

Introduction: the warp, woof, and weave of American gun violence

Since a Foucauldian analysis structures this book, it seems fitting to start with a confession: I am not a fan of Westerns. While I have come to appreciate the formula's rich and varied history, I have long been, and continue to be, somewhat embarrassed by the form. Working on a genre so profoundly indebted to—and, it must be admitted, so often expressive of—a horrific legacy of racial, sexual, and economic violence, critics of the Western often find themselves with much to answer for. This answering, this compulsion—whether it is internally motivated or externally prompted—not merely to explain, but indeed somehow to apologize for, what the Western genre has meant in American culture is most keenly felt in conversation, both casual and professional.

Gerald Graff and Kathy Birkenstein's book on academic prose, *They Say/I Say: The Moves that Matter in Academic Writing*, likens much of the work we do to attending a complicated cocktail party.¹ You move around among groups of people, working the room as it were, talking a bit here and there about the assortment of things that people typically discuss in such a setting. Just as it is good form in social conversation to acknowledge what someone else has said, so an academic argument must be structured very similarly, as if in reply to what 'they' have already said, as if adding to a discussion we imagine has already begun. While it has long been a cornerstone of academic work to properly contextualize, this unpacking of the profession's rhetorical tropes is a particularly useful illustration of the importance of situating one's argument within an existing discourse. For an interdisciplinary critic working with a framework that combines the conceptual terrain of several fields, the need to situate one's work properly in relation to multiple fields

makes this problem even more acute, because one's contribution must announce its place within rather diverse discursive regimes.

In many circles my association with the Western genre carries, inevitably, assumptions and connotations that are, frankly, unnerving. As an Anglo American man, when I tell people that my research is on the Western genre, it is often clear that they imagine a one-to-one correspondence between what they think the genre is 'about' and my own political views. The questions people ask me indicate just some of the connotations the genre carries. When I tell people about my interest in the genre's articulations of Anglo ascendancy, I am often asked, 'But don't you think that the genre is racist and sexist?' When I elaborate further on my interest in the genre's relationship to gun violence, it is surprising how often I am asked some version of this follow-up question: 'Do you own a gun?' As a counterpoint, after hearing of my work as an African Americanist who studies slavery, no one has ever asked me if I thought slavery was a good thing.

It is almost as if any conversation about the Western genre is somehow reminiscent of an awkward intervention with a deeply beloved but intensely flawed personal relative: the racist grandfather, the misogynist uncle, with whom we'd rather not admit kinship. For reasons that I hope to make clear in the following pages, the relative who metaphorically stands in here for the Western genre is almost always a man, and his epithets and derogatory invectives can never be fully explained away. It's not enough to say, 'Well, he's old, his views are from a different time.' Despite countless dismissals and more than a few 'obituaries' in the history of Western criticism, the genre continues to capture the American imagination. I aim in this book to explain in part why we continue to utilize the Western as a mode of cultural expression despite its anachronistic nature. Neither is it sufficient to regard one's racist grandfather as somehow an isolated instance, as if the terrible things he says about people somehow do not matter because 'that's just his view.' The thematic and ideological tenets of the Western are not just profoundly influential, but also widely diffuse in American culture. I aim further to elucidate several of these correspondences and resonances. It is, however, crucial to point out that, for all Grandpa's flaws, it does represent real progress that he no longer uses the word 'nigger' in public. The Western genre's evolution, I intend to show, has also been progressive.

By noting that I am not a 'fan' of Westerns, I do not mean to say that I have never enjoyed any of the films or novels I have watched or

read over the last decade spent working on this project. I have found many that I like, many that I would rank among my favorite films or novels, not just within the genre but within either medium writ large. *The Man Who Shot Liberty Valance* (1962) is not only a great Western; it is one of the greatest films of all time. I have also found many with which I identify quite strongly, and it is perhaps this identification that is so alarming, both personally and critically. It is an interesting irony to note, finally, that even the genre's staunchest critics, when pressed, will more often than not admit to a deep personal investment in at least one or two Westerns. That this identification is shared by such a wide range of people speaks volumes about the genre's continued saliency in American culture.

Like many scholarly books, this project sprouted from seeds sown in graduate school. Completed in 2010, the first draft of this book was about the American Western genre, the Second Amendment, and self-defense. Composed in earnest on the heels of the landmark Supreme Court case *District of Columbia v. Heller* (2008), and amidst yet another spate of successful Westerns in a variety of media—that again prompted much critical wrangling over classificatory schemata and terms such as 'classical,' 'revisionist,' and 'post'—the topic was timely enough to be a good candidate for a monograph. And so I began to write this project anew. The transition from graduate study to monograph entails a process of revision and reinterpretation. What was written for a small committee of like-minded mentors and colleagues must be expanded and explained anew for a larger audience. This translation of material from one medium and audience to another, naturally, takes some time, it being no small matter to rewrite a book. Too much of this writing time, early in one's scholarly career, is overtaken by the other pressures of life, naturally. Amidst the sluggish pace of academic humanities scholarship, then, spending five to six years crafting a decade's worth of research into a monograph seems, well, natural.

