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LIVING IN A COPERNICAN UNIVERSE:
LAW AND FATHERHOOD IN *A PERFECT WORLD*

AUSTIN SARAT*

I. INTRODUCTION

Fathers and fatherhood have long played an important role in the thinking and theorizing about law. From Abraham and Isaac¹ to Supreme Court cases, like the now famous *DeShaney v. Winnebago*,² it seems that everywhere we turn law is commanding fathers or presenting itself in a fatherly way.³ And, at least since Freud,⁴ legal scholars have called attention to the association of law and father.⁵ They have portrayed a deep-

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1. See generally *Genesis 22* (The New English Bible).
2. 489 U.S. 189 (1989).

3. Justice Rehnquist notes that “[j]udges and lawyers, like other human beings, are moved by natural sympathy in a case like this to find a way for Joshua and his mother to receive adequate compensation for the grievous harm inflicted on them.” *Id.* at 202-203. But, he warns, “before yielding to that impulse, it is well to remember once again that the harm was inflicted not by the State of Wisconsin, but by Joshua’s father.” *Id.* at 203. Rehnquist’s rhetoric points out the dangerous abuses that fathers inflict on their families, even as it enacts the role of the distant, restrained father unyielding to “natural sympathy,” like Abraham, abandoning innocence in the face of danger.

4. See generally SIGMUND FREUD, *TOTEM AND TABOO* (James Strachey trans., Norton 1950) [hereinafter *TOTEM AND TABOO*]. As Jonathan Boyarin suggests, “[T]he psychoanalytic foundational fiction of the origin of the law and civilization is tormented by the dilemma of positing simultaneously that its [origin] myth ‘really happened’ and that its ‘memory’ is instituted as an unconscious explanation of unnatural restraints on individual will.” Jonathan Boyarin, *Another Abraham: Jewishness and the Law of the Father*, 9 *YALE J.L. & HUMAN.* 345, 350 (1997).

5. As Louis Althusser puts it:

[A]ny reduction of childhood traumas to a balance of “biological frustrations” alone is in principle erroneous, since the Law that covers them, as a Law, abstracts from all contents . . . and the infant submits to this rule and receives it from his first breath. This is the beginning, and has always been the beginning, even where there is no living Father. . . (who is Law), . . . of the Order of the human signifier, i.e., of the Law of Culture. . . .

seated hostility toward, yet longing for, paternal power and the overwhelming power that fathers exercise as basic to legal authority.⁶

One of the most famous of these formulations is found in Jerome Frank's *Law and the Modern Mind*.⁷ "To the child," Frank argued, "the father is the Infallible Judge, the Maker of definite rules of conduct. He knows precisely what is right and what is wrong and . . . sits in judgment and punishes misdeeds. The Law . . . inevitably becomes a partial substitute for the Father-as-Infallible-Judge . . ."⁸ Exploring these same themes, Goodrich recently noted that Freud and those who follow him depict a law that is modeled upon the power of the father. They elaborate a symbolic order that is patriarchal in its norms and methods. To some extent that account of the legal order reflects an institution embedded in a history of homosocial power and continuing male privilege.⁹

But other readings of Freud or readings of other parts of Freud suggest that there is another side to fatherhood, and perhaps of law, a side associated with traumatic loss. Here in particular, the so called "dream of the burning child" is instructive.¹⁰ As Freud tells it, a father whose child has recently died dreamt that "*his child was standing beside his bed, caught him by the arm and whispered reproachfully; 'Father, don't you see I'm burning?'*"¹¹ The burning child of the dream plays out a traumatic repetition of the death of the child, the one who speaks standing in

Louis Althusser, *Freud and Lacan*, in *LENIN AND PHILOSOPHY AND OTHER ESSAYS* 212 (Ben Brewster trans., 1971).

6. See, e.g., Peter Fitzpatrick, "*In the Exigency of His Longing*": *Freud's Discovery of Law and Fiction in Totem and Taboo*, 32 *NEW FORMATIONS* 143 (1997). Fitzpatrick emphasizes that the law of the father is an "impossible joining of determination and what is ever beyond determination." *Id.* at 155. He reads Freud's *Totem and Taboo* to suggest that "[t]he power of the primal father is complete, it is unlimited and unrestricted, yet the second father 'becomes stronger' than the first ever was." *Id.* at 154.

7. JEROME FRANK, *LAW AND THE MODERN MIND* (1930).

8. *Id.* at 18. "Despite advancing years," Frank argues, "most men are at times, the victims of the childish desire for complete serenity and the childish fear of irreducible chance. They then will to believe that they live in a world in which chance is only appearance, not reality . . ." *Id.* at 19. "Driven by fear of the vagueness, the chanciness of life," he continues, man "has need of rest. Finding life distracting, unsettling, fatiguing he tries to run away from unknown hazards . . ." *Id.* at 196.

9. See Peter Goodrich, *Maladies of the Legal Soul: Psychoanalysis and Interpretation in Law*, 54 *WASH. & LEE L. REV.* 1035, 1047 (1997).

10. See SIGMUND FREUD, *THE INTERPRETATION OF DREAMS* 547-548 (James Strachey trans., Avon Books 1995).

11. *Id.* (emphasis in original).

for the one who is forever silent. As variously interpreted,

Freud's dream is no longer about a father sleeping in the face of an external death, but about the way in which . . . the very identity of the father . . . is bound up with, or founded in, the death that he survives. What the father cannot grasp in the death of his child, that is, becomes the foundation of his very identity as father. . . . [T]he very consciousness of the father as father . . . is linked inextricably to the impossibility of adequately responding to the plea of the child in its death.¹²

On this reading, it is a failed grasp and a failure to "respond adequately" that makes fathers who they are.

But perhaps this is not another side of the law of the father. Perhaps, as feminist writers like Kaja Silverman have pointed out, because the law of the father conjures a mythical fullness and plenitude it simultaneously marks a void, an absence.¹³ In this sense there is no other side to the story. I am indebted to the work of Silverman and others who, by moving feminist scholarship from sex to gender, have pointed out how the social construction of maleness elides this recognition.¹⁴ As Silverman herself notes, if we move from Freud to Lacan we get an entirely different understanding in which "what might be called a man, the male speaking being, strictly disappears as an effect of discourse . . . by being inscribed within it . . . as castration."¹⁵

While taking up Silverman's invitation to rethink male subjectivity may be helpful for what it can tell us about the fragility and vulnerability of both law and patriarchy, it neither denies, nor apologizes for, the power and privileges of men or the significance of the symbolic equation of law and the father. Instead it helps to demythologize and to humanize that power. It opens a conversation about the symbolic processes through

12. CATHY CARUTH, UNCLAIMED EXPERIENCE: TRAUMA, NARRATIVE, AND HISTORY 92, 103 (1996).

13. See generally KAJA SILVERMAN, MALE SUBJECTIVITY AT THE MARGINS 15-16 (1992).

14. "Male subjectivity," Silverman suggests, "is a kind of stress point, the juncture at which social crisis and turmoil frequently find most dramatic expression." Kaja Silverman, *Historical Trauma and Male Subjectivity*, in PSYCHOANALYSIS & CINEMA 114 (E. Ann Kaplan ed., 1990) [hereinafter Silverman, *Historical Trauma*].

15. *Id.* at 110.

which the phallic legacy is conveyed and through which processes of adequation occur.¹⁶ Examining those symbolic processes connects the power of law and of fathers to loss. In this essay I examine those symbolic processes as they appear in popular culture and, more particularly, in film. The film on which I focus—*A Perfect World*¹⁷—exemplifies the ubiquitous presence of fatherhood in popular culture iconography about law. It reminds us that fatherhood is one mediating term through which fantasies and anxieties about law are expressed. It and similar films engender fear and doubt as they examine many ways that fathers fail their children, themselves, and the law. In so doing, they help to locate fatherhood in relation to loss.¹⁸

This film also offers its spectator the chance to contemplate the value of “lost” children, or of childhood that is lost, at least as law sets that value, and, at the same time, to occupy a childlike identity.¹⁹ Sitting in a darkened room, the spectator is herself another lost child.²⁰ By helping us take on this identity, *A Perfect World* exposes the complex structure of desire and anxiety that is attached to law and fatherhood.²¹ We see our continuing search for good fathers and good law as well as our fear that we will find neither, our hope that the law of the father will be a protective one and our worry that it will not be. This film provides a fearful pleasure as we witness the fragility of fathers and law²² and as it drama-

16. See SILVERMAN, *supra* note 13, ch. 2.

17. A PERFECT WORLD (Warner Bros. 1993).

18. It provides an important contrast with film’s more traditional portrayals of fatherhood. See Donald Lyons, *The Long Goodbye: Fathers and Sons and American Cinema*, 34 FILM COMMENT 54 (1998).

19. The complexity and perplexity of this identification is heightened since, as it turns out, children, as they are portrayed in *A Perfect World*, are both priceless and commodified.

