PUNISHMENT BY FAMILY AND COMMUNITY
IN KATHERINE ANNE PORTER’S NOON WINE

by

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Katherine Anne Porter’s short novel Noon Wine,¹ written and published in the late 1930s,² has become part of what one writer calls “the emerging Law and Literature Canon,” one of a relatively small set of works appearing frequently on Law and Literature reading lists.³ Though Porter’s repute among the general populace rests on her mammoth best-selling novel of 1962, *For their perceptive comments on Noon Wine, I would like to thank the students in the Law and Literature Seminars I taught in Spring 1993, 1994, and 1995. An early draft of this essay was helpfully reviewed by Gary Minda of Brooklyn Law School, my law school colleague John Cooper, Michael Raymond of Stetson University’s English Department, and Gregory McCann of Stetson’s School of Business Administration. Stetson law librarians Pamela Burdett, Dorothy Clark, and Sally Ginsberg Waters provided substantial research assistance. Any remaining errors are solely my responsibility.


The “short novel” — the author’s classification of her work, Porter, supra, at 23, which runs to approximately 20,000 words — appeared in a limited edition in 1937 and as the second of three such fictions included in the 1939 book, Pale Horse, Pale Rider: Three Short Novels. For a definition of the short novel, see Glenway Wescott, Katherine Anne Porter Personally, in KATHERINE ANNE PORTER: A COLLECTION OF CRITICAL ESSAYS 36, 48 (Robert Penn Warren ed., 1979) [hereinafter Warren, CRITICAL ESSAYS] (Wescott uses the term “nouvelle,” which he admits Porter dislikes, along with “its several cognates . . . novelle, nouvelle, and novelette.”); cf. M.M. LIBERMAN, KATHERINE ANNE PORTER’S FICTION 52-58 (1971) (a pedantic quibble about Porter’s use of the term “short novel”).

3. Elizabeth V. Gemmette, Law and Literature: Joining the Class Action, 29 VAL. U. L. REV. 665, 686 (1995). From an extensive survey, Gemmette creates a list of the works most frequently recommended in Law and Literature courses. Noon Wine places tenth on the list, ahead of Richard Wright’s Native Son, Dostoyevsky’s Crime and Punishment, and Hawthorne’s The Scarlet Letter. (Gemmette’s article consistently refers not to Noon Wine, but to Porter’s article about the novel’s writing, “‘Noon Wine’: The Sources,” supra note 2; despite this confusion, it seems clear that the novel, and not the article about the novel, is what is popular with Law and Literature teachers.)
*Ship of Fools*, and on a series of short novels and stories including *Pale Horse, Pale Rider* and “Hacienda,”⁴ connoisseurs of works at the intersection of legal and literary studies consider *Noon Wine* Porter’s best fiction.⁵

The novel is a tale of homicide and suicide set in Texas at the end of the Nineteenth Century. The story begins with a murder defendant’s first encounter with the skillful farmhand who will eventually provide the defendant, his employer, with an opportunity to kill. The action moves forward to the farm owner’s axing, nine years later, of an ominous and obnoxious stranger, and the subsequent perjurious trial that too easily produces a not guilty verdict. The novel ends just before the defendant’s suicide, after realizing that despite his acquittal his friends and family consider him a murderer.

Another homicide and a virtual suicide underlie this plot. The stranger, a bounty hunter, comes to the defendant’s farm seeking the farmhand. The farmhand had escaped nine years before from a North Dakota mental asylum where he had been incarcerated after killing his brother with a pitchfork. The farmer’s killing of the bounty hunter, which the farmhand witnesses, so disorients him that he runs from the sheriff’s posse investigating the crime and resists their arrest so violently that he is fatally injured.

So crime and death permeate *Noon Wine*, but the novel is also a story of family and community. With evocative detail, Porter portrays the lives and relationships of the defendant Royal Earle Thompson, his wife Ellie, and their sons Arthur and Herbert, who mature from childhood to adolescence during the story. As the novel focuses on the young boys’ propensity to play with the prized possessions of the farmhand Olaf Helton, his harmonicas, the reader learns how father, mother, and farmhand (for Helton grows to be “‘one of the family’”) participate in the trying task of childrearing.⁶

Further, through the conversation of the bounty hunter Homer T. Hatch with Royal Earle Thompson, immediately preceding Hatch’s death, *Noon

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⁴ See, e.g., JOHN M. BRADBURY, RENAISSANCE IN THE SOUTH: A CRITICAL HISTORY OF THE LITERATURE, 1920-1960, at 70-74 (1963) (identifying as Porter’s significant works, in addition to “her long-awaited novel, *Ship of Fools,*” the short stories “Flowering Judas” and “Hacienda” and the short novels *Noon Wine, Old Mortality,* and *Pale Horse, Pale Rider*).

⁵ Many from beyond the narrow realm of law and literature share this view. See, e.g., George Core, “Holiday”: A Version of Pastoral, in Warren, CRITICAL ESSAYS, supra note 2, at 117; HARRY J. MOONEY, JR., THE FICTION AND CRITICISM OF KATHERINE ANNE PORTER 39 (rev. ed. 1962); WILLIAM L. NANCE, KATHERINE ANNE PORTER & THE ART OF REJECTION 56, 249 (1964); STOUT, supra note 2, at 90, 254; Marvin Pierce, Point of View: Katherine Anne Porter’s *Noon Wine*, 3 OHIO U. REV. 95, 95 (1961); cf. J. Oates Smith, Porter’s *Noon Wine*: A Stifled Tragedy, 17 RENASCENCE 157, 157 (1965) (“one of Porter’s finest works of art”); Wescott, supra note 2, at 37 (“her finest nouvelle”).

⁶ P. 196; see infra text accompanying note 52 and note 71.
Wine also relates a bit of Olaf Helton’s family life in North Dakota: the dispute over a harmonica that led to Helton’s brother’s death; Helton’s continuing regard for his mother, to whom he sends nine years’ wages (except for the pittance he has spent on harmonicas); and the mother’s foolish desire to learn more of her son, which gives the relentless Hatch the information he needs to find the escapee.

To these differing accounts of family life and upbringing, Porter adds vignettes of community life. What pushes Royal Earle Thompson to the brink of suicide is the treatment he receives from others in his South Texas farming community. After a brief, supposedly exonerating trial, Thompson’s lawyer and neighbors treat him like a guilty man—so much so that Thompson travels the community, with his wife in tow, explaining the circumstances of the killing to polite but unconvinced faces. Helton’s death, like Thompson’s, is also a result of community reaction, for there is no good reason for the sheriff and his men (or Hatch, for that matter) to chase after Helton, but chase they do, with fatal consequences.

One challenge for the law-trained reader of Noon Wine is to relate the criminal aspect of the novel to its themes of family and community. This Essay attempts to do so, by comparing the behavior modification implicit in childrearing to the community’s attempts to control the conduct of its members, through informal means like the shaming and shunning of Royal Earle Thompson by his neighbors and through the formal means of the criminal justice system. Porter thus discloses a continuum of behavior control devices, emphasizing the similarities among these apparently disparate methods.

Noon Wine not only asserts the existence of such a continuum, but seems to recommend a successful approach to using the devices on the continuum. As parents, Mr. Thompson plays the stern father, while Mrs. Thompson is the forgiving mother; together, and with a little help from Olaf Helton, they suc-

7. The criminologist John Braithwaite assembles these community means of behavior modification under the general heading of shaming: “Shaming means all social processes of expressing disapproval which have the intention or effect of invoking remorse in the person being shamed and/or condemnation by others who become aware of the shaming.” JOHN BRAITHWAITE, CRIME, SHAME AND REINTEGRATION 100 (1989) [hereinafter BRAITHWAITE, CRIME]; see id. at 9, 10, 57-58.

Braithwaite includes “guilt-induction,” which some distinguish from shaming, under his broader definition. Id. at 57; see John Braithwaite, Shame and Modernity, 33 BRIT. J. CRIMINOLOGY 1, 5 (1993) [hereinafter Braithwaite, Shame]. For criticism of Braithwaite’s definition, see Christopher Uggen, Reintegrating Braithwaite: Shame and Consensus in Criminological Theory, 18 LAW & SOC. INQUIRY 481, 492-93 (1993) (book review).

ceed at childrearing. Some combination of these approaches to behavior modification seems essential to success, regardless of whether the relation-
ship at issue is parent to child, community to member, or state to individual.9 Porter’s short novel implies one situation in which parents got the combina-
tion wrong — Helton’s family life in North Dakota — and abounds with examples where state or community also gets it wrong: the criminal justice system’s overly harsh response to Helton’s North Dakota homicide, the Texas courts’ overly lenient response to Thompson’s homicide, and his community’s overly harsh response to that same act.10 Noon Wine disclaims any formula for guaranteed success at behavior control, but through its positive and negative examples it does recommend an approach that is both demanding and forgiving, both stern and lenient.11

1984, at 208, 217-18 & n.16, 225-26, 237. See also Braithwaite, Crime, supra note 7, at 56-57 (discussing Griffiths’ model with approval); id. at 61-65 (noting the effectiveness of crime control in Japan and characterizing it as “the family model writ large”). For criticism of Braithwaite’s reliance on the Japanese analogy, see Uggen, supra note 7, at 489, 492. Robert J. Sampson and John H. Laub also emphasize the continuity of social and familial behavior control devices, but in the opposite direction, by combining Braithwaite’s social theory into their model of family control. See Robert J. Sampson & John H. Laub, Crime in the Making: Pathways and Turning Points Through Life 68 (1993).

9. John Braithwaite recommends such a combination in his advocacy of “reintegrative shaming” as a criminal justice strategy:

The distinction is between shaming that leads to stigmatization — to outcasting, to confirmation of a deviant master status — versus shaming that is reintegrative, that shames while maintaining bonds of respect or love, that sharply terminates disapproval with forgiveness, instead of amplifying deviance by progressively casting the deviant out. Reintegrative shaming controls crime; stigmatization pushes offenders toward criminal subcultures.

Braithwaite, Crime, supra note 7, at 12-13; see id. at 55, 100-01; John Braithwaite, Poverty, Power, White-Collar Crime and the Paradoxes of Criminological Theory, 24 Austl. & N.Z. J. Criminology 40, 52 (1991) [hereinafter Braithwaite, Poverty]; Braithwaite, Shame, supra note 7, at 1; see supra note 7; cf. Griffiths, supra note 8, at 376 (family discipline is quintessentially reintegrative); id. at 410-12 (describing a criminal justice system based on “reconcilability”). But see generally Toni M. Massaro, Shame, Culture, and American Criminal Law, 89 Mich. L. Rev. 1880 (1991) (doubting the efficacy of shaming in American criminal justice). See also Dan M. Kahan, What Do Alternative Sanctions Mean?, 63 U. Chi. L. Rev. (forthcoming 1996), noted in George F. Will, Shame Can Be Used as an Effective Punishment, St. Petersburg Times, Feb. 1, 1996, at 14A.

10. Using John Braithwaite’s terminology, see supra note 9, the North Dakota justice system and Thompson’s Texas community stigmatize Helton and Thompson respectively, casting them out rather than reintegrating them, while the Texas courts shirk their responsibility by doing no shaming at all. “A society which neglects the need to shame harmful criminal behavior will be a society which encourages its citizens to amoral encroachments upon the freedom of others.” Braithwaite, Crime, supra note 7, at 12.

11. Porter implies a similar mix in her own rearing, in the same rural South Texas she depicts in Noon Wine: “Children had no necessary privacies. We were watched and herded and followed and spied upon and corrected and lectured and scolded (and kissed, let’s be just, loved tenderly, and prayed over!) all day, every day, through the endless
This Essay develops these points along the following lines. Part I discusses the challenge posed to Mr. and Mrs. Thompson by the need to socialize their sons, analyzing how they accomplish this difficult task. Part II turns to Olaf Helton, examining what little the novel discloses of his life in North Dakota for evidence of his treatment there by family, community, and state; part II also considers Helton's forgiving mother and the relentless Homer T. Hatch, who may be seen as a grotesque version of the demanding father. Part III returns the essay’s focus to Royal Earle Thompson, treating the responses of the criminal justice system and of his community to his killing of Hatch, while commenting on the response to Helton’s flight from the scene of the killing, and on Thompson’s family’s ultimate participation in the community’s condemnation of him.  

Porter’s novel ends bleakly, with Hatch and Helton dead and Thompson on the verge of shooting himself. Yet it holds out hope for avoiding such results. Arthur and Herbert Thompson have grown from undisciplined ruffians to young men.  

Noon Wine teaches that such results are possible not just for families, but for communities and for the state that comprises them, if only we will learn to temper harshness with leniency, to steel forgiveness with demand.
I. CHILDREARING ON THE THOMPSON FARM

_Noon Wine_ opens picturesquely, portraying the first encounter between laconic Olaf Helton and talkative Royal Earle Thompson on Thompson’s rundown South Texas homestead. With economical but telling detail, Porter paints what Robert Penn Warren calls a “debt-bit shirt-tail farm.” Significantly for the purposes of this Essay, the first details the novel gives of the dilapidated farm (after a heading indicating “Time” and “Place”) are of the children who live there: “The two grubby small boys with tow-colored hair who were digging among the ragweed in the front yard sat back on their heels and said ‘Hello,’” to the slowly entering Olaf Helton.

Ragweed in the front yard suggests carelessness in maintaining the farm, but the same carelessness seems to extend to the boys, aged eight and six at the beginning of the novel, who are presented as small rooting animals. The Thompson children are “grubby,” which signifies that they are not only “dirty” and “grimy,” but “also slovenly and underbred.” Their conduct, digging in weeds, matches the definition of the verb “to grub,” and the adjec-

juveniles or regulatory bureaucrats with business executives, social control that is cold and punitive is not the way to go, nor is social control that is warm and permissive. Rather the strategy of first choice should be social control that is warm and firm, with shaming rather than pain-infliction providing the firmness needed in all but extreme situations.

See supra notes 7 & 9.

15. See JAMES B. WHITE, HERACLES’ BOW: ESSAYS ON THE RHETORIC AND POETICS OF THE LAW 183-84 (1985); see also Frederick J. Hoffman, Katherine Anne Porter’s Noon Wine, CEA CRITIC, Nov. 1956, at 1, 6; Pierce, supra note 5, at 99; Robert P. Warren, Irony with a Center, in Warren, CRITICAL ESSAYS, supra note 2, at 93, 98-99 [hereinafter Warren, Irony].

For example, Porter’s second sentence describes the farmhouse gate: “[I]t had swung back, conveniently half open, long ago, and was now sunk so firmly on its broken hinges no one thought of trying to close it.” P. 157; cf. p. 181 (Olaf Helton eventually replaces the Thompsons’ gate). To this reader, some of whose family roots are in the rural South Texas that provides the setting for _Noon Wine_, this description recalls an aunt’s story about why the path to the outhouse on the Batey farm was crooked: “One day someone set a bucket down in the path, and it was easier to walk around it than to pick it up.”


17. On the significance of this heading, see Roy R. Male, The Story of the Mysterious Stranger in American Fiction, 3 CRITICISM 281, 283-84, 291 (1961); Pierce, supra note 5, at 98.


19. EMMONS, supra note 2, at 28 (“the ragweed . . . signals . . . neglect, sickness, and a certain sorriness”); cf. White, supra note 15, at 184 (“The ‘ragweed’ renders the scene less sentimental . . . ”).

tive "grubby" also evokes images of the animal vitality of insect larvae. The boys' hair color furthers this portrayal of unruly nature: "Tow" is untreated flax, and tow-headedness indicates hair that is not only yellowish but also "unkept or tousled." The movement of the boys described in Noon Wine's first sentence, sitting back on their haunches, is also animalistic; one almost expects them to bark or bray at Helton rather than to say hello.

This snapshot of Arthur and Herbert Thompson is not misleading. In the opening pages of the novel Porter briefly sketches them in lines that confirm their father's fear that they are "regular heatmens... Just plain ignoramuses." As the newly hired Helton settles into the shack allotted him on the farm, Mrs. Thompson warns him to put his harmonicas somewhere her boys cannot reach them, because "[w]e used to have an old accordion, and Mr. Thompson could play it right smart, but the little boys broke it up." Thus described, the boys are miscreant animals, as their arrival at what will be their first meal with Helton also displays:

Arthur and Herbert, grubby from thatched head to toes, from skin to shirt, came stamping in yelling for supper. "Go wash your faces and comb your hair," said Mrs. Thompson, automatically. They retired to the porch. Each one put one hand under the pump and wet his forelock, combed it down with his fingers, and returned at once to the kitchen.

The boys' resistance to parental command and sheer animal vitality are again apparent when Arthur, asked to call Mr. Helton to supper in the farmhouse kitchen, responds by "[b]awl[ing] like a bull calf, 'Saaaaaaay, Helllllliton, suuuuuupper's ready!' and add[s] in a lower voice, 'You big Swede!'"

23. Cf. Darlene H. Unruhe, Truth and Vision in Katherine Anne Porter's Fiction 50 (1985) (citing passages in Noon Wine and other works for the proposition that "[t]he identification of children with animals has a firm place in... Porter's... fiction"). But cf. White, supra note 15, at 183 (labeling the description of the boys as "'Two tow-haired children'" "a form of sentimentality, a verbal equivalent of a Norman Rockwell painting").
24. P. 168; see Emmons, supra note 2, at 33 ("The two boys[ are] grubby and mannerless brats when the story begins... ").
25. P. 164. Helton responds with uncharacteristic alacrity, moving the harmonicas "to the ledge where the roof joined to the wall." Mrs. Thompson's response, "'That'll do, maybe,'" says much about her estimate of the boys' power to make mischief. P. 164.
26. P. 166. Juvenile failure to attend to cleanliness, even after parental injunction, is a common fictional event. From at least 35 years ago, I remember a "Leave It to Beaver" episode in which Beaver and his brother were told to go upstairs, bathe, and retire for the evening; as the clothed boys talked in the bathroom, they ran the tub, knelt beside it in order to move their hands noisily through the water, then emptied the tub, and went to bed. Not understanding the brothers' subterfuge, I briefly wondered why they knelt to pray before taking a bath. Once I realized that they had tricked their parents into believing that they had bathed, I vowed to try the ploy myself, but never had the courage.
Herbert’s chance to misbehave comes a few minutes later, during grace before the family meal, which Mrs. Thompson says “hastily, . . . trying to finish before Herbert’s rusty little paw reached the nearest dish. . . . Arthur always waited, but Herbert . . . was too young to take training yet.”

When Helton departs, after eating quickly and refusing to converse, the boys make fun of his accent, and in response to parental scolding, Herbert proudly announces, “I’m going to git sent to the ‘formatory when I’m old enough,’ . . . ‘That’s where I’m goin’.” An infuriated Mr. Thompson sends both boys to bed, but their exuberant misconduct continues unabated: “[S]hortly from their attic bedroom the sounds of scuffling and snorting and giggling and growling filled the house and shook the kitchen ceiling.”

Such children pose an obvious challenge for their parents, who bear the responsibility of turning healthy animals into healthy citizens. To discharge this disciplinary responsibility, Mr. and Mrs. Thompson assume different

27. Pp. 166-67. For a discussion of the relative propensities for antisocial conduct among “children, chickens, and dogs,” see TRAVIS HIRSCHI, CAUSES OF DELINQUENCY 31 (1st paperback ed. 1971). Hirschi concludes that the relevant question regarding criminal conduct (by children and adults) is not “‘Why do they do it?’,” but “‘Why don’t we do it?’ There is much evidence that we would if we dared.” Id. at 34.

28. Pp. 167-68. It is no wonder that the Thompsons are “anxious about their offspring’s delinquent tendencies.” JOHN E. HARDY, KATHERINE ANNE PORTER 98 (1973).

29. P. 168.

30. In “‘Noon Wine’: The Sources,” Porter speaks of her own upbringing in rural South Texas as she asks rhetorically, “Is it not almost the sole end of civilized education of all sorts to teach us to be more and more highly, sensitively conscious of the reality of the existence, the essential being of others, those around us so very like us and yet so bafflingly, so mysteriously different?” Porter, supra note 2, at 38-39; see infra note 68. See generally FREDERICK ELKIN & GERALD HANDEL, THE CHILD AND SOCIETY: THE PROCESS OF SOCIALIZATION 5-7, 62 (4th ed. 1984); MICHAEL R. GOTTFREDSON & TRAVIS HIRSCHI, A GENERAL THEORY OF CRIME 97 (1990); GERALD R. PATTERSON, COERCIVE FAMILY PROCESS 220 (1982); Griffiths, supra note 8, at 372.

Jean Hampton explains that some form of punishment is essential to the process of childrearing (and to adult socialization as well), in order to distinguish moral injunctions from merely prudential ones. Hampton, supra note 8, at 225-26; see H.J. EYSENCK, CRIME AND PERSONALITY 114-17 (3d ed. 1977); GOTTFREDSON & HIRSCHI, supra, at 99-100; TRAVIS HIRSCHI, CRIME AND THE FAMILY, in CRIME AND PUBLIC POLICY 53, 53 (James Q. Wilson ed., 1983); PATTERSON, supra, at 137, 220.

The costs of child disciplinary failures appear to be high: “[T]here is good evidence that youngsters who turn out to become chronic offenders start their antisocial behavior at an early age. . . . [T]he more chronically disrupted or deficient the parents’ management skills are, the higher the likelihood the child will become chronically antisocial.” Rolf Loeber, The Stability of Antisocial and Delinquent Child Behavior: A Review, 53 CHILD DEV. 1431, 1442 (1982); see PATTERN, supra, at 220, 259-60; Rolf Loeber & Magda Stouthamer-Loeber, Family Factors as Correlates and Predictors of Juvenile Conduct Problems and Delinquency, 7 CRIME & JUST. ANN. REV. RES. 29, 43-51, 108, 126-27 (1986); Sampson & Laub, supra note 8, at 95-97.
roles, the ones dictated to them by gender conventions only slightly less prevalent now than in the 1890s (or the 1930s).\textsuperscript{31} Mrs. Thompson is the forgiving mother who shrinks from harsh discipline.\textsuperscript{32} When Arthur bawls for Helton to come to supper, Mrs. Thompson tells her eldest son that if he does not summon the farmhand properly, he will “‘get . . . a good licking’” — but only from “‘your daddy’” — and then she forgets the threat entirely when the farmhand appears in response to Arthur’s previous yell.\textsuperscript{33} The reason Mrs. Thompson rushes through grace a few moments later is that she does not want to punish little Herbert for filching food during the prayer: “[S]he would be duty-bound to send him away from the table, and growing children need their meals.” A similar leniency marks Mrs. Thompson’s response to her children’s imitation of Helton’s accent immediately after he leaves the dinner table. She tries reasoning with her sons — “‘How’d you like to be a stranger in a strange land?’” — but makes no headway at all, turning the matter over to her husband.\textsuperscript{34}

Mr. Thompson has taken no notice of his sons’ previous suppertime misbehavior, allowing his wife to shoulder the load. But now he “turn[s] the face of awful fatherhood upon his young,” pronouncing them “‘heathens’”

\textsuperscript{31} See supra note 2.