The completion of this book in 2017, however, has been unnaturally complicated by a number of sensational incidents of gun violence, wide-ranging legislative changes that have seriously affected how we adjudicate self-defense, and a renewed national uproar regarding this country's systemic problems with domestic gun violence. I am referring, of course, to the now infamous shooting of Trayvon Martin by George Zimmerman in Florida in 2012; the arrest and conviction of Marriisa Alexander, also in 2012, for firing a warning shot to repel an attacker within her home; the mixed results in the attempted murder prosecution

of Michael Dunn in 2013; and the now notorious ‘Stand Your Ground’ laws that, at the time of this writing, have been codified in dozens of states and have been pivotal in numerous other sensational ‘self-defense’ cases in recent years. Social media ‘activism’ has also arrived on the scene, most notably in the vehement reinterpretation of a seemingly innocuous statement such as ‘Black Lives Matter,’ and the deployment of other hashtags, ‘likes,’ and trends as attempts at political speech.

The upshot of these recent legal developments is a paradigmatic shift in the ways the American legal system adjudicates homicide. The concept of a paradigm shift is important here because, quite simply, it connotes the passage of time, reflecting a history of how things have been done or thought before and after the shift. While the sky may be falling for other reasons, it is not because America has never before confronted the issue of self-defense, or has just now begun to consider self-defense as a special issue among an armed citizenry. Indeed, one of the core aims of this book is to trace the history of nineteenth-century American jurisprudence, which transformed the English common law obligation to retreat ‘to the wall’ into a far-reaching doctrine of legally justifiable homicide.

Beginning with Florida in 2005, however, this common law tradition, a matter of precedent and jurisprudence, has been increasingly codified in a wave of legislative actions across numerous states. This is no small matter in any legal realm, much less for decisions regarding when it is justifiable to kill another person. Beyond the expansion of the disciplinary apparatus of neoliberalism—also no small thing—the continuing codification of justifiable homicide merits reflection on the interwoven network of normative assumptions, evaluative frameworks, and overdetermined language within the putatively objective realm of ‘the law.’ Put another way, legal codes, like all language, operate in intersecting and entwined discursive regimes. Beyond self-defense, two other discursive regimes are crucial to both my analysis here and the development of this book: another Supreme Court ruling on the Second Amendment, and yet more popular and critically successful television and Hollywood Westerns. This book represents my best efforts to trace the coincident emergence of, and continued resonances between, the discursive regimes of this component of the American legal system and our most enduring popular genre, the Western.

The aforementioned 2008 case, *District of Columbia v. Heller*, unequivocally granted citizens the right to keep and bear arms wholly apart from militia duty, explicitly championing ‘self-defense’ in a resounding

dismissal of the phrase ‘a well-regulated militia’ in the first clause of the Second Amendment. Some legal confusion and much wrangling ensued, however, largely because the *Heller* case was about the federally administered District of Columbia. Emboldened by *Heller*’s language, litigants subsequently successfully overturned state gun restrictions, most notably in *McDonald v. Chicago* (2010). This second case is important because it continued to champion, à la *Heller*, an individual right to gun ownership absent any militia connection and clarified the issue for future state cases. Because the watershed moment in my analysis of the entwined evolution of the Second Amendment and American self-defense doctrine is the *Heller* opinion’s valorization of self-defense as the ‘sole lawful purpose for owning a gun,’ however, I have retained the original focus on this case for this book.

The final Western in question here is *Django Unchained*. Released during the Zimmerman trial in December 2012, the film was successful at the box office, was critically acclaimed, garnered several awards—including two Oscars—and ignited no small amount of controversy about its language and manipulation of history. In short, the film meant something at this moment. As such, its impact points up the work cultural products do in the world. Highly stylized, the homage to the genre with which Tarantino has been flirting in almost all his films thus far, *Django Unchained*’s casting, plot, and hyperbolic violence resonated with contemporary anxieties. When the Western continues to matter in American culture it ought to give us pause. *Why* this ritualistic, atavistic formula still works after more than a century is, at heart, rather simple: revenge and justice are deeply satisfying imaginative fantasies. Furthermore, the Western genre’s gun fetish reifies several core national tenets, such as individual liberty, economic opportunity, and self-reliance. *How* the Western genre has endured, the changes in the style and iconography that enable a staid genre to resonate anew, is the focus of this book, and how *Django Unchained* works in the ‘post-racial’ age of Obama is the topic of this book’s closing analysis.

I do not attempt here to ‘solve’ any of the governmental, jurisprudential, or legislative problems associated with gun violence. To quote Toni Morrison, ‘I intend to outline an attractive, fruitful, and provocative critical project, unencumbered by dreams of subversion or rallying gestures at fortress walls.’² This scholarly book, then, is primarily about a genre, and secondarily about its relationship to other threads within our cultural tapestry of gun violence. Extant criticism about the Western has had much to say about the genre’s ideological underpinnings and its

discriminatory representations of gender and race. Much attention has been paid to the reasons for using a gun, but surprisingly little has been said about the specificity of these exhibitions of violence, and even less about the interrelationship between an immense cultural tradition that glorifies gun violence and a legal system that uniquely permits its citizens to carry guns even as it continues to broaden the limits of justifiable homicide.

My approach to the Western is unique because my research brings together the genre's changing representational and iconographic tropes and paradigmatic shifts in the American legal system. By focusing on law and literature, or law and film, my work breaks from psychoanalytic perspectives, which have long dominated studies of film and legal discourse. I seek instead to historicize and contextualize the stylistic tropes of the genre across varied cultural and social forms. My interdisciplinary readings of the work cultural forms do in the world trace intersections between discourses—intersections which occur, overlap, and expand within specific contexts. It is these historical moments that we must juxtapose with our interpretive frameworks.