20. Unlike Laura Mulvey, who argues that “the extreme contrast between the darkness in the auditorium . . . and the brilliance of the shifting patterns of light and shade on the screen helps to promote the illusion of voyeuristic separation,” I am suggesting that the imagination of childhood, which such a position invites, creates a structure of identification with the child on the screen. Laura Mulvey, *Visual Pleasure and Narrative Cinema*, in NARRATIVE, APPARATUS, IDEOLOGY 201 (Philip Rosen ed., 1986).

21. Silverman surveys a number of films which, in her words, “attest with unusual candor to the castrations through which the male subject is constituted.” SILVERMAN, *supra* note 13, at 52. While she focuses on particular historical moments as being particularly conducive to such representations, it is my contention that continuing anxieties about law also provoke them.

22. “When we watch a film it is as if we were somehow *dreaming* it as well; our unconscious desires work in tandem with those that generated the film-dream.” Sandy

tizes what Silverman calls "the vulnerability of conventional masculinity."²³

I turn to film because law exists in a world of images whose power is not located primarily in their representation of something exterior to themselves, but instead is found in the image itself.²⁴ As Weber observes in his reading of Heidegger and Benjamin, "the 'world' itself has become a 'picture' whose ultimate function is to establish and confirm the centrality of man as the being capable of depiction."²⁵ This age of the world as picture demands that we take seriously the possibility that the proliferation of law in film, on television, and in mass market publications has altered/expanded the sphere of legal life itself. "Where else," Sherwin asks, "can one go but to the screen? It is where people look these days for reality. . . . Turning our attention then to the recurring images and scenarios that millions of people see projected daily on TV and silver screens across the nation . . . is no idle diversion."²⁶ Today we have law on the books, law in action, and now perhaps, law in the image.

I also turn to the moving image because as a medium it reminds us of the contingencies of the worlds in which we live with their particular legal and social arrangements. It always casts what Morson calls a "side-shadow" on "realities" outside itself, realities with which sociologists of law, like the people we study, may have by now grown quite comfortable.²⁷ It is not just, or primarily, a mirror against which we can see legal

Flitterman-Lewis, *Psychoanalysis, Film, and Television*, in CHANNELS OF DISCOURSE, REASSEMBLED 211 (Robert Allen ed., 1992). And, as Goodrich notes, "Images . . . are distortive forms both of recollection and representation; they are the affects [sic], the symptoms, the intensities or condensations of the desire that law hides . . ." PETER GOODRICH, OEDIPUS LEX: PSYCHOANALYSIS, HISTORY, LAW 33 (1995).

23. SILVERMAN, *supra* note 13, at 53.

24. Of course law also exists both in the materialization of state power, see generally Robert M. Cover, *Violence and the Word*, 95 YALE L.J. 1601 (1986), and in the meanings and messages constituted in and by legal doctrine and the actions of legal officials, see generally Robert W. Gordon, *Critical Legal Histories*, 36 STAN. L. REV. 57 (1984). See generally AUSTIN SARAT & WILLIAM FELSTINER, *DIVORCE LAWYERS AND THEIR CLIENTS: POWER AND MEANING IN THE LEGAL PROCESS* (1995).

25. Samuel Weber, *Mass Mediauras; or Art, Aura, and Media in the Work of Walter Benjamin*, in WALTER BENJAMIN: THEORETICAL QUESTIONS 29 (David S. Ferris ed., 1996).

26. Richard Sherwin, *Picturing Justice: Images of Law and Lawyers in the Visual Media*, 30 U.S.F. L. REV. 891, 894, 896 (1996).

27. GARY SAUL MORSON, *NARRATIVE AND FREEDOM: THE SHADOWS OF TIME* 117 (1994).

and social realities reflected in some more or less distorted way.²⁸ Instead it always projects alternative realities; realities made different by their filmic invention or the editing and framing on which film image always depends. Seeing images projected, no matter what their subject matter, is a reminder that,

[A]lternatives always abound, and, more often than not, what exists need not have existed. . . . Instead of casting a foreshadow from the future, [they cast] a shadow "from the side," that is, from [the] other possibilities. . . . Sideshadows conjure [a] ghostly presence . . . [in which] the actual (what we know of the world) and the possible (what film shows of that or other worlds) are made simultaneously visible. . . . [A] present moment subject[ed] to sideshadowing ceases to be Ptolemaic, the unchallenged center of things. It moves instead into a Copernican universe: as there are many planets, so there are many potential presents for each one actualized.²⁹

The moving image attunes us to the "might-have-beens" that have shaped our worlds and the "might-be's" against which it can be judged and toward which it might be pointed. In so doing, it contributes to both greater analytic clarity and political sensibility in our treatments of law, whether they be in the realm of law and fatherhood or elsewhere.

That *A Perfect World* was written and directed by a man is of no little significance here. There is no doubt that from one angle, it can be read as the mere whining of the privileged since it is preoccupied with not only the vulnerabilities of children to their fathers but also the vulnerabilities of fathers in relation to their children. Yet, by focusing on these subjects it first registers the loss, dread, and mourning that are inevitably and inexorably attached to the law of the father. Second, it speaks to our anxiety and conflicted desires in the face of paternal power,³⁰ and it uses fatherhood to express similar ambivalence in our

28. VIVIAN SOBCHACK, *THE ADDRESS OF THE EYE: A PHENOMENOLOGY OF FILM EXPERIENCE* 17 (1992).

29. MORSON, *supra* note 27, at 118.

30. It is only, Silverman claims, "through imaginary inscriptions . . . that we can come to believe in male lack. [Such inscriptions] dismantle[] the defensive mechanisms upon which conventional male subjectivity depends [and] provide[] us with images in which we [can] recognize-misrecognize male castration." SILVERMAN, *supra* note 13, at 74. For other treatments of the meaning of fatherhood, see generally LEONARD BENSON,

desires and anxieties about law.³¹ Finally, it exposes the diverse and contingent possibilities of law and fatherhood, and of the different ways that both exercise power and deal with loss, dread, and mourning.

As Gretchen Craft notes, "dread is the fear of the unknown, the apprehension of a future heavy with the possibility of danger."³² Dread is indeed the anticipation of loss, a kind of preparatory closing off in which loss is anticipated and, in that anticipation, perhaps may be prevented. As Freud says, dread is "the 'readiness' for danger, which expresses itself in heightened sensorial perception and in motor tension. This expectant readiness is obviously advantageous; indeed, absence of it may be responsible for grave results."³³ Moreover, it is an "expectation of trauma, and on the other hand a repetition of it in a mitigated form,"³⁴ and trauma is precisely that loss which is initially unanticipated, one which is not the object of a preexisting anxiety. Finally, dread, in Freudian terms, is closely coupled with male lack, and with fears and fantasies of castration which are repeated in the face of any prospective "object-loss."³⁵ Traumatic loss is that loss which is unanticipated, not the object of a preexisting anxiety.

FATHERHOOD: A SOCIOLOGICAL PERSPECTIVE (1968); ROBERT L. GRISWOLD, FATHERHOOD IN AMERICA: A HISTORY (1993); THE FATHER FIGURE (Lorna McKee & Margaret O'Brien eds., 1982).

31. When speaking about the origins of law in the ritual slaying of the father by his sons, Freud says, "[t]hey hated their father, who presented such a formidable obstacle to their craving for power and their sexual desires; but they loved and admired him too . . . the same contradictory feelings which we can see in the ambivalent father-complexes of our children." TOTEM AND TABOO, *supra* note 4, at 143; *see also* A PERFECT WORLD, *supra* note 17.

On the theme of ambivalence about law portrayed in popular culture see Anthony Chase, *Toward a Legal Theory of Popular Culture*, 1986 WIS. L. REV. 527 (1986). In fact, *A Perfect World* does not invite a viewer's identification with law. Law is so fragmented that it borders on incoherence, and is simultaneously almost comically inept and tragically violent. For a useful discussion of the way films sometimes promote such identification see Alison Young, *Murder in the Eyes of the Law*, 17 STUD. LAW POL. & SOC'Y 31 (1990).

32. Gretchen A. Craft, *The Persistence of Dread in Law and Literature*, 102 YALE L.J. 521 (1992).

33. SIGMUND FREUD, A GENERAL INTRODUCTION TO PSYCHOANALYSIS 402 (Joan Riviere trans., Pocket Books 1975).

34. SIGMUND FREUD, INHIBITION, SYMPTOMS AND ANXIETY 92 (Alix Strachey trans., Norton 1959) [hereinafter FREUD, INHIBITION, SYMPTOMS].

35. *Id.* at 56. Dread, as Freud says, is "an admission of helplessness in the fear of danger." *Id.* at 92.

