay with him full-time. She and her mother return briefly at the time of Oscar's triumph, turning the house into a cabbage-stinking tenement.

## John Israel

The fictional Thomas' woodworking slave in Oscar's play, Israel runs away after his master decides not to take him to war. Thomas' major offers \$600 for Israel, but William talks him out of selling him. Thomas' mother teaches him to read the Bible.



## Mel Kandinopoulos

A Tatamount board member, Kandinopoulos conspires to prevent demolition of *Cyclone Seven*, because it overlooks his newly-designed Mel's Kandy Kitchen.

## Kevin

Kevin is Lily's third divorce lawyer, who advises Oscar to sue for damages over his disfiguring facial scar, without seeing the evidence personally. Kevin lends Lily his new BMW and drives her to Florida for her brother's funeral. They repeatedly have sex, but Kevin drops Lily for another beautiful client, her best friend, and demands payment of his legal fees from Oscar before he will release his files to another lawyer.

## Constantine Kiester

Hollywood's reigning *Wunderkind* producer, known for such gory blockbusters as the African saga, *Uruburu*, and the current Civil War epic Oscar claims is stolen from him, *The Blood in the Red White and Blue*. Kiester is charged with using actual footage of a murder by jackhammer in *Uruburu*. Before *Uruburu*. Kiester had worked in television in New York, producing classics under his own name, Jonathan Livingston. While working under the name, Livingston, he turns down Oscar's script as unacceptable for television. He adds the surname Siegal when he turns to motion pictures, and changes his name completely to Constantine Kiester when he moves to Hollywood. He lives in Bel Air in the rental property of a former radio evangelist picked up after a sordid and widespread scandal.

## John Knize

Knize is a graduate student researching the association of Oscar's beloved Grandfather with Justice Holmes during the Civil War and on the bench. Knize had roomed in school with Kiester and is recruited to provide a story idea and full treatment for his proposed Civil War film. Knize and five co-authors are named in Oscar's lawsuit. On appeal, they're all found guilty of plagiarism.

## Sam Lepidus

Harry Lutz's friend from law school, Lepidus is senior partner in Lepidus, Holtz, Bloomfield, Macy & Shea. He accepts Oscar's lawsuit against Kiester and assigns a Black associate, Harold Basie, to handle the case. When it is discovered Basie has no recognized law degree, Christina insists Lepidus is guilty of either fraud or negligence in allowing him to practice.



## **Eleanor ("Norrie") Lutz**

Eleanor is Harry's sister, who lives in New Rochelle, NY.

## **Stanley Lutz**

Stanley is Harry's estranged millionaire father, who lives in Lake Forest, IL.

## **Mary**

The long-time maid to Trish Hemsley's mother, Mary is named in her will as her heir, leading to Trish's lawsuit.

## **Mr. Mohlenhoff**

Mohlenhoff is Oscar's new lawyer, found on a matchbook cover.

## **Sir John Nipples**

Nipples is a noted British theater producer, known for staging the Elizabethans, who asks Oscar for a script of his play.

## **William C. G. ("Bill") Peyton, III**

The managing partner in the law firm of Swyne & Dour, Peyton blames associate Harry Lutz for bringing in Trish Hemsley as a client. Trish hangs all over Peyton, even though she is assigned to Pai. When Harry dies, Peyton turns his obituary into a commercial for his firm, with Harry's resume thrown in. He claims to be concerned for the widowed Christina, but drops investigations into possible suicide only when she disproves it. He sends a sniveling associate to deliver the news to Christina that the firm, not she, is beneficiary of Harry's \$500,000 insurance policy.

## **Pookie**

Pookie is Trish Helmsley's spoiled, yippy, leg-humping Lhasa, whom she forgets at Oscar's house. It dies, hiding behind the stove. Lily throws the corpse into the pond, where Christina stumbles upon it, and advises Trish to post a reward for Pookie's safe return. Someone returns a larger dog, that's obviously not Pookie. Trish doesn't realize this, gives the "good Samaritan" \$500, and blissfully carries on with life.