By examining the evolution of entwined legal paradigms alongside the changed emphases, narrative arcs, and representational strategies of the Western genre, *Gunslinging Justice* demonstrates that the relationship between a society's legal system and its cultural products is more complex than either a socioeconomic determinism or a necessarily reactionary conservatism. The foregoing analyses of a popular genre and legal discourse are not, in other words, bound to any causal claims. It would be foolish to think that the only correspondence between a cinematic and legal tradition should be teased out based on whether or not one directly caused the other. Rather, as Orit Kamir has suggested, 'law and film are two pivotal discourses that both reflect and refract fundamental values, images, notions of identity, lifestyles, and crises of their societies and cultures ... there is a significant correlation between their parallel functions. Law and film are dominant participants in the construction of concepts such as subject, community, identity, memory, gender roles, justice, and truth.'³ It is perhaps important to be explicit here that a core assumption guiding this book is that popular genres provide emotionally satisfying resolutions within an imaginative framework for otherwise irresolvable conflicts or inconsistencies within other domains of culture.

Surely the highly polarized and bitterly partisan gun and self-defense debates that have played out over the course of American history are prime candidates for some imaginative working through. As Austin

Sarat, Lawrence Douglas, and Martha Merrill Umphrey note, ‘the moving image attunes us to the “might-have-beens” that have shaped our worlds and the “might-bes” against which those worlds can be judged and toward which they might be pointed.’⁴ The quite anxious repetition of the gunslinger’s climactic violence suggests that the Western has worked in the world to expand the limits of our American imagination as to when, why, and how personal gun violence can be justifiable. Perhaps ultimately that explains why the Western still survives. The genre’s survival, I will be arguing, is related to persistent ambiguity and inconsistencies within American gun legislation and self-defense laws. To understand a part of the 200-year impact of this long ‘working through,’ we shall move forward and backward through a few hundred years of American history, literature, film, and television. To set the scene properly, though, we begin our analyses just ten years prior to this book’s publication.

After seventy years of silence on the matter, in June 2008 the Supreme Court ruled in *District of Columbia v. Heller* that a local handgun ban in Washington, DC was unconstitutional.⁵ The United States’ highest court had heard Second Amendment cases only a few times and, until *District of Columbia v. Heller*, not since 1939, so the ruling in *Heller* was hotly anticipated. The majority ruling unequivocally held that ‘The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.’⁶ Given the explicit connection between gun ownership and self-defense within the home, many saw this ruling as an opportunity to challenge similar gun regulations at the state level, and so renewed public, political, and ultimately juridical wrangling over gun rights ensued. Commenting on the *Heller* ruling, Chicago’s Mayor Richard M. Daley ardently rejected any broader sanctioning of private gun violence. Characteristically brash, the Mayor vowed to fight lawsuits against Chicago’s handgun ban and refuted the Court’s opinion: ‘Does this lead to everyone having a gun in our society? ... If [the justices] think that’s the answer, then they’re greatly mistaken. Then why don’t we do away with the court system and go back to the Old West, [where] you have a gun and I have a gun and we’ll settle it in the streets?’⁷ For my purposes, what’s interesting about Mayor Daley’s comment here is neither his rejection of the Court’s reasoning nor his hyperbolic equating of the ruling to ubiquitous gun ownership and use, but rather his invocation of the ‘Old West.’ Daley’s commentary uses a vivid and powerful cultural

symbolism associated with guns, calling up images of a mythical West where guns resolved every conflict. Such imagery, evoking a frontier where guns replaced legal redress as the primary mode of dispute resolution, owes more to the imagined 'Wild West' of literature and films than to any actual time or place in American history. Daley invokes the image of John Wayne, not the actualities of the late nineteenth century. In short, Daley's allusion recalls Westerns instead of 'the West' and, as such, not only resonates with a rich cultural tradition but also points up this genre's cultural work of mediating normative notions of gender and justifiable homicide that have long underlined widespread private gun violence in the United States.

Set on a 'lawless frontier,' Westerns are quintessentially dramas about the limits of the American legal system. The genre's climactic gun violence has therefore been read as a symbolic opposition between the ideals of 'the law' embodied in the 'civilized' American legal system and a putatively more 'savage' system of justice that privileges gun violence as a means of resolving disputes. Consider, for example, a running joke that is featured in the 1939 Western *Jesse James*, whereby the town's newspaper editor continually lambasts various institutional figures in a series of scathing editorials. The first editorial sets out the pattern: 'If we are ever to have law and order in the West, the first thing we gotta do is take out all the lawyers and shoot 'em down like dogs.' The joke in Henry King's film plays out in other editorials, of which we hear only the beginnings, which all share this rhetorical pattern. They differ only regarding the profession targeted for critique, so that by the end of the film the editor's solution to the problem of lawyers is the same as that prescribed for railroad presidents, bankers, deputies, and even governors: 'Shoot 'em down like dogs.' In the West, explains the editor, dispute resolution is best dispensed from the barrel of a gun: 'It's the lawyers who are messin' up the whole world. Ten years ago we didn't have no lawyers and we got along fine. Man killed somebody, and then somebody killed him, and the marshal shot 'em all and that was the end of it.' By this logic, gun violence is the preferred method for solving problems, and anyone who 'interferes' with it, particularly lawyers, ought to be shot down like a dog.