If dread is the preface to loss or its preparatory narrative, mourning is its afterwork, the work perhaps done because of an insufficiency of dread. And if dread is part of our experience of law and of what we experience before the father and as fathers, then can mourning not also be the work that both law and fatherhood entails? What is the connection of loss to mourning that law calls on us to remember and revisit? Is the work of mourning, as Gillian Rose contends, “the spiritual-political kingdom—the difficulty sustained, the transcendence of *actual* justice”?³⁶ Or, is Goodrich correct when he asserts that “mourning, and specifically [the] images of the other through which mourning internalizes loss, marks a certain desire, it marks the limit and in a sense the failure of law.”³⁷

Central to any consideration of these questions is, of course, Freud’s *Mourning and Melancholia*.³⁸ This classic essay treats mourning as a predictable occurrence, a “reaction to the loss of someone who is loved,”³⁹ a pain that seems natural to us.⁴⁰ It is, in Freud’s view, a type of “work” in which the libido is “withdrawn from its attachments” to a lost object.⁴¹ The mourning process, as Elisabeth Bronfen, explains,

involves an identification between the living mourners and the

36. GILLIAN ROSE, *MOURNING BECOMES THE LAW: PHILOSOPHY AND REPRESENTATION* 122 (1996).

37. GOODRICH, *supra* note 22, at 39.

38. Sigmund Freud, *Mourning and Melancholia*, in *ON THE HISTORY OF THE PSYCHO-ANALYTIC MOVEMENT* 243 (James Strachey ed. 1957) [hereinafter *Freud, Mourning*].

39. *Id.* at 244.

40. *Id.* at 245. In mourning, we see “the same painful frame of mind, the same loss of interest in the outside world—in so far as it does not recall [the dead one]—the same loss of capacity to adopt any new object of love [which would mean replacing (the one mourned)] . . . turning away from any activity that is not connected with thoughts [of the dead].” *Id.* at 244. So easy is it to explain mourning that, as Freud puts it, “although mourning involves grave departures from the normal attitude to life, it never occurs to us to regard it as a pathological condition and to refer it (the mourner) to medical treatment.” *Id.* at 243-44. For another and quite different view, see Ralph Waldo Emerson, *Experience*, in *ESSAYS & LECTURES* 473 (The Library of America, 1983).

41. Freud, *supra* note 38, at 244. Jacques Derrida asserts that “when one works on work, on the work of mourning, when one works at the work of mourning, one is already, yes, already doing such work, enduring this work of mourning from the very start, letting it work within oneself, and thus authorizing oneself to do it, according it to oneself, according it within oneself, and giving oneself this liberty of finitude, the most worthy and the freest possible.” Jacques Derrida, *By Force of Mourning*, 22 *CRITICAL INQUIRY* 171, 172 (1996).

newly deceased in that both are situated 'between the world of the living and the world of the dead' The interest of the mourners is either to kill the dead a second time as quickly as possible, so as to leave their shared position of liminality, or to preserve the dead and prolong their stay in the realm in between. Mourning inspires ambivalence toward the deceased, a merging of love and hatred that, because of the identification between the dead and the living, can also be turned against the surviving self.⁴²

In addition to the loss of persons, mourning may also accompany "the loss of some abstraction which has taken the place of one, such as one's country, liberty, an ideal, and so on."⁴³ While Freud does not pursue that suggestion, he invites us to ask whether we can mourn the loss of law and whether we can live imaginatively with that loss? Or, if not law itself, of a particular condition, type, or relation to law? And just as Freud turned to mourning in the hope that it would shed some light on something extrinsic to itself, melancholia,⁴⁴ I turn to mourning for a similar purpose, namely for the light it sheds on the image of the law of the father.

This essay brings together three of my life's central preoccupations, namely the mass mediated image, meaning that I love movies, law, and fatherhood. I come to *A Perfect World* as someone who, having been raised in a fatherless home, himself raised two children, both daughters, as a single father and now is raising a third, a son, in a more conventional familial arrangement. To say that I am myself anxious about fatherhood, as well as being one of the world's most anxious fathers, is a considerable understatement. I present these autobiographical tidbits to acknowledge the presence of my own experiences as a child and a parent in this

42. Elisabeth Bronfen, *Risky Resemblances: On Repetition, Mourning, and Representation*, in DEATH AND REPRESENTATION 106 (Sarah Goodwin & Elisabeth Bronfen eds., 1993). Or, as Cole puts it, "Mourning . . . is a performance of ambivalence on behalf of an absent presence." SUSAN LETZSER COLE, THE ABSENT ONE: MOURNING RITUAL, TRAGEDY, AND THE PERFORMANCE OF AMBIVALENCE 1 (1985).

43. Freud, *Mourning*, *supra* note 38, at 243.

44. In the binarism—mourning versus melancholia—while the former is about work and completion, the latter is a pathology focused on "ambivalence in love-relationships" which needs treatment. *Id.* at 172. "Mourning," Goodrich writes, "stands between the subject and melancholia either by virtue of separating the subject from the object or by reinterpreting the history of the subject so as to incorporate the loss of the loved object." GOODRICH, *supra* note 22, at 21.

text and to invite yours. I also want to put up front the question of whether in my readings of these films I am, as Suleiman asks of her own writing about motherhood, "indulging [in] a purely private pleasure, tracking a private mania, [or] exorcizing private ghosts?"⁴⁵

II. WHERE HAVE ALL THE FATHERS GONE IN *A PERFECT WORLD*

A Perfect World, directed by Clint Eastwood, is set in the rural Texas of late October and early November, 1963.⁴⁶ The dramatic action unfolds as a manhunt for two escaped convicts (Butch Haynes and Terry Pugh) and a seven-year-old child (Phillip), whom they take as a hostage. The manhunt is led by the tough but revered head of the Texas Rangers, Red Garnett, who is accompanied in this chase by three others: Tom, his trusted assistant; Bobby Lee, an FBI sharpshooter; and Sally, a female criminologist. *A Perfect World* is in some ways a typical road movie.⁴⁷ Like others of its genre, this film depends on a predictable set of narrative conventions.⁴⁸ Yet within this relatively straightforward form, *A Perfect World* contains a complex set of images and imaginings of law and fatherhood.

It portrays law as fragmented and as fragile as it is powerful, and it links the story of law and of nationhood, showing both to be tragically fated for a fall from grace. And just as we see many different, and sometimes dissonant, imaginings of law, so too this film shows us different images of fathers and fathering, some of whom are missing-in-action and some of which are enacted/performed/staged. In these imaginings, *A Perfect World* conjures up dread at the damage that fathers do and the

45. Susan Rubin Suleiman, *Writing and Motherhood*, in *THE (M)OTHER TONGUE, ESSAYS IN FEMINIST PSYCHOANALYTIC INTERPRETATION* 352, 353 (S. Garner, C. Kahane, & M. Sprengnether eds., 1985).

46. See *A PERFECT WORLD*, *supra* note 17.

47. For a discussion of the road movie genre, see Leslie Dick, *R for Road*, 7 *SIGHT & SOUND* 22 (1997). See also Michael Atkinson, *Michael, Crossing the Frontiers*, 4 *SIGHT & SOUND* 14 (1994).

48. Among these conventions are "the homeless/family-less protagonist, who generally resides on the wrong side of the law; the 'double' (usually in the figure of a child); an aversion to interiors and enclosed spaces; and obscure histories and origins which must be investigated before resolution can be reached." Emily Shelton, *Through the Looking-Glass: The Child, Sexual Investigation, and Cinematic Self-Reflexivity* 21 (1995) (unpublished manuscript, on file with author). The road becomes home, and it is the journey that ultimately provides the narrative satisfaction, playing out, as it does, "the compulsive investigation into unknown origins or histories." *Id.*

violence that law can unleash while it also presents mourning for, and by, fathers, and a law in whose judgment and integrity we once could unquestionably believe.

Fathers abound in *A Perfect World*, or perhaps it would be more accurate to say that it is the desire for the father that is most abundant in this film. Fathers are present mostly as specters and as fantasy projections, represented in tokens, costumes, symbolic substitutions, and staged enactments. Where fathers literally appear, their appearances are fleeting. But this film is centrally about Butch and Phillip and is a kind of male *Thelma and Louise*⁴⁹ in its portrait of their evolving relationship as well as in its plural and complex portrait of law. Both, it turns out, have been abandoned by their fathers.

This fact is crucial in explaining Butch's identification with Phillip and his projection onto him of a displaced desire both to father and to be fathered.⁵⁰ Butch's complex identification with Phillip is as clear as it is direct. "Me and you got a lot in common, Phillip." He says, "Both of us are handsome devils and neither of us has an old man worth a damn."⁵¹ It is underscored by the ghostly presence of a child—Phillip is dressed through most of the film in a Casper-the-Friendly-Ghost costume. While Phillip provides Butch with a vehicle of wish-fulfillment in a world without fathers, their journey also involves compulsive repetition of scenes of Butch's childhood trauma played out as he tries to "father" Phillip.