## Jack Preswig

Preswig is a lawyer in the matchbook-advertising firm of Mohlenhoff Shransky, who handles Oscar's lawsuit against himself when his former attorney refuses to step down as counsel of record. After the movie lawsuit is resolved, Oscar learns Preswig has left the firm and has been arrested for digging a three-foot pothole in the street where a client had an accident. He last shows up on Oscar's porch, selling him a sure-fire insurance fraud scheme and steps in to negotiate (unsuccessfully) with a real estate agent over buying Oscar's property

## Prisklikhoviscel

A second adjuster sent to Oscar from Ace Worldwide Fidelity, Prisklikhoviscel mistakenly examines Lily's BMW and offers a \$1,500 settlement, leading to a tirade from Oscar about No Fault destroying civilization.

## Marian ("Masha") Ragow

Harry's loathsome sister from Cleveland, OH, Marian is married to a sleazy slum lord, Leo.

## J. Harret Ruth

Ruth is the presiding Tatamount Village Board member, who swears affidavits supporting both sides in the original *Szyrk v. Village of Tatamount* case and convinces Szyrk to enter *James B., infant v. Village of Tatamount et al.*, thereby throwing it into federal court - and into Judge Crease's lap. Ruth has a cheap political agenda tied to Senator Orney Bilk; they want to see father rejected for the appeals court, and this provides the ideal forum. As a lawyer, Ruth represents parties in the ongoing litigation of Szyrk's sculpture.

## Spot

Spot is a soulful spaniel under a year old, owned by James B. Spot is named as defendant in the case of *Szyrk v. Village of Tatamount et al.*, when he enters and refuses to be lured out of *Cyclone Seven*. A frightened Spot bites his master's hand, occasioning new lawsuits, and dies when the sculpture is struck by lightning. The removal of his corpse occasions another federal suit, *James B., infant v. Village of Tatamount et al.* Spot's marketing value, even postmortem, sparks many lawsuits.



## Fr. Stepan

Stepan is the Catholic priest with the unpronounceable Polish name, who wheedles into Trish Hemsley's mother's confidences with promises to offer masses for her soul for 60 years if he were to be put in her will. Fr. Stepan serves as a witness against Trish in her suit to recover her mother's inheritance and her suit against the hospital for fetal endangerment.

## Szyrk

Szyrk is the atheistic New York sculptor and creator of a monumental sculpture entitled *Cyclone Seven*. He seeks an injunction against the town to prevent the artwork from being damaged to effect the rescue of the dog, Spot. He emigrates from a communist country as a child.

## Thomas

The fictional hero of Oscar's Civil War play, based on Oscar's grandfather, Thomas is a born aristocrat in his thirties. He's tall, lightly bearded and dressed in rumbled, Confederate gray. His battle scar is evident, but not disfiguring. His major, also his father-in-law, grants him furlough to go north and prevent the Union government from seizing the family's assets when Thomas' father, a prominent politician and mine owner in Pennsylvania, dies intestate. Thomas grows up in France in the 1840s, when his father is a diplomat. He acquires a strong attachment to Rousseau and is inspired to enter political life when he returns to the U.S. In *The Blood in the Red White and Blue*, Thomas, renamed Randall, is portrayed by actor Robert Bredford.

## Reverend Bobby Joe Ude

Ude is the fundamentalist pastor, who moves from Mississippi to Florida in order to minister to the many senior citizens attracted to Disney World. Rev. Bobby Joe converts Lily's brother Bobbie and their parents. When Bobby dies in a car accident, Bobbie Joe assures the family that Bobbie is enjoying heaven with Jesus and suggests the father donate insurance money so that the "death instrument" be cleansed. Facing surgery for prostate cancer, the father puts the Reverend into his will, earning Lily's undying hatred. Judge Crease cites Rev. Bobby Joe for contempt for calling out to Jesus to come during his father's trial. He serves 30 days in jail

## Reverend Elton Ude

Reverend Ude is the Baptist preacher named as defendant in *Fickert v. Ude*, accused of accidentally drowning Wickert Fickert during baptism. He is the father of Reverend

Bobby Joe, spiritual advisor to Bobbie and his parents. Elton Ude is a leader of the "Christian Recovery of America's People" movement.