The newspaperman's invectives are no doubt meant to provide comic relief, but the rhetorical structure is dear to the heart of the Western genre. Indeed, the editor's sentiments establish an opposition between, on the one hand, a clean, decisive 'law of the gun' and, on the other, a muddled American legal system. In the world of the Western, the

procedural focus of American law gets in the way of justice. The genre embraces justice by gun violence rather than by trial, and has therefore often been read as ‘anti-law.’ From the early dime-novel fascination with such outlaws and renegades as Billy the Kid and Jesse James, through depictions of lynching in Owen Wister’s 1902 novel, *The Virginian*, and the film *The Ox-Bow Incident* (1943), to the guns-blazing heroics of films such as *Rio Bravo* (1959), *High Noon* (1952), and *Shane* (1953), through the darker critiques of *The Gunfighter* (1950), *The Wild Bunch* (1969), and *Unforgiven* (1992), to the postmodern pastiche of *Django Unchained* (2012), the Western has nourished a vision of social organization and a means for delivering justice that operates outside the official parameters of American law, relying on a gunslinging hero to uphold order. Indeed, the editor’s sentiments establish an opposition between a decisive ‘Western Law,’ or the ‘Law of the Gun,’ on one hand and a convoluted American legal system on the other that is integral to the genre’s formulation and enduring reception.

I argue, in fact, that this opposition is progressively undone in the genre’s formulaic shootouts. While Wild West shootouts may seem to represent an alternative to the codified and mediated American legal system, such gun violence is actually enshrined in the development of American laws regulating self-defense and gun possession. The cherished antipathy between ‘the law’ and the Western’s ‘law of the gun’ is, in short, unfounded. *Gunslinging Justice* finds and explores intersections between these two seemingly disparate arenas—popular culture as encoded in the genre of the Western and the American legal system’s regime of gun regulations—in an examination of their interwoven co-evolution.

I take this introduction’s subtitle from a line in the recent HBO series *Deadwood*, in which Ian McShane’s villainous and problematically heroic character, Al Swearengen, invokes the metaphor of the warp and woof in weaving in reference to the ‘tapestry’ of his story. In this story, as told to the town’s newspaperman, the overriding interest of the town of Deadwood is the orderly conduct of commerce, regardless of the violent means required to achieve such an end. In weaving terminology, the warp consists of the threads that run vertically on a loom, while the woof consists of the threads that are woven horizontally across the warp to make fabric. Once woven, the warp and the woof are inseparable from each other, intertwined in a finished tapestry. So too are the legal and cultural discourses of justifiable violence in America inseparably woven together. This particular tapestry includes in its threads not only broad

social and cultural acceptance of gun violence but also a political acceptance that is still expanding today. In this book I therefore inspect the richly textured fabric of American gun culture, with the broader cultural threads forming the warp and the gradual transformation of self-defense doctrine in the American legal system forming the woof. Together, the evolution of these cultural and legal domains forms a uniquely American fabric that has transformed how Americans view guns and gun violence and how the courts adjudicate cases in which guns are used, ostensibly, in self-defense.

Gunslinging Justice focuses, then, on two unique paradigms in American law, the self-defense justification for homicide and the closely affiliated right to own guns. I have singled out these two paradigms because they form a constellation of doctrines, judicial practices, and normative regimes that are integral to the Western's depiction of gun violence, underwriting both the narrative justifications for gun violence and the iconographic staging of such scenes. American law and culture have long considered guns and self-defense as two sides of the same coin. One of the chief aims of *Gunslinging Justice* is to historicize the Western as an expression of anxieties, tensions, and inconsistencies within the American legal system. Accordingly, I argue that the interwoven evolution of American self-defense jurisprudence, gun rights, and the Western genre has had significant implications for the normative definition of the ideal American citizen as male, Anglo ... and armed.

The first chapter engages with interdisciplinary scholarship on legal systems and revenge as I argue that the Western, like other genres that explicitly worry violence, has informed and been influenced by paradigmatic shifts in the American legal system. The second chapter outlines the most important of these juridical shifts, the transition wrought by American self-defense doctrine from the English requirement to 'retreat to the wall' to the American freedom to stand one's ground and repel force with force. This freedom is, quite plainly, the freedom to kill, and represents a massive transformation of the organization of power in the hands of citizens. Equally important to this unique development of American law and to the Western's glorification of gunslinging heroics is the constitutional guarantee of gun possession, a guarantee I explore in the third chapter by examining Supreme Court cases. The two chapters on developments in the American legal system are intended, in part, to provide useful outlines for humanities scholars who are perhaps unfamiliar with this legal discourse. Importantly, however, over the course of these chapters I also argue that the shifting conception of 'self-defense,

from that of a collective duty to that of an individual right, enforces a rhetorical shift to normativity and objectification that is concomitant with the rise of modernity and the formation of dispersed, interrelated networks of power that create individuated subjectivities—what Michel Foucault has called ‘biopower.’³⁸