Butch's incomplete mourning for his father and for the childhood he never had,⁵² and his connection to Phillip as fatherless children, are made visual in several ways, two of which I take up here. First is a folded, faded postcard from his father that Butch carries with him, and second is

49. *THELMA AND LOUISE* (Metro-Goldwyn-Mayer 1991).

50. For a discussion of the problem of identification and projection in film depictions of fathers and sons see Neil Rattigan and Thomas McManus, *Fathers, Sons, and Brothers: Patriarchy and Guilt in 1980s American Cinema*, 20 *J. POPULAR FILM & TELEVISION* 15 (1992).

51. *A PERFECT WORLD*, *supra* note 17. However, Phillip is reluctant to accept this equation or this characterization. Thus, he tells Butch that "Momma says he'll [his father] come back when I'm ten or so." Nonetheless, Butch is insistent in projecting the trauma of abandonment by his father onto Phillip. "She's lying to you pure and simple," says Butch. "He ain't ever coming back. Guys like us we gotta be on our own to seek our destiny." *Id.*

52. He has by no means "withdrawn from [his] attachments to [this] object." Freud, *Mourning*, *supra* note 38, at 244.

Phillip's costume.

The postcard, framed by a black and white photograph of an Alaskan landscape, is all Butch has in the way of a memorialization of the father-son relationship. It is a token of an absent father's presence and the power he continues to exert. It is, in addition, the talisman of a lost father and of Butch's continuing attachment to fatherhood's unfulfilled promise. And what Derrida says about the postcard as a form of address seems particularly apt in capturing the meaning of the postcard in Butch's life:

Its destination traverses you, you no longer know who you are. At the very instant when from [sic] its address it interpellates, you . . . instead of reaching you it divides you or sets you aside, occasionally overlooks you. And you love and you do not love, it makes of you what you wish, it takes you, it leaves you, it gives you.⁵³

The postcard first appears in a scene in which Butch and Phillip have pulled their car off to the side of a long stretch of road. As this scene plays out, Phillip, looking over a map, asks Butch where they were going. In response, Butch hands the postcard to Phillip while the camera shifts so that we see the postcard over the boy's shoulder. "It is Alaska, Phillip, the last real frontier." "It's pretty," says Phillip. "It's beautiful," Butch corrects him, insisting on what we later find out to be the precise language of his father's description of Alaska. Butch, with his fetishized attachment to the father who abandoned him, preserves the formulations of a postcard written in the kind of empty language that "sets you aside, occasionally overlooks you."

Toward the conclusion of *A Perfect World*, Butch, having been shot, again takes out the postcard and says, "Alaska Phillip. We are on our way. Man against nature. . . . Did I tell you my Daddy lives there. . . . He's the one that sent the picture postcard." Then he turns the card over and reads its contents aloud. "Dear Robert. Just wanted to tell you that my leaving has nothing to do with you. Alaska is a very beautiful place. It's colder than hell most of the time. Some day you can come and visit. We will maybe get to know each other better." This inscription, with its classic assertion about the meaning of a father's desertion, mimics the "having a wonderful time, wish you were here" formulation of a vaca-

53. JACQUES DERRIDA, *THE POST CARD: FROM SOCRATES TO FREUD AND BEYOND* (Alan Bass trans., 1987) (Austin Sarat's author's back cover description of the book).

tioning relative. The father dead in spirit, if not literally dead, is present to the son only in the similarly dead prospect of reunion conveyed in the card's inscription. He is, as a result, the father "you love and you do not love."⁵⁴ Derrida's suggestion that for the recipient of a postcard "[i]t makes of you what you wish, it takes you, it leaves you, it gives you,"⁵⁵ captures its significance in structuring Butch's character.

The postcard's third appearance comes soon after the second, with Butch and Phillip now surrounded by police and with a sharpshooter's gun trained on Butch. They are walking hand-in-hand, joined as father and son, toward the police when Butch pauses to give Phillip his one treasured commemoration of fatherhood. As he reaches into his back pocket for it, he says to Phillip, echoing the inscription on the card, "Maybe someday you'll get to go."⁵⁶

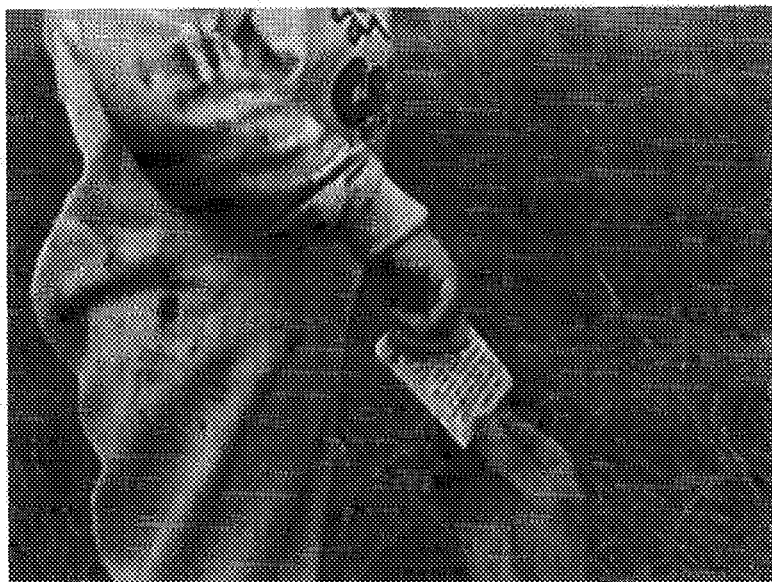
Seeing Butch go for something in his pocket, the sharpshooter fires a single, fatal shot. Butch is sacrificed on the altar of a misreading, a substitution in which postcard becomes gun, and symbolic father again becomes a real outlaw. Reversing *Genesis 22*, law kills the father to save the son from a danger which does not exist.

54. *Id.*

55. *Id.*

56. A PERFECT WORLD, *supra* note 17.

Phillip cries out for his “adopted” father, and we see in close-up Phillip trying to take the postcard from Butch’s bloodied hand. For an instant, the frame is almost frozen. Phillip tugs on it, but the postcard does not move. Butch and Phillip are joined through its mediation, a son’s token of his continuing mourning over an absent father, a “father’s” gift of a dream deferred to a child in mourning.⁵⁷



Phillip Taking Postcard from Butch's Hand

57. Another representation of Butch’s incomplete mourning plays a less prominent role in the film than the postcard, but it is again used to mark Butch’s continued connection to the departed father. This connection is mediated through his desire for a particular kind of car, a Ford, as the vehicle in which to make his escape. In road movies like *A Perfect World*, cars play a crucial role. As Shelton, notes, “The road movie is, above all else, about displacement; its characters are rootless, their only real possession being their vehicle, which acts as a kind of time machine, drawing them back and forth in a psychic tide from past to future.” Shelton, *supra* note 48, at 33. Indeed at one point in the film, Butch calls the car in which he and Phillip are riding a “twentieth-century time machine; out there’s the future, and back there’s the past.” *A PERFECT WORLD*, *supra* note 17. Some suggest that film itself operates like a time machine. See, e.g., Constance Penley, *Time Travel, Primal Scene, and the Critical Dystopia*, in *CLOSE ENCOUNTERS: FILM, FEMINISM, AND SCIENCE FICTION* (Constance Penley et. al. eds., 1991).

The second visual sign of Butch and Phillip's complex connection is the Casper-the-Friendly-Ghost costume which Phillip wears.⁵⁸ It is the outward sign of Phillip's own desire for a "normal" childhood in which he would get to go trick-or-treating on Halloween rather than being denied this and other childhood pleasures by his Jehovah's Witness mother.



Phillip in His Casper-the-Friendly-Ghost Costume with Butch

However, it is also a reminder that Phillip is a stand-in for Butch's mourned past. Phillip is Butch's alter-ego.⁵⁹ Phillip is a "sideshadow"⁶⁰

58. For useful discussions of the meaning of ghosts in literature and popular culture see generally RONALD C. FINUCANE, *GHOSTS: APPEARANCES OF THE DEAD & CULTURAL TRANSFORMATION* (1996); ANDREW MACKENZIE, *APPARITIONS AND GHOSTS: A MODERN STUDY* (1971).

59. Phillip's presence in *A Perfect World* is emblematic of the way children appear in film. Often children are

assigned feelings, conflicts, desires, characteristics (seemingly) not shared by their adult counterparts; at the same time, however, the boundaries between the two are blurred, and the adult and child become . . . each other, as if one person were split in half, each side acting as a foil, a mirror for the other. The adult depends on its child alter ego for a sense of separateness, of individuation . . . as much for

for the child that Butch never was.

By making this image of Butch's unrealized childhood available, "we do not see contradictory actualities, but one possibility that was actualized and, at the same moment, another that could have been but was not."⁶¹ Through the device of the ghostly presence, the film also calls our attention to its own status as a "sideshadow." Like Butch, the viewer is leading a life, yet is offered a glimpse into another life, populated by several different fathers and, as we will see, several different versions of law, each of which might or could be her own.