## Objects/Places

### Ace Worldwide Fidelity

Oscar's car insurance carrier, Ace first sends Frank Gribble, and then a Mr. Prisklikhoviscel, in vain attempts to settle his accident claim out of court. Gribble succeeds on a second visit, after Oscar has grown weary of dealing with the legal system.

### The Battle of Antietam

The bloodiest one-day battle in the American Civil War, the Battle of Antietam is the focus of Oscar's play written about his late grandfather and the subject of a blockbuster film, *The Blood in the Red White and Blue* that he claims is stolen from him.

*The Blood in the Red White and Blue*

*The Blood in the Red, White and Blue* is the latest gory blockbuster film by Hollywood's reigning *Wunderkind*, Constantine Kiester, a producer known for such gory epics as the African saga, *Uruburu.*, Kiester's current \$90 million, 3-hour saga is claimed to be Oscar's stolen Civil War play about his grandfather.

*Cyclone Seven*

*Cyclone Seven* is Szyrk's non-representational sculpture that some people see as open jaws into which the dog Spot wanders. His "capture" prompts a rescue attempt, which the artist seeks to prevent by obtaining an injunction. It stands 24' 8" tall, has an irregular base circumference of 74', weighs 24 tons, cost \$14 million in private donations, and now rusts on an area formerly infested with weeds and strewn with rubbish, chosen by the artist to epitomize moral torpor and spiritual vacuity.

### Erebus Entertainment, Inc.

Erebus is the established film company that creates and distributes Constantine Kiester's film *The Blood in the Red, White and Blue*, which Oscar claims is lifted from his original play entitled "*Once at Antietam.*" Erebus and its chief operating officer, Ben B. F. Leva,, are among those named as defendants in Oscar's' lawsuit.

### Federal Rules of Civil Procedure

Federal Rules of Civil Procedure are the rules prescribing the language in which legal complaints are to be submitted for adjudication. Rule 12 names the parties, specifies the allegations, and repeats the allegations to specify the damages suffered. The



defendants' attorneys look for procedural errors to get the complaint dismissed. Oscar finds it unnecessarily repetitive and confusing.

*Fickert v. Ude*

*Fickert v. Ude* is the civil suit heard by Judge Crease over the accidental drowning death of Wickert Fickert, brought by his father, Earl, against the Rev. Elton Ude, who was baptizing Wickert in the Pee Dee River in Hog Corners, Missouri, on October 25, 1985.

## Lepidus, Holtz, Bloomfield, Macy & Shea

Lepidus, Holtz, Bloomfield, Macy & Shea is the legal firm headed by Harry Lutz's law school friend, which assigns its Black associate, Harold Basie, to handle Oscar's lawsuit against Kiester and the movie studio.

*Mourning Becomes Electra*

*Mourning Becomes Electra* is a play by Eugene O'Neill set in the Civil War. O'Neill's estate sues Oscar for infringement, when the appeal suit calls attention to similarities to his "*Once at Antietam*" script. Oscar dismisses *Mourning Becomes Electra* as a tired old chestnut.

"*Once at Antietam*"

"*Once at Antietam*" is Oscar's original play, submitted on or about July 1, 1977, to Kiester, then employed as a television producer under the name Livingston. He returned the play, saying that it was unsuitable for television, and Oscar withdraws it from further circulation. Thirteen years later, *The Blood in the Red, White and Blue* is made and exhibited by, and at the behest of the defendants, substantially appropriated from the play in utter disregard of the author's rights.

## Quantness

Quantness is the fictional cotton plantation owned by Thomas, the hero of Oscar's Civil War play.

*The Republic*

*The Republic* is Plato's great work that defense lawyers reveal provides the structure and much of the dialog in Oscar's "*Once at Antietam*." The appeal court, however, finds use of a classic in the public domain differs in kind from Kiester's misuse of Oscar's unique arrangements of characters in *The Blood in the Red, White and Blue*. From Plato's Book One, we see Socrates posing as a poor student and dilettante to turn the tables on Thyrsasymmachus, a professional philosopher; this passage is dissected during Oscar's deposition to clarify his status as a playwright and point out direct lifting



of material. Likewise, Book Two's story about Glaucon's tale of the shepherd Gyges using a magic ring to take over the kingdom, provides the substance of a dialog between Kane and Bagby.