The remaining chapters return more solidly to the Western genre. The fourth chapter traces the changing iconography of guns through relevant literary texts of the nineteenth century and cinematic texts of the twentieth century. I argue in this chapter that the Western’s iconographic emphasis, which shifts from the primacy of accuracy to that of speed, enacts a variously coded symbolism of morally upright and justifiable violence at pivotal moments within the genre’s long history. The fifth chapter recalls the language of normativity and traces its role in the Western and legal discourse. I argue here that the Western gunslinger’s masculinity disciplines, or tames, the potential for radically disruptive personal violence that seems inherent to the liberties that inform American self-defense doctrine. The final two chapters focus more particularly on some of the legal developments and cultural texts that together mark these pivotal moments from the late twentieth and early twenty-first centuries. The sixth chapter examines justice as a semi-otic concept, situating Clint Eastwood’s *Unforgiven* in relation to a paradigmatic shift in the extension of due process protections for minorities as well as the transformation of American self-defense doctrine brought about through legal transitions in the way the self-defense claims of battered women are adjudicated. The seventh and final chapter considers depictions of justifiable gun violence in our current neoliberal moment, with readings of the FX television series *Justified* (2010–2015) and *Django Unchained* alongside examinations of the recent trend toward codification of increasingly aggressive self-defense laws and a growing public awareness of racial and gendered disparities within the United States’ fabric of gun use, authorization, and regulation.

‘Introductions’ having the format they do in academic discourse—setting expectations for what is to come as well as limiting the terms of the foregoing analyses while anticipating and gracefully dismissing potential objections—some definitional and terminological clarifications are perhaps in order before we begin. Much of my thinking about the shift from the sovereign control of violence within English common law to the distribution of power among autonomous citizen-subjects in American self-defense doctrine is indebted to theoretical and critical commentary on sovereignty. Sovereignty is an exceptionally complicated notion with

a very long tradition of commentary and criticism, a complete catalog of which is well beyond the scope of this project. It is worth noting here, however, that I have been influenced by Michel Foucault's voluminous works on subjectivity, along with his conceptualization of sovereignty from his lectures at the Collège de France, particularly '*Society Must Be Defended*.'⁹

Although these and other works on the history and nature of sovereignty have provided invaluable guidance to me, I have chosen to avoid the terminology of sovereignty, for several reasons. First, in everyday language the notion of sovereignty quite strongly connotes monarchy; any discussion of personal gun violence and political power in the United States—a nation born in revolt against monarchy—is made awkward by the invocation of this term. While the notions of divisible sovereignty and popular sovereignty prepared 'the way for a new departure in the organization of power' and have helped to shape the conceptual and theoretical evolution of the American legal system, the cumbersome language of sovereignty does little to advance a discussion of popular culture's interactions with these shifts.¹⁰ Second, recent contributions to the theorization of sovereignty seem to me to focus too narrowly on the role of the state in either determining how members of its population die or fostering their collective life. Such analyses—such as Giorgio Agamben's insights in *Homo Sacer: Sovereign Power and Bare Life* and *State of Exception*—allow very little room for conceptualizing the organization of political power and personal gun violence in the United States, a process that not only controls the limits of subjectivity but also broadens the license by which subjects may justifiably kill each other.¹¹ Third, this book's discussion of normativity requires a broader focus than the simplistic notion of 'state power' writ large—which if looked at solely as an imperative structure of prohibitions buttressed by a state monopoly on violence comes to look in any case rather like monarchical sovereignty. To discuss the resonances between discursive regimes, to look at the disparate normative disciplinary powers that coalesce and operate at these intersections to inform, influence, indeed *create* subjectivities, our approach to representations of justice and the anxious engagements with self-defense under examination here requires that we look for sovereignty more diffusely, at 'the interplay or even interpenetration of law, normalization, and discipline.'¹²

Finally, *Gunslinging Justice* avoids direct engagement with the language of sovereignty because, as Foucault has pointed out, 'the theory of sovereignty presupposes the subject.'¹³ Sovereignty's dependence on a

Cartesian notion of autonomous individual subjectivity locatable temporally before the law is untenable and limits the scope of legal, political, and cultural analysis solely to questioning subjects about ‘how, why, and by what right they can agree to being subjugated.’¹⁴ Therefore, I hope that by moving away from the unwieldy notion of sovereignty my analysis of the interaction of legal and cultural discourses in the uniquely American context can better analyze ‘how actual relations of subjugation *manufacture* subjects.’¹⁵

Beyond conceptions of sovereignty, my thinking on the intersections between legal realms and other discursive regimes has been profoundly influenced by the trenchant criticisms of the putatively race-neutral American legal system put forth within Critical Race Theory and works such as Patricia Williams’s *The Alchemy of Race and Rights* (1992).¹⁶ Moreover, my analyses of one strand of American popular culture as exerting a supplemental, corrective, progressive influence on the American legal system is indebted to the disciplinary offshoots of Critical Legal Studies, the ‘Law and Literature’ movement, along with its natural offspring, ‘Law and Film’ scholarship. Further still, my discussion of the resonance between and among these discourses has been aided by a sociological perspective on legal rhetoric, exemplified by scholarship such as Robert M. Cover’s *Justice Accused: Antislavery and the Judicial Process* (1975) that trains its lens on the ‘gap between the law as it is and the law as it ought to be.’¹⁷ I have been aided in such analyses by other works that examine the functionality and utility of discursive regimes as normative, disciplinary apparatuses, such as Teresa De Lauretis’s film scholarship *Technologies of Gender: Essays on Theory, Film, and Fiction* (1987) or Barbara Cruikshank’s sociological analysis, *The Will to Empower: Democratic Citizens and Other Subjects* (1999). It is within this interdisciplinary realm that I advance my thesis on the Western genre as a ‘technology of citizenship.’