In addition, like all ghosts, Phillip "represent[s] a concession to the fact of death but not to the prospect of annihilation."⁶² Through him Butch plays out his own ambivalence, wanting both to bury the memories of a painful childhood while, at the same time, bringing that childhood back to life. "And you love and you do not love."⁶³ Thus, as *A Perfect World* unfolds and Butch begins to assume a paternal role toward Phillip, he restages his *own* relationship to his father, only this time in a way that imagines the father mourning for his lost child. He tries to play out possibilities that seem distant from his own experience and to rewrite fatherhood. But, because he seems uninterested in Phillip's needs, he does so essentially alone. Phillip is indeed only a specter whose voice is rarely heard in the film, but whose presence suggests that "the story of the father [is always] constitutively bound up with the address of a dead child."⁶⁴

If *Genesis 22* tells of the dreadful dutifulness of fathers before the law, *A Perfect World* plays out a father-son relationship resurrected just beyond the boundaries of law where perhaps the father that is not the law

a sense of connection, of being the same ('the child is part of me, and I am part of her').

Shelton, *supra* note 48, at 6. Or, as Kincaid puts it, "The child is that which we are not but almost are, that which we yearn for so fiercely we almost resent it, that which we thought we saw in the mirror and almost wanted to possess yet feared we might." JAMES R. KINCAID, *CHILD-LOVING: THE EROTIC CHILD AND VICTORIAN CULTURE* 7 (1992). The child is quite literally the history and memory of the adult, providing viewers with insights into adult characters unavailable elsewhere. Phillip certainly plays this role.

60. MORSON, *supra* note 27, at 117.

61. *Id.* at 118.

62. COLE, *supra* note 42, at 11.

63. DERRIDA, *supra* note 53.

64. CARUTH, *supra* note 12, at 102.

might be found. In Phillip and especially in the way he is fathered by Butch, we see both the child who Butch never was and the father he never had. Their relationship works like another postcard, this time addressed by Butch's to his father, in which idyllic scenes play out the kind of fathering he wishes had been provided to him. Butch seems to be saying to his father, "You could have had a wonderful time. Don't you wish you were here?" and, at the same time, to be wishing that the recipient of this message would mourn his missed opportunity even as he continues to be mourned.

The mourning father is, in Butch's enactment, both indulgent and protective. He insists that Phillip be a child and that he have a childhood.⁶⁵ He protects his child from danger, the most vivid example of which is the danger posed by Pugh's sexual taunting of the boy and his subsequent attempt to molest him. The fantasy father is also responsive to his child's needs, providing both comfort and reassurance.⁶⁶

Butch and Phillip glimpse this idea of fatherhood when they come across a family having a picnic. In this scene, played with a very light touch, they and we see the proverbial "typical" American family: mom, dad, two children, and their brand new station wagon. Dad (Bob) is genial and gentle, as ready to offer hospitality to strangers as he is proud of his vehicle. Butch asks him for a ride and with Phillip piles into the back of the vehicle. As they ride off, the family initially joined in song, one of the children spills a drink on the car's upholstery. The mother reacts angrily, yelling at the child and shoving her down on the seat. At this, Phillip looks apprehensively in Butch's direction. But the tension is defused by Bob's reassuring intervention. "It's okay, sugar. Daddy still

65. Butch does not get angry when Phillip steals the ghost costume from Friendly's General Store. He takes him trick-or-treating, gets Phillip to make a list of all the things he ever wanted but was not allowed to do, and, as a kind of deathbed request, insists, after he has been shot but before he agrees to let Phillip go, that Phillip's mother "promise to take him to the fair, roller coasters and cotton candy, whatever he wants." A PERFECT WORLD, *supra* note 17.

66. In a scene in which Phillip seems reluctant to change his clothes in front of Butch, Butch says "You don't want to get undressed in front of me? You embarrassed cause I might see your pecker?" "It's puny," Phillip replies, echoing Pugh's derisive description. "Who told you that? Let's see. . . . Hell no, Phillip. Good size for a boy your age." *Id.* In this almost-too-Freudian moment the child's confrontation with lack is made literal and the father is transformed. That this is a moment of pleasure for both Butch and Phillip is registered by the camera's alternating quick cuts from one smiling face to another. *See id.*

loves you."⁶⁷

In the next frame the family is standing beside the road surrounded by their picnic gear, Butch having decided to steal their car. The loving, indulgent father now seems comically inept, unable to prevent the theft of his prized possession, yelling at Butch not to get any scratches on the car as he and Phillip drive away in it. But what registers with Butch is the love, not the ineptness, as he says to Phillip, "Bob's a fine family man. That's the best thing a fella could hope to be."⁶⁸

As presented in *A Perfect World*, Butch's fathering of Phillip is, however, not all fantasy and wish-fulfillment. Biography exerts its gravitational pull; the law of the father binds the son, such that, at several points and in many ways, Butch fathers Phillip just as we might think he was fathered. His fathering becomes harsh rather than indulgent,⁶⁹ and it is frequently marked by threats or displays of a violence that seems unpredictable, inexplicable to Phillip, if not to us.⁷⁰ This repetition is critical in constituting one aspect of the loss, dread, and mourning that are associated with the law of the father. As Bronfen observes,

Repetition is inscribed by the death drive: in fact, it serves as one of its forms of articulation. At the same time, repetition can be seen as an attempt to counteract absence, loss, and death. Repetition suggests that, as a double of the lost object, the first object can return in a new form, thus questioning the uniqueness of the first term and implying that the loss is not irrevocable. . . . If Freud was right to claim that all love objects are refound, then

67. *Id.*

68. *Id.*

69. At other points, however, Butch's insistent fatherly authority fades. He calls on Phillip to make choices that seem inappropriate, to decide things for himself that a father would not, or should not, leave to the judgment of the child. Among these are whether Phillip will come with him after he has killed Pugh, and again during a getaway after Butch has been recognized in a small town. The most dramatic of these scenes of choice occurs in a scene when Butch is terrorizing a black family and seems about to shoot the grandfather. He says to Phillip, "You can wait in the car, or you can watch. You are old enough to think for yourself." *Id.*

70. In the scene after Butch kills Pugh, a frightened Phillip asks Butch, "Are you going to shoot me?" *Id.*

love is based not only on repetition but also on loss.⁷¹

Bronfen's understanding of the work of repetition is made visual in *A Perfect World* on the several occasions in which Butch gets Phillip to pick up his gun, retrieve it, or point it, sometimes in play, sometimes to take on an adult-like role. These engagements foreshadow the moment when Phillip will use it against his symbolic father, and they also signal Butch's death-wish, as the mourning father who, in the end, cannot recapture the loss of his own childhood. But it is Butch's threats or displays of violence that mark the essential structure of repetition in his life and in their relationship. Many of these episodes involve Butch's reaction to threats directed against children. They occur in or around family scenes and are directed exclusively against men.⁷² In all of them, Butch is both his violent father and himself, expressing dread in the presence of the former as well as playing out fantasies of revenge.

A Perfect World invariably shows these events through Phillip's gaze.⁷³ Our gaze is repeatedly merged with his.⁷⁴ Like him, the film's viewers become silent witnesses to, and interpreters of, a violence that can only inspire dread. Through the merged gaze, we are asked to judge Butch as he would have been judged by his son and as Butch would have judged his own father.

Through Phillip, the spectator's point of view is literally portrayed

71. Bronfen, *supra* note 42, at 103, 106. She also notes that "A paradox, then, seems to be inextricably embedded in an economy of love based on repetition. . . . The repeated event, action, or term always contradicts its predecessor because, though similar, they are never identical; and though recalling the unique, singular, and original quality of the former event, the second emphasizes that it is more than one. . . . Repetition describes a longing for an identity between two terms even as it stages the impossibility of literal identity." *Id.* at 106.

72. Among the most prominent instances of this violence are the shooting of Pugh, Butch's effort to shoot a farmer whose Ford he steals, the discussion of the fact that Butch "might have had to shoot" the father of a family whose car they had previously stolen, and, most importantly, Butch's growing, apparently homicidal rage at a black grandfather who had hit his grandson for pestering Butch. *A PERFECT WORLD*, *supra* note 17.

73. For useful discussions of the meaning of the gaze, see Mulvey, *supra* note 20, at 200-01, and SILVERMAN, *supra* note 13, at 130-31.

74. As Shelton notes, "Watching a child strongly evokes more than any other figure the intense need to identify, and that process of identification comes to characterize, in many ways, the childhood experience: of personal boundaries being blurred, of watching and imitating others and defining oneself through mimetic acts." Shelton, *supra* note 48, at 16.

and acknowledged in the film itself.⁷⁵ He and we are involved in the construction of a dreaded fatherhood. The gaze of the child, like the act of spectatorship itself, is both innocent and inquisitive. Through Phillip's gaze we watch ourselves watch and try to make sense of a world beyond his (and our?) experience. Phillip provides one frame within which the law of the father is judged and within which questions of Butch's violent disposition and his dangerousness are interpreted.