## **Swyne & Dour**

Swyne & Dour is the blue ribbon New York legal firm led by senior partner William C. G. ("Bill") Peyton, III, which overworks Harry Lutz as lead attorney defending Pepsico, Inc. against the Episcopal Church, and Jawaharlal Mahdar Pai as an associate to depose Oscar in his suit against Erebus Entertainment, Inc., and Constantine Kiester. Mahdar Pai is also assigned to handle Trish Hemsley's numerous nuisance suits.



# Themes

## Language

*A Frolic of His Own* directly addresses the question of why the legal profession demands a particular style of writing that, to laymen like Oscar, is frustratingly repetitious and arcane - and, because lawyers are always "on the clock," unnecessarily expensive. Several times in the novel, lawyers state clearly: The law is all about language. The opponents of Judge Crease claim he is distorting the American language by his arguments, but his son-in-law, a lawyer, maintains he is saving and preserving it by restoring its precision. Readers are given a number of long, legal documents to savor and, generally speaking, the legalese does clarify what the characters are talking and writing about.

Following one example, Judge Crease's instructions to the jury in an accidental death by drowning during baptism, the townsfolk praise the way he spoke about things they can understand (and sided with them against Catholics on infant baptism), missing the playful impiety that fills the text. Much of *A Frolic of His Own* depends on a breakdown in communication and misunderstandings among the characters to keep it moving forward and dealing with various subjects. Without this, a book having no formal breaks or narrative cues that readers normally enjoy would be impossible. Speech slides into speech naturally, despite the stylistic obstacles, because it is the nature of language to communicate. The style of this novel itself becomes part of the theme.

## Religion

*A Frolic of His Own* rarely deals directly with religion, but there is a constant suggestion that religious fanaticism is inimical to the good of society. The media drag religion into the Szyrk case by taking the artist's putdown of ridiculous theories about his meaning, tie them to his origins in an atheistic communist country, and use this to paint the judge as anti-Christian. He is consequently burnt in effigy, while a Baptist choir sings hymns. Crease's opinions show the broad knowledge of the Bible one would expect in one born at the turn of the 20th century and versed in English law, because the Bible underpins all of Western civilization. Still, Crease betrays a penchant for taking it all with a grain of salt. Oscar and others, including an eager Pentecostal insurance agent, show abysmal illiteracy. Clergymen - an Evangelical and a Catholic - overlook justice and mercy to talk followers into defrauding relatives and willing their fortunes to them.

Oscar and Pai, at one point, discuss how organized religion is a universal means for channeling human madness. Pai would prefer the Muslim black-and-white reaction towards adultery to cheap Catholic absolution and suggest that is why Islam is growing among American Blacks. Oscar feels only oppressed Blacks (as depicted in his play) can be true Christians, but wonders why they would want to follow their slave religion. In the end, Crease dies and demands there be no rites performed or symbols of capital



punishment erected over his ashes, and Harry emulates his send off after wearing himself out defending Pepsico, Inc., against charges by the Episcopal Church that the soda maker's anagrammatic name deters its sacred mission. Harry argues in his final brief that if anything the identification will help the stodgy institution survive, and marketers line up to exploit the logic.

## Art

*A Frolic of His Own* is shot through with discussions of literary and artistic taste and questions of literary borrowing. Excerpts from Oscar's play seem to vindicate director Kiester's reasons for refusing to buy it for television in 1977. However, when he needs a vehicle for a particular actor's talents in 1990, he lifts the characters and basic plot. Oscar is primarily offended by his philosophical masterpiece being transformed into the "tits and ass" spectacle the public now demands. "In more responsive hands," a reviewer writes, this could be a masterpiece. He is determined to stage his play correctly and fund this by suing director and studio for plagiarism.