\textsuperscript{32} Glossing her own novel, Porter describes Ellen Thompson as “a benign, tender, ignorant woman, . . . not meant for large emergencies.” Porter, supra note 2, at 35-36; see Emmons, supra note 2, at 31 (“Her very gentleness probably makes her ineffectual in raising children . . . .

\textsuperscript{33} See supra note 2, at 31 (“Her very gentleness probably makes her ineffectual in raising children . . . .”); Louis Leiter, The Expense of Spirit in a Waste of Shame: Motif, Montage, and Structure in Noon Wine, in SEVEN CONTEMPORARY SHORT NOVELS 185, 211-12, 218 (Charles Clerc & Louis Leiter eds., 1969) (her “moderation” in childrearing “contributes to the moral flabbiness of her husband”); see infra note 54. M.G. Krishnamurthi emphasizes Mrs. Thompson’s “inability to stand firm” as a disciplinarian: “Though she believes that she knows the differences between right and wrong, she cannot firmly commit herself to her conception of right conduct and behaviour.” KRISHNAMURTHI, supra note 2, at 114. In the terminology of child development professionals, Mrs. Thompson’s parenting style is “warm-permissive.” See JAMES Q. WILSON & RICHARD J. HERRNSTEIN, CRIME AND HUMAN NATURE 237-38 (1985); see infra note 62.

\textsuperscript{34} Pp. 167-68. See generally Leiter, supra note 32, at 189-90, 210, 218; M. Wynn Thomas, Strangers in a Strange Land: A Reading of “Noon Wine,” 47 AM. LITERATURE 230, 243-44 (1975); Thomas F. Walsh, Deep Similarities in “Noon Wine,” 9 MOSAIC 83, 86-87 (1975) [hereinafter Walsh, Deep Similarities]. Mrs. Thompson’s statement to her children may be seen as an attempt at reintegrative shaming, as recommended by John Braithwaite. See supra notes 7 & 9; cf. BRAITHWAITE, CRIME, supra note 7, at 72 (“shaming can be a reaffirmation of the morality of the offender by expressing personal disappointment that the offender should do something so out of character”); id. at 77 (giving examples of such shaming in the family context). As such, the attempt fails miserably: Arthur answers his mother’s question with precocious perversity, “‘I’d like it,’ . . . ‘I think it would be fun.’” P. 168.
and "ignoramuses." To this abuse he adds the threat of unknown perils when the boys "get sent to school next year," but this ploy produces no fear, sparking Herbert's "formatory" prediction instead. So Mr. Thompson, continuing to play the role of the harsh, judgmental disciplinarian, escalates his rhetoric, "becoming a hurricane of wrath. 'Get to bed, you two,' he roared until his Adam's apple shuddered. 'Get now before I take the hide off you!'

Almost certainly without realizing it, Mr. and Mrs. Thompson have subdivided the responsibility of disciplining their children, with the mother embodying a loving leniency while the father threatens significant harm for wrongdoing. That these are roles they assume with their children, and not just reflections of their individual personalities, becomes apparent as the

35. P. 168; see Leiter, supra note 32, at 202, 211, 218 (acknowledging Thompson's "brutal disciplinary methods"); see infra note 237; Thomas, supra note 34, at 241-42 (if he cannot remain aloof from child discipline, Thompson "assert[s] himself simply and fiercely"). In the terminology of child development professionals, Mr. Thompson's parenting style is "cold-restrictive." See Wilson & Herrnstein, supra note 32, at 237-38; see infra note 62. Thompson's bluster may be an overcompensation for his wife's leniency, an interaction noted by Gerald R. Patterson. See Patterson, supra note 30, at 225. Regarding corporal punishment, see infra notes 55 & 57.

36. See generally Elkin & Handel, supra note 30, at 136-37; Patterson, supra note 30, at 285. For a description of how dysfunctional this subdivision of parental responsibilities can become, see id. at 299-301.

M.G. Krishnamurthi connects the gendered nature of this division of roles to Mr. Thompson's view of "masculine and feminine responsibilities" on a farm, inferring that Porter's criticism of the latter, see infra text accompanying notes 103-05, also extends to the former. Krishnamurthi, supra note 2, at 114; Givner, supra note 2, at 52 ("Porter grew up in a time and a region in which the sexual roles were strongly polarized."); cf. Charles Allen, Southwestern Chronicle: Katherine Anne Porter, 2 Ariz. Q. 90, 94 (1946) [hereinafter Allen, Chronicle] ("Thompson's convictions about proper work for man and woman, and about how to rear children, . . . are tightly geared to the cultural assumptions of the region.").

The differing gender roles that the Thompsons display accord with the perception of cultural feminists (and others) that:

women have a "sense" of existential "connection" to other human life which men do not. That sense of connection in turn entails a way of learning, a path of moral development, an aesthetic sense, and a view of the world and of one's place within it which sharply contrasts with men's.

... .

The most significant aspect of our difference, though, is surely the moral difference. According to cultural feminism, women are more nurturant, caring, loving and responsible to others than are men.

Thompsons deal with one another. Mrs. Thompson is more judgmental and assertive in trying to control her husband’s behavior, and Mr. Thompson betrays more doubt to his wife and accepts more correction from her than he would ever show or allow from his children.37

In the opening pages of Noon Wine, Ellen Bridges Thompson tries several times to control her husband’s behavior.38 When he plans to go to town immediately after hiring Helton, Ellie tells Royal Earle Thompson not to go to the saloon, scornfully asserting her teetotaler philosophy. On Thompson’s return, “full of good will” and a little liquor, his wife punishes his disobedience by squashing his expansive mood — the farmer gushes about all that Helton has accomplished in a single afternoon — with a cutting comment: “‘You smell like a toper, Mr. Thompson.’”39 Ellen also disapproves of her husband’s dinner table conversation with Helton, a story about feeding beer to a goat she has heard several times before; though she says nothing during the story and even “laugh[s] dutifully,” Mr. Thompson’s subsequent conversation indicates that he registered her disapproval.40 Mrs. Thompson even criticizes her husband’s performance as a disciplinarian. Immediately after he furiously sends the boys to bed, Ellie says, “‘It’s no use picking on them when they’re so young and tender. I can’t stand it.’”41

Ellie Thompson’s leniency with her sons takes on a different character when she directs her attention to her husband, who is no longer “young and tender.” Of course, in keeping with the times, she remains deferential to all adult men, even her employee Olaf Helton,42 but she is more willing to injure

37. In commenting on Noon Wine, Porter indicates the social basis for these attitudes: “Mr. Thompson is a member of the plain people who has, by a hair’s breadth, outmarried himself. Mrs. Thompson’s superiority is shown in her better speech, her care for the proprieties, her social sense; even her physical fragility has some quality of the ‘genteel’ in it . . . .” Porter, supra note 2, at 35.

38. “She wishes she could count on him more confidently and scolds him occasionally, but never with bitterness.” NANCE, supra note 5, at 60; see EMMONS, supra note 2, at 30-31.


40. Pp. 167, 169. See infra text accompanying note 44. See generally ELKIN & HANDEL, supra note 30, at 243-44 (women’s speech is typically more “‘proper’” than men’s, perhaps as an attempt to compensate for the effects of subordination).

41. P. 168.

42. “Mrs. Thompson was perfectly accustomed to all kinds of men full of all kinds of cranky ways. The point was, to find out just how Mr. Helton’s crankiness was different from any other man’s, and then get used to it, and let him feel at home.” P. 164; cf. ELKIN & HANDEL, supra note 30, at 242 (quoting JESSIE BERNARD, WOMEN AND THE PUBLIC INTEREST: AN ESSAY ON POLICY AND PROTEST ch. 5 (1971)) (“The female identity emphasizes being helpful and supportive of children, men, bosses — what sociologist Jessie Bernard has called ‘the all-pervading function — stroking.’”).

Regarding Ellen Thompson’s conformity to another gender role, the “prescribed womanly vocation of virtue as such — manifest, unrelenting, sacrificial, stupefying,” see Porter, supra
her husband’s feelings in order to modify his behavior than she is to hurt her children in order to improve theirs.

Nor does Royal Earle Thompson play the harsh disciplinarian with his wife, though he would like to modify her critical behavior toward him. Having disobeyed her regarding the visit to the saloon, he feels “justly rebuked” by Ellie’s calling him a toper and complies swiftly with her implicit request that he bring in some firewood. He also accepts her complaint about the way he disciplines their children, responding only with a plaintive justification, suggesting that he is doing the best that he can: “‘My goodness, Ellie,’... ‘we’ve got to raise ‘em. We can’t just let ‘em grow up hog wild.’”

On the evening of the Thompsons’ first supper with Helton, Royal Earle Thompson does use two disciplinary techniques on his wife — raising his voice to her and corporal punishment — but he subsides in a way that turns mild physical abuse into loving remonstrance, which Ellie reciprocates. Having shouted at his children during supper, he raises his voice to his wife a few minutes later, in a way that shows self-doubt as well as anger, during a silly exchange about her grandmother’s theory that

“. . . the first thing you think is the best thing you can say.”

“Well,” said Mr. Thompson, going into another shout, “you’re so refined about that goat story, you just try speaking out in mixed comp’ny sometime! You just try it. S’pose you happened to be thinking about a hen and a rooster, hey? I reckon you’d shock the Babtist preacher!”

Accompanying this outburst, Royal Earle gives Ellie “a good pinch on her thin little rump.” While this action may have begun as a physical complement to verbal reproof, the thought of sex changes the husband’s intonation: “‘No more meat on you than a rabbit,’ he said, fondly. ‘Now I like ‘em cornfed.’”

If Thompson was momentarily upset by his wife’s unvoiced criticism of his conversational style and her other recent rebukes, whatever desire he had to chastise her for this behavior transmutes into a quite different sort of desire, and what he sees as his wife’s transgressions are quickly forgotten.

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References:

note 2, at 38. Cf. UNRUE, supra note 23, at 63-64 (discussing “the uselessness of [Mrs. Thompson’s] religion”).


44. P. 169; see infra note 237. M. Wynn Thomas notes the irony that Thompson, who will impulsively kill Homer T. Hatch, see infra text accompanying note 123, here argues against conversational impulsivity. Thomas, supra note 34, at 236-37.

45. P. 169; cf. LIBERMAN, supra note 2, at 94 (“Mr. Thompson gives voice to adolescent prurience.”). Though Thompson’s sons subsequently accuse him of physically harming their mother, see infra text accompanying note 209-10, this is the novel’s only instance of his laying a hand on her.
At this point Ellen Thompson could give in to her husband, forgiving what she sees as his transgressions, or she could continue to remonstrate with him. Surprisingly, she does both. A blushing Ellie responds,

"Why, Mr. Thompson, sometimes I think you’re the evilest-minded man that ever lived.” She took a handful of hair on the crown of his head and gave it a good, slow pull. "That’s to show you how it feels, pinching so hard when you’re supposed to be playing,” she said, gently.46

As her husband has just done, Ellie Thompson acts in a way that combines discipline with love, in a double mutuality — each is both harsh and lenient with the other — that belies the more stereotypical roles they assume with their children.47

Another mixture of disciplinary roles, indeed something of a reversal of their roles with their children, marks the Thompsons’ treatment of their employee Helton during his first years on the farm. Mr. Thompson “fe[els] a little contemptuous of Mr. Helton’s ways,” finding him “picayune” in his zealous commitment to husbandry and “meeching” because of his closed mouth.48 Yet Thompson “never gave way to these feelings, he knew a good

46. Pp. 169-70. Louis Leiter connects this action by Mrs. Thompson to the subsequent “head carving[s]” suffered by Mr. Hatch and Mr. Thompson. Leiter, supra note 32, at 218; see infra note 206.

47. “Mr. and Mrs. Thompson are the most congenial married couple in all of Miss Porter’s stories . . . . There is real mutual respect and affection between them; each has weaknesses but each is tolerant of the other.” EMMONS, supra note 2, at 30; see GIVNER, supra note 2, at 76; NANCE, supra note 5, at 56, 60; Elmo Howell, Katherine Anne Porter and the Southern Myth: A Note on “Noon Wine,” 11 LA. STUD. 252, 257 (1972). See also Warren, Irony, supra note 15, at 100; Robert P. Warren, Uncorrupted Consciousness: The Stories of Katherine Anne Porter, 55 YALE REV. 280, 289 (1966) [hereinafter Warren, Uncorrupted Consciousness].

The Thompsons’ acceptance of mild physical abuse from one another, in a conversation flavored by thoughts of sex, recalls Robin West’s courageously frank discussion of “the value of sexual submission”: “I believe that sexual submission has erotic appeal and value when it is an expression of trust . . . . Absolutely pliant obedience” — toward which the sufferings of a pinch and a hair pull are merely the first steps, and probably the only steps the Thompsons will ever take — “is sexually arousing (for some) when it enables the submissive subject to transcend her own selfhood, and thereby to abdicate her responsibility for her own action.” Robin L. West, The Difference in Women’s Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory, 3 WIS. WOMEN’S L.J. 81, 129 (1987). While West focuses on how this analysis applies to women, the need for trust and self-transcendence appears universal; one (hopefully nonsexual) context in which this need is clear is the child’s relationship to its parents. Cf. id. at 132 (“the weak need to be able to depend on the strong”).

Mrs. Thompson’s subsequent submission to her husband — lying about the circumstances of his killing of Hatch, see infra notes 161 & 178 and accompanying texts — reflects not trust, but the “damaging, injurious, and painful” aspect of submission (whether sexual or not): “when it is an expression of fear.” Id. at 129.

48. Pp. 172-73; see Howell, supra note 47, at 253. “Meech” is a variant of the verb “miche,” meaning “[t]o shrink or retire from view; to lurk out of sight; to skulk.” 1 THE COMPACT EDITION OF THE OXFORD ENGLISH DICTIONARY 1760, 1787 (1971).
thing when he had it.” Helton helps the farm become profitable, and Mr. Thompson rewards his worker with raises and a lenient attitude toward his curious and secretive ways.49

Royal Earle’s laissez-faire attitude toward Helton surfaces in response to Ellie’s attempts to change those ways, to get their farmhand “‘to behave like other people.’” Mrs. Thompson wants Helton to talk more at their daily meals, but Mr. Thompson counsels, “‘Let him alone,’ . . . . ‘When he gets ready to talk, he’ll talk’” (but he never does).50 Mrs. Thompson wants Helton to go to church with the family, and this time her husband’s recommendation to “‘[l]et him alone’” does not deter her from at least asking. She extends an invitation some employees might find difficult to reject, but Helton “glare[s] past her,” giving a “frighten[ing]” look: “‘I got work,’ he said bluntly, and lifting his pitchfork he turned from her and began to toss the hay.” “[H]er feelings hurt,” Mrs. Thompson abandons her effort to modify Olaf Helton’s behavior.51

Like most of us, Royal Earle and Ellie Thompson modify the mix of requirement and toleration they use to shape the behavior of the other adults with which they deal. With their children, whose behavior the Thompsons have a responsibility to shape, they rely on the dual nature of parenthood to achieve this end, with each parent taking a polar role. This polarity is apparent in a series of trivial events occurring in Helton’s second year on the Thompson dairy farm, events that form the climax of the first half of Noon Wine.

As Mrs. Thompson expected, Arthur and Herbert eventually get to Helton’s collection of harmonicas, the ones he plays the same tune on every day during his occasional breaks from farm labor. Mr. Thompson explains to his wife what the boys did, after he has spoken to Helton:

“He says them brats been fooling with his harmonicas, Ellie, blowing in them and getting them all dirty and full of spit and they don’t play good.”

“Did he say all that?” asked Mrs. Thompson. “It doesn’t seem possible.”

“Well, that’s what he meant, anyhow,” said Mr. Thompson. “He didn’t say it just that way. But he acted pretty worked up about it.”

Helton was worked up enough to have been seen by Mrs. Thompson wordlessly “shaking [first Arthur and then Herbert] by the shoulders, ferociously,

49. P. 173; see Leiter, supra note 32, at 192.
51. Pp. 174-75; see Thomas F. Walsh, The “Noon Wine” Devils, 22 GA. REV. 90, 93 (1968) [hereinafter Walsh, Devils]; see infra note 79.
his face most terribly fixed and pale.”

Even before knowing the reason for this discipline, Ellen Thompson knows that she should do something about it, but fears action. She finds her sons soon after the shakings but shrinks from even acknowledging to Arthur and Herbert that she saw their punishment.

[She was afraid to ask them for reasons. They might tell her a lie, and she would have to overtake them in it, and whip them. Or she would have to pretend to believe them, and they would get in the habit of lying. Or they might tell her the truth, and it would be something she would have to whip them for. The very thought of it gave her a headache.]

This trilemma faces any parent who suspects misconduct but shrinks from punishment: Without investigation and a penalty if merited, either the misconduct or its cover-up will be encouraged. The children’s behavior evidences such encouragement. Corporal punishment at Helton’s hands surprised and chastened them, but their mother’s failure to inquire and subsequent recruitment to help in the kitchen return them to their carefree mischievous selves.

52. Pp. 175, 177-78.

53. If Mrs. Thompson does not yet consider Helton a family member, see supra text accompanying note 6, the punishing of her sons by an “outsider” may be an additional spur to action. “Societal incidents of shaming remind parents of the wide range of evils about which they must moralize with their children. . . . [P]ublic shaming puts pressure on parents . . . to ensure that they engage in private shaming . . . .” BRAITHWAITE, CRIME, supra note 7, at 78; see supra note 7.

54. P. 176. Mrs. Thompson shows similar despair when she learns what her children have done: “‘That’s a shame,’ . . . ‘a perfect shame. Now we’ve got to do something so they’ll remember they mustn’t go into Mr. Helton’s things.’” P. 178. See supra note 32. Louis Leiter notes the selfishness in this attitude: “Ellie’s morality is paralyzed by her tender feelings; she almost destroys Thompson’s effective disciplining of the boys not because she is afraid for the boys but, rather, for how she herself will suffer.” Leiter, supra note 32, at 218.

55. During his shaking, Arthur “had not stiffened in resistance, as he did when Mrs. Thompson tried to shake him. His eyes were rather frightened, but surprised, too, probably more surprised than anything else.” When Helton shook Herbert, the younger child’s “mouth crumpled as if he would cry, but he made no sound.” Released, “the little boys ran, as if for their lives, without a word”; their mother found them “huddled together under a clump of chinaberry trees . . . as if it were a safe place they had discovered.” Pp. 175-76. For grudging acknowledgments of the effectiveness of corporal punishment, see Patterson, supra note 30, at 112, 118; see infra note 57. But cf. id. at 136 (recommending the development of nonviolent forms of punishment). See generally Dean M. Herman, A Statutory Proposal to Prohibit the Infliction of Violence upon Children, 19 FAM. L.Q. 1 (1985); Mary Kate Kearney, Substantive Due Process and Parental Corporal Punishment: Democracy and the Excluded Child, 32 SAN DIEGO L. REV. 1 (1995); Victor L. Vieth, Corporal Punishment in the United States: A Call for a New Approach for the Prosecution of Disciplinarians, 15 J. JUV. L. 22 (1994).
They galloped through their chores, their animal spirits rose with activity, and shortly they were out in the front yard again, engaged in a wrestling match. They sprawled and fought, scrambled, clutched, rose and fell shouting, as aimlessly, noisily, monotonously [sic] as two puppies. They imitated various animals, not a human sound from them, and their dirty faces were streaked with sweat.

Returned to the front yard, the boys seem as dirty and as undomesticated as two years earlier when they first encountered Helton. Mrs. Thompson’s leniency regarding their misconduct appears to have rendered Helton’s discipline unavailing; there is no apparent progress in childrearing. But Mrs. Thompson has not decided to let the matter go entirely. Instead, “[s]he would wait and tell Mr. Thompson, and let him get to the bottom of it.”

Informed of the shakings just before the family supper, Royal Earle Thompson investigates and grows angry over his children’s misconduct. He tells his wife, “‘I’ll tan their hides for them,’ . . . ‘I’ll take a calf rope to them if they don’t look out.’ . . . ‘I’ll break every bone in ‘em,’ . . .” When Mrs. Thompson suggests that perhaps she should do the punishing (“You haven’t got a light enough hand for children.”), father and mother quarrel briefly over styles of corporal punishment.

“That’s just what’s the matter with them now,” shouted Mr. Thompson, “rotten spoiled and they’ll wind up in the penitentiary. You don’t half whip ‘em. Just little love taps. My paused to knock me down with a stick of stove wood or anything else that came handy.”

“Well, that’s not saying it’s right,” said Mrs. Thompson. “I don’t hold with that way of raising children. It makes them run away from home. I’ve seen too much of it.”

Without resolving the dispute, even as it applies to the disciplinary matter before them, the Thomsons turn to their children.

Mrs. Thompson orders the boys to wash up, a frequent prelude to punishment, so the children “slunk out and dabbled at the pump and slunk in again, trying to make themselves small.” Being small targets, both figuratively and literally, does not protect them from being “brought to the terrible

56. Pp. 176-77. For another instance of leaving more serious punishment to Mr. Thompson, see supra text accompanying note 33.

57. P. 178. Gerald R. Patterson indicates the reality that underlies Mr. Thompson’s hyperbole: “Physical punishment is a ubiquitous facet of parenting in our culture[,] . . . a part of our historical heritage.” PATTERSON, supra note 30, at 114; see Herman, supra note 55, at 12, 15-16; Kearney, supra note 55, at 22-23; Vieth, supra note 55, at 23. See infra note 237.

58. P. 178; see infra note 101. On the tendency of parents to inflict on their children the same kind of punishment the parents received as children, see Herman, supra note 55, at 20-21.
The prospect of imminent accusation and punishment put the boys “in panic” and “despair,” so they immediately and tremulously assent that they deserve parental discipline. Their ready acceptance of shame, plus a reminder from Ellie Thompson of the recent disagreement regarding physical punishment (“‘Now, papa,’ said Mrs. Thompson in a warning tone.”), cause Royal Earle Thompson to relent. After forcing Arthur to acknowledge once again that their behavior merits “a good thrashing,” Mr. Thompson turns imminent discipline into a threat regarding future misconduct:

“And the next time I catch either of you hanging around Mr. Helton’s shack, I’m going to take the hide off both of you, you hear me, Herbert?”

Herbert mumbled and choked, scattering his cornbread. “Yes, sir.”

“Well, now sit up and eat your supper and not another word out of you,” said Mr. Thompson, beginning on his own food.