His fear of Butch and what he might do takes over in a nearly climatic scene in which he ends up shooting Butch. This episode begins with Butch and Phillip being offered shelter for the night by an older black couple (Mack and Lottie) and their six-year-old grandson, Cleve. Mack embodies the harsh, even violent, side of Butch's fathering. He is hard on his grandson, angrily ordering Cleve about, hitting Cleve when he doesn't respond quickly. The second time Mack hits Cleve, Butch turns on his host, yelling, "What you want to go hit Cleve for? He didn't move fast enough for you. Is that it?" As tension builds, he orders Mack, as if talking to his own father, to "hold that boy [Cleve] and tell him you love him." Though Mack insists that "the boy knows I love him," Butch shouts, "Say it! . . . Now say it Mack. Say it. It don't cost nothing."⁷⁶

As this unfolds, Butch gets some rope, and in dramatic, highly stylized fashion ties and gags the entire family. The action plays out like a lynching. Considerable visual emphasis is put on the rope which Butch uses to bind them and especially on the way Butch binds Mack. As an imagining of Texas in 1963, the year before the passage of the 1964 Civil Rights Act, the violent interaction between a white man and a poor black family marks the history of another era's racial intolerance as well as law's past failure in the face of that intolerance.

Phillip is the sole witness as this dread-inspiring scene moves toward what seems an inevitable climax. "Not only is Butch the outraged child," Shelton argues, "reacting against his own abuse, but he is also the abusive adult, inflicting pain and suffering on a 'weaker' object . . ."⁷⁷ The child who has no voice cannot find the words with which to interrogate or protest what he sees. Because the law of the father also binds this son,

75. Film theorists call this "suture." It refers to the ways films position viewers in relation to the act of spectatorship. See KAJA SILVERMAN, *THE THRESHOLD OF THE VISIBLE WORLD* 125-127 (1996); see also CHRISTIAN METZ, *THE IMAGINARY SIGNIFIER: PSYCHOANALYSIS AND THE CINEMA* 25 (1982).

76. A PERFECT WORLD, *supra* note 17.

77. Shelton, *supra* note 48, at 35.

Phillip, now of his own volition, reaches for Butch's gun and closing his eyes, shoots him.⁷⁸

Phillip becomes Butch's wish-fulfillment, the living embodiment of his own childhood's fears and fantasies. Son shoots father, in a law-like gesture, saving life and restoring order. In this moment, *A Perfect World* registers our anxieties and our desires to see abusive fathers brought to justice, while playing out the dread which fatherhood entails in Phillip, in Cleve, in Mack, and in all of us.⁷⁹

III. MOURNING FOR ABSTRACTIONS

Because *A Perfect World* is scripted as a prison break, followed by an abduction and chase, it invites a reflexive connection of the thematic of fatherhood and loss to law itself. The film portrays law as a complex, fragmented combination of elements, styles, and values and, in doing so, highlights the contingent qualities of the law with which we live. Moreover it embeds that presentation in a series of images that not only gives law a past, a present, and a future, but also attaches first dread then mourning to this temporal movement.

The complexity of law's elements, styles, and values, as well as law's temporality, is suggested by the different characters of Red, Sally, and Bobby Lee. In this trio, Red is law's past, its grand accomplishments, its traditional knowledges. He is law as the father, a bit distant but quietly caring, making tough calls and accepting responsibility. The first time we see Red, he is surrounded by the markers of his position and power as head of the Texas Rangers. Later he shows his authority by commandeering a high-tech trailer that the governor had commissioned to carry dignitaries for a parade in Dallas in which President Kennedy is

78. *A PERFECT WORLD*, *supra* note 17.

79. But the film leaves its viewers with a question, namely, was Butch really going to kill? This question is precipitated because, throughout the film, Butch *talks* about killing much more than he kills and, indeed, after he is shot, Butch returns us to the question of whether Phillip's reading of his surrogate father's dangerousness was indeed correct when he says to Phillip, "That was a hell of a thing to do Phillip. You are a hero. Probably be in all the papers tomorrow that you saved those folks. I don't think I'd have killed them though. I only killed two people in my whole life, one hurt my momma, the other hurt you." *Id.* Here, Butch constructs his own law-like narrative to explain his action, to domesticate his violence, and to distinguish himself from the violence of his father. Drawing this distinction is another way of mourning the father he never had and the father he tried to, but would never, be.

going to participate. Throughout the search for Butch, he decides how to proceed by relying on “hunches,” “instincts,” and his “back-of-the-hand” knowledge of the country roads of the Texas panhandle. And, he insists that he is the “guy with the responsibility, the sleepless nights, the guy who has the ulcers.”⁸⁰

Yet as the film proceeds, Red does not seem to have a very firm grasp on the phallic legacy. He can't seem to figure out where Butch is heading; he follows along aimlessly cruising through the vast Texas countryside, coming across clues sporadically, long after Butch has come and gone, hardly a figure whose judgment and skill inspire confidence. This seemingly dread-inspiring figure of law is instead fallible and frustrated.

The significations of Red's—and through him, of law's—inadequacy play out as the film focuses on his father-like connection to Butch. In a scene that unfolds well into the chase, Sally begins to tell Butch's life story in a first-person narrative⁸¹ and of how Butch, when at fourteen, was sent to a tough juvenile detention facility for stealing a car. In a response that foretells an impending revelation about Butch and Red, Tom says, “That's where he learned to be a criminal. We've seen that before, ain't we Red?”⁸²

Red indeed has seen something before. The intersection of Red and Butch that the road movie, outlaw genre demands has had a preview, an intersection that connects loss, dread, and mourning to fatherhood as well as to law. This fact is told, not shown, in another narrative of Butch's biography. It comes rather late in the film with Red and Sally sitting beside a camp fire, in a scene whose lighting and camera work signal the kind of quiet intimacy in which some hidden truth will be revealed.

Sally asks Red whether the pursuit of Butch brings back any memories. Just as memory, in the form of a postcard and a ghost costume structure both the re-enactment of Butch's childhood and his symbolic fathering of Phillip, Sally's reference substitutes Red for Butch as a per-

80. *Id.*

81. “I killed a man when I was almost 8,” Sally says. This is, of course, Phillip's precise age, the age at which Butch's childhood died. “I grew up in a whore house in New Orleans. When I'm 12 momma dies; she hung herself. Father ditched me when I was 6. He was a small time felon. No one knows where he is.” *Id.*

82. However, the referent for what is “seen . . . before” might as well be Butch as Red. In Butch's life much has been seen before. The child brought up by a prostitute who kills a man at 8 has seen much before his time. *Id.*

son whose memories may be propelling his flight. Red, it turns out, has had a hand in Butch's life, having been involved behind the scenes, like an invisible father, in the proceeding that sent Butch to the juvenile facility, interceding with a judge with whom he was friendly to prevent Butch from being turned over to his biological father. "Haynes's old man" Red says, "was a career criminal, who had a soft spot for whores. He beat the hell out of anything he ever came across or screwed or fathered. If the judge had let the boy go home with him, the boy would have ended up with a rap sheet as long as your arm within a year."⁸³

In this narrative of Butch's life several things stand out about the law of the father and its linkage to loss, dread, and mourning. First, of course, is Red's status as a kind of shadow father⁸⁴ whose intervention reverses the role assigned to law by Rehnquist in *DeShaney*.⁸⁵ He acts to ensure that the child is not the victim of law's indifference or of its deference to an abusive father. And unlike Abraham, this father tries to prevent the child's blood from being spilled. Thus throughout the manhunt Red repeatedly insists on a "bloodless" solution.⁸⁶

Importantly for their signification of law as a site of loss, both Red's first and his second interventions fail. The first, while it saves Butch from his father, does not prevent him from becoming someone whom the law is both figuratively and literally unable to contain.⁸⁷ And the second ends in bloodshed. These failures arouse, as Freud suggests all losses do, dread.⁸⁸ But, in Red, "its indefiniteness . . . belongs to the traumatic

83. *Id.*

84. The shadow cast by Red over his early life is but dimly perceived by Butch, who when he first sees Red in the field just before he is shot asks, "Do I know you, friend?" To this question Red replies somewhat ambiguously, "No, not really." That there is some special connection between Red and Butch is highlighted in one scene which ends by fading from a close-up of Red staring straight into the camera while the next begins with a tight shot of Butch as if making eye contact with Red. The gaze of the law meets the gaze of the outlaw, the gaze of the father meets the gaze of the son. *Id.*

85. 489 U.S. at 191.

86. As one critic observed, *A Perfect World* represented a significant shift for Eastwood, from being a proponent of "the use of force in the service of justice, even rudimentary justice," to someone who "goes soft on the punishment of evildoers." Richard Grenier, *Clint Eastwood Goes PC*, 97 COMMENTARY 51 (1994).