The problem is that the courts are not interested in artistic quality, good or bad. It looks only at laws and evidence. Oscar's deposition shows the opposing attorney leading him to admit Shakespeare lifted materials, and Oscar himself has surely lifted from Plato (if not O'Neill). In the first round in court, Oscar loses on the grounds that Kiester could have gotten all his material from Civil War era newspapers and other materials in the public domain. The appellate court finds the trial judge erred in ignoring the borrowings of character, plot and flow obvious if one accounts for the differences between drama and film. Drama is dialog-driven, while film is action-driven. When Oscar finally sees the film on television, he remains appalled at how Kiester has dealt with his characters, but is caught up in the splendor and accuracy with which the Battle of Antietam is portrayed. He truly suspends his disbelief, the mark of a successful work of art. Another thread in the novel follows a series of lawsuits revolving around a work of abstract sculpture in which a dog gets trapped. The first legal opinion in the novel deals exhaustively with matters of artistic taste, reputations and rights. Finally, the suggestive power and tasteless artistry of television commercials is a recurring motif.



# Style

## Point of View

*A Frolic of His Own* includes almost no narrative. It is, ostensibly, an unedited transcript of conversations intermingled with legal documents and excerpts from a play script brought together by a completely neutral reactor. He reveals no knowledge of the participants' psyches, interests and histories, but merely assembles what they choose to discuss, face-to-face or over the phone (in which case only half of a conversation is heard). No explicit indications are given of who is addressing whom. It is up to the reader to determine this from occasional vocatives and subtle differences in speech patterns. The weighty legal documents and wooden script generally clarify matters and offer the characters material to discuss and debate. Usually the speeches are broken into paragraphs marked at the start by an "em" dash, but sometimes even this clue is denied the reader. If the author presents any point of view, it is that human beings' minds are confused, and confusing places and speech renders them even less clear. It takes a while to figure out that scene changes often pivot on a single word in common; the old set-up is abruptly dropped and the new one engaged. It can often take a paragraph or two of reading before the situation clarifies and the pivot becomes clear. That the law, movies, television, the news media, and religion are all banal appears to be what Gaddis wants to get across.

## Setting

*A Frolic of His Own* is set primarily in Oscar L. Crease's rundown boyhood house in Long Island in the summer and fall of 1990. Most scenes take place in his kitchen and living room and on his porch, which is a major insurance hazard. Oscar's upstairs bedroom and several storage areas are filled with every piece of paper the professor of American History has collected over a lifetime, when the story starts. They are lugged downstairs for his convenience after an accident confines him, for a while, to a wheelchair. Outside, the Crease property includes a pond and woodlands, with a path leading down to the shore. It is secluded and beautiful, and in demand by real estate agents because of its proximity to the city. Through news reports and legal documents, we also get glimpses of small town life in economically struggling Tatamont, Virginia, and rural life in god-fearing Hog Corners, Missouri. Finally, through Oscar's script and Kiester's pirated movie, we catch glimpses of life and death during the American Civil War.

## Language and Meaning

*A Frolic of His Own* consists overwhelmingly of communications between husbands and wives, brothers and sisters, lovers, old friends, and lawyers and clients. Some are spontaneous, confused, ambiguous, clipped and unfinished. Others are precise and





earnest. Some are bookish. Some are simplistic. Some are angry and spiteful. Some are filled with irony and cynicism. All are utterly true-to-life. Never are the speakers explicitly identified, so the reader must figure out who is dealing with whom. Usually this is possible with effort, but occasionally not. Spontaneous communication is, of course, generally disjointed, often garbled, and filled with misunderstandings. The author shows control by utilizing these as pivot points between topics. Much of the talk revolves around the litigation in which the characters are involved as judges, attorneys and clients. Whole opinions, court filings and depositions are entered verbatim. Only a lawyer can determine how successfully the author has captured the writing style of American law, but it seems authentic with its convoluted arguments and citations. Judge Crease, who is responsible for most of the documents, is clearly a playful character, mixing ancient common law and biblical citations with modern cases. Oscar's wooden play script, quoted extensively, is worthy of the criticism heaped on it, and needs subsequent explication in legalese for it to become clear what Oscar intends. The interplay between "sources" is fascinating.