Wordlessly, father and mother have compromised regarding the punishment of their children. Mr. Thompson has abandoned the harsh physical disci-

59. Pp. 178-79. M. Wynn Thomas notes that like his children, Mr. Thompson will be brought before a terrible bar of justice (not in the courts but in his community) after his killing of Hatch. Thomas, supra note 34, at 242; see Leiter, supra note 32, at 215; Walsh, Devils, supra note 51, at 94.

60. Pp. 178-79. The boys’ panic and despair come not only from fear of physical punishment, but also from a desire to maintain bonds of attachment to their parents. Cf. Gottfredson & Hirschi, supra note 30, at 99-100 (“disapproval by people one cares about is the most powerful of sanctions”); Hirschi, supra note 27, at 30 (“Insofar as the child respects (loves and fears) his parents, . . . he will accept their rules.”).

61. P. 179. While by no means ideal, this disciplinary ploy would seem to satisfy Gerald R. Patterson’s criterion of “pairing stop commands with an appropriate back-up punishment. This should increase the effectiveness of parental punishment.” Patterson, supra note 30, at 228; see Gottfredson & Hirschi, supra note 30, at 100.

62. Students of child development advocate a similar sort of compromise between the “authoritarian” childrearing of Mr. Thompson and the “permissive” style of Mrs. Thompson. Diana Baumrind, Parental Disciplinary Patterns and Social Competence in Children, 9 YOUTH & SOC’Y 239, 240-45, 253-56, 265-68 (1978); Diana Baumrind & Allen E. Black, Socialization Practices Associated with Dimensions of Competence in Preschool Boys and Girls, 38 CHILD DEV. 291, 325-26 (1967); see Braithwaite, Crime, supra note 7, at 56-57, 166-68; Howard Gardner, Developmental Psychology: An Introduction 298-301 (1978); Sheldon Glueck & Eleanor Glueck, Of Delinquency and Crime: A Panorama of Years of Search and Research 63, 67-68 (1974); Gottfredson & Hirschi, supra note 30, at 97, 100; Wilson & Herrnstein, supra note 32, at 231-36; Loeber & Stouthamer-Loeber, supra note 30, at 53; cf. Justin Aronfreed, Conduct and Conscience: The Socialization of Internalized Control over Behavior 315-17, 321-22 (1968) (though a combination of approaches is inevitable, “less directly punitive forms of discipline” are more likely to develop conscience than “direct physical and verbal attack”); William McCord & Joan McCord,
pline he considered appropriate, while Mrs. Thompson both accepts and participates in a shaming of her children of which she was earlier incapable. This form of punishment continues during supper, as their parents’ gaze reminds Arthur and Herbert of their misbehavior and the jeopardy it has generated: “The little boys . . . started chewing, but every time they looked around they met their parents’ eyes, regarding them steadily. There was no telling when they would think of something new.”

The boys finally feel relief when the subject turns to Helton. Mrs. Thompson asks her husband to tell the hired man to come to them with complaints about the boys, rather than punishing them himself, and the heavy irony of their father’s response lets the boys know the crisis has passed: “‘They’re so mean,’ answered Mr. Thompson, staring at them. ‘It’s a wonder he just don’t kill ‘em off and be done with it.’” But talk of Helton reminds Mrs. Thompson that the farmhand has not come to the family meal, and she asserts discipline once again by directing Arthur to “‘go and tell Mr. Helton he’s late for supper. Tell him nice, now.’” A “miserably depressed” Arthur nevertheless complies, without a hint of protest.

ORIGINS OF CRIME: A NEW EVALUATION OF THE CAMBRIDGE-SOMERVILLE YOUTH STUDY 74-78 (1959) (summarizing prior results similar to Baumrind’s, but finding that consistency of childrearing style produced the least juvenile delinquency); PATTERSON, supra note 30, at 133, 138 (advocating consistent confrontation of deviant behavior); Herman, supra note 55, at 27-30 (corporal punishment is “ineffective” discipline). See supra notes 32 & 35.

63. P. 179. On the effectiveness as a shaming device of verbal reprimand combined with a stare, see BRAITHWAITE, CRIME, supra note 7, at 167. See generally WILSON & HERRNSTEIN, supra note 32, at 230. For another example of gaze used as a disciplinary device, see infra note 182 and accompanying text.

64. P. 179. In John Braithwaite’s terminology, Mr. Thompson’s comment exemplifies reintegrative shaming. See supra notes 7 & 9. Braithwaite notes the wide variety of forms reintegrative shaming may take: “Human beings . . . are subtle, ironic communicators. And the ironies they exploit to communicate respect and caring are so culturally diverse and situationally specific as to defy any cookbook approach to how to be reintegrative.” John Braithwaite, Pride in Criminological Dissensus, 18 LAW & SOC. INQUIRY 501, 506 (1993) (book review) [hereinafter Braithwaite, Pride]. Louis Leiter gives a contrary interpretation of Thompson’s comment: It demonstrates “his role as murderer.” Leiter, supra note 32, at 194, 211.

65. P. 180. Being forced to comply to a better standard of behavior may be seen as the reintegrative shaming championed by John Braithwaite. See supra notes 7 & 9; cf. BRAITHWAITE, CRIME, supra note 7, at 72-73 (“shaming can be a reaffirmation of the morality of the offender . . . by expressing personal satisfaction in seeing the character of the offender restored”); id. at 167 (“it is . . . important that alternatives to the shamed behaviors are made available and reinforced”).

The entire disciplinary process fits the model for conversational adjudication of misconduct identified by Erving Goffman: “challenge, offering, acceptance, and thanks.” Erving Goffman, On Face-Work, in INTERACTION RITUAL: ESSAYS ON FACE-TO-FACE BEHAVIOR 5, 22 (1967). Mr. Thompson challenges his sons by “calling attention to their misconduct.” They offer in return “self-castigation,” which their parents accept. Arthur’s compliance with his mother’s request to summon Helton, however grudging, “conveys a sign of gratitude to those who have
Thus Mr. and Mrs. Thompson and Mr. Helton combine to administer what seems to have been effective discipline. As the years pass, the boys apparently learn to respect Helton. While they belittle him with pet names behind his back (they do the same to their father), the boys are “fond” of the farmhand and regard him “as a good man and a good friend,” as do their parents. And there is no evidence of the boys ever again playing with Helton’s harmonicas. In fact, Arthur and Herbert grow into “good solid boys with hearts of gold in spite of their rough ways.” At seventeen and fifteen respectively, it could be said of them, “They lived through all the grimy, secret, oblique phases of growing up and got past the crisis safely if anyone does.”

Given him the indulgence of forgiveness.” Id. at 20-22. Mr. Thompson deviates from this model at his criminal trial and in subsequent conversations with his neighbors, to his ultimate disadvantage. See infra notes 161-91 and accompanying text.

66. See supra note 62. But see Krishnamurti, supra note 2, at 114-15 (criticizing the Thompsons’ disciplining because there was no punishment; the boys “learn nothing from the incident except what they had already learned — that they should keep their distance from Helton”); cf. Male, supra note 17, at 289 (“the boys . . . appear unsympathetic and slightly cruel in their ignorance, while the parents are ineffectual and bewildered”). See infra note 70.

67. M.G. Krishnamurthi overreads this fact, claiming that the boys never “learn to respect their father as a centre of authority in the family.” Krishnamurti, supra note 2, at 115; see infra note 70.

68. P. 180. At the close of “Noon Wine: The Sources,” Porter sketches her own roughly similar development. The childhood experiences that she transmuted into episodes in her novel, see infra notes 74, 150, 163 & 178, taught her about “shame” and “moral cowardice” and “charity,” and “caused me, a child, to stop short and look outward, away from myself; to look at another human being with that attention and wonder and speculation which ordinarily, and very naturally, I think, a child lavishes only on himself.” Porter, supra note 2, at 38-39; see Wescott, supra note 2, at 52; cf. Elkin & Handel, supra note 30, at 58, 131 (child socialization is the internalizing of societal values and norms). See supra note 30. For Porter this regard for others and the concepts to which it gives rise are shaped quite early, “when the bodily senses and the moral sense and the sense of charity are unfolding, and are touched once for all in that first time when the soul is prepared for them; . . . the all-important things in that way have all taken place long and long before we know the words for them.” Porter, supra, at 39. Thus Porter emphasizes the importance of childrearing and implicitly analogizes her own development to the rearing of Arthur and Herbert Thompson.

Regarding the impact of childrearing on criminality, see Braithwaite, Crime, supra note 7, at 29 (parenthetical omitted) (“[J]uveniles who are strongly bonded to their family . . . are less likely to engage in delinquency. . . . [F]amily attachments and commitments reduce crime when people make use of them to engage in reintegrative shaming.”); see supra notes 9 & 30; see also Gottfredson & Hirschi, supra note 30, at 95; Hirschi, supra note 27, at 86, 94.

69. P. 180. The boys are not saints, but they have learned to sublimate their destructive tendencies. Porter depicts them as teenagers in the family kitchen: “Herbert was looking at the funny pictures from last Sunday’s newspapers, the Katzenjammer Kids and Happy Hooligan. . . . Arthur was building the fire, adding kindling a stick at a time, watching it catch and blaze.” P. 199.

One possible reading of the novel is that the successful upbringing of the Thompson children was pure happenstance. Such a reading would accord with the “bleak” view of Noon Wine
Apparently the combination of contrasting roles played by mother and father, a compromise between leniency and harshness, succeeded so well\textsuperscript{70} that its achievements went unnoticed, at least by one of the parents: “They were such good boys Mr. Thompson began to believe they were born that way, and that he had never spoken a harsh word to them in their lives, much less thrashed them. Herbert and Arthur never disputed his word.”\textsuperscript{71}

II. THE YOUTH OF OLAF HELTON AND ITS AFTERMATH

When Olaf Helton first introduces himself to Royal Earle Thompson, just after entering the Thompsons’ front yard, Helton discloses little of his history: He “‘need[s] work,’” he “‘can do everything on farm,’” he worked last in the wheatfields of North Dakota, and he is content to be the only Swede for miles around.\textsuperscript{72} Helton’s manner tells only a bit more. He moves slowly and deliberately, with his gaze cast on inanimate objects at middle distance, as if he were “sleeping with his eyes open.” And though he claims to have earned a dollar a day as a farmhand in North Dakota, he quickly settles for Thompson’s first offer, seven dollars a month plus room and board; Olaf Helton seems as desperate for work as a quiet, distant, isolated man can be.\textsuperscript{73}

In nine years of living with him, the Thompsons never learned much more about Helton. He sank into his routine as a hired hand, causing the farm

and Porter’s writings in general, see supra note 13; see also infra notes 81 & 128, but I believe the author holds out a bit more hope than this view indicates.

\textsuperscript{70.} But see Krishnamurthi, supra note 2, at 115: “As the boys grow up, the parents fail to provide them with the necessary standards of behaviour.” See supra notes 66-67. The admittedly sparse evidence that Noon Wine provides on this question contradicts Krishnamurthi’s conclusion. Cf. Emmons, supra note 2, at 31, 33 (“The two boys are spoiled and indulged, but not spectacularly so. . . . [E]ventually, somehow and for no particular reason, they grow into reasonably good boys with the promise of becoming good men.”).

\textsuperscript{71.} Pp. 180-81. Diminution in the need for discipline, and perhaps forgetfulness that it was ever needed, are typical: “If the maturation of conscience proceeds as it should, direct forms of shaming, and even more so punishment, are resorted to less and less.” Braithwaite, Crime, supra note 7, at 72.

Apart from the shaking episode, there are only a few indications in the novel that Helton participated in the boys’ upbringing. Helton looks out for the boys from his first day on the farm, knowing where they are even when their mother does not. P. 164. Over the years Arthur and Herbert grow to consider Helton “a grouchy cuss,” which might indicate that he frequently scolded them. P. 180. Despite these hints, it appears that Helton largely left disciplining the Thompson children to their parents. See generally Elklin & Handel, supra note 30, at 57 (while other adults may have some socializing effects on children, parents are their primary socializers).

\textsuperscript{72.} Pp. 158-61; see Krishnamurthi, supra note 2, at 112.

\textsuperscript{73.} Pp. 158-60; see Louis Auchincloss, Pioneers & Caretakers: A Study of 9 American Women Novelists 142 (1965) (“Mr. Thompson takes a conscienceless advantage of [Helton] and pays him a slave’s wage . . . .”); Leiter, supra note 32, at 194; Smith, supra note 5, at 159.
to prosper, but communicated very little (as Thompson said, "'he isn't no whamper-jaw'"), except through music. At the end of the day or during an afternoon break, Helton "would play his single tune on one or another of his harmonicas. The harmonicas were in different keys, some lower and sweeter than the others, but the same changless [sic] tune went on, a strange tune, with sudden turns in it . . . ." At first charmed by Helton's music and then repulsed by its repetition, the Thompsons finally grew accustomed to it — the tune became "as natural as the sound of the wind rising in the evenings, or the cows lowing, or their own voices" — but they never learned its significance until another stranger, the bounty hunter Homer T. Hatch, entered their front yard nine years after Helton.

In a long conversation with Thompson that ends in Hatch's death, the visitor slyly lets slip the salient facts of Helton's life before he came to Texas. Fifteen years before that immigration, Olaf Eric Helton, presumably as an adolescent or young adult, killed his only brother with a pitchfork in a dispute over one of Olaf's harmonicas; the brother had borrowed the harmonica to use in courting his fiancee, lost it, and refused to replace it. Slated for trial and execution but apparently found not guilty by reason of insanity ("'he had went crazy with the heat'"), Helton was institutionalized for fifteen years until he

74. Pp. 168, 172-73, 174; see infra note 80. Porter subsequently acknowledged the genesis for Helton's character, "someone's Swedish hired man," whom she saw one day during her South Texas girlhood: "a bony, awkward, tired-looking man, tilted in a kitchen chair against the wall of his comfortless shack, . . . a thatch of bleached-looking hair between his eyebrows, blowing away at a doleful tune on his harmonica, in the hot dull cricket-whirring summer day: the very living image of loneliness." Porter, supra note 2, at 34; cf. Givner, supra note 2, at 73-74 (as a child Porter spent a summer on a farm where there was "a hired man called Helton"); Hendrick & Hendrick, supra note 2, at 69, 133 (same). See supra note 2 and infra notes 150 & 178.

75. P. 174. To Winfred S. Emmons, Helton as a character resembles his music: He "is an influence, not a person; he is just there, and the impression is shared by the Thompsons and the reader." Emmons, supra note 2, at 30.


77. P. 191. Hatch's aside provides little basis for believing that the facts of Helton's homicide justified an insanity acquittal. See generally Joshua Dressler, Understanding Criminal Law ch. 25 (1987); Wayne R. LaFave & Austin W. Scott, Jr., Criminal Law §§ 4.1-.3 (2d ed. 1986). However, the fuller presentation of facts that probably occurred at Helton's trial either satisfied the requirements of North Dakota's insanity defense, or sufficiently sparked juror sympathy to produce a lenient result.

In commenting on her own work, Porter appears to criticize this leniency: "Helton too, the Victim in my story, is also a murderer, with the dubious innocence of the madman; but no less a shedder of blood." Porter, supra note 2, at 34. However, she undercuts this apparent criticism by writing that Helton's "madness" places him "beyond good and evil." Id. at 38; cf. Leiter, supra note 32, at 202-03 ("Helton, bound by something beyond law, seems more than sane"); see infra note 237; Wescott, supra note 2, at 49 ("[T]he Eumenides might spare him because there was no idea or idealism behind his wrong . . . ."). Given contemporary asylum conditions, see infra note 93, fifteen years' incarceration and nine years' exile does not seem lenient punishment for Helton's homicide. See infra text accompanying notes 93-95.
escaped from the asylum, fleeing to Texas.\(^7\)

According to Hatch, Helton sang his tune while in the asylum (and frequently in a straitjacket, because he would “‘get vi’lent’” if anyone “‘tried to make him talk’”).\(^7\)

“That’s a kind of Scandahoovian song,” said Mr. Hatch. “... In North Dakota, they sing it. It says something about starting out in the morning feeling so good you can’t hardly stand it, so you drink up all your likker before noon. All the likker, y’ understand, that you was saving for the noon lay-off .... It’s a kind of drinking song.”\(^8\)

So Helton’s tune tells of morning exuberance and its unpleasant consequence, just as his biography tells of youthful excess and its disastrous results in the noontime of life. One moment of anger caused not just years of incarceration and exile, but a lifetime of isolation and guilt.\(^8\)

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79. P. 187; see Edward Groff, “Noon Wine”: A Texas Tragedy, 22 DESCANT 39, 44 (1977) (finding Helton, “singing ... with demonic passion” in his straitjacket a “frightening picture”). On the symbolic significance of the straitjacket, see Leiter, supra note 32, at 194, 199-200, 202-03; see infra note 237.

The asylum experiences implied in this comment, see infra note 93, perhaps explain Helton’s lack of interest in conversation and in churchgoing (where he would be asked to talk not only to others, but also to God). It seems significant that Helton is using a pitchfork, the weapon he used to kill his brother, when he brusquely refuses Mrs. Thompson’s invitation to church. See supra text accompanying notes 50-51.

80. Pp. 185-86. Erik Erikson writes evocatively of the psychological significance of such songs:

[T]he folk song is the psychological counterpart in agricultural lands to the communal prayer chants of the primitives. ... [T]hese people put all the nostalgia for the lost paradise of infancy into their songs ... Folk songs ... express the nostalgia of the working men who have learned to coerce the soil with harsh tools wielded in the sweat of their brow. Their longing for a restored home is sung as recreation after work — and often as an accompaniment to it ....

ERIK H. ERIKSON, CHILDHOOD AND SOCIETY 300 (2d ed. 1963). Helton, who may well feel that he has lost a paradise and who probably longs to be restored to it, expresses these emotions in his song. See Walsh, Deep Similarities, supra note 34, at 87; see infra note 89; cf. Groff, supra note 79, at 43-44 (linking Helton’s song to “the most profound of ancient Greek myths: Dionysus, the god of wine and tragedy”).

81. “Mr. Hatch comes to take what is left of Helton’s life, which is nothing, having been lived out ‘before noon,’ ... Olaf Helton is all along the ghost of a young man who had ... once ‘lived.’” LIBERMAN, supra note 2, at 93; see NANCE, supra note 5, at 58. Mark Schorer considers the song also applicable to Thompson at the moment he kills Hatch:

After all the easygoing years, the sudden unexpected horror of the present, the horror whose truth one could not know until one was inextricably in it, when it proves to be an absolute doom to which one’s nature, however trivially expressed before, now commits us: this is what the story is about. One man’s present, the wine bottle empty and the time not yet noon.

Schorer, supra note 16, at 174; see supra note 13 and infra note 128; UNRUE, supra note 23,
This revelation of Helton’s background gives new meaning to the events related in the first half of Noon Wine. The farmhand’s fear of the boys’ messing with his harmonicas and his fierce reaction when they finally do become more understandable in light of his previous history. In fact the reader should marvel that Helton, who had killed a brother over the loss of a single harmonica, reacted to the boys’ fouling of his whole set only by wordlessly shaking them. Over the years of institutionalization and subsequent isolation Helton apparently had learned to control his punitive reaction to others’ lack of regard for his prized possessions; in short, he had learned the value of leniency.

Moreover, the disciplinary history of Arthur and Herbert Thompson, sketched in Noon Wine’s first half, takes on more consequence when compared to the tragic relationship between Olaf Helton and his unnamed brother. Arthur and Herbert, Texas farm boys, tussle with each other all the time — in the attic bedroom they share, in the front yard — and the reader imagines a similar relationship of friendly rivalry between Olaf and his brother on a

at 42; see Groff, supra note 79, at 43-45; Hoffman, supra note 15, at 7; Walsh, Deep Similarities, supra note 34, at 87, 88; Walsh, Devils, supra note 51, at 93-94. But see Leiter, supra note 32, at 192, 196-97, 201, 219 (Helton himself is the “noon wine,” consumed in resuscitating the Thompson farm before Hatch’s arrival); Smith, supra note 5, at 158 (“Mr. Thompson’s ‘noon wine’ is conspicuous in that it has never existed.”); Thomas, supra note 34, at 244 (the words of the song are unimportant; rather, “[i]t stands for everything that people, in this story and out of it, cannot ‘put into words, hardly into thoughts’”).

Regarding Helton’s exile in Texas, see NANCE, supra, at 60 (“Helton’s legal subjection to society . . . remains remotely in effect in spite of his escape”); cf. Griffiths, supra note 8, at 378-79 (generalizing “the ‘exile’ function of punishment”); Massaro, supra note 9, at 1903 & n.108 (discussing banishment as a form of shaming); see supra note 7. Helton’s exile recalls Mrs. Thompson’s warning about the effect on children of excessive corporal punishment: “. . . It makes them run away from home. . . .” See supra text accompanying note 58.

The Scandinavian song may also explain a circumstance of Helton’s killing his brother. The killing occurred while the brothers were working in a hayfield, p. 191, and Olaf may have been drinking. As Hatch explains, “It seems like up in them Swede countries a man carries a bottle of wine around with him as a matter of course, at least that’s the way I understood it.” P. 192; see LIBERMAN, supra, at 94; NANCE, supra, at 57. Helton’s apparent abstinence in nine years of living with the Thompsons, p. 186, suggests that he might have reason to be wary of alcohol. See LIBERMAN, supra, at 94. See generally DRESSLER, supra note 77, ch. 24; LAFAVE & SCOTT, supra note 77, at § 4.10.

82. See supra note 25 and text accompanying note 52. “[T]hose harmonicas . . . are his speech, his language; they are what enable him to express himself, to understand himself, to survive. They bring order into his world.” Thomas, supra note 34, at 244.

83. Mr. Thompson’s ironic supper-table comment to his sons on the day Helton shook them — “It’s a wonder he don’t kill ’em off and be done with it,” — has more truth than the father realizes. See UNRUE, supra note 23, at 42; cf. EMMONS, supra note 2, at 31 (“the boys were exceedingly fortunate to get off with a good shaking”). Regarding Mrs. Thompson, James Boyd White comments that the shaking of her boys “should perhaps have scared [her] . . . more than it did.” WHITE, supra note 15, at 181.

84. See supra text accompanying notes 29 & 56.

85. See WHITE, supra note 15, at 183. A principal recollection of my own (urban) Texas
North Dakota farm. Yet somehow the inevitable struggle between the Helton brothers ends in death, suggesting exactly how high the stakes are in the effort to socialize the Thompson boys.

The reader learns nothing of Olaf Helton’s socialization and what might have caused him, in one surge of emotion, to surrender to the urge to kill his brother. But some (admittedly tendentious) speculations are possible. Instead of giving Helton’s childhood history, Katherine Anne Porter simulates an account of his upbringing by describing the actions decades later of Helton’s mother and of Homer T. Hatch, who can be seen as Helton’s ersatz father. This simulation implies that Olaf Helton suffered from the discipline of an overly lenient mother, an overly harsh father, or both.