87. The telling of the first intervention foreshadowed Red's role in the second. Like all foreshadowing, it suggests that though "the past is over [it] has left its traces," even as it signifies the stark fact that "the time to come (a time we know will come) has not yet had a chance to do so." MORSON, *supra* note 27, at 46.

88. FREUD, INHIBITION, SYMPTOMS, *supra* note 34, at 92.

situation of helplessness"⁸⁹

Both as Butch's shadow father and as a figure of legal authority, Red's subjectivity is marked by loss; he is inadequate to the task of recuperating phallic power. And, in the end, his vision of fatherhood and of law are shattered. Fatherhood is no longer "fortified against any knowledge of the void [up]on which it rests"⁹⁰ The father and his law are reduced from omnipotence to impotence, from omniscience to ignorance. Thus, after Butch is killed, Sally says to Red, comforting a grieving parent, "You know you did everything you could, don't you?"⁹¹ Red answers in a nihilistic stupor, the mourning father withdrawing from the world with which he was previously engaged, "I don't know nothing, not one damn thing."⁹²



Red with Sally after the shooting of Butch

If Red is law's past, Sally embodies a different legality, a law that works on the bases of scientific knowledge, of information carefully as-

89. *Id.*

90. SILVERMAN, *supra* note 13, at 61.

91. A PERFECT WORLD, *supra* note 17.

92. *Id.*

sembled and cataloged, of judgments scrupulously made only after all the evidence is in. That she is a woman entering a male's world makes the past-future theme, with its suggestion of a challenge to patriarchal legal authority, all the more powerful. She is a criminologist who specializes in making parole determinations and in responding to what she calls "penal escape" situations.⁹³ She carries files rather than a gun, mobilizes expertise to carefully assess character and circumstances, and makes judgments most of which the film reveals to be true even as they are being rejected and mocked by law's more traditional male authority figures.

In and through Red's relation to Sally we see that the movement from law's past to its future is hardly linear, but instead it proceeds through a back-and-forth struggle, in which Red has difficulty letting go.⁹⁴ Red enacts a fearful resistance in which, like a father under siege, he rather unartfully asserts his authority even as he can see it slipping away.⁹⁵ The time of his law is passing, and he knows it. He fears the loss which that passing will entail even as he is unable to forestall it.⁹⁶

Ultimately, however, the struggle between Red and Sally is resolved. Law's past accommodates itself, if not easily or comfortably, to a vision of the future. This resolution is nonetheless accompanied by mourning for a world, a "perfect world," in which informality, intuition, integrity, and charismatic personal authority, and the unproblematic equation of

93. *Id.*

94. As Freud notes, against the demand to let go, a struggle of course arises—it may be universally observed that man never willingly abandons a libido-position, not even when a substitute is already beckoning him. See Freud, *Mourning*, *supra* note 38, at 244-45.

95. Thus in their first encounter, when Sally refers to her expertise in "penal escape situations," Red responds, "Let me tell you something, this isn't a penal escape. This is a manhunt and no talking around it is going to fix that." A PERFECT WORLD, *supra* note 17.

96. During one of their arguments she tells him, "I won't play your straight man so you can play hero to a bunch of morons who think you are some kind of hillbilly Sherlock Holmes." *Id.* Moreover, Red's effort to hold off the movement of time, to leave the future behind, is made literal when he tries to drive away without Sally. The ultimate futility of this effort is suggested by the fact that he does so while riding inside a vehicle that one character in the film describes as "an amazingly futuristic piece of law enforcement equipment." *Id.* This trailer is a kind of parallel to the "time machine" in which Butch and Phillip ride, moving like them from past to future. Its journey is itself far from linear, as the film shows when the trailer comes unhitched from the truck which is pulling it during a comedic chase scene in which Butch and Phillip coincidentally drive by their pursuers. *Id.*

law with the father, are replaced by scientific rationality, surveillance, and a legal world made more complicated by the entrance of women.

Yet the dread and mourning accompanied by the movement from law's simpler past to its more complicated future are not confined in *A Perfect World* to the relationship of Red and Sally. Crucial to the loss, dread, and mourning that this film locates at the center of law is the figure of Bobbie Lee, the sharpshooter. He provides yet another vision of the law that might be. Bobby Lee, who works for the FBI rather than the state of Texas and has an uptight, overdressed, rifle-case-carrying manner, is as alien as Sally to Red's legal world. He is an ominous presence in the film, tightly wound, a trigger waiting to be released.

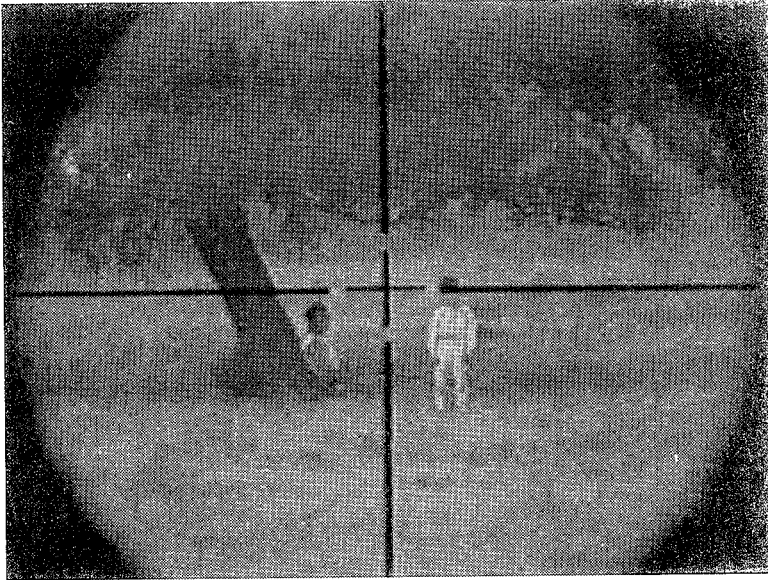
Indeed the film draws an inescapable parallel between Pugh, Butch's inmate-escapee partner, who Butch kills early in the film, and Bobby Lee, the FBI sharpshooter. The former is a figure of outlaw violence, attempting first to sexually assault Phillip's mother and later Phillip and shooting his gun wildly out the window of the getaway car. The latter, while different in temperament, seems to share Pugh's violent nature.⁹⁷ In making this association between Pugh and Bobby Lee, *A Perfect World* speaks to its viewers' anxious concern that the law of the father will be no different than a fatherhood without law, that God's capricious, murderous, threatening violence will be actualized in fathers who may turn on their children the way Joshua DeShaney's father turned on him.⁹⁸

But this anxiety is also registered in law itself, in and through Red. He knows that where there is law there will be loss, and that while law struggles to come to terms with its own violence and to be something other than violence, there is never a guarantee that it will succeed. We watch as the stark juxtaposition of law's violence and Red's fatherly, and ultimately futile, effort to contain it unfolds. Dreadful anticipation turns out to be no protection against loss and the mourning it brings.

97. At one point, Bobby Lee eagerly volunteers that he is able and willing to "shoot to kill" if they ever find Butch. Moreover, later when he makes an aggressive, unwelcome pass at Sally he says, talking not just about sex and violence, but also about the pleasure he gets from killing itself, that "business and pleasure should just naturally mix. Take me, I love my work." "Yeah," responds Sally, "so did Hitler." *Id.*

98. The film invites its viewers to contemplate the anxiety-arousing possibility that law's violence and violence outside the law may share unsettling similarities. This anxiety is discussed in Austin Sarat and Thomas Keams, *A Journey Through Forgetting: Toward a Jurisprudence of Violence*, in *THE FATE OF LAW* (Austin Sarat ed., 1991).

When their pursuers catch up with, and surround Butch and Phillip, the camera merges with Bobby Lee's rifle scope as it zeros in on its target.



Butch and Phillip as seen through Bobby Lee's rifle scope

Meanwhile, Red puts down his gun and walks into the field to talk with them. Before doing so, he orders Bobby Lee, like God commanding a different Abraham, not to fire: "Don't squeeze 'til I say when, you hear." However, unlike God's command, this one is not carried out.⁹⁹

His failure is law's failure, but it is also, of course, the ultimate failure of his fathering of Butch. It is this dual failure, this double loss, that *A Perfect World* invites us to both anticipate and to mourn.¹⁰⁰ *A Perfect*

99. Bobby Lee misreads Butch, interpreting his movement, as seen through the circumscribed view of the rifle scope, as an effort to reach for his gun (a gun the spectator knows he no longer has) rather than to give Phillip the postcard from Alaska. *A PERFECT WORLD*, *supra* note 17.