## Structure

*A Frolic of His Own* is a 509-page long unbroken string of conversations interspersed with legal documents and the protagonist's play script. The breaks in the Summary and Analysis sections above have been artificially introduced at approximately 30-page intervals to facilitate study, but Gaddis' actual text contains no chapter breaks or even double spacing to indicate changes in scene. Quite often, scenes change without notice when the author pivots on a key word. Frequently in the second half, Gaddis seems to have adopted the "evening and morning, a new day" motif from Genesis 1, ending in the living room before the television or fish tank and resuming in the kitchen. The legal documents and script are set in special font and/or formatting, but otherwise there are no clear markers. Individual communications are preceded by an "em" dash and usually paragraphed afterwards, but not always. The only structure is the endless conversations the characters have about past, present and future.



## Quotes

"Clearly from this and similar eloquent testimony certain members of the community have been subjected to annoyance and serious inconvenience in the pursuit of private errands of some urgency, however, recalling to mind that vain and desperate effort to prevent construction of a subway kiosk in Cambridge, Massachusetts, enshrined decades ago in the news headlines PRESIDENT LOWELL FIGHTS ERECTION IN HARVARD SQUARE, by definition the interests of the general public must not be confused with that of one or even several individuals (People v. Brooklyn & Queens Transit Corp., 258 App. Div. 753, 15 N.Y.S.2d 295, 1939, affirmed 283 N.Y. 484, 28 N.E.2d 925, 1940)" page 34.

"Exactly. Look. I told her I don't do matrimonials. I told her I don't do negligence. I told her I could set up a conference for her and there'd be a charge, if the firm took her case there'd be a retainer, it happens every time. The minute you mention money they think you're being rude when that's all they've got on their minds in the first place, look at Oscar. Perfectly happy if the insurance company would just pay his hospital bills till Lily drags in this ambulance chaser whetting his appetite for damages. Why I went into corporate law in the first place where it's greed plain and simple." Page 42.

" - You want me to sue them for damages, that's money, isn't it? " - Because that's the only damn language they understand! Isn't that what you just said? But stealing a whole world somebody's created and turning it into a hogpen just because there's money in hogs? Steal poetry what do you sue them for, poetry? and the court sentences Kiester to two hundred hours of community service? Two hundred hours teaching Yeats to the fourth grade? Expect me to pay your legal bill with Maid Quiet? " - Match her up with Mister Clean. " - With what? " - Where has Maid Quiet gone to, Nodding her russet hood? " - The winds that awakened the stars Are blowing through my blood. Well, we share something then don't we Mister Basie, no small thing either. " - That's good to know. Now getting back to the..." page 79.

" - Christina, please! Because I don't care if you can't defame the dead I want them in there, I don't care if I can't copyright my own grandfather I want that in this complaint for the very first cause of action because it is, because it will let them know immediately that they're not just dealing with some, some nuisance." page 115.

" - No look, look. How much of it is just plain sloppiness, you see it every day. Read something in the Times if you were there yourself you saw something entirely different, look at me quoted on Royal Crown, Roman Catholic, R C Cola and Classic Coke, New Coke, Coke II and Vatican II, these Episcopalians and the Pepsi Generation they take a case like mine in the hundreds of millions and label it Pop and Glow, pop for the drink and glow for the church, turn it into a circus because that's what newspapers are now, entertainment. No malice just freedom of the press, take the Spot logo or your cleancut young man with the catsup bottle it's all freedom of speech, prying into your father's private life? But you don't feed the fire, you don't lose your temper and hand them a headline like this last one. DAMN THE PUBLIC'S RIGHT TO KNOW, SAYS JUDGE. Not



the way to get seated on the higher court and if he's been telling Oscar what the..." page 214.