Hatch, a Georgian who immigrated to North Dakota where his sister married a Swede, claims to have been a friend of the Helton family since before Olaf killed his brother; Hatch tried to capture Helton after his asylum escape, but suspended his hunt soon thereafter. What got Hatch back on Helton’s trail was a letter Olaf sent to his mother, enclosing the bulk of his nine years of wages on the Thompson farm in case “she might need something.” Though Helton asked his mother to keep the letter quiet, the aged, infirm woman was so excited to hear from Olaf that she shared the news with others, including Hatch. He convinced Helton’s mother, who had planned youth is fighting with my only sibling, an older brother. Because he was both bigger and more athletic than I, I sought, successfully, to convert the rivalry into a scholastic one. It remained vigorous until we were both in our twenties.

86. Perhaps Porter might have included such information had she chosen to write a full-length novel. See supra note 2. For similar speculation regarding the paucity of detail regarding Thompson’s childhood, see infra note 101.

87. For more conventional views of the character Homer T. Hatch, see infra notes 97-98 and accompanying text.

88. Cf. McCORD & MCCORD, supra note 62, at 151 (emphasis omitted): “Crimes against the person [by juvenile males] appear to be a reaction against either maternal domination or paternal rejection.” Helton’s “suicidal tendencies,” see infra text accompanying notes 155-58 and notes 211 & 232, may indicate “[g]rowing up in an atmosphere of restrictiveness combined with frequent punishment,” GARDNER, supra note 62, at 299, which Diana Baumrind recognizes as the dominant parental style throughout the 19th and early 20th Century, Baumrind, supra note 62, at 240-41. Cf. Herman, supra note 55, at 32, 36-37 ("One of the most consistently shown side effects of corporal punishment is that its victims will more often engage in physically aggressive behavior than those who were never subjected to such punishment."); Vieth, supra note 55, at 31 ("Contrary to popular belief, parents of juvenile delinquents are strict disciplinarians.").

89. Pp. 191, 194. In the psychological terms used by Erik Erikson, Helton’s attempt to re-establish contact with his mother indicates his nostalgia for the “home,” the “paradise” that existed for him in North Dakota prior to killing his brother, see supra note 80, and his desire to atone for having abandoned his mother. See ERIKSON, supra note 80, at 296 (psychoanalyzing the American male, who typically “blames his mother for having let him down,” but “find[ing] at the bottom of it all the conviction, the mortal self-accusation, that it was the child who abandoned the mother, because he had been in such a hurry to become
to travel to the Texas postmark on the letter, to let Hatch go in her stead, to
"see Mr. Helton and bring her back all the news about him." Helton's
mother gave Hatch a handmade shirt and "a big Swedish kind of cake" to
present to her son, and sent the family friend on his way.  

It is evident that Helton's mother was far too credulous in dealing with
Hatch: She overlooked the fact that Hatch had collected bounties on over
twenty asylum escapees in the previous twelve years and might therefore be
interested in capturing her son, rather than returning merely with news of him.
This inability to see the malevolent potential in others also extends to her son.
Though the reader does not want to agree with Hatch, there is truth in his
criticism of Helton's mother that "'she kinda forgot that her only living son
killed his brother and went loony.'" Attributing such forgiveness to a
mother's love simply underscores the point that Mrs. Helton was too forgiv-
ing, too trusting of her family and friends. Perhaps a similar attitude, three
decades or so earlier, had led to whatever failure in childrearing allowed Olaf
Eric Helton to raise a pitchfork against his brother and drive it home.

At best, this point is merely informed speculation, because Katherine
Anne Porter leaves Helton's history obscure, and for good reason. His past
is locked away from the Thompsons and from the reader by the farmhand's
impenetrable loneliness, the wall he has erected between himself and the
world. So one can only guess about how he was mothered.

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90. Pp. 194-95. Regarding the fates of the shirt and cake, see infra note 100. Thomas F.
Walsh identifies a "theme of undependability" applying to most of the characters in Noon
Wine; one example is the false confidence that Helton placed in his mother by giving her his
location. Walsh, Deep Similarities, supra note 34, at 84-85; see infra note 117.
92. See supra note 74. James Boyd White asserts the essential enigma of Olaf Helton:

Who is Mr. Helton for us? He is a mystery . . . . It is impossible in reading this
story not to try to find a formula for Mr. Helton, to try to sum him up, to claim we have
a meaning for him, but I think this cannot be done. This is in fact a great merit of the
text: it forces the reader in his or her own experience to face the radical fact upon
which the story itself is based, by providing an experience for which a language is
necessary, but none is available.

WHITE, supra note 15, at 190; see HENDRICK & HENDRICK, supra note 2, at 71 ("he lives in a
private hell that no one understands"); LIBERMAN, supra note 2, at 57 ("There is no
representation of his thoughts, even indirectly, and little speculation about him by the other
characters."); Johnson, supra note 13, at 92 ("the inhabitant of a mental Hades"); Smith,
supra note 5, at 159 ("Mr. Helton exists . . . as an object rather than an individual"); Walsh,
Deep Similarities, supra note 34, at 86 ("Helton is a stranger, not just to Texas, but the world
. . . ."); Warren, Irony, supra note 15, at 101 (Helton "seems to inhabit some vague and lonely
inner world"); cf. id. at 107 (Porter eschews the use of "formula[s]"); see infra note 240. As
an enigma Helton recalls Melville's "Bartleby the Scrivener." See UNRUE, supra note 23, at
42-43; Walsh, supra, at 87 & n.6.
Porter gives even less detail about how Helton was fathered. We have only the family friend Homer T. Hatch, a bounty hunter as surrogate father, to go on. Hatch's search for Helton and the desire to reincarcerate him certainly seem to reflect an overly punitive attitude, especially toward one whose crime was apparently excused by reason of insanity. Hatch seeks out Helton despite the fact that he has already spent fifteen years in a late Nineteenth Century asylum, and nine more years as "a stranger in a strange land."

But Hatch appears to believe that more punishment is appropriate, rejecting Thompson's suggestion that youthful indiscretions ought to be forgiven: "'We've all got to be young once,' said Mr. Thompson. 'It's like the measles, it breaks out all over you, and you're a nuisance to yourself and everybody else, but it don't last, and it usually don't leave no ill effects.'" Despite such pleas Hatch is relentless; when he brandishes the handcuffs he intends to use on Helton and asks Thompson to assist him in the arrest, the argument commences that ends in Thompson axing Hatch.

The role of Homer T. Hatch in Noon Wine has frustrated Porter's critics; several label him as the embodiment of evil, overreading both the novel and Porter's subsequent commentary on it. Hatch seems best seen, from one

93. Porter alludes to the conditions of mental asylums in this era — primitive facilities, methods, and supervision — by having Thompson describe what happened to his Aunt Ida in a Texas institution: "'She got vi'lent, and they put her in one of these jackets with long sleeves and tied her to an iron ring in the wall, and Aunt Ida got so wild she broke a blood vessel and when they went to look after her she was dead.'" Pp. 186-87. For a bizarre speculation why Thompson's aunt is named Ida, see Leiter, supra note 32, at 199 ("Ida" is a colloquial contraction of "'I'd have,'" so "'Ida... got vi'lent" "foreshadow[s]" Thompson's violence against Hatch).

94. See supra text accompanying note 34 and note 81.

95. P. 184. It should be acknowledged that Thompson makes this argument before knowing the seriousness of Helton's youthful misconduct.


97. See Auchincloss, supra note 73, at 141, 142 ("a kind of nemesis or devil," "the embodiment of human malice,“ “a symbol of the perversity of human nature”); Hendrick & Hendrick, supra note 2, at 71 ("he is the evil principle, beyond understanding”); Liberman, supra note 2, at 91 ("the diabolical Homer T. Hatch”); Mooney, supra note 5, at 43 (“the evil in Noon Wine is... concretely embodied in Mr. Hatch”); Unrue, supra note 23, at 43 (“To Hatch as 'stranger' accrue connotations of devil or evil...”); Male, supra note 17, at 287 (Hatch is “a rational devil,” in contrast to Helton, “a crazy savior”); Smith, supra note 5, at 160 (“Hatch is evil personified”); Walsh, Devils, supra note 51, at 91, 95 (both Helton and Hatch "play the Devil to [Thompson's] Faust"); Robert P. Warren, Introduction to Warren, CRITICAL ESSAYS, supra note 2, at 1, 15 [hereinafter Warren Introduction] (“'Noon Wine,' among other things, shows us, in Hatch, Evil masked as law”); Eudora Welty, The Eye of the Story, in Warren, CRITICAL ESSAYS, supra, at 72, 73 ("he's the devil”); Wescott, supra note 2, at 48, 49-50 (the novel "has Lucifer in it, a very modern and American Lucifer named Mr. Hatch”); cf. Emmons, supra note 2, at 33 (of the characters in Noon Wine, Hatch "comes closest to a caricature"). See infra note 98.

98. In "'Noon Wine': The Sources," Porter says that Hatch is "evil by nature, a lover and doer of evil,... He was evil in the most dangerous, irremediable way: one who works
angle,\(^{99}\) as a bridge between the realm of family discipline and the wider world of social punishment for wrongdoing. As a Helton family friend and as a faithless emissary for Helton’s mother,\(^{100}\) he may be considered a stand-in for the harsh father Helton might have had. As a bounty hunter traveling from North Dakota to Texas to capture an asylum escapee, he may also be considered a representative of state and community justice that is equally harsh and unforgiving. So Porter might have been using Hatch to make a comparison between the methods of behavior control used within the family and those used by society at large. This comparison figures significantly in the action of the last half of *Noon Wine*: the killing of Hatch, Thompson’s brief trial and dubious acquittal, and his eventual suicide.

### III. THE CRIME AND PUNISHMENT OF ROYAL EARLE THOMPSON

Porter’s short novel moves from the domestic interaction of the Thompson dairy farm to a wider community setting, through the killing of Homer T. Hatch. In the long conversation that leads up to Royal Earle Thompson’s fatal act, considerations of community reaction to his potential conduct enter Thompson’s mind and ultimately shape his perception of his own actions. Once Thompson has killed Hatch, the community becomes more directly involved, through the investigation and adjudication of the crime. While the sheriff’s investigation results in the death of Olaf Helton, Thompson’s superficial trial produces an acquittal. This result, however, fails to satisfy Thompson, who also learns that it does not satisfy his community; his neighbors safely within the law, and has reasoned himself into believing that his motives, if not good, are at least no worse than any one else’s. . . .” Porter, *supra* note 2, at 37; see *infra* note 118. But she also describes Hatch as a “doomed man,” and writes that like everyone else in the novel, “even Mr. Hatch[,] is trying to do right.” *Id.*

These equivocations suggest that Homer T. Hatch is not the satanic figure some critics of *Noon Wine* have seen: “If Hatch seems an embodiment of an irrational, entirely incoherent evil, nothing could be less right.” Leiter, *supra* note 32, at 200. Glenway Wescott, who calls Hatch “Lucifer,” *see supra* note 97, nevertheless acknowledges Porter’s ambivalence toward her character: “Katherine Anne does not pity Hatch, but seemingly she would like to; she abstains from despising him. . . . She is as careful about him as if she were wearing his face as a mask for her face, and this were confession of a misdeed of hers.” Wescott, *supra* note 2, at 50. When Hatch behaves badly, it is partly because he has not been taught any better, a failure for which each person in his society bears some responsibility. *Id.* Cf. HENDRICK & HENDRICK, *supra* note 2, at 137 (seeing Hatch as the evil principle,” *see supra* note 97, but nonetheless denoting him a “character[] of complexity”); MOONEY, *supra* note 5, at 43 (Hatch embodies evil, *see supra* note 97, but “it is nonetheless a subtle and diffuse force the meaning of which man cannot completely grasp”).

99. For another angle on Hatch, see *infra* text accompanying notes 132-51.

100. A further measure of Hatch’s faithlessness is his comment that somewhere between North Dakota and Texas “I musta mislaid” the homemade shirt and cake Helton’s mother had entrusted to Hatch to take to her son. P. 195; see Leiter, *supra* note 32, at 201.
nevertheless consider him a murderer. When Royal Earle learns that his family has similar feelings about him, he prepares to kill himself. So, having started with family interaction, *Noon Wine* widens to compare community with family, but then returns to its original domestic focus.

**A. Killing Homer T. Hatch**

As with Helton, the reader of *Noon Wine* learns little about the upbringing of Royal Earle Thompson except that his father was a harsh disciplinarian, who put Royal Earle “through the mill” in the same way he once planned to act with his own sons. But Porter does tell of another factor in Thompson’s socialization, the impact of community opinion. In a process said to mark adulthood, Thompson at some point made the shift from allowing his behavior to be controlled by his parents to allowing its control by his community. In displaying how Mr. Thompson allows his community to

101. Pp. 171-72; see supra text accompanying note 58; see also supra note 11. The comments of one critic of corporal punishment suggest some of the possible psychological impacts of the rough handling Royal Earle received from his father:

People will . . . justify the cruel treatment they received as children so as to avoid an otherwise inevitable questioning of their parents’ love for them as children. Indeed, if people were forced to realize that the beatings they received were not justified and were not done “for their own good,” as their parents claimed, then they would have to admit to the extremely unsettling possibility that their parents did not always love them, but occasionally, on at least a subconscious level, hated them, to the point of wanting to beat them.

Herman, *supra* note 55, at 20; cf. *id.* at 24-25 (through the psychological process of displacement, “when the parent beats his child, he is frequently, on a subconscious level, in effect beating his parent”); *id.* at 24-26 (parenthetical omitted) (through the psychological process of projection, “when the parent beats her child, she is frequently, in effect, beating that part of herself that she has come to despise so much,” the aspect of her behavior that caused her punishment as a child). Like Helton, Thompson’s tendency to suicide also implies that he was raised in a restrictive environment. See *supra* note 88; *id.* at 26 (the disciplined child often “develops aggressive impulses against himself”). Anxiety about parental love may explain Thompson’s arguably extreme concern about his reputation in the community. Cf. *Liberman, supra* note 2, at 57-58 (parenthetical omitted) (in a full novel, Porter would have developed more of Thompson’s history, “perhaps beginning with childhood, showing how Thompson ‘became’”); *see supra* note 2.

Another bit of information about Thompson’s upbringing is that his parents gave him such a silly name with which to contend. See *Hardy, supra* note 28, at 100; *Hendrick & Hendrick, supra* note 2, at 70; cf. *Groff, supra* note 79, at 39-40 (“Royal” and “Earle” suggest the nobility of the heroes of Greek and Shakespearean tragedy). Odd names abounded among my father’s many siblings, who were raised in rural South Texas some thirty years after the time of *Noon Wine*. The now-deceased “black sheep” of the family had the silliest name, Royal Ferdinand Batey.

102. See *Braithwaite, Crime, supra* note 7, at 78-79; *id.* at 71-75 (the development of conscience); *Elkin & Handel, supra* note 30, at 7 (emphasis omitted) (defining “adult socialization”: “The term takes account of the fact that adults are obliged to go through certain experiences and developments somewhat similar to those undergone by infants and children . . .”); *id.* at 253 (“Socialization continues throughout life.”).
shape his behavior, Porter also makes it clear that this influence, like parental discipline, does not always produce the best results.

With mild humor, Noon Wine explains the gendered mindset that allows Royal Earle Thompson to avoid most of the hard work on the family’s dairy farm. “Mr. Thompson had never been able to outgrow his deep conviction that running a dairy and chasing after chickens was woman’s work.” Dealing with female animals and their offspring — cows, hens, calves, and chicks — “unmanned him, like having to change a baby’s diaper,” and so should be left for others. Killing hogs was proper work for men of his position, but then hired men and later the womenfolk should turn the dead animals into dressed, smoked, and pickled meat, lard, and sausage.103

Before Helton came to the farm, Thompson’s attitudes were a recipe for failure. The previous hired men were unreliable, and the perennially ailing Ellie Thompson “had simply gone down . . . early.”104 Rather than acting to overcome these obstacles, Thompson would instead “sit for hours worrying about” them, “wondering what a fellow could do, handicapped as he was” with a sick wife, shiftless help, and boys he feared would grow into “[g]reat big lubbers sitting around whittling.”105

Porter clearly identifies the source of these attitudes and Thompson’s resultant laziness:

All his carefully limited fields of activity were related somehow to Mr.


104. P. 171. James Boyd White explains how Mr. Thompson uses his wife’s poor health to rationalize his own shortcomings:

[T]he failing farmer . . . has a formula, seen in his repeated reference to “his dear wife, Ellie, who was not strong.” This formula sums up his career by justifying his failure and in fact making a kind of success of it, for when it is understood that he is burdened with a wife so frail, it actually is a success to do as well as he has managed to do.

WHITE, supra note 15, at 171; see Walsh, Deep Similarities, supra note 34, at 85.

105. Pp. 171-72; see EMMONS, supra note 2, at 29 (Thompson is “perilously close to being no-account”); C.F. KEPPLER, THE LITERATURE OF THE SECOND SELF 85 (1972); Howell, supra note 47, at 257. Compare Allen, Chronicle, supra note 36, at 93 (“Thompson is a great rationalizer, lazy, affable, proud, conventional, emotional . . . . He is just an ordinary human being, an undependable dependable man.”) and Pierce, supra note 5, at 112 (Thompson “is by no means a bad man. . . . [His] ability is slight, but his ideal of a man is not in the least contemptible.”) with HARDY, supra note 28, at 102 (“Thompson is perhaps more than typically lazy in the exercise of his moral sense, more than commonly capable of evasive psychological maneuvers to escape self-conviction for his shortcomings as husband, father, and provider . . . .”).
Thompson’s feeling for the appearance of things, his own appearance in the sight of God and man. “It don’t look right,” was his final reason for not doing anything he did not wish to do.

It was his dignity and his reputation that he cared about, and there were only a few kinds of work manly enough for Mr. Thompson to undertake with his own hands.106

So Royal Earle Thompson lets his behavior be dictated by community standards of propriety.107 Even on a farm, without the prying eyes of neighbors, Thompson concerns himself with what looks right to the patriarchal society that surrounds him.108 Of course, adopting community attitudes of appropriate work for men and women, and for owners and hired hands, serves Thompson’s personal interest. But he follows his community’s dictates even when they are costly to a failing farmer; in a phrase that summarizes Thompson’s self-image as a pillar of the community, he is identified as “a prompt payer of taxes, yearly subscriber to the preacher’s salary, land owner and father of a family, employer, a hearty good fellow among men.”109

Thompson’s regard for community opinion shapes his behavior during

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107. In commenting on her own novel, Porter gives a significant aside: “[T]his is most important, the relations of a man to his society . . . .” Id.; see KEPPLER, supra note 105, at 85 (“what [Thompson] wants is merely the good opinion of others, on which he is wholly dependent”); cf. Groff, supra note 79, at 40-41 (noting Thompson’s “unquestioning faith in the American Protestant ethic”). See supra note 36. Toni Massaro indicates that members of the middle class, into which Thompson just barely falls, see supra note 37, are most susceptible to social shaming, see supra note 7, a prominent means by which community standards are enforced. Massaro, supra note 9, at 1933-34.

108. Cf. Walsh, Deep Similarities, supra note 34, at 89 (“Certainly, Thompson’s laziness figures in his definition of woman’s work; nevertheless he does appear insecure in his masculinity and needs constantly to reassert it.”). Class bias, reflected in attitudes about appropriate work for hired hands, plays a role along with sexism in the community’s commitment to patriarchy. So does racism: Helton replaces “‘two niggers’” who according to Thompson “‘got into a cutting scrape up the creek last week, one of ‘em dead now and the other in the hoosegow at Cold Springs. Neither one of ‘em worth killing, come right down to it.’” P. 158. Thompson offers Helton the same salary he paid his predecessors jointly because “‘one middlin’-good white man ekals a whole passel of niggers any day in the week.’” P. 160. See generally Leiter, supra note 32, at 193, 194; Walsh, supra, at 91. James Boyd White remarks of Mr. Thompson’s terminology: “He knows exactly where he is and has a language adequate to his needs. . . . What makes it adequate is that it works socially.” WHITE, supra note 9, at 184.

109. P. 171; see UNRUE, supra note 23, at 95-96; cf. Leiter, supra note 32, at 194, 196 (“His public face, proudly cultivated as his ideal self, is a mask of trite phrases, easy ethics, and paralyzing words . . . .”). Thompson thus seeks to maintain “face,” cf. p. 181 (when Hatch enters the Thompson farm, the dozing dairy farmer awakes and “shut[s] his mouth just in time to save his face”), as Erving Goffman defines the concept:

‘Face is an image of self delineated in terms of approved social attributes . . . .”
the bulk of the most crucial encounter of his life, his conversation with Homer T. Hatch on a hot August afternoon. Royal Earle takes an immediate dislike to the knife-wielding bounty hunter, who with his dirty rabbit teeth and forced laughter makes the dairy farmer by turns “peevish,” “bothered,” “baffled,” and “annoyed.” As the visitor intersperses his conversation with bits of Helton’s history, Hatch twists his host’s words, making Thompson seem to criticize his sickly wife, and ridicules his taste in chewing tobacco as if it were a character flaw. Royal Earle is so irritated that he considers pushing Hatch off the stump he sits on, the one next to the chopping log, but thoughts of how such conduct would look to the community prevent this action.

[It wouldn’t look reasonable. Suppose something happened to the fellow when he fell off the stump, just for instance, if he fell on the ax and cut himself, and then someone should ask Mr. Thompson why he shoved him, and what could a man say? It would look mighty funny, it would sound mighty strange to say, Well, him and me fell out over a plug of tobacco.

A person may be said to have, or be in, or maintain face when the line he effectively takes presents an image of him that is internally consistent, that is supported by judgments and evidence conveyed by other participants, and that is confirmed by evidence conveyed through impersonal agencies in the situation.

Goffman, supra note 65, at 5-7. Thompson’s concern for what “‘look[s] right’” is an occasionally expensive means of maintaining face, which Goffman further describes:

Once he takes on a self-image expressed through face he will be expected to live up to it. In different ways in different societies he will be required to show self-respect, abjuring certain actions because they are above or beneath him, while forcing himself to perform others even though they cost him dearly, ... While his social face can be his most personal possession and the center of his security and pleasure, it is only on loan to him from society; it will be withdrawn unless he conducts himself in a way that is worthy of it.

Id. at 9-10; see id. at 36.