I define Westerns as fictional or cinematic narratives that are typically set west of the Mississippi River between the Civil War and World War I, deeply committed to a pastoral or agrarian mode of living, and heavily reliant on stock characters to populate formulaic plots centered on a conflict between conflicting social, moral, and juridical paradigms, often coded as a dispute between the wilderness and civilization. Although I do consider *Justified* at the end of this book, my definition of the Western as a genre bounded more than most by its historical setting means that I am less interested here in a variety of ‘post-westerns’ that take place in modern settings, films such as *Bad Day at Black Rock* (1955), *Hud* (1963), *Down in the Valley* (2005), HBO’s rather sci-fi-inflected

revision of *Westworld* (2016—), or even more contemporaneous films such as *The Three Burials of Melquiades Estrada* (2005), *Brokeback Mountain* (2005), *There Will be Blood* (2007), and *No Country for Old Men* (2007), than I am in films that continue to employ a historical setting. It is undeniable that the Western's formulaic reliance on a setting which foregrounds a conflict between the US legal system and another mode of social organization has allowed the 'frontier' zone of the genre to shift to some extent geographically from eastern to western settings, and more recently farther south into the border zones between the United States and Mexico.

The genre's unease about modernity has, however, on my reading, been less flexible. As Robert Pippin points out, cinematic Westerns 'deal with a past form of life that is self-consciously treated as gone, unrecoverable (even if still quite attractive).'¹⁸ As a crucial component of what he terms 'the American imaginary,' Pippin goes further to point out that many Westerns 'tell a basic and clearly troubling, complicated story of a traumatic, decisive political transition, the end of one sort of order and self-image and the beginning of another. They represent a kind of myth of American modernization.'¹⁹ By narrowing my selection of cultural texts to those that utilize this historical frame, I join Pippin in his reading of the genre as a critique of American modernization. This critique, I am arguing, is most saliently present in a temporal space at some remove from the very modernity in question. I do not deny the importance of analyzing the continuing saliency of the Western's tropes in narrative fictions of this historical frame—the kind evinced in essay collections such as Neil Campbell's *Post-Westerns: Cinema, Region, West* (2013), Andrew Patrick Nelson's edited collection *Contemporary Westerns: Films and Television Since 1990* (2013), or Patrick McGee's fine study *From Shane to Kill Bill: Rethinking the Western* (2007).²⁰ Even though by some measures the final chapter of his influential 1973 study on the genre, *Westerns: Aspects of a Movie Genre*, can be seen to have inaugurated this classificatory catchall of a generic sub-division, the 'Post-Western,' I am guided, instead, by Philip French's invocation of the genre in that same volume as being somehow always about 'America rewriting and reinterpreting her own past, however honestly or dishonestly it may be done.'²¹ In an examination of this genre's impact upon other discursive regimes, in other words, I see greater utility in considering how 'in fiction about the law's development in a *distant era* there is much which contemporary readers may profitably apply to the issues and problems confronting them and their communities.'²²

As one of the first cinematic ‘action’ genres, and the early genre most consistently devoted to location shooting, the Western has almost always offered audiences the dual pleasures of scenic frontiers and gripping adventure plots. These two features, the panoramic views and the thrilling action, were, and more often than not continue to be, linked in the Western’s iconographic frontier spaces by a restricted temporal frame that trains our attention on a remote historical era, a territory situated at the margins of Europeanized civilization. This space is crucial to the Western. I argue that whatever else it may be, the Western’s symbolic frontier exists primarily on the outside edge of Europeanized law, a place in which US law is in dispute. As Robert Pippin has noted, this space dedicated to the disputation of the US legal system means that despite the evident and incontrovertible variation within the genre’s long history, certain core questions about legal processes motivate the genre’s development:

The great epic Westerns all have some ethical and often straightforward political dimension. The central question usually concerns some dimension of the problem of justice, whether as a question about the relation between justice and vengeance, or the legitimacy of some act of violence, about the relation between violence and the rule of law, or about the conquest and near-extirpation of native peoples, or about the injustice of some form of historical memory, or about the psychological costs of the founding of a civil order in a context where it was absent.²³

To this I would add that these Western narratives present emotional and rhetorical ‘solutions’ to the conflicting pull between cultural and juridical oppositions most viscerally in the figure of a violent gunfighter.

My selection of novels, films, and television programs presented in this book is by no means intended to be exhaustive. Indeed, how could it be? The most conservative estimate, the one cited most often, places the Western genre’s output within televisual media at well over 10,000 texts.²⁴ Even though an unknown number of them from the early period of cinema are unavailable today, and this estimate is nearly thirty years out of date, this is still quite a lot of ground to cover, to say the least. Combine this staggering volume of materials for analysis with the written expressions of the formula, the massive output by prolific authors such as Max Brand, Zane Grey, and Louis L’Amour—these three alone account for several hundred titles—and the task before the scholar of the Western is more daunting still. Add to this the genre’s enduring draw for production units—Hollywood, network broadcast

channels, and subscription ‘cable’ studios continue to produce noteworthy films and series. Add further the re-release of earlier titles by both prestige distribution outlets such as Criterion Collections’ DVD reissue of several films in the last decade, or the innumerable B-movies and long-running television shows which constitute the vast majority of the genre’s output in these media that consumers find in bargain bins near checkout lines at such unassuming places as Target and Walmart. The Sisyphean ordeal before the critic wishing to perform even what Tag Gallagher sarcastically termed a ‘judicious survey’ of the genre, it must be admitted, is a practical impossibility.²⁵