" - You've got to do something about it Harry, my... " - Not a damn thing I can do about it, just told you it's the law. Demand a jury trial within ten days after the pleadings and they've got one: a perfect forum. You get the ... " - The fire, I'm talking about the fire. My eyes are burning I can hardly ... " - Wood's probably wet. Or green, you get a leading old time states right advocate like Bilk up there in front of these hambones taking about the Federal government spending their tax money where it's got no business, he's already stood out there on the Senate floor and said art today is spelled with an f hasn't he? right in the public's face?" page 240.

"On the other hand the proceedings in the case here under appeal were only further inflamed by the brief submitted by an ironically labeled amicus curiae on behalf of cross-claimant Mr. Szyrk quoting from the writings of E M Cioran '(c)ontemplating this botched Creation, how can we help incriminating its Author, how - above all - suppose him able and adroit? Any other God would have given evidence of more competence and more equilibrium than this one: errors and confusion wherever you look.'" page 259.

" - They'll be after it next, a wealthy recluse living on a family estate on Long Island when they see that! He had the torn page of newsprint he'd held crushed in his hand up trying to smooth it against a quivering knee. -Oswald! His son Oswald who wrote the original script for the spectacularly successful no wonder he's furious, that fool law clerk of his takes him to see this vulgar misleading twisted deformed perverted distortion of my, exploiting my grandfather, exploiting his father exploiting the family exploiting the whole Civil War and he thinks I wrote what he's seeing up there on the screen." page 266.

" - May think so, he may think so but I don't think he's ever handled a case before the Second Circuit Appeal Court. Probably march in there with a twenty page brief ready to read every word of his brilliant legal analysis to these three old black robes sitting up there looking down at him and I mean looking down, he's standing at a lectern down in the well and they're up in their highbacked thrones behind this polished mahogany sort of horseshoe courteous, relaxed, really forbidding, almost informal that's what's formidable about it. He starts off with something like in order to fully understand this case one of them cuts him right off. We're familiar with the case, Counsel, is there anything you wish to add to what is contained in your brief." page 347.

" - But I've waited! Waiting on Harry, waiting on Sam I thought it was some lawyer of Sam's but then Harry said no, no that's what's so terrible I've waited! Mudpye and Harry and Sam and, yes and Basie all of them with some patched up ideas while Father's been there standing by me all the time! He's kept faith in me when I'd lost mine in him, and the things I've said, a lot on his plate of course he's got a lot on his plate when I thought he'd turned his back on me because I wasn't worth his, because I wasn't, I wasn't was I! his face gone suddenly buried in his hands - God I, I'm just so ashamed." page 383.



" - Christina did you hear that! Now he belongs to the, it's revolting. " - Well my God it's true isn't it? I mean he was really a great... " - But from a mouth like that, those glorious words in a dirty mouth like Bilk's he's never said a decent, never told the truth in his life every low rotten thing he's ever said about Father about Grandfather all of us now he's got the, the brazen insolence a moment like this to dare to try to, it's revolting he ought to be shot. " - Politics Oscar, just politics." page 407.

" - That's all we do around here Christina! We sit around and have a cup of tea and catch our breath, there's nothing you can do about Harry anymore is there? there's nothing Oscar can do about this lousy reward he got for this play is there? there's nothing I can do about Daddy's cutting me off like some orphan till he gets to the other side is there? I mean it's like some crazy Halloween where we sit around here waiting for dark surrounded by these ghosts waiting for supper turning into this bunch of mummies waiting for the evening news with all these things we can't do anything about so that's why you have to do something about something you can do something about like the laundry, Oscar? You want to get a wastebasket for all that crap over there you're throwing away and bring in a broom to sweep up around here?" page 470.



## Topics for Discussion

Why are Lily's breasts so prominent in the novel?

How would Christina characterize herself?

What makes Oscar so cantankerous?

Is Oscar a racist?

May a writer lift characters and themes from classical literature?

How are snakes used in the novel?

What is Rev. Bobby Joe's function in the novel?

Why is Oscar so upset to learn the chronology of the family myth is off?

Does it make sense Lily is not found out and arrested for the fiery highway crash? If so, how does the incident contribute to the novel? If not, why is the crash included?

How do dogs figure in the novel?

What is Trish's function in the novel?

Would Oscar be a good history teacher?