110. Pp. 181, 182, 183, 185, 187, 188, 189, 192, 194, 195. On the symbolism of Hatch’s “‘rabbit teeth,’” see Johnson, supra note 13, at 93 (in Porter’s fiction, “weak or vicious people are figuratively animalistic”). See also UNRUE, supra note 23, at 44-45 (rabbit imagery also applies to Mr. and Mrs. Thompson); Leiter, supra note 32, at 201 (same).

111. Pp. 187-90. Thompson prefers a sweetened plug, while Hatch uses only “‘a dry natural chew without any artificial flavorin’ of any kind.’” P. 189. See generally Leiter, supra note 32, at 204-05.

112. Pp. 188, 190. In discussing a common pattern of homicide, see infra note 123, John Braithwaite describes the type of escalation in which Thompson is caught: “Innuendo, underhanded disrespect more than overt insult, opens up a cycle of humiliation, revenge, counter-revenge, ultimately to violence.” Braithwaite, Poverty, supra note 9, at 49; see GOTTFREDSON & HIRSCHI, supra note 30, at 90. The humiliation comes from the fact that “[i]n aggressive [conversational] exchanges the winner not only succeeds in introducing information favorable to himself and unfavorable to others, but also demonstrates that as interactant he can handle himself better than his adversaries.” Goffman, supra note 65, at 25.

113. Pp. 190-91; see Leiter, supra note 32, at 204. He considers saying that Hatch got
Mr. Thompson wants to batter his visitor, but fear of community censure prevents any such action, for the moment. So the prospect of discipline at the hands of the community produces law-abiding behavior.

Hatch suspects that reputation is significant to Thompson, and so deploys community sentiment in order to convince him to assist in capturing Helton. Hatch ridicules Thompson for harboring an asylum escapee, in a way that implies that the farmer’s neighbors would also question his judgment:

“And they’s some people,” . . . “would jus’ as soon have a loonatic around their house as not, they can’t see no difference between them and anybody else. . . . Now back home in North Dakota, we don’t feel that way. I’d like to a seen anybody hiring a loonatic there, aspecially after what he done.”

Once Thompson refuses to assist Hatch, he makes the threat explicit. “‘Now a course, if you won’t help, I’ll have to look around for some help somewheres else. It won’t look very good to your neighbors that you was harboring an escaped loonatic who killed his own brother, and then you refused to give him up. It will look mighty funny.’” Hatch also emphasizes that the law, the
embodiment of community sentiment, "'is solidly behind me,'" and this and other invocations — "I'm for law and order" — plus Hatch's handcuffs and overall demeanor make Thompson think of his visitor as "a sheriff," the enforcer of community will.\(^{118}\)

Thompson sees this threat coming, realizing that Hatch is "trying to mortify [him] about something," but still cannot avoid it. "Mr. Thompson knew almost before he heard the words that it [protecting Helton from Hatch] would look funny. It would put him in a mighty awkward position."\(^{119}\) He tries reasoning with Hatch, telling him that Helton has "'been like one of the family,'" but knows that this ploy will not succeed with the implacable bounty hunter. "Mr. Thompson tried to see his way out. It was a fact Mr. Helton might go loony again any minute, and now this fellow talking around the country would put Mr. Thompson in a fix. It was a terrible position. He couldn't think of any way out."\(^{120}\)

Royal Earle Thompson’s predicament is not all that unusual. He wants
to do something — thwarting Hatch, harming him — that will be personally satisfying, because it will preserve the economic mainstay of the Thompson farm while allowing Mr. Thompson to assail a man he profoundly dislikes. But the conduct he would find personally satisfying would also bring the censure of his community. Thus Thompson feels the bite of deterrence, expressed through societal attitudes of right conduct that receive further emphasis through the commands of criminal law.

In this particular instance deterrence fails, but through a nonrational, subconscious process. Thompson shows his anger with Hatch, “roar[ing]” that he is “‘the crazy one around here,’” and the commotion causes Helton to come running. In the immediately ensuing confrontation between the bounty hunter and his quarry, Thompson thinks he sees a knife attack by Hatch against Helton — “Mr. Thompson saw it coming, he saw the blade going into Mr. Helton’s stomach” — and to protect his farmhand, Thompson grabs the nearby ax and brains Homer T. Hatch “as if he were stunning a beef.”

Helton flees, “running all stooped over . . . , running like a man with

121. See White, supra note 15, at 187.
123. Pp. 196-97. Thompson’s later reflection elaborates his vision: “He had seen Mr. Hatch go after Mr. Helton with the knife, he had seen the point, blade up, go into Mr. Helton’s stomach and slice up like you slice a hog . . . .” P. 204. Charles A. Allen speculates that Thompson “mistook the glittering metal” of Hatch’s handcuffs for a knife. Allen, Nouvelles, supra note 116, at 87.

The killing of Hatch closely parallels the pattern for “righteously enraged slaughter” outlined by sociologist Jack Katz:

1. The would-be-killer . . . must understand not only that the victim is attacking what he, the killer regards as an eternal human value, but that the situation requires a last stand in defense of his basic worth.

2. The would-be-killer . . . must transform what he initially senses as an eternally humiliating situation into a rage. In rage, the killer can blind himself to the future . . . .

3. The would-be-killer must successfully organize his behavior to maintain the required perspective and emotional posture while implementing a particular project. The project is the honoring of the offense that he suffered through a marking violently drawn into the body of the victim. Death . . . comes as a sacrificial slaughter.

Jack Katz, SEDUCTIONS OF CRIME: MORAL AND SENSUAL ATTRACTIONS IN DOING EVIL 18-19 (1988); see Braithwaite, Poverty, supra note 9, at 49 (indicating in a summary of Katz’ analysis that “[f]ar from being a self-interested instrumental evildoer, the attacker is immersed in a frenzy of upholding the decent and respectable”); see supra note 112. See generally DONALD BLACK, THE SOCIAL STRUCTURE OF RIGHT AND WRONG ch. 2 (1993). Helton’s killing of his brother also appears to fit this pattern. See supra text accompanying note 76. Gary Minda, who read an early draft of this essay, sees parallels between Thompson’s homicide of Hatch and Billy Budd’s fatal attack on Claggart in Melville’s Billy Budd; on this comparison, see KEPPLER, supra note 105, at 86.
dogs after him,” and Mrs. Thompson, who was resting until the noise caused her to investigate, finds her husband trying to revive Hatch. Thompson’s first words to her are consistent with the events as he saw him: “‘He killed Mr. Helton, he killed him, I saw him do it. I had to knock him out,’” Mrs. Thompson immediately points out the problem with this contention, “saying] in a faint scream, ‘Why yonder goes Mr. Helton.’” The disparity between what Katherine Anne Porter subsequently referred to as “Mr. Thompson's hallucinated vision” and the actual facts becomes undeniable when the sheriff and his men finally catch Helton: “[T]here wasn’t a knife scratch on him.”

Badly wanting to harm Hatch, but deterred by the likely community response to such an action, Thompson subconsciously created a set of circumstances that allowed him to fulfill his desires while hoping to avoid social reproof. Protecting Helton from Hatch’s imminent deadly force would not

124. P. 197.
125. HARDY, supra note 28, at 102; Porter, supra note 2, at 30; see id. at 36; see Groff, supra note 79, at 45; Male, supra note 17, at 289. “Thompson’s vision of life is so distorted it prevents his seeing experience clearly.” Leiter, supra note 32, at 209.
126. P. 204. Helton’s running away “all stooped over,” p. 197, suggests that Hatch might have punched Helton in the stomach. Thompson could have hallucinated the knife, which he had seen Hatch use to cut his plug of chewing tobacco, see p. 188, into this scenario. See supra note 123.
127. In addition, he represses any recollection of the act of killing, later recalling that he “knew he had the ax in his own hands and felt himself lifting, but he couldn’t remember hitting Mr. Hatch. He couldn’t remember it. He couldn’t. He remembered only that he had been determined to stop Mr. Hatch from cutting Mr. Helton.” P. 204. In a letter dated “Fall 1936,” the period during which Porter produced Noon Wine, see supra note 2, she wrote: “One of the most disturbing habits of the human mind is its willful and destructive forgetting of whatever in its past does not flatter or confirm its present point of view.” Katherine Anne Porter, Notes on Writing, in THE CREATIVE PROCESS: A SYMPOSIUM 199, 200 (Brewster Ghiselin ed., New American Library 1952).

Porter implies a possible physiological explanation of Thompson’s hallucination and memory loss, by mentioning that the high temperature of an August afternoon in South Texas makes the dairy farmer “dizzy.... He felt he was really suffering from the heat.” P. 193. The heat, the North Dakota version of which Hatch cited as the cause of Helton’s insanity, see supra text accompanying note 77, sets Thompson’s “head buzzing” as he stands just before the fatal altercation. P. 195; see NANCE, supra note 5, at 57; Leiter, supra note 32, at 204; Thomas, supra note 34, at 231. Perhaps the stimulus of chewing tobacco, see pp. 188-90, 193, exacerbated the effect of the heat, just as Helton’s mental situation may have been worsened by the consumption of noon wine. See supra note 81. Porter raises the possibility of this interaction as Thompson earlier considered pushing Hatch off the stump on which he sat, see supra note 113:

He might just shove him anyhow and then tell people he was a fat man not used to the heat and while he was talking he got dizzy and fell off by himself, or something like that, and it wouldn’t be the truth either, because it wasn’t the heat and it wasn’t the tobacco.

P. 191. Cf. WHITE, supra note 15, at 187 (wondering parenthetically, would Thompson’s
seem to warrant community censure, so Thompson fabricated such circumstances. Unable rationally to find a way out of his predicament, Thompson used an irrational process to allow him to do what he wanted.218

Subconscious fabrication of this sort implies a high level of desire; Thompson must have had strong personal reasons for wanting to harm Hatch. Perhaps economic reasons are sufficient to explain this desire. Hatch threatened Helton, who had made Thompson’s farm a success and had guaranteed him a position of some prominence in his community.119 But economics seems an unlikely motivator for subconscious processes. A better explanation is an unacknowledged emotional tie between Thompson and Helton, which Hatch also threatened.130 There is little in the novel, however, to sug-
gest any sort of closeness between the taciturn farmhand and the employer hesitant to interfere in his productive worker's lonely life.\textsuperscript{131}

The best explanation for Thompson's dislike of Hatch is hinted at in the sense the dairy farmer has that Hatch "remind[s] him of somebody. . . . He couldn't just place the features."\textsuperscript{132} In other words, Hatch's behavior, not his aspect, is familiar to Thompson. It should be, because Hatch's behavior is very much like Thompson's — making Thompson's hatred of Hatch a form of self-hatred.\textsuperscript{133}

When Homer T. Hatch first accosts Mr. Thompson, the bounty hunter introduces himself, says that he has come "about buying a horse," and then laughs theatrically when Thompson indicates that he has no horse for sale.

The fat man opened his mouth and roared with joy, showing rabbit teeth as brown as shoeleather. Mr. Thompson saw nothing to laugh at, for once. The stranger shouted. "That's just an old joke of mine." He caught one of his hands in the other and shook hands with himself heartily.

Hatch intends the joke to set Thompson at ease, but instead it makes him "nervous, because the expression in the man's eyes didn't match the sounds he was making." Nevertheless, Thompson laughs "obligingly" in response.\textsuperscript{134}

\begin{itemize}
\item punishment); see supra note 101. But see Smith, supra note 5, at 159 (denying psychological connections between Thompson and Helton); cf. Groff, supra note 79, at 39 (there is "no trace[]" of "Freudianism" in \textit{Noon Wine}).
\item See supra text accompanying notes 48-50.
\item P. 183. For a different reading of this passage, see Wescott, supra note 2, at 50.
\item See HARDY, supra note 28, at 102-03:
\begin{itemize}
\item Hatch's role of the \textit{Doppelganger}, the sinister "familiar," is most explicitly suggested when Thompson feels that he has seen the man somewhere before. . . .
\item . . . We realize that the person Hatch reminds him of is himself. It is Thompson who hasn't, indeed, "met himself" for so long that he cannot be sure of his identity. Cannot be sure of it, perhaps, because he cannot tolerate the recognition.
\item All the things about Hatch that are most offensive to the farmer are a mockery, a wicked caricature, of Thompson's own prejudices and pretensions. See also Leiter, supra note 32, at 186, 190-91, 200-01, 205, 206, 214; cf. KEPPLER, supra note 105, at 86 ("Mr. Thompson sees before him . . . his own character traits turned inside out . . . ."); STOUT, supra note 2, at 255 ("Hatch is like a demonic double of Thompson . . . ."); Hoffman, supra note 15, at 7 (Hatch's "every gesture, every remark, serves as a kind of grotesque parody of Thompson's own nature"); Walsh, \textit{Deep Similarities}, supra note 34, at 90-91 ("Thompson confronts a parody of his public self . . . .").
\item P. 182. In an otherwise unremarkable dramatization of \textit{Noon Wine} (Noon Wine Assocs. 1985), the veteran character actor Pat Hingle portrays Hatch's joviality and his strange handshake gesture with convincing malevolence. Louis Leiter argues that Hatch's "odd gesture means that Thompson has finally met his own opinionated, satisfied self, embodied in the stranger before him." Leiter, supra note 32, at 191; see id. at 198; Walsh, \textit{Deep Similarities}, supra note 34, at 90.
\end{itemize}
\end{itemize}
Hatch's use of laughter in conversation, which he repeats several times before his sudden death, recalls Thompson's own laughter in bargaining over wages with Helton on the day they met. "'Well, now,' said Mr. Thompson in his most carrying voice, 'I guess we'd better talk turkey.' When Mr. Thompson expected to drive a bargain he always grew very hearty and jovial. ... So he began to laugh and shout his way through the deal." The farmer is so accustomed to this ploy that he uses it with Hatch, despite the dislike Thompson has developed for the man and his laughter, after comparing being young to having the measles. "He was so pleased with this notion he forgot and broke into a guffaw." This laugh brings gales from Hatch, which make Thompson "uneasy." He thinks of Hatch that "he wasn't laughing because he really thought things were funny .... He was laughing for reasons of his own." This perception applies well to Hatch, who veils his motives not just with laughter, but throughout his conversation with Thompson. At first Hatch makes it appear that he wants only to talk to Helton and then only to "locate him"; not until the end of the conversation, after Hatch has carefully doled out the startling facts of Helton's history, does it become clear that Hatch wants Thompson's help in arresting his hired man. More significant, however, is the fact that Thompson's perception of deviousness also accurately describes his own behavior.

In his first conversation with Helton, Thompson used the joviality previously described to hide his true motive: "[H]e hated like the devil to pay wages." In conversation with Hatch, Thompson uses laughter and other gambits to mask his dislike for the bounty hunter. Beginning with the "obliging[]" chuckle and the "guffaw" over comparing youth to the measles, Thompson repeatedly avoids showing the "slow muffled resentment" that was "climbing and spreading all through him." Even when he considers pushing Hatch off the stump or kicking him off the farm, even when he knows "[s]omthing

136. P. 159. In the ensuing discussion with Helton, Thompson "bray[s]" and "bawl[s]" his feigned laughter. P. 159; see p. 160; cf. MOONEY, supra note 5, at 40 ("Mr. Thompson maintains a false bravado which he raises to cover his own sense of inadequacy ...."). At one point the farmer modulates from guffaws into a quieter moment as he cuts himself a chew of tobacco. P. 159. Hatch does almost the same thing during his conversation with Thompson. Pp. 191-92. Cf. Goffman, supra note 65, at 17 ("In making a belittling demand upon the others," a conversationalist interested in saving face, see supra note 109, "may employ a joking manner, allowing them to take the line that they are good sports, able to relax from the ordinary standards of pride and honor.").
137. P. 184; see Leiter, supra note 32, at 198. See supra text accompanying note 95.
138. Pp. 184-85. A gross example of Hatch's deviousness is his mention of Helton's having been "'in a straitjacket ... in the asylum,'" followed immediately by "'Shucks, I didn't mean to tell you,' .... 'Shucks, that just slipped out.'" P. 186.
serious was going to happen,” Thompson maintains a calm outward demeanor. As Homer T. Hatch discloses his true occupation, Thompson silently vituperates his visitor as a “dirty low-down hound, sneaking around spying into other people’s business,” but Thompson still “tries to hold his voice even,” speaking “as quietly as he could.” Not until Thompson begins “roaring” his anger at Hatch, just a few moments before his death, does the bounty hunter have a clear indication of how much he is hated.

Thompson’s dissimulation of his anger may be labeled politeness, but that does not make it any less devious or any less deadly for Hatch, who might have modified his behavior had he known the depth of his host’s growing dislike. Thompson thus seems to resemble Hatch in deviousness as well as joviality.

139. Pp. 159, 190-91, 193, 194-95. Erving Goffman describes how this type of behavior preserves the face, see supra note 109, of both participants in a conversation. Any such participant

is expected to go to certain lengths to save the feelings and face of others present, and he is expected to do this willingly and spontaneously because of emotional identification with the others and with their feelings. In consequence, he is disinclined to witness the defacement of others. . . .

. . . A state where everyone temporarily accepts everyone else’s line is [thus] established. This kind of mutual acceptance . . . is typically a “working” acceptance, not a “real” one, since it tends to be based not on agreement of candidly expressed heart-felt evaluations, but upon a willingness to give temporary lip service to judgments with which the participants do not really agree.

Goffman, supra note 65, at 10-11 (footnotes omitted); see id. at 16, 35. In Goffman’s terminology, Hatch’s eventual refusal to honor Thompson’s face, by coolly attempting to humiliate him into cooperation, see supra text accompanying notes 116-18, justifies labeling the bounty hunter as “heartless.” Id. at 10-11; see id. at 40.

140. The untoward consequences of Thompson’s anger are predictable, because he has broken the implicit rules of conversational interaction described by Erving Goffman, see supra note 109: “Should the person radically alter his line . . ., then confusion results, for the participants will have prepared and committed themselves for actions that are now unsuitable.” Goffman, supra note 65, at 12.

141. This point may also be put in the disciplinary terminology more common to parent-child and community-individual relationships. In trying to control the conduct of his visitor, Thompson is altogether too lenient throughout much of the conversation, hiding his displeasure with Hatch, and then becomes much too harsh, attacking him fatally.

142. See HARDY, supra note 28, at 103; KEPPLER, supra note 105, at 85-86; UNRUE, supra note 23, at 43-44; Walsh, Deep Similarities, supra note 34, at 90. Darlene Harbour Unrue asserts that Thompson’s hallucination that Hatch knifed Helton “like you slice a hog,” see supra note 123, also suggests a similarity between Hatch and Thompson, because the latter considers killing hogs one of the few chores on a dairy farm appropriate for a man to do, see supra text accompanying note 103. UNRUE, supra, at 44. She also conjectures that Homer T. Hatch’s “middle name is symbolically ‘Thompson.’” Id.; see Leiter, supra note 32, at 190; cf. KEPPLER, supra, at 196, 197 (more speculation about Hatch’s name); Leiter, supra, at 85 (same).
They also share verbal mannerisms and ethnic prejudices. Both Hatch and Thompson employ the phrase "'as the feller says,'" as an intensifier, summoning community support for their own ideas. Regarding ethnicity, Hatch admits that his brother-in-law is a Swede "but a white man if ever I saw one." The bounty hunter suspects Thompson of being Irish, which appears to offend the dairy farmer, who had the same thought about Helton when they first met. The prominence of ethnic prejudice in Thompson’s mind also appears in his first thought after hearing Helton’s dialect: "It wasn’t Cajun and it wasn’t Nigger and it wasn’t Dutch, so it had him stumped." These attitudes reflect Mr. Thompson’s general xenophobia: "It doesn’t pay to be friendly with strangers from another part of the country. They’re always up to something, or they’d stay at home where they belong." Hatch and Thompson behave similarly, and at some level of con-

143. See, e.g., pp. 191, 194, 206. Janis P. Stout, arguing that "[s]peech serves as a powerful index to character" in Noon Wine, contrasts the garrulity of Thompson and Hatch with the laconic expression of Helton and Porter as author. Stout, supra note 2, at 254-56; see Liber, supra note 2, at 93-94 (comparing Thompson’s speech, which is "two-thirds prattle," with the "seasoned grace" of Helton’s "laconic replies"); see infra note 231; see also Leiter, supra note 32, at 189. Cf. Goffman, supra note 65, at 16-17 (The conversationalist interested in saving face, see supra note 109, "employs circumlocutions and deceptions, phrasing his replies with careful ambiguity so that the others’ face is preserved even if their welfare is not.").

144. P. 191; see supra note 108; see Leiter, supra note 32, at 198.

145. Compare p. 183 with p. 158; see Unrue, supra note 23, at 43; Leiter, supra note 32, at 198; Thomas, supra note 34, at 233; Walsh, Deep Similarities, supra note 34, at 90. John Edward Hardy generalizes this point about the demeaning of Helton, arguing that "[n]ever quite consciously, Thompson sees in Hatch’s attitude [toward Helton] a maddening reflection of his own hypocrisy." While Thompson has profited from Helton’s "frugality," the farmer has also disparaged his employee for being "‘meeching,’” see supra text accompanying note 48. Further, Thompson’s laissez-faire attitude, see supra text accompanying notes 48-50, has relieved him of any duty to provide Helton with "human companionship.” Hardy extends this generalization, contending that Thompson “sees Helton knifed because he wants it to be so, wants to be rid of this living human evidence of his own mean-spiritedness. And he desires, and achieves, his own destruction.” Hardy, supra note 28, at 104.

146. P. 158; see Hardy, supra note 28, at 104. See supra note 108.

147. P. 191; see Hardy, supra note 28, at 101; cf. Herman, supra note 55, at 37-38 (discussing the surprising statistical correlation between “ethnic prejudice” and “past subjection to corporal punishment”); see supra text accompanying note 58 and note 101. Another example of Thompson’s intolerance of foreigners and their ways is his reaction to Hatch’s explanation of Helton’s tune, "‘It seems like up in them Swede countries a man carries a bottle of wine around with him as a matter of course, at least that’s the way I understood it. . . . The idea of drinking any kind of liquor in this heat made Mr. Thompson dizzy.” Yet a few seconds later he wishes for another kind of alcohol, one more accepted in his culture: “A bottle of good cold beer, now, would be a help, thought Mr. Thompson . . . .” Pp. 192-93.

148. In “‘Noon Wine’: The Sources,” Porter hints at the similarities between Thompson and Hatch by implying that in translating an event she witnessed into a fictional episode she substituted one character for the other. In the actual event, a husband and wife’s conversation
sciousness Royal Earle Thompson knows it. Hatch's behavior angers Thompson because it discloses his own failings — his transparent conversational ploys, his dishonesty in dealing with others in order to get his way, and his prejudice regarding things foreign to him, whether Swedish farmhands or unsweetened chewing tobacco.\(^{149}\) Porter introduces Thompson as "a noisy proud man who held his neck so straight his whole face stood level with his Adam's apple."\(^{150}\) Homer T. Hatch so affronts that pride, by showing how unjustified it is, that Thompson wants to harm Hatch and does so, fatally.\(^{151}\)

with her grandmother, see infra note 178, the husband resembles Hatch: "[H]e was . . . a great loose-faced, blabbing man . . . ." Porter, supra note 2, at 33; see p. 182 (Hatch "wasn't exactly a fat man. He was more like a man who had been fat recently. His skin was baggy . . . ."). In Noon Wine the husband in the similar scene is Mr. Thompson. See id.; see infra text accompanying notes 175-78.