I have made every attempt throughout this project to select Western texts from a discourse that not only intersects fruitfully with others within the fabric of America’s gun culture, but also texts which represent trends and concerns within the genre’s larger corpus. Surely other examples could have been marshalled as evidence, just as readily as exceptional titles might be trumpeted as contrary to the texts under close scrutiny here in future analyses. I welcome these additions to the present line of scholarship, just as I would welcome the opportunity to explore in a follow-up project Western films and television movies or series that converse more directly with the social and political moment of a ‘Trump Presidency.’ The Western’s considerable flexibility as a genre led French to refer to it as a ‘great grab-bag, a hungry cuckoo of a genre, a voracious bastard of a form, equally open to visionaries and opportunists.’²⁶ I want to be explicit here that I do not intend my selection of texts—those which I see as engaged with the genre’s thematic core in more varied and challenging ways than routine genre fare does—to deny the variety or flexibility within the genre noted by French and legions of other scholars. The titles analyzed herein have also been selected in part because they foreground conflicting modes of dispute resolution, addressing legal issues in greater depth. Providing a judicious survey of the genre is not—reflecting Gallagher’s above-mentioned observation—the aim of this project. While more work certainly needs to be done to understand and evaluate the place of other, less frequently discussed, films and fiction of the genre, my aim in analyzing the resonances between American legal models and the Western’s representations of gender and gun violence has led me to focus on the more literate films and novels that constitute the critical canon of the Western, if only to achieve new understandings of the appeal of these well-known texts.

Another note about the choice of Westerns considered within *Gunslinging Justice* seems required here, particularly regarding the selection

of American films I discuss. While a variety of directors, producers, and stars from an even greater number of countries have contributed innovative work on the genre, this book focuses solely on American Westerns, for several reasons. First, the formulaic Hollywood Western film promulgates a myth of national origin at the frontier. This myth, going back at least to Frederick Jackson Turner's formulation in 1893, has long sought to posit American exceptionalism to justify the US experience of Westward expansion.²⁷ Hollywood Westerns work in concert with other nationalist ideologies 'to ratify the claims of the state to impose its will on individuals within its sphere.'²⁸ Virginia Wright Wexman's work on the importance of star personae, especially that of John Wayne and his connection with the Western genre, has demonstrated the importance of the Western as 'a particular kind of discourse on American history and American identity that uses the myth of the frontier to contain a central inconsistency in American nationalist ideology.'²⁹ Echoing this sentiment, Lee Clark Mitchell has noted that 'a formal tension between the self-conforming and self-contradictory animates Westerns most of all, if only because the genre presumes to represent a past it invents, imposing stereotypes at once incorrect yet all-determining, molding responses to history in ways that actually create that history.'³⁰

Film scholars and cultural critics have long understood the Western as the most American of genres. I read the genre here as participating in the creation and qualification of an 'imagined community'—to use Benedict Anderson's term—within which it was, for better or for worse, massively influential.³¹ Thus, while the formal innovations in, and cynical parody of, the form by the Italian director Sergio Leone have certainly influenced the genre and film history, his work in the Western mode is not as directly involved in reconciling central inconsistencies in American discourses on gender and legal models as are, say, the films of John Ford. My work responds to what the Western has told Americans about themselves. The genre's participation in the ways we've imagined ourselves as subjects of a national community warrants the focus on American productions.

'Violence' is a very broad term, so I must delimit how I use it in this study. Although it can also refer to symbolic or discursive events and the effects they have in the world, here violence signifies primarily physical actions. As this book's title suggests, I focus on representations of gun violence. We will have occasion to discuss fistfights and beatings, but as the genre's iconic shootouts are its most recognizable feature (except perhaps its historic setting), it is to these shootings that I turn your attention.

Although we are concerned here with reconciling representations of violence and actual off-screen physical violence, this book charts the political and ideological resonance of such representations, not their putative correspondence to violent actions. In other words, representations of gun violence in the Western genre are examined here for their relationship to the ideologies, rhetorical strategies, and stylistic discourses of hegemonic masculinity and the American legal system, and the effects these discourses have had in the world of power relations. As Richard Slotkin has suggested, this symbolic and mythological importance underwrites violent representations in Hollywood films: ‘What is distinctively “American” is not necessarily the amount or kind of violence that characterizes our history but the mythic significance we have assigned to the kinds of violence we have actually experienced, the forms of symbolic violence we imagine or invent, and the political uses to which we put that symbolism.’³² I do not consider whether such representations directly cause, elicit, or promote violent actions on the part of readers or viewers. In short, this book contemplates what the pleasures of violence in Westerns may tell us about how the genre has imagined American subjectivities, not whether or not viewing a climactic gunfight *causes* a viewer to shoot someone. To be explicit once again, I am not examining a causal relationship here. Rather, *Gunslinging Justice* considers the rhetorical complexity within, among, and between discursive regimes that have been crucial to a historical articulation of Anglo masculine gun violence in the United States as an ennobled ‘defense’ of a host of abstract, ineffable, values.

The suggestion above about the ‘pleasures of violence’ is not meant to indict the genre as inherently sadistic; rather, it acknowledges the aesthetic contract and commercial materiality of film. Hollywood feature films constitute, above all, a commercial enterprise that specializes in the production, distribution, marketing, and exhibition of entertainments. Viewers watch a film with the expectation of being entertained, of eliciting pleasure from the audiovisual design of a narrative fiction.