100. Just as Freud drew a parallel between the work of mourning for a person and for an abstraction, so too does *A Perfect World*. See Freud, *Mourning*, *supra* note 38, at 243. This is, of course, highlighted by the very title of the film which suggests either an Edenic-like condition from which there will be an inevitable fall or a heavenly destination not to be attained in this world. Almost everything in the film suggests a nation

World puts us in a world which is much less than perfect, a world of loss, in which both fathers and law fail in dramatic fashion and in which both fatherhood and law are, as a result, suspect.

While it reminds us of the multiple possibilities of law and fatherhood and, as a result, invites us to imagine a different, perhaps more perfect, world than the one we inhabit, the last words are Red's nihilism. Moreover, the last look is the gaze of a child onto the world of pain and death created by the law of the father. In a final wide angle shot, we see Phillip riding with his mother in a helicopter, a ghost now returning to the beyond from which it came or perhaps Butch's soul leaving his body,

poised at the precipice of a great loss, about to lose its innocence, but too innocent to notice. As one reviewer noted, in *A Perfect World*:

Texas highways running through ripened corn, . . . roadside cafes and small-town stores and farmers' clapboard houses, . . . [t]he settings evoke a curdled nostalgia. Those sixties-model Fords and Chevies, so solid yet so sleek, have long since turned into icons of a lost American optimism. The country-and-western tunes that pour from their radios ring out with an obsolete candor, which might not have been innocence but was as close to it as we got.

Stuart Klawans, *A Perfect World*, THE NATION, Dec. 20, 1993, at 778.

This is also suggested in its choice of settings, namely Texas in November 1963, poised between the child-like celebration of Halloween and the devastating November 23 assassination of President John F. Kennedy. The assassination of Kennedy provides a key motif in which this mourned loss of national innocence plays out. From the first reference to the fact that Kennedy will be coming to Dallas to ride in a parade to the view of Butch and Phillip that viewers get through Bobby Lee's rifle scope, we are caught inside the head of the assassin, dreading what we know is about to happen and too caught up in our dread and mourning to make adequate sense of it all.

The movement of time, history, the time and history of law and of nationhood from the former to the latter "makes itself felt," as Silverman suggests, "through the crises it creates and the changes it 'inspires' in the dominant fiction and the social formation." Silverman, *Historical Trauma*, *supra* note 14, at 117. The assassination of Kennedy and the fragmenting of law, *A Perfect World* suggests, undid our nation's dominant fiction and brought wrenching changes in the social fabric. The time of law and nationhood both play a key role in the work of mourning for abstractions which this film asks its viewers to imagine.

now fulfilling one of the long denied childhood wishes he had earlier chronicled for Butch.



Phillip in helicopter holding postcard looking down at Butch

But this moment, like childhood itself, vanishes quickly. We watch as he watches, first in a close-up shot of Butch which, repeating the first scene of the movie, suggests that he might just be asleep in a field on a sunlit afternoon. But then the camera angle broadens to capture his bleeding body and the surrounding traces of his death.¹⁰¹

Like Red, Phillip is left with only a vision of that death. What will Phillip's life be like, this shot invites us to ask, in a world of absent, brutal, or failing fathers, and of fathers who are themselves sacrificed to law's commanding violence? This unanswered, unanswerable question plays both to our desire to find good fathers and to our anxiety that none can be found. It reminds us of our dread before law and fatherhood even as it shows both to be vulnerable to forces seemingly beyond their control, and provides a glimpse of the loss, dread, and mourning that are in-

101. A close-up of Butch, shot from above, laying in this field with his eyes closed opens the film. It invites viewers to wonder whether this man is asleep in a "perfect world."

exorably, though variously, a part of the law of the father.

IV. CONCLUSION

Law, I have suggested, lives in images which today saturate our culture and which have a power all their own. In these images, law and fatherhood are symbolically joined, the one often becoming a substitute for the other. They remind us of a dread inspiring power wielded by fathers over innocents.¹⁰² We are also called to remember, as Frank observes, that "All children have a dual attitude toward the father. The child needs a belief in an all-powerful, all-wise parent. Yet that parent ever and again takes on the aspect of a harsh tyrant . . ." ¹⁰³ The all-powerful father who becomes a harsh tyrant, this description seems to capture an ambivalence rooted in the recognition that accompanying law's power to protect is the horrifying possibility that its power can be exercised willfully, cruelly, and wantonly against all, or any, of us and that our fathers may well abandon us to that power.¹⁰⁴ We seem to be trapped in a recurring cycle of desire and anxiety. We desire powerful fathers just as we desire powerful law, yet we are made anxious by the very power which we wish for them. As a result, we want both also to be fragile and fallible, lest, like Isaac before Abraham and Joshua DeShaney before his father, we will be ever vulnerable to them.

A Perfect World is one instance in which popular culture speaks to that anxiety and desire, and through them, to our ambivalent relationship to law and fatherhood. There we see the continuing search for good fathers and good law. At the same time, this film invites our pleasure in

102. What Denver says in Toni Morrison's *Beloved*, speaking about how she lives with the knowledge of her mother's murder of Denver's sister, expresses a widely shared, if not conscious, anxiety, doubt, and dread about law and fatherhood in a world of Abraham's God and in a world of Abrahams, of Joshua DeShaney's father and the court that did not come to Joshua's rescue: "All the time," Denver says, "I'm afraid the thing that happened that made it all right for my mother to kill my sister could happen again. I don't know what it is, I don't know who it is, but maybe there is something else terrible enough to make her do it again." TONI MORRISON, *BELoved* 205 (1987).

103. FRANK, *supra* note 7, at 249.

104. Geoffrey Hartman observes that the episode described in *Genesis* 22 "does not imply an authoritative rule of conduct that can be learnt . . ." Geoffrey Hartman, *The Blind Side of the Akedah*, 16 RARITAN 28, 30 (1996). He argues that because the cause of God's command to Abraham is unmotivated, readers will be inspired by a fear of God's unknowable, unpredictable side. "Something in us," he says, "is never sure about the sacrifice not taking place, once its possibility has been suggested." *Id.* at 34.

witnessing the failures of fatherhood as well as of law and the occasional, though perhaps fleeting, triumphs of their victims over them. It portrays an ongoing quest for a law that tries, even if it does not succeed, to avoid the sacrifice of innocents and for fathers who will neither abuse nor abandon their children.

But, the law that we find there hardly seems to be an antidote to fate. It is vulnerable to excess or indifference, to lies, and to loss. Our fathers hardly fare much better. They abuse their power and/or abandon their children. And when they do try to protect them, they are frequently unable to do so. *A Perfect World* asks us to see the law of the father through the lens of childhood innocence and its sacrifice, but also through fatherhood's eyes. In so doing it shows us that as powerful as fathers appear to their children, their powers are not limitless. They too live in a world of loss, dread, and mourning.

Exploring the image of the law of the father in film, with all of the ambivalence and conflicted desires and anxieties that are attached to that image, provides, I have tried to suggest, not just a reminder of the vulnerability of fathers and of law, of both as a site of "lack." It provides, in addition, a potent way of opening us up to the contingency contained in any age, including the one which we experience as merely the way things have to be. It holds out possibilities for reimagining law in its complex relations to fatherhood.

Film, as film, gives testimony to the fact that, as Morson argues, time is always "*a field of possibilities*, [and that] each moment has a set of possible events . . . that could take place in it." It quite literally restores vision and brings the field of possibility into view. It "restores the field and recreates the *fullness of time* . . ." ¹⁰⁵ When we watch the moving image we have the chance to confront what was, what is, what might be, multiply, fluidly, and often in ways that are hard for us to grasp perhaps, but we nonetheless can confront it in the darkened theater or the comfort of our own homes. And this is as true in films about law and fatherhood as it is in any other genre.

A Perfect World makes the contingencies and possibilities of law and fatherhood available to us. It holds out the possibility that we no longer may have to live, if we ever had to, in the world of Abraham's solitary encounter with a unified, omnipotent, commanding Law or in the world in which Joshua DeShaney finds himself caught between an abusive fa-

105. MORSON, *supra* note 27, at 119.

ther and an indifferent legality. It shows law to be fragmented, contested, polyvocal, and it contains many imagined fathers, some who are kind, some who are not, some who are attentive, some who are not, some who are confused, some who are not, some in defeat, some perhaps on the way from mourning to redemption. This film seems to suggest that neither the law nor the fathers that we dread are the law or the fathers that we *must* be or *must* have. While law and fatherhood will always be sites for registering loss, dread, and mourning, the nature of the losses they impose, the depth of the dread they inspire, and the occasions of the mourning they entail, as well as the losses, dread, and mourning they endure, are contingent and variable.

A Perfect World points the way to a methodology as we seek to re-image the law of the father. It does so in its plural and temporally located images of law and fatherhood. While we may not live in a perfect world, we need not remain inert in the world where we find ourselves, or with the fathers or the law that we find there. Much stands between us and the world the film's title names, but foremost is the work of trying to see the possibilities we have before us, possibilities about which, perhaps, only film (or children) might unembarrassedly speak.