Another hint in Porter's article is the obscure line that while the "Swedish hired man" she once glimpsed, see supra note 74, "bec[ame] the eternal Victim" in her short novel, "the fat bullying whining man in my grandmother's living room became the Killer." Id. at 34. Though this language apparently refers to Hatch, who was recently fat and is certainly a bully, as far as the reader knows Hatch is neither a whiner nor a killer. Thompson, on the other hand, is neither fat nor a bully, but he does whine over his innocence to some of his neighbors, see p. 205; see infra text accompanying notes 175-88, and he is a killer. So the very obscurity of Porter's comment implies considerable overlap between Hatch and Thompson. See generally HENDRICK & HENDRICK, supra note 2, at 69-70. See supra note 2.

149. See supra note 111. "Hatch holds a magnifying mirror up to all Thompson's own destructive follies. At every turn, he out-Thompsons Thompson. And Thompson finally cannot bear it. . . . Psychologically, it is himself, then, this intolerable image of himself, that Thompson strikes at when he takes the axe to Hatch." HARDY, supra note 28, at 104; see UNRUE, supra note 23, at 44 ("Hatch in fact represents to Thompson his worst self.").

150. P. 157. For the story of an encounter with a proud man of similar bearing during Porter's South Texas childhood, see Porter, supra note 2, at 34, 39; cf. GIVNER, supra note 2, at 73-75 (as a child, Porter spent a summer on the farm of her relatives Eugene and Ellen Skaggs Thompson); HENDRICK & HENDRICK, supra note 2, at 67, 69, 133 (same); STOUT, supra note 2, at 6, 261 (same). See supra notes 2 & 74. Joan Givner notes that photographs of Porter's father show the same stiff-necked attitude that Porter attributes to Thompson, and mentions other similarities between them: tobacco-chewing and laziness. The character Royal Earle Thompson also shares traits with the real Eugene Thompson. GIVNER, supra, at 74-75; see infra note 178.

Regarding Thompson's pride, see HARDY, supra note 28, at 62; Warren, Irony, supra note 15, at 99-100. See supra note 106 and infra note 221. On the relationship between pride and face, see supra note 109, see Goffman, supra note 65, at 9.

151. Cf. Goffman, supra note 65, at 43:

Whatever his position in society, the person insulates himself by blindesses, half-truths, illusions, and rationalizations. He makes an "adjustment" by convincing himself, with the tacful support of his intimate circle, that he is what he wants to be and that he would not do to gain his ends what the others have done to gain theirs.

Hatch undermines such conviction in Thompson, so the farmer erases the bounty hunter, but must establish a new blindness, that Hatch knifed Helton, in order to preserve the self-image Thompson holds so dear.
B. The Community’s Formal Punishment of Helton and Thompson

Fear of community censure, while not powerful enough to deter Thompson from harming his visitor, does cause the dairy farmer to hallucinate a reason for it, showing the power that he cedes to those who live around him. Though the reader knows nothing of Olaf Helton’s attitude toward the South Texas farming community in which he lives, except that he wants nothing to do with it, Helton’s reaction to the killing of Hatch also shows a fear of the power of the community.

As Hatch lies dying at Thompson’s hands, Helton runs — whether from fear of reincarceration as an asylum escapee or as an accomplice to Thompson’s crime, Porter gives no hint. Whatever his reason, Helton’s response seems understandable, given what he has experienced. As a result of his presence at a previous killing, he was institutionalized for fifteen years; why wait to see whether his lesser participation in this killing would produce a more lenient result? From that previous incarceration, flight had brought him nine years of relative freedom; why not flee again, rather than risk the chance of more bars and straitjackets?

What is less understandable is why the sheriff felt the need to organize a posse, “everybody turning out with ropes and guns and sticks to catch and tie” Helton. Thompson, who had gone immediately to get Sheriff Barbee, had said nothing to him about Helton’s previous incarceration, which did not come out until Thompson’s trial. So the sheriff had no reason to capture Helton as an escaped mental patient. Perhaps detaining Helton as a witness or arresting him as a potential accomplice was justified, but not the fatal manhunt the sheriff organized — “hunt[ing Helton] like a mad dog” and injuring him so badly that he later died in his cell.

In explaining the matter to Mrs. Thompson, the sheriff claims that Helton’s resistance necessitated the force used in capturing him — “They had to be rough, . . . he fought like a wildcat.” — but this reasoning accepts

152. See supra text accompanying note 51.
153. See supra text accompanying note 124.
154. See generally NANCE, supra note 5, at 61.
155. Pp. 201, 203; see Leiter, supra note 32, at 202 (“hunting down the ‘lunatic’ Helton and killing him traps [the sheriff and his posse] in a questionable justice”). Helton continued resisting arrest in his cell, apparently banging his body against its fixtures, until the sheriff’s men put mattresses on the walls and floor and five of them held Helton down. These additional injuries were not, however, the cause of death. “[H]e was already hurt too badly, he couldn’t have lived anyway.” P. 201. See infra note 231.
156. P. 201. Mrs. Thompson paraphrases the sheriff’s longer explanation:

He said, well, they didn’t aim to harm him but they had to catch him, he was crazy as a loon; he picked up rocks and tried to brain every man that got near him. He had
that Helton had to be caught at any price, even his own death. Helton's commitment to flight was so single-minded that he would rather die fighting than be captured. A more lenient approach might have allowed Helton to escape when this suicidal commitment became clear.\textsuperscript{157} It is clear from Mrs. Thompson's unvoiced response to the sheriff that she would not have been so harsh: "Yes, thought Mrs. Thompson ... with ... bitterness, of course they had to be rough. They always have to be rough."\textsuperscript{158}

Sherif Barbee, as representative of the community, may have treated Olaf Helton roughly in part because he was a "'forriner.'"\textsuperscript{159} Even though Helton had lived with the Thompsons for nine years, the sheriff and his men, in all probability sharing the same xenophobia Thompson displays, would not think to go easy on a Swedish loner. Thompson, on the other hand, is one of their own, and the official representatives of the community, the sheriff who investigates the crime and the jury that tries Thompson, treat him with great leniency.\textsuperscript{160}

Though eventually charged with murder, Thompson appears never to have been jailed (making the pursuit of Helton even less justifiable), and the suspect makes the most of this freedom. After bringing the sheriff back to the crime scene, Thompson is allowed an unguarded period with his wife, during which he attempts to fabricate some corroboration for his story: "He had already told the sheriff that his wife had witnessed the whole business, and now he had time, getting her to her room and in bed, to tell her what to say if they asked anything."\textsuperscript{161} Prior to his trial, Thompson is also free to consult

\begin{itemize}
\item two harmonicas in his jumper pocket, said the sheriff, but they fell out in the scuffle, and Mr. Helton tried to pick 'em up again, and that's when they finally got him.
\end{itemize}

\textit{Id.} The sheriff's "crazy as a loon" remark implies either that catching Helton was in his own best interest, which is ludicrous given the outcome of the arrest, or that the community needed to be protected from Helton, which makes no sense because Helton was fleeing the community, and was violent only to those who were trying to stop him. The role Helton's harmonicas play in his capture and death is a sad irony.

\textsuperscript{157} Cf. Tennessee v. Garner, 471 U.S. 1, 11 (1985) (Under the Fourth Amendment, a law enforcement officer's use of deadly force to prevent the escape of a fleeing felon is permissible only "[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others."). \textit{See also} Graham v. Connor, 490 U.S. 386 (1989). \textit{See generally} DRESSLER, supra note 77, § 21.04; LAFAYE & SCOTT, supra note 77, at § 5.10.

\textsuperscript{158} P. 201; \textit{see} Thomas, supra note 34, at 234 (discussing Mrs. Thompson's "fear and suspicion of male violence and physicality").

\textsuperscript{159} Thompson applies this term to Helton in their first conversation. P. 160. Regarding the potential for injustice, especially intolerance of diversity, in community justice based on shaming, see supra note 116.

\textsuperscript{160} Cf. Leiter, supra note 32, at 205 (Thompson's "neighbors['] relationship to the law is vivified in [his lawyer's] handling of Thompson's case and in their killing Helton."). \textit{See generally} BLACK, supra note 123, ch. 7.

\textsuperscript{161} P. 203. Though Mrs. Thompson later willingly lies to support her husband's story,
with his attorney, who develops a defense that falsifies the circumstances of Hatch’s death and is explicitly perjurious.

The attorney, Mr. Burleigh, recommends a plea of self-defense: “That stranger hadn’t any right coming to your house on such an errand,” the errand being “to settle old scores” with Helton. In the same conversation, however, the lawyer tells a story about his father acknowledging that self-defense frequently masks a more sinister motive:

He... told about how his own father in the old days had shot and killed a man just for setting foot inside his gate when he told him not to. “Sure, I shot the scoundrel,” said Mr. Burleigh’s father, “in self-defense; I told him I’d shoot him if he set foot in my yard, and he did, and I did.” There had been bad blood between them for years, Mr. Burleigh said, and his father had waited a long time to catch the other fellow in the wrong, and when he did he certainly made the most of his opportunity. see infra text accompanying note 178, the defense attorney does not call her to testify at Thompson’s trial, apparently because of the common law disqualification of a wife to testify either for or against her husband. See Robert M. Hutchins & Donald Slesinger, Some Observations on the Law of Evidence: Family Relations, 13 MINN. L. REV. 675, 675 (1929); cf. Porter, supra note 2, at 35 (“[B]oth law and society expect this collusion of women with their husbands, so that safeguards for and against it are provided by custom and statute...”). But lawyer Burleigh does tell Mr. Thompson, “You’ve got a fine case, even if you haven’t got witnesses. Your wife must sit in court, she’ll be a powerful argument with the jury.” P. 202. In “‘Noon Wine’: The Sources,” Porter compliments this recommendation, by a lawyer who has no qualms about using perjured testimony, see infra text accompanying note 166, with just a hint of irony: “Mr. Burleigh... was not being cynical, but only showing himself a lawyer who knew his business.” Porter, supra, at 35.

162. Pp. 202, 203. The criminal charge against Thompson is analogous to a challenge, the first stage in the conversational adjudication of misconduct described by Erving Goffman, see supra note 65, which calls for an offering from the person challenged. There are many options for an offering, each with analogies in criminal law: If the person challenged does not “compensat[e] the injured” or “provide punishment, penance, and expiation,” he may redefine the alleged misconduct — “really a meaningless event, or an unintentional act, or a joke not meant to be taken seriously, or an unavoidable, ‘understandable’ product of extenuating circumstances” — or himself — “under the influence of something and not himself, or... under the command of somebody else.” Goffman, supra note 65, at 20-21. Thompson’s self-defense argument fits none of these categories, becoming instead “[a]n important departure from the standard corrective process,” requiring a response from the challenger. Id. at 22. The community’s formal and informal responses show the initial success but ultimate failure of the strategy recommended by the defense attorney and accepted by Thompson. See infra text accompanying notes 167-69 & 175-91. See generally id. at 33 (indicating that Goffman’s analysis applies not just to face-to-face conversations, but to “encounters of both an immediate and mediated kind”; “in the latter the interaction is likely to be more attenuated, with each participant’s line being gleaned from such things as written statements”).

163. P. 202. For the story of a somewhat similar killing vividly remembered from Porter’s South Texas youth, see Porter, supra note 2, at 31-32. Porter indicates that aspects of the victim of this killing surface in the character of Olaf Helton. Id. at 34. See also EMMONS, supra note 2, at 2 (Porter’s “own father was supposed to have taken a shot at another man once,” prior to her birth.).
This story obliquely indicates the lawyer’s strong (and correct) suspicion that Thompson bore animosity toward Hatch, an animosity that may conveniently be swept under the capacious rug of self-defense on one’s property.\(^6\) The murder defendant recognizes that his lawyer’s self-defense argument does not accurately explain why Thompson killed Hatch, but the defense attorney overrides his client’s very mild objection. “... Why, hell,” said Mr. Burleigh, ‘that wasn’t even manslaughter you committed. So now you just hold your horses and keep your shirt on. And don’t say a word without I tell you.’\(^4\)\(^5\)

Some of the words Burleigh tells Thompson to say compound the misrepresentation of his killing of Hatch, for they are lies. At the lawyer’s suggestion, Thompson testifies that Hatch said nothing during their long conversation about Helton’s mental condition and previous incarceration.\(^6\)\(^5\) Apparently both lawyer and client believe that this information might make Thompson’s self-defense seem less reasonable to the members of their community who composed the jury. The facts of Helton’s past did surface at the trial — two members of Hatch’s family “who had come down to try to get Mr. Thompson convicted” supply the information — but Thompson’s perjury blunts the facts’ effect, and the jury acquits him. The North Dakotans “didn’t get anywhere at all” against Thompson, for it is hardly surprising that an insular community would support one of its own over the implications of outsiders.\(^6\)\(^7\)

The defense lawyer told his client that the trial would be “a mere formality,” and afterward Thompson agrees: “It hadn’t been much of a trial, Mr. Burleigh saw to that. He had charged a reasonable fee, and Mr. Thompson had paid him and felt grateful, but . . . .”\(^6\)\(^8\) Despite the favorable outcome, the

\(^{164}\) See generally DRESSLER, supra note 77, ch. 18; LAFAYE & SCOTT, supra note 77, at § 5.7.

\(^{165}\) Pp. 202-03. This injunction echoes Burleigh’s previous comment, “Now you keep calm and collected. . . . You just plead not guilty and I’ll do the rest.” P. 202. These rote admonitions suggest that Burleigh has settled firmly into a role best characterized by the derogatory term “mouthpiece.” See generally Griffiths, supra note 8, at 383, 409.

\(^{166}\) P. 203. Robert Penn Warren captures the flavor of the unvoiced rationalizations, by both client and lawyer, that surely accompanied these perjuries: They were “little lies, small distortions of fact, nothing serious, nothing needed to prove he wasn’t guilty, just little twists to make everything clearer and simpler.” Warren, Irony, supra note 15, at 101. See generally MONROE FREEDMAN, UNDERSTANDING LAWYERS’ ETHICS 143-60 (1990); MONROE FREEDMAN, LAWYERS’ ETHICS IN AN ADVERSARY SYSTEM 59-77 (1975); Monroe Freedman, Professional Responsibility of the Criminal Defense Lawyer: The Three Hardest Questions, 64 MICH. L. REV. 1469, 1478-82 (1966).

\(^{167}\) P. 203. See supra text accompanying notes 147 & 159-60. Regarding the potential for injustice, especially intolerance of diversity, in community justice based on shaming, see supra note 116.

\(^{168}\) Pp. 202, 203. As if to emphasize its insignificance, “[t]he entire court trial . . . is recollected, not dramatized” in the novel. LIBERMAN, supra note 2, at 57.
legal proceedings left Royal Earle Thompson dissatisfied, because "[a]t the trial they hadn’t let him talk. . . . [T]hey never did get to the core of the matter."169 So he continues, after the trial, to try to explain himself to his lawyer and to his neighbors, with little success.170

The source of Thompson’s dissatisfaction is not so much that he was not allowed to talk, but that he was not required to talk. Thompson senses his own guilt, though obscurely. His mind “squirm[s] like an angleworm on a fish-hook: he had killed Mr. Hatch, and he was a murderer. That was the truth about himself that Mr. Thompson couldn’t grasp, even when he said the word to himself.”171 Feeling such strong but obscure guilt, a man like Thompson, who gives great credence to community opinion, seeking its approval and fearing its censure,172 would expect the community to take interest in the conduct that produced his sensations of guilt. The official representatives of the community, however, seem only superficially interested, willing to accept Mr. Burleigh’s fabricated story of the justified death of a stranger. This lack

170. See infra text accompanying notes 174-91. See WHITE, supra note 15, at 173.
171. P. 203; see Leiter, supra note 32, at 206-07 (discussing Porter’s use of fishing imagery).

On his last night alive, Thompson ponders his guilt:

Try as he might, Mr. Thompson . . . could not see anything but what he had seen once, and he knew that was not right. If he had not seen straight that first time, then everything about his killing Mr. Hatch was wrong from start to finish, and there was nothing more to be done about it, he might just as well give up.

P. 208. In commentary on her own novel, Porter writes, “Mr. Thompson of course has not been able to explain anything to himself, nor to justify himself in the least. By his own standards of morality, he is a murderer, a fact he cannot face . . . .” Porter, supra note 2, at 36; see HARDY, supra note 28, at 105; KRISHNAMURTHI, supra note 2, at 104, 118; LIBERMAN, supra note 2, at 93; NANCE, supra note 5, at 59; Allen, Chronicle, supra note 36, at 94; Warren, Irony, supra note 15, at 101-02; Wescott, supra note 2, at 48-49. See infra note 179.

Criminal law is a bit more subtle than Thompson realizes, for his mistaken belief in the need to defend Helton from Hatch’s knife might nevertheless constitute a defense, as James Boyd White suggests:

What is the effect of such an error on a claim that the defendant was acting in defense of another? Does he lose the defense automatically if he was wrong? . . . Or, does he lose the defense if, but only if, his mistake was under all the circumstances unreasonable? Or does an honest (even if unreasonable) belief in the necessity of his action justify him? (Here the lawyer would think of an imperfect defense: in the last case at least, he might properly be convicted not of murder, but of manslaughter . . . .)

WHITE, supra note 15, at 187. See generally DRESSLER, supra note 77, at 192, 199; LAFAVE & SCOTT, supra note 77, at § 5.7(c), (i).

172. “Mr. Thompson does not want to be ‘let off’; he wants to be judged.” Groff, supra note 79, at 46; see Walsh, Devils, supra note 51, at 94-95 (“justice has not been done because it has not dispelled his feelings of guilt”). See generally supra text accompanying notes 101-28.
of interest profoundly disappoints Mr. Thompson.173

Royal Earle Thompson looks to his community for guidance and discipline the way a child looks to a parent. In Thompson’s mind the legal representatives of his community have shirked their responsibility. By overlooking his misconduct, the community has treated Thompson far too leniently. Wanting discipline, needing it to overcome his own feelings of guilt, Thompson turns from formal community institutions to the informal structure of community opinion, and unfortunately finds a discipline there that is far too harsh.

C. Thompson’s Informal Punishment, by Community and Family

After his acquittal, Thompson continues to visit his attorney “to talk it over, telling him things that had slipped his mind at first; trying to explain what an ornery low hound Mr. Hatch had been, anyhow.” Unsurprisingly, the lawyer “didn’t seem pleased to see” Thompson: “Mr. Burleigh seemed to have lost his interest; he looked sour and upset when he saw Mr. Thompson at the door.” The trial over, the fee having been paid, the lawyer-client relationship at an end, Burleigh is free to treat Thompson as the attorney wishes — which is to have nothing to do with his former client.174

173. “The legal acquittal is unsatisfactory to his conscience because it is based on lies and suppressions.” HARDY, supra note 28, at 105; see Hampton, supra note 8, at 234 (on the wrongdoer’s need for punishment, using Dostoyevsky’s Raskolnikov as an example). Thompson’s trial thus fails to accomplish what Jean Hampton sees as the primary purpose of punishment: “communicating to [the wrongdoer] that her offense was immoral.” Id. at 216.

That the acquittal is unsatisfactory to the community is also exposed by analogy to the conversational adjudication of misconduct that Erving Goffman describes. See supra note 65. Having challenged Mr. Thompson and received an unacceptable offering, see supra note 162, the criminal justice system finds itself in the same position as conversational challengers facing a flouting response: “If they countenance the refusal to meet their demands, then it will be plain that their challenge was a bluff and that the bluff has been called. This is an untenable position; a face for themselves cannot be derived from it . . . .” Goffman, supra note 65, at 22-23; see supra note 109. Though other actions are possible, which Thompson’s community takes informally, see infra notes 174–91 and accompanying text; cf. id. at 44 (“If the offense is one that the offended persons can let go by without losing too much face, then they are likely to act forbearantly, telling themselves that they will get even with the offender in another way at another time . . . .”), the criminal justice system exposes its bluff with the acquittal. The justice system, facing the same trilemma as Mrs. Thompson after she saw Helton shaking her boys, opts “to pretend to believe” Thompson’s lies, running the risk that he, and others, “would get in the habit of lying.” See supra text accompanying note 54.

174. P. 203. John Braithwaite would characterize the lawyer’s demeanor as an act of “subtle” shaming. See BRAITHWAITE, CRIME, supra note 7, at 57–58; see supra notes 7 & 9. Placing the lawyer’s act in the process of conversational adjudication of misconduct that Erving Goffman describes, see supra note 65, Burleigh shuns Thompson because he has not offered an adequate response to the community’s challenge to his misconduct (even though it is Burleigh himself, see supra text accompanying notes 162-65, who devised that response!). See supra note 162. Burleigh thus acts analogously to the conversational participant who
Thus shunned by the author of his unsatisfactory acquittal, Thompson turns to other members of his farming community. Thus “[E]very day for a week he had washed and shaved and put on his best clothes and had taken Ellie with him to tell every neighbor he had that he never killed Mr. Hatch on purpose . . . .” Mr. Thompson would tell his version of the killing, which Mrs. withdraw[s] from the undertaking in a visible huff — righteously indignant, outraged, but confident of ultimate vindication.” Goffman, supra note 65, at 23; see id. at 44; cf. Robert Batey, Alienation by Contract in Paris Trout, 35 S. TEX. L. REV. 289, 306-08 (1994) (discussing the similar behavior of another fictional lawyer, who drops his criminal client while his appeal is pending, because of profound personal distaste).

Thompson’s ‘tragic flaw’ is his social pride. In his desperate need for justification, he can think of nowhere to turn except to the community of his neighbors. What Thompson seeks from his neighbors . . . is justification for his very existence.” HARDY, supra note 28, at 105 (footnote omitted) (quoting NANCE, supra note 5, at 58; see supra note 116); see NANCE, supra, at 58-59; Smith, supra note 5, at 159; Walsh, Deep Similarities, supra note 34, at 91. See supra note 150 and accompanying text.

Thompson’s background makes his farm neighbors the only relevant community to which he can turn:

Persons with low incomes, little schooling (and perhaps little aptitude for schooling), and not much mobility are sharply constrained by neighborhood boundaries. . . . As a result, they assign a higher value to reinforcements and punishments found near where they live than they do to those that exist — or are reputed to exist — in some other place or some other setting.