The expectation of pleasure from fictional narrative films has important implications for a study of violent representations within such commercial products. Influenced by Tom Gunning’s work on early cinema as a ‘cinema of attractions,’ much scholarly work has concentrated on representations of violence in film as non-narrative, as spectacle.³³ We must recognize, however, that violent representations operate within a narrative framework and are given coherence by the contours of that narrative. Scenes of violence, howsoever aestheticized or explicit,

are made salient within the contextual details of plot and character development; without this narrative context, violence cannot work as a meaningful representation. As Marsha Kinder has demonstrated about what she terms the 'narrative orchestration of violent attractions,' violent representations in narrative fiction film exist in relation to a narrative trajectory: 'Action sequences function like performative "numbers," interrupting the linear drive of the plot with their sensational audio and visual spectacle *yet simultaneously* serving as dramatic climaxes that advance the story toward closure.'³⁴ What Kinder's work underscores, and other scholarship such as Hillary Neroni's in *The Violent Woman: Femininity, Narrative, and Violence in Contemporary American Cinema* (2005) bears out, is that while violent representations may have an immediacy and urgency that sets them apart from such obviously narrative elements as dialogue, violence within narrative fiction films makes sense only within the context of a film's narrative:

Most viewers experience violence on the screen as exciting not only because of the highly stylized techniques, but also because violence often marks moments of tension, and moments of life and death for the main characters. In other words, while violence on screen may arrest the movement of the narrative and may rely on nonverbal expressions, it cannot exist on its own. It must be situated within a narrative framework ... narrative provides the background through which the violence acquires its significance and meaning.³⁵

This book's examination of violence within the Western genre, then, will examine how these films' narrative trajectories and representational tropes work in concert to legitimate violence as a mode of dispute resolution and an indelible mark of an American identity: Anglo masculinity.

As I examine the Western's articulations of Anglo masculinity, I am interested in marking whiteness explicitly as a racial category. In this sense I would like through my work to join a conversation with other scholars who have analyzed representations of whiteness as central to examinations of racial subjectivities. Richard Dyer, for example, has noted that 'as long as race is something only applied to non-white peoples, as long as white people are not racially seen and named, they/we function as a human norm.'³⁶ He goes on to elaborate the importance of whiteness as an exclusive claim to human normativity:

There is no more powerful position than that of being 'just' human. The claim to power is the claim to speak for the commonality of humanity. Raced people can't do that—they can only speak for their race. But non-raced

people can, for they do not represent the interests of a race. The point of see the racing of whites is to dislodge them/us from the position of power, with all the inequities, oppression, privileges and sufferings in its train, dislodging them/us by undercutting the authority with which they/we speak and act in and on the world.³⁷

The Western genre's articulations of whiteness as the normative subjectivity for justifiable gun violence is specifically under examination here, as it has been in James J. Donahue's work on recent Western novels, *Failed Frontiersmen: White Men and Myth in the Post-Sixties American Historical Romance* (2015).³⁸ As Gwendolyn Audrey Foster has pointed out, 'Westerns offered whiteness an opportunity to demonstrate its supposed supremacy through their restrictive binary notions of good and bad. The spectacle of the male white body in westerns allowed a space for nostalgia for what never was, the good-white "settler," the civilizing, good-white woman, the bonds of community and friendship in whiteness.'³⁹ To examine the dominant resonances between the ostensibly disparate discursive regimes in *Gunslinging Justice* I must focus primarily on this hegemonic gender/race construct because of how it variously structures and informs each of these discourses, both in isolation and in combination.

In focusing most centrally on representations of whiteness and Anglo characters, I do not seek to deny the salience of other racial categorizations within this tradition; certainly a full consideration of the Western genre cannot remain blind to the contributions made by Native American peoples, Mexicans, Hispanic Americans, Asian Americans, or African Americans, and works such as the collection edited by Peter C. Rollins and John E. O'Connor *Hollywood's Indian: The Portrayal of the Native American in Film* (1998), LeAnne Howe, Harvey Markowitz, and Denise K. Cummings's edited collection *Seeing Red: Hollywood's Pixeled Skins* (2013), Angela Aleiss's *Making the White Man's Indian: Native Americans and Hollywood Movies* (2005), Janet Walker's edited collection, *Westerns: Films Through History* (2001), or Blake Allmendinger's *Ten Most Wanted: The New Western Literature* (1998) and *Imagining the African American West* (2008) ably represent the vital contributions being made.⁴⁰ Neither do I dismiss the importance of a strand of criticism decidedly committed to debunking the optimism of Turner and the Frontier thesis that has dominated much of the scholarship on the genre. These works in 'New Western History,' such as Patricia Nelson Limerick's *The Legacy of Conquest: The Unbroken Past of the American West* (1987), which focuses our attention on

the multiplicity of frontiers within the Western tradition under the rubric of a clash of competing civilizations, or Jon Tuska's vitriolic treatment of the mismatches between film and historical reality, *The American West in Film: Critical Approaches to the Western* (1988), have shed new light on the problematic 'universalism' of a narrative of Anglo ascendancy marching Westward, a 'universalism' long thought to undergird much of the Western genre.⁴¹ Similarly, work stemming from Gender Studies has, for some time now, emphasized the multiplicity of masculinities extant at any one time that vie for dominance as the hegemonic gender role, a multiplicity that is as evident within the Western genre