WILSON & HERRNSTEIN, supra note 32, at 302.

176. P. 204. Commenting on her own work, Porter later said of Thompson that he “could not live without justifying himself.” Porter, supra note 2, at 30; see supra note 175; see Groff, supra note 79, at 43, 45 (Thompson compulsively talks about the killing as a way of trying to understand it); Smith, supra note 5, at 161 (same); Thomas, supra note 34, at 237-38 (same); Leiter, supra note 32, at 215 (Thompson compulsively tells his story as a way of saving face); see supra note 109; cf. STOUT, supra note 2, at 255 (criticizing Thompson’s behavior as “embarrassingly voluble,” in implicit contrast to Helton’s reticence about his own crime); see supra note 143. Regarding Thompson’s allegation that he lacked purpose, see infra text accompanying notes 216-18.

In the terminology of Erving Goffman, see supra note 109, Mr. Thompson finds himself “in wrong face” with his community, which he must try to correct:

A person may be said to be in wrong face when information is brought forth in some way about his social worth which cannot be integrated . . . into the line that is being sustained for him. . . .

. . . Should he sense that he is in wrong face . . . , he is likely to feel ashamed and inferior . . . . Further, he may feel bad because he had relied upon . . . an image of self to which he has become emotionally attached and which he now finds threatened.

Goffman, supra note 65, at 8 (emphasis omitted).

177. E.g., pp. 206-07; see p. 204. “By the end of the story, Thompson is in a situation parallel to Helton’s at the beginning. A murderer, a stranger in his own neighborhood, he keeps playing his ‘one tune’ over and over until he sees the hopelessness of his position.” MALE, supra note 17, at 289-90.
Thompson would verify, but "what good did it do? Nobody believed him. . . . Mr. Thompson saw something in all their faces that disheartened him, made him feel empty and tired out. They didn't believe he was not a murderer." Ellie Thompson sees the same thing. She tells her sons at the end of the week of visits:

"... [Y]ou know how it's been all along, some of them keeps saying, yes, they know it was a clear case and a fair trial and they say how glad they are your papa came out so well, and all that, some of 'em do, anyhow, but it looks like they don't really take sides with him. . . ."

Though polite, the Thompsons' neighbors are unwilling to be merciful to a killer.

178. "[H]e turned to Ellie and said, 'You were there, you saw it, didn't you?' and Ellie spoke up, saying, 'Yes, that's the truth. Mr. Thompson was trying to save Mr. Helton's life,' and he added, 'If you don't believe me, you can believe my wife. She won't lie,' . . . " P. 204; see also pp. 205, 207. Porter claims to have witnessed a similar scene as a child, as a blustering husband and lying wife attempted to convince Porter's grandmother that the husband, a neighbor, had killed in self-defense. Porter, supra note 2, at 32-33; see supra note 148.

Of course, Mrs. Thompson is lying about having witnessed the killing, see supra text accompanying note 124, and she resents having to do so. "There was a time, she said to herself, when I thought I had neighbors and friends, there was a time when we could hold up our heads, there was a time when my husband hadn't killed a man and I could tell the truth to anybody about anything." P. 202; see id. at 35-36, 38; see Thomas, supra note 34, at 235 (discussing Mrs. Thompson's "illusion that truth is single and indivisible"). The woman in Porter's youthful recollection resembles Ellie Thompson in these respects: The wife seen in Porter's grandmother's living room lied "unwillingly and unlovingly in bitter resignation to the double disgrace of her husband's crime and her own sin." Porter, supra, at 33. This wife and Ellie Thompson share another characteristic; both wear "dark glasses." Compare id. with p. 198; on the symbolism of Mrs. Thompson's glasses, see UNRUE, supra note 23, at 45; Johnson, supra note 13, at 93; Leiter, supra note 32, at 188-89.

Joan Givner records that Porter as a child spent a summer with her relatives the Thompsons. See supra notes 2 & 150. The real Ellen Skaggs Thompson was "an invalid"; other characteristics of hers, as well as of Porter's mother, who died when her daughter was two, appear in the character Ellen Bridges Thompson. GIVNER, supra note 2, at 73-75.

179. P. 204; cf. Thomas, supra note 34, at 243-44 (comparing Thompson's ineffectual speech to Helton's thick accent). Katherine Anne Porter apparently shared this community attitude, for she subsequently referred to Thompson's killing of Hatch as "a murder" and to Thompson as "a murderer." Porter, supra note 2, at 29, 36. However, Porter's definition of murder does not strictly conform to the legal definition, for she asserts that a "justifiable homicide" is not "any less a murder." Id. at 37. For one reason why the community should not believe Thompson's story, see infra note 200.

180. Pp. 199-200. For an example of the type of insincere neighborly speech Mrs. Thompson describes, see p. 205. It is important to note that the members of Thompson's community consider his acquittal correct; however, they still treat him as a murderer and thus refuse to "take sides with him." See Porter, supra note 2, at 37. Regarding the extralegal definition of murder inherent in such an attitude, see supra note 179.

181. In "'Noon Wine': The Sources," Porter describes the social environment of her South Texas upbringing, which accords with the community portrait in her novel: "[T]he higher laws of morality and religion were defined; if a man offended against the one, or sinned
The punitive component in this unwillingness shows more in the demeanor of these community members than in their words. They hold themselves back from Royal Earle Thompson, reproaching him with their gaze. "[T]he people — old neighbors and new — had the same expression when Mr. Thompson told them why he had come and began his story. Their eyes looked as if someone had pinched the eyeball at the back; they shriveled and the light went out of them."\(^{182}\) This unspoken rebuke makes Thompson feel that in these conversations "the air around him was . . . thick with blame."\(^{183}\)

Porter directly depicts only two of these calls on neighbors, the last of the four made on the final day of the week of visits, but both of them demonstrate clearly that the community has not yet concluded its punishment of the acquitted defendant. The Thompsons’ attempt to talk to their longtime friends the Allbrights is aborted when Mr. Allbright will not invite the visiting couple into his home. He excuses his impoliteness by saying that relatives have arrived and the house is full of children, but the Thompsons know that they have been cut and resent it.\(^{184}\)

Even more painful is the final call, on ""that new family,"" the
McClellans. Father, mother, and son are unkempt, ill-mannered, and ignorant, "low-down white trash" in Thompson's estimation, but they still humiliate their visitors. The little boy announces the Thompsons' arrival by "shouting, 'Mommer, Popper, come out hyah. That man that kilt Mr. Hatch has come ter see yer!'" As the parents listen to Mr. Thompson's story, their expressions are painful to behold.

[T]he two listening faces took on a mean look, a greedy, despising look, a look that said plain as day, "My you must be a purty sorry feller to come round worrying about what we think, we know you wouldn't be here if you had anybody else to turn to — my, I wouldn't lower myself that much, myself."

When the Thompsons are done with their stories, Mr. McClellan gives a non-committal but damning reply: "'... I kaint see no good reason for us to git mixed up in these murder matters, ...'" Mrs. McClellan wants to go a step further, condemning Thompson on religious grounds — "'Now we don't hold with killin'; the Bible says — ' — but her husband unceremoniously cuts her off, more for reasons of male supremacy apparently, than because he thought her expression indelicate.

In their different ways, the Allbrights and the McClellans seek to punish Royal Earle Thompson for killing Mr. Hatch, by either shunning or shamming him. In this they resemble Thompson's lawyer and his other neighbors. Censure by this community has a profound effect on Mr. Thompson, making him "fe[el] he was a dead man. He was dead to his other life" before the killing.

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185. P. 199; see UNRUE, supra note 23, at 96-97.
186. P. 206. Louis Leiter suggests that the McClellans "mirror" the Thompsons' "status in the community," both before Helton's arrival and after Thompson's acquittal, as they become "outcasts, denigrated, shunned." Leiter, supra note 32, at 189; cf. id. at 217 (Mrs. McClellan is a "painful parody" of the Thompsons and their other neighbors.).
187. P. 206. The boy, described as "cotton-haired," not only shouts but also "gallop[s]," reminiscent of the Thompson boys. See supra text accompanying notes 22 & 56.
188. P. 206; p. 207 (emphasis added). The McClellans' conduct is analogous to another option in the conversational adjudication of misconduct described by Erving Goffman. See supra note 65. They answer Thompson's inadequate offering in response to the community's challenge, see supra note 162, not by shunning him, see supra notes 174 & 184, but with "tactless ... retaliation." Goffman, supra note 65, at 23.
189. Cf. WHITE, supra note 15, at 189 (Thompson "has no audience that is willing to pay the kind of attention that [his] story requires.").
190. P. 207. Returning from the McClellan farm, Thompson's eyes are "hollowed out and dead-looking," p. 200, and his face is "gray except for the dark blue of his freshly shaven jaws and chin, gray and blue and caved in, but patient, like a dead man's face." P. 198; see Thomas, supra note 34, at 232; Walsh, Deep Similarities, supra note 34, at 87-88. Mrs. Thompson's face is also gray, p. 198, the boys are sullen and silent, pp. 199, 208, and at their evening meal "the Thompsons sat there with their eyes down and their faces sorrowful, as if
ing from his community. 191

Even at this low ebb Thompson may be able to survive community cen-
sure and make “a fresh start,” 192 but instead he descends further, becoming
suicidal, when he learns that his family also condemns him. 193 Since the kill-
ing of Hatch, Ellie Thompson has doubted her husband. “[S]he was glad the
boys were not there” the day of the killing, 194 so that they were spared the
shame she felt, and though she accompanies Royal Earle to his trial and on all
his neighborly visits, Ellie “could hardly bear to be near Mr. Thompson.” 195
The reason for her revulsion is that her husband is a murderer, 196 who not only
killed Hatch, but also indirectly caused the death of Helton. Analogizing Mr.
Thompson’s conduct to the posse’s actions in capturing Helton, Mrs. Thomp-
son thinks, “They always have to be rough. Mr. Thompson can’t argue with
a man and get him off the place peaceably; no, . . . he has to kill somebody,
he has to be a murderer and ruin his boys’ lives and cause Mr. Helton to be
killed like a mad dog.” 197

Arthur and Herbert Thompson seem to share a similar opinion of their
father. Like Mrs. Thompson, Arthur doubts the efficacy of visiting the neigh-
bors in order to explain what happened: “‘It just keeps the whole question
stirred up in people’s minds. Everybody will go round telling what he heard,
they were at a funeral.’” P. 208. Cf. Massaro, supra note 9, at 1942 (footnote omitted)
(“When a shame sanction hits home, it is a direct assault on a basic need of all people, the
esteem of others.”); see supra note 7.

191. “[S]haming affects us most when we are shamed by people who matter to us. . . . In
the village we are much more vulnerable to shame by our neighbours than in the city.”
Braithwaite, Shame, supra note 7, at 12; see supra note 7.

192. Porter’s language is decidedly equivocal but holds some hope for Thompson’s revival:

[H]e had got to the end of something without knowing why, and he had to make a
fresh start, he did not know how. Something different was going to begin, he didn’t
know what. It was in some way not his business. He didn’t feel he was going to
have much to do with it.

P. 207. One step toward a fresh start is Thompson’s decision to discontinue the explanatory
visits to his neighbors. See p. 198.

193. In “‘Noon Wine’: The Sources,” Porter indicates that she considers Mrs. Thompson’s
support necessary to any hope of “redemption” for Mr. Thompson. Porter, supra note 2, at
38.

194. P. 197. Arthur and Herbert were on a fishing trip. P. 198.

195. P. 199.

196. Porter, supra note 2, at 36 (Thompson’s “wife, whose judgment he respects out of his
mystical faith in the potency of her virtue, agrees with him — he is indeed a murderer.”).

197. P. 201; see supra text accompanying notes 156-58. Having to lie to support her
husband’s story also revolts Mrs. Thompson. See supra note 178. Regarding the relative
strengths of these causes for revulsion, see HARDY, supra note 28, at 106 (“Perhaps she faults
him less for demanding that she perjure herself than for having deprived her of the comfort
and order that Helton brought into the life of the family.”).
and the whole thing is going to get worse mixed up than ever. It just makes matters worse.'”

Believing that his father cannot talk his way out of guilt, Arthur, along with his younger brother Herbert, avoids interacting with Thompson, which he notices with some pain: “Mr. Thompson didn’t like their silence. They had hardly said a word about anything to him since that day. They seemed to avoid him, they ran the place together as if he wasn’t there, and attended to everything without asking him for any advice.”

Nor does Thompson receive much solace from his wife, who “never said anything to comfort him. He hoped she would say finally, ‘I remember now, Mr. Thompson, I really did come round the corner in time to see everything. It’s not a lie, Mr. Thompson. Don’t you worry.’” But she never makes any such comment; instead, Thompson can feel his wife flinch every time he turns to her to verify his account of Hatch’s killing. “‘My wife will tell you,’ he said, and this was the hardest place, because Ellie always without moving a muscle seemed to stiffen as if somebody had threatened to hit her; ‘ask my wife, she won’t lie.’”

Ellie’s concerns about “ruin[ing the] boys’ lives” and no longer being able to “hold up our heads” reflect the impact of community punishment on the family of the person punished. See Massaro, supra note 9, at 1938 (discussing “stigma spillover”). See also Braithwaite, Crime, supra note 7, at 83; Merry, supra note 183, at 280.

198. P. 200. Though Mrs. Thompson agrees with her son, p. 198 (she thinks “they should never have gone at all”), her reply is a self-effacing “‘Your papa knows best,’” p. 200, manifesting once again her deference to adult males. See supra note 42.

199. P. 208. This diminution in interaction among the Thompsons, see also infra note 205, matches the process of family disruption in response to “crises and conflicts” that Gerald R. Patterson notes in some families: “As the process of disorganization continues, most of the family members avoid/escape each other’s presence. It is simply unpleasant to be around other members of the family. As a result, the rates of social interaction are reduced, as are shared activities.” Patterson, supra note 30, at 232. Patterson also indicates that such families tend also to become isolated within their communities. Id. at 234.

200. P. 204; see Porter, supra note 2, at 36 (“[H]e needs someone to tell him [he is not a murderer], not so by some law of higher truth he is incapable of grasping.”); Smith, supra note 5, at 159-60. In the scene recalled from Porter’s youth in which a husband and wife attempt to convince Porter’s grandmother of the husband’s innocence of murder, see supra note 178, Porter recollects a similar attitude of the husband toward the wife: “[H]e, stupid, dishonest, soiled as he was, was imploring her as his only hope, somehow to make his lie a truth.” Porter, supra, at 33.

Royal Earle Thompson’s similar hope for a declaration from his wife is foolish, because the crucial event in his version of the facts is his erroneous perception of Hatch’s knife blow to Helton, to which only Thompson can testify. Cf. Emmons, supra note 2, at 33 (commenting on the farmer’s desire for a statement from his wife, “The barriers between the real and the unreal have crumbled . . . .”).

201. Pp. 206-07. In “‘Noon Wine’: The Sources,” Porter explains Mrs. Thompson’s flinch and her husband’s reaction to it:

Mr. Thompson, having invented his account of the event from his own hallucinations, would now like to believe it: he cannot. The next best thing would be for his wife to
Though felt by Royal Earle Thompson, his family’s censure remains covert, and therefore somewhat deniable, until the night after the visits to the Allbrights and the McClellans. Mr. Thompson lies in bed next to his wife, his mind racing “like a rabbit,” as he considers the innumerable slight alterations in his conduct that could have led to some result other than Hatch’s death.\(^{202}\) This torment produces a hysterical rage against Thompson’s victim:

> [T]he dirty, yellow-livered hound coming around persecuting an innocent man and ruining a whole family that never harmed him! Mr. Thompson felt the veins of his forehead start up, his fists clutched as if they seized an ax handle, the sweat broke out on him, he bounded up from the bed with a yell smothered in his throat . . . .\(^{203}\)

Though apparently directed at Hatch, Thompson’s once-again homicidal anger also appears aimed toward himself, for he arguably killed an innocent man (Hatch) and certainly ruined a family that had never harmed him (his own).

As if to confirm this self-indictment, Mrs. Thompson responds to her husband’s smothered yell with an outburst of her own: “Ellie started up after him, crying out, ‘Oh, oh, don’t! Don’t! Don’t!’ . . . .” This implicit accusation from his wife, who “seemed awake” only a few minutes before, staggered Royal Earle, who “stood shaking until his bones rattled in him.” Possible explanations for this outburst are that Mrs. Thompson, having previously experienced her husband’s nocturnal self-torments, was trying to soothe him, or that she was having “a nightmare.”\(^{204}\) Her further behavior, however, sug-

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*Porter, supra* note 2, at 36.

202. Pp. 208-09:

*Did he have to kill Mr. Hatch? . . . Why hadn’t he just told Mr. Hatch to get out before he ever got in?*

. . .

After all, he might have got rid of him peaceably, or maybe he might have had to overpower him and put those handcuffs on him and turn him over to the sheriff for disturbing the peace. . . . He would try to think of things he might have said to Mr. Hatch.

Surely similar thoughts plagued Olaf Helton during his years in a mental asylum and in exile on a Texas farm; a desire not to trigger such thoughts might explain Helton’s hostility to talking, in both settings. *See supra* text accompanying notes 50-51 & 79. Regarding Porter’s use of animal imagery, see *supra* note 110.

203. P. 209; *see* Smith, *supra* note 5, at 160.

204. P. 209.
suggests a deeper reason, that the pervasive dread generated by her husband's killing has caused her finally to collapse: "Mrs. Thompson gave a shrill weak scream . . . . [S]he was on the bed, rolling violently . . . her arms[] up, and her own hands pulling her hair straight out from her head, her neck strained back, and the tight screams strangling her." Mr. Thompson calls for aid from his sons, who arrive with a lantern, so that all can witness the final stage of Mrs. Thompson's breakdown:

By this light, Mr. Thompson saw Mrs. Thompson's eyes, wide open, staring dreadfully at him, the tears pouring. She sat up at the sight of the boys, and held out one arm towards them, the hand wagging in a crazy circle, then dropped on her back again, and suddenly went limp.

Mrs. Thompson's terrible stare confirms the implication of her screams and her writhings: Her husband's killing has destroyed her life.

The punishment Mr. Thompson feels from this rebuke is amplified by the even clearer censure he receives from his sons, who assume that Thomp-

205. P. 199:

Life was all one dread, the faces of her neighbors, of her boys, of her husband, the face of the whole world, the shape of her own house in the darkness, the very smell of the grass and the trees were horrible to her. There was no place to go, only one thing to do, bear it somehow — but how? She asked herself that question often. How was she going to keep on living now? Why had she lived at all? She wished now she had died one of those times she had been so sick, instead of living on for this.

See supra note 199. On women's greater susceptibility to societal shaming, see BRAITHWAITE, CRIME, supra note 7, at 92-93; see supra note 7.

206. P. 209-10. In "Noon Wine": The Sources" Porter emphasizes the seriousness of Ellen Thompson's condition by labeling her "doomed" by "the unyielding chastity of her morals," which will not condone her lying. Porter, supra note 2, at 35; see supra note 178. Louis Leiter connects Mrs. Thompson's pulling her own hair to her earlier affectionate pulling of her husband's hair. See Leiter, supra note 32, at 218; see supra note 46 and accompanying text.

207. Pp. 209-10; see Thomas, supra note 34, at 234 (In contrast to her husband, "Mrs. Thompson is more liable to implode than explode.").

208. "[I]n making a liar of her he has in effect committed a double murder — one of the flesh, one of the spirit." Porter, supra note 2, at 36; see Leiter, supra note 32, at 214 (this scene constitutes a "grotesque, pathetic, horrible, and comic repetition of the murder" of Hatch). The disruption of Mrs. Thompson's family, with its concomitant decrease in self-esteem, also contributes to her collapse. See infra note 209.

Moments later, when Thompson revives his wife with ammonia, she continues her wordless accusation: "She gasped and opened her eyes and turned her head away from him." She immediately console her sons, telling a weeping Herbert not to worry about her, but says nothing to her husband. Pp. 210-11; cf. Walsh, Deep Similarities, supra note 34, at 85 ("Instead of being a mutual support to each other, the Thomsons revert to their mutual distrust and end up as total strangers . . . ."). This subtle shunning rejects her husband even in his most helpful and caring role.
son has abused their mother. "'She's scared,' [Arthur] said, 'she's scared to death.' His face was a knot of rage, his fists were doubled up, he faced his father as if he meant to strike him. Mr. Thompson's jaw fell, he was so surprised . . .. Herbert joins his older brother in the accusation:

They stood on each side of Mrs. Thompson and watched Mr. Thompson as if he were a dangerous wild beast. "What did you do to her?" shouted Arthur, in a grown man's voice. "You touch her again and I'll blow your heart out!" Herbert was pale and his cheek twitched, but he was on Arthur's side; he would do what he could to help Arthur.

Because the Thompson sons consider their father guilty of murder, they are also ready to believe that he could harm his wife, in a bed and under a roof shared through eighteen years of marriage. This realization — that his family condemns him as much as or more than his neighbors do — destroys Mr. Thompson, who "had no fight left in him. . . . So many blows had been struck at Mr. Thompson and from so many directions he couldn't stop any more to find out where he was hit."211

209. P. 210; see supra note 45. Gerald R. Patterson notes that violence threatened by a child against a parent is typical of disrupted families. See Patterson, supra note 30, at 235; see supra note 208. On the tendencies of members of such families to "unprovoked attacks" on and to misreading the intentions of other family members, see id. at 234; for the suggestion that Arthur and Herbert are not misreading their animalistic father's "underlying violence," see Thomas, supra note 34, at 239. Of the consequences of such a confrontation for the parent, Patterson comments, "[T]he net effect of these changes is reflected most graphically in the decrease in self-esteem for the person who occupies the role of caretaker." Patterson, supra, at 234; see id. at 235.

After this confrontation, the boys refuse to attend to their father, even as he briefly explains that he did not harm Mrs. Thompson. "They listened, but said nothing. . . . He went out, and, looking back, saw Herbert staring at him from under his brows, like a stranger." P. 211; see Walsh, Deep Similarities, supra note 34, at 87. So their punishment of him continues.

210. Earlier that day Royal Earle Thompson lay in the same bed, thinking of its longevity in their marriage and of the roof over it, which he had raised while engaged. P. 207. One critic comments:

During all his married life he had been devoted to her; a great part of the sense of his life has come from his care for Mrs. Thompson's delicate health. Moreover, this care and protection of his wife has sustained his sense of his own manliness, a manliness that has now been challengingly, almost threateningly, assumed by his sons. They have taken over his role and his manner completely, and they exclude him violently.

Thomas, supra note 34, at 240.

211. Pp. 210-11; see HARDY, supra note 28, at 100; HENDRICK & HENDRICK, supra note 2, at 68; KRISHNAMURTHI, supra note 2, at 104, 120; LIBERMAN, supra note 2, at 57; MOONEY, supra note 5, at 42; NANCE, supra note 5, at 62; UNRUE, supra note 23, at 45; Leiter, supra note 32, at 217; Pierce, supra note 5, at 111-12; Thomas, supra note 34, at 241; Walsh, Devils, supra note 51, at 95; Warren, Irony, supra note 15, at 101.

Olaf Helton presumably encountered similar censure from his family after the killing of his brother, and was similarly broken. Cf. Thomas, supra, at 242-44 (by the end of the novel
Harsh punishment from both community and family pushes Thompson to suicide.\textsuperscript{212} He “pull[s] on his best pants,” saying that he is going to get the doctor for his wife, but before leaving the house acquires a lantern, pencil and paper, and his shotgun. He walks “to the farthest end of his fields,” to “the last fence,” where he sits to write a suicide note.\textsuperscript{213} Even as he prepares for death, Royal Earle Thompson tries to satisfy what he perceives as the demands of his community and family: He dresses well for his death, which he plans to commit on his own farm, so as not to foul a neighbor’s property, but as far out of his family’s earshot as possible.

Thompson’s suicide note also reflects his desire to satisfy community opinion.\textsuperscript{214} He tries once again to explain his killing: “‘Before Almighty God, the great judge of all before who I am about to appear, I do solemnly swear that I did not take the life of Homer T. Hatch on purpose. It was done in defense of Mr. Helton. . . .’” Because a believer does not need to write a suicide note to God, the invocation of the Almighty seems designed to vouch for the writer’s veracity, much like the testimonial oath the beginning of Thompson’s note resembles.\textsuperscript{215} So Thompson is testifying to his fellows in the community (including his family)\textsuperscript{216} that he did not act “on purpose.” Signifi-

\textsuperscript{212} Thompson is as isolated as Helton was at its beginning, “[a] stranger in a strange land”); see supra text accompanying notes 34 & 72-73. Helton’s life in the asylum and later as a friendless man in a strange region may be considered a slow form of suicide, hurried at the end by the decision to resist the sheriff’s posse. See supra text accompanying notes 72-81 & 155-58 and infra note 232.

\textsuperscript{213} P. 211. On the symbolism of the shotgun, see Leiter, supra note 32, at 216: “More than a double-barreled shotgun is implied in the ‘twin barrels’ that kill Thompson. They are the rejection of his community and his family.” See also id. at 189, 216-17; cf. id. at 218 (quoting p. 181; see supra note 109) (“The man who wished above all ‘to save his face’ loses it ignominiously.”).

\textsuperscript{214} “The act of leaving a note indicates that Thompson still hopes to be justified . . . . His fatal pride, the hope of restoring his good name, is active almost to the end.” HARDY, supra note 28, at 107; see KRISHNAMURTHI, supra note 2, at 120; cf. Pierce, supra note 5, at 111 (the note is “a final futile gesture of self-explanation”).

\textsuperscript{215} Pp. 211-12. The fact that Thompson makes no direct attempt to justify his imminent suicide — “a sin, surely, for the vaguely Christian society of the story, as grave as murder,” Smith supra note 5, at 161 — also suggests that Thompson’s invocation of God has an instrumental function. But see Groff, supra note 79, at 46 (“it is to ‘the great judge of all’ that Mr. Thompson finally addresses himself; the lesser ‘judge and jury’ let him off”).

\textsuperscript{216} Cf. WHITE, supra note 15, at 190 (“At some point the person with the story finds no one nearby to listen, so he (or she) writes to the world. In doing so he hopes to establish a
cantly, this is the same argument he just offered to his sons when they accused Mr. Thompson of abusing his wife. "'Don't you get any notions in your head. I never did your mother any harm in my life, on purpose.'"\textsuperscript{217} Royal Earle Thompson has done so much harm to his wife that his lack of purpose hardly seems relevant. This juxtaposition weakens his similar plea regarding the death of Hatch.\textsuperscript{218}

The suicide note elaborates this defense, but with equivocations that further demonstrate its weakness.

I did not aim to hit him with the ax but only to keep him off Mr. Helton. He aimed a blow at Mr. Helton who was not looking for it. It was my belief at the time that Mr. Hatch would of taken the life of Mr. Helton if I did not interfere.\textsuperscript{219}

The note thus omits direct reference to Hatch’s knife, using instead the indefinite phrase “He aimed a blow.” This ambiguity, plus the concession inherent in the clause “It was my belief at the time,” suggests Thompson’s doubts about the defense he is asserting, doubts consistent with the guilt he has been feeling but cannot bring himself to acknowledge.\textsuperscript{220}

Mr. Thompson’s preoccupation with community opinion becomes explicit in the next sentences of his note, as he complains about the treatment he received in the criminal justice system and from his neighbors and family: "'... I have told all this to the judge and the jury and they let me off but nobody believes it. This is the only way I can prove I am not a cold blooded murderer like everybody seems to think. . . ." So Thompson hopes that his

\begin{footnotes}
\item[217] P. 211; see Thomas, supra note 34, at 239. See supra note 45.
\item[218] See White, supra note 15, at 186:
What does he mean by the phrase "on purpose" then? We all know the answer, for this is the universal defense of children in our culture whenever they are blamed for something they did. "I didn't do it on purpose" means "I shouldn't be punished for it." But the word "purpose," in this case at least, does very little to express any reason why one should not be punished. [The killing of Hatch] was not in the usual sense an accident, after all.
\item[219] P. 212. Denying an "aim to hit" Hatch is consistent with the memory loss Thompson apparently has suffered. See supra note 127.
\item[220] See supra note 171 and accompanying text and infra note 224. See generally Mooney, supra note 5, at 43.
\item[221] P. 212. "In a sense, he finally kills himself out of pride. He can't stand the moral uncertainty of his situation, the moral isolation when his family turns against him, and he
\end{footnotes}
suicide will change the community's opinion of him, as his acquittal by judge and jury did not. Of course, this hope is vain—a killer's suicide suggests guilt, not innocence—and Royal Earle Thompson's attempt to rehabilitate his standing in his community is just as muddled as his claim that he did not act "on purpose."

Thompson seems to sense this failure, for his writing prattles on falsely until he pauses: "'...' If I had been in Mr. Helton's place he would of done the same for me. I still think I done the only thing there was to do. My wife —' Mr. Thompson stopped here to think a while. About to rely once again on his wife and to force her to lie even as she buries him, Thompson reconsider, "mark[ing] out the last two words. He sat a while blacking out the words until he had made a neat oblong patch where they had been." Perhaps recognizing the harm he has done to his wife by making her lie, Mr. Thompson repents, but does so in a way that still reflects his desire to meet the standards of others: Like a schoolboy he labors to produce "a neat oblong

shoots himself as a way of justifying himself before the world." CLEANTH BROOKS ET AL., AN APPROACH TO LITERATURE 218 (3d ed. 1952); see supra text accompanying note 150.

222. "[A] story of justification ... will always be felt to be inadequate, it will be told and heard with queasiness, so long as it fails to face all the facts upon which the charge of guilt can be said to rest, and this one does not.” WHITE, supra note 15, at 189; see infra note 228. See also HARDY, supra note 28, at 105; Smith, supra note 5, at 161; Warren, Irony, supra note 15, at 101-02.

223. See Groff, supra note 79, at 46; Leiter, supra note 32, at 216; Walsh, Devils, supra note 51, at 95.

224. Surprisingly, Janis P. Stout calls Thompson's "suicide note ... honest, direct, and terse." STOUT, supra note 2, at 255. Having established a perceptive distinction between Thompson's and Hatch's morally flaccid language and Helton's and Porter's more rigorous use of words, see supra note 143, Stout curiously fails to apply this distinction to the suicide note, which is riddled with equivocations and half-truths. "[T]he word 'truth[']' appears not at all in this last soliloquy. It is as though 'truth' has been superseded by 'belief.'" Thomas, supra note 34, at 239; see Leiter, supra note 32, at 215, 216 (“The letter ... is a masterpiece of self-deception, self-justification, blind rationalization ... ”). For another critic overimpressed by Thompson's note, see Groff, supra note 79, at 46 (despite its "crude approximation of the legalistic tone[,]... the laborled note is eloquent").

225. P. 212. In "'Noon Wine': The Sources," Porter asserts that Thompson's statement "he would of done the same for me" is "right." Porter, supra note 2, at 37. An author, even one twenty years removed from a novel's writing, may be assumed to know her character's state of mind, but cf. id. at 38 (expressing doubt about how the Thompsons would have behaved had Ellie wholeheartedly embraced Royal Earle's lie); however, whether Mr. Thompson should have been so confident about Helton's state of mind is another question. The factual basis for Thompson's prediction is dubious, inasmuch as Helton had not shared his thoughts with Thompson or anyone else in years. See supra note 92 and accompanying text. Thompson's self-torment about what he could have done differently, see supra note 202 and accompanying text, belies the notion that he had no choice but to kill Hatch.

226. P. 212. For other readings of this passage, see NANCE, supra note 5, at 59; Hardy, supra note 28, at 107; Leiter, supra note 32, at 216; Thomas, supra note 34, at 232-33; Walsh, Deep Similarities, supra note 34, at 89.
patch,” as if suicide notes were judged for penmanship as well as honesty.

Obliterating the reference to his wife, Thompson concludes the note with “It was Homer T. Hatch who came to do wrong to a harmless man. He caused all this trouble and he deserved to die but I am sorry it was me who had to kill him.”

Like the rest of the note, these concluding sentences are half-truths at best. Capturing Helton, whose history shows him anything but “harmless,” would have been wrong only morally, not legally. Thompson played a significant role with Hatch in “caus[ing] all this trouble,” as the suicide’s mental distress attests. Hatch, who seems never to have killed another, was less deserving of death on that account than either Helton or Thompson. And Thompson did not “ha[ve] to kill” Hatch; on the contrary, thoughts of alternate courses of conduct have kept him awake at night. The only totally truthful words in these sentences are the phrase “I am sorry” — the apology Thompson wants to make, to his family and to his community, but cannot.

Still conscious of how things look and of not causing undue difficulty for his neighbors and family, Thompson “signed his full name carefully, folded the paper and put it in his outside pocket,” where it would be easy to discover but still out of the line of fire. He then devises a method of discharging the shotgun, pulling the trigger with his great toe, which the discoverers of his body will surely consider creditable. The novel ends just before the fatal

227. P. 212.
228. Cf. Krishnamurthi, supra note 2, at 120 (commenting on the evasiveness of these sentences). But cf. Nance, supra note 5, at 59 (these sentences by Thompson “express[] as well as he can his true feelings”); White, supra note 15, at 188-89 (concluding after quoting the second sentence, that “[i]t is his letter, far from being a pathetic and inadequate version of the story, is in fact a sophisticated, complex, and intelligent piece of moral analysis”; nevertheless, it is “not totally adequate[ b]ecause . . . it leaves out something essential: the fact that Mr. Thompson was protecting not Mr. Helton but himself”). See supra note 222.
229. Regarding Thompson’s belief that “Mr. Helton might go loony again any minute,” see supra text accompanying note 120. Regarding Thompson’s belief in Hatch’s legal right to capture Helton, see supra text accompanying note 118.
230. “Do not forget that both Helton and Thompson commit murder; and the latter’s plea of self-defense is specious or erroneous, if not dishonest. Hatch is not to blame for anything except his being, and his happening to be just there, in juxtaposition with these others.” Wescott, supra note 2, at 50.
231. For a discussion of the significance of apology in Japan’s highly successful crime control regime, as well as an acknowledgment of the perhaps related high suicide level among the Japanese, see Braithwaite, Crime, supra note 7, at 64; see also id. at 74-75; cf. Massaro, supra note 9, at 1908, 1912 (suicide in pre-World War II Japan and among Tobriand Islanders). See generally Braithwaite, Crime, supra, at 162-65; Massaro, supra, at 1906-910. For criticism of Braithwaite’s reliance on the Japanese analogy, see Uggen, supra note 7, at 489, 492.

M.M. Liberman contrasts Thompson’s and Helton’s differing styles of dying, finding the latter preferable: “Mr. Thompson will try to explain himself to the day he dies, but Helton’s death is the last reproach of silence.” Liberman, supra note 2, at 94; see Groff, supra note 79, at 45; see supra note 156 and accompanying text.
IV. ACHIEVING BALANCE

Thompson’s suicide results from the failure of his community to discipline him properly. Like a doting mother, the criminal justice system treated Royal Earle Thompson far too leniently, letting him off without requiring any acknowledgment of the guilt he sensed or even any truthful explanation of his behavior. Mr. Thompson’s trial should remind the reader of Mrs. Thompson’s quandary after she sees her boys being shaken by Olaf Helton, when she fears inquiring about the event because answers to the inquiry might force her into unpleasant action. Judge and jury perform worse than Mrs. Thompson, however, who at least reported the matter to her husband; the criminal justice system instead lets Mr. Thompson get away with a lie, the self-defense claim his lawyer helped him fabricate. This lack of needed discipline leaves even Thompson unsatisfied, though he mistakes his desire for punishment as an aspiration for vindication.

Seeking vindication from his neighbors and family, Mr. Thompson finds punishment instead, but the community’s discipline is too harsh. Friends and family whip Thompson mercilessly, with the metaphoric “blows” coming “from so many directions” that he is powerless to resist. The community’s treatment of Mr. Thompson is like the vicious beatings with which he threatened his sons after learning of their misbehavior with Helton’s harmonicas, with the crucial difference that Thompson relented with his sons.

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232. P. 212; cf. HARDY, supra note 28, at 107-08 (Thompson’s method of self-destruction is “entirely practical”); Thomas, supra note 34, at 239-40 (“Mr. Thompson’s arrangements are careful and detailed.”).

William L. Nance analogizes this suicide to Helton’s decision to run. See supra text accompanying notes 153-54. Thompson’s action constitutes an escape from the opinions of those around him: “Thompson’s excessive deference to public opinion makes a prison of society and stern judges of all his neighbors.” NANCE, supra note 5, at 61-62; cf. id., at 58 (analogizing “Thompson’s guilt obsession” to “Helton’s insanity”). Similarly to Nance, Edward Groff concludes,

For both men, death is self-inflicted. Although Mr. Helton does not, like Mr. Thompson, put a bullet through his head, he, as certainly, withdraws from life; first into a form of madness so violent that he must be bound in a strait jacket; later, on the Thompson farm, into a mute detachment so impenetrable that his presence is felt only as a dirge.

Groff, supra note 79, at 45; see Walsh, Deep Similarities, supra note 34, at 87-88 (citing NANCE, supra, at 57).

233. See supra text accompanying notes 171-73.

234. See supra text accompanying notes 53-54.

235. See supra text accompanying notes 162-66.

236. P. 211; see supra text accompanying note 211.
listening to his wife's plea for leniency. While Thompson subconsciously wanted punishment from his community, he wanted discipline that would reintegrate him into the local society, as the Thompsons’ discipline restores their children to the fabric of the family, not permanent stigmatization as a murderer, which drove him from the community forever.

Similar stories may be told for Olaf Helton and Homer T. Hatch, who at crucial times in their lives received too much or too little punishment for wrongdoing. In Noon Wine Katherine Anne Porter thus seems to be urging adoption of a middle ground between leniency and harshness, in family discipline and in community discipline, both formally through the criminal justice system and informally in the face-to-face encounters that constitute a community.

Porter also seems to highlight the difficulty of arriving at an appropriate balance. At the novel’s close Helton and Hatch are dead, and Thomp-

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237. See supra text accompanying notes 57-62.

Thompson and his neighbors are straitjacketed by their modus vivendi, figured otherwise in beliefs grown so rigid that the sane self has hardened into the public mask. Straitjackets are Ellie’s repetition of her grandmother’s morality, Thompson’s use of brutal disciplinary methods, the neighbors’ rejection of a killer. The danger involved is the cost in grief, estrangement, and death.

Leiter, supra note 32, at 202; see supra text accompanying notes 35 & 44 and notes 77 & 79.

238. See BRAITHWAITE, CRIME, supra note 7, at 4:

[P]otent shaming directed at offenders is the essential condition necessary for low crime rates. Yet shaming can be counterproductive if it is disintegrative rather than reintegrative. Shaming is counterproductive when it pushes offenders into the clutches of criminal subcultures; shaming controls crime when it is at the same time powerful and bounded by ceremonies to reintegrate the offender back into the community of responsible citizens.

See also id. at 55. See supra notes 7 & 9.

239. See supra text accompanying notes 77-78 & 93-96 and note 141. While considering alternatives to killing Hatch, see supra note 202 and accompanying text, Thompson imagines a less harsh punishment for his antagonist, envisioning “Mr. Hatch safe in jail somewhere, mad as hops, maybe, but out of harm’s way and ready to listen to reason and to repent of his meanness.” P. 209.

240. Robert Penn Warren finds a preoccupation with balancing contraries throughout Porter’s œuvre. Most of her works, specifically including Noon Wine, show “the same paradoxical problem of definition, the same delicate balancing of rival considerations, the same scrupulous development of competing claims to attention and action, the same interplay of the humorous and the serious, the same refusal to take the straight line, the formula, through the material at hand.” Rejecting “the formula, the ready-made solution, the hand-me-down morality, the word for the spirit,” Porter’s work, according to Warren, “affirms, rather, the constant need for exercising discrimination, the arduous obligation of the intellect in the face of conflicting dogmas, the need for a dialectical approach to matters of definition, the need for exercising as much of the human faculty as possible.” Warren, Irony, supra note 15, at 107.

son soon will be. Each death is a failure of reintegration, a failure properly to balance forgiveness and demand. These failures also have innocent victims like Ellie Thompson, who has suffered a breakdown that her husband’s suicide can only worsen. Yet it would be disproportionate only to focus on these failures.

It is possible to get the balance right, as the examples of Arthur and

PORTER: A CRITICAL BIBLIOGRAPHY 5, 9 (1953) (“All [Porter’s] work revolves about two propositions: the necessity for moral definition, and the difficulty of moral definition. The tension between these propositions provides, over and over again, the characteristic drama, the characteristic story.”). See supra note 240. See also Allen, Chronicle, supra note 36, at 95; Groff, supra note 79, at 46.

242. But cf. Smith, supra note 5, at 159-60 (“the patient, suffering Mrs. Thompson collaborates in her husband’s death”); see infra note 244.

243. Robert Penn Warren considers Porter’s fiction itself an example of getting right the balance of contraries.

This basic attitude finds its correlation in her work, in the delicacy of phrase, the close structure, the counterpoint of incident and implication. That is, a story must test its thematic line at every point against its total circumstantiality; the thematic considerations must, as it were, be validated in terms of circumstance and experience, and never be resolved in the poverty of statement.

See supra notes 240-41. Attaining this balance between theme and circumstance allows Porter to “achieve stories of a deep philosophical urgency in the narrow space,” to produce “a literally metaphysical poetry.” Warren, Irony, supra note 15, at 107-08; see Warren, Uncorrupted Consciousness, supra note 47, at 284-86; cf. Emmons, supra note 2, at 40 (“her style is both firm and supple, like a good sword blade”); Stout, supra note 2, at 256 (“Porter’s restrained, incisive style defines and delineates, but at the same time poses ambiguities and ironies. The one communicative act that it does not perform is to belabor.”); Allen, Chronicle, supra note 36, at 91-92 (“There is not a scene, scarcely a sentence, . . . that does not have a close organic relationship with the final moment of reader illumination”); id. at 95 (“In a sense, the style is the character, a rare accomplishment.”); Groff, supra note 79, at 41 (“‘Noon Wine’ is so adroit, so seemingly artless in structure, that it suggests the mythic qualities of a folk tale.”); id. at 44 (“one finds in ‘Noon Wine’ a dramatic action of classical design and symmetry[,] . . . a graceful architecture based upon classical principles of balance and antithesis”); id. at 47 (Porter’s “Aristotelian” approach to fiction results in “the dramatic representation of an action whose meaning is self-contained, but whose dimensions of moral significance are sufficiently complex to permit a variety of thematic implications to extend beyond the boundaries of plot”); Leiter, supra note 32, at 187 (“‘Noon Wine is as carefully constructed as Madame Bovary . . . . Nine structural units compose the novel balanced four and four on the fulcrum of the summarizing and the transitional fifth section . . . .”); Male, supra note 17, at 289 (“Part of the magic in these stories [Noon Wine and Warren’s ‘Blackberry Winter’] lies in the way these perfectly natural details illuminate the meanings, the way theme governs the selection of material without arbitrarily dominating it.”); Pierce, supra note 5, at 113 (“In Noon Wine, technique is indeed discovered.”); Smith, supra note 5, at 157 (Porter creates “a landscape so objective that the technique itself becomes theme”); Thomas, supra note 34, at 245 (“A story creates a sense of order successfully only insofar as it recognizes and respects life’s confusion. The order of ‘Noon Wine’ is gradually sensed in the fine confusion of people’s talk. . . . There is a depth and dignity of reticence to the story . . . .”); Wescott, supra note 2, at 51, 53 (noting the mix of “abstraction” and “circumstance” in Noon Wine); id. at 47-48 (the brevity of Noon Wine and other Porter works shows “more skill, more time, and more creative strength” than lengthy novels on the same themes would have). But
Herbert Thompson show. Though they will surely feel guilty over the role they played in forcing their father to suicide,\textsuperscript{244} the reader suspects they will “get past the crisis safely,” just as they have survived “all the grimy, secret, oblique phases of growing up,”\textsuperscript{245} and just as they have borne being the sons of a murderer.\textsuperscript{246} The wise disciplining of these two boys, mixing leniency and harshness, sets a model that parents, communities, and the legal actors who formally represent those communities in the criminal justice system would do well to emulate.

\textit{cf.} Howell, \textit{supra} note 47, at 255 (“she has failed to correlate the inner and outer worlds, to make the intellectual content contingent on the flesh-and-blood reality of the Thompson farm”); \textit{id.} at 258-59 (“Miss Porter fails to achieve a unity of effect. Her aims are divided.”); Johnson, \textit{supra} note 13, at 95-96 (finding Porter’s “artistry” “limited” by “[h]er critical judgment,” her works “constrict[ed],” her characters “real” but incapable of “surpass[ing] reality” as does Dostoyevsky’s Raskolnikov, for example).

\textsuperscript{244} “Every one in this story contributes, one way or another directly, or indirectly, to murder, or death by violence; even the two young sons of Mr. Thompson who turn on him in their fright and ignorance and side with their mother, who does not need them . . . .” Porter, \textit{supra} note 2, at 34-35; \textit{see} Leiter, \textit{supra} note 32, at 214.

\textsuperscript{245} P. 180; \textit{see supra} text accompanying note 69.

\textsuperscript{246} \textit{See supra} text accompanying note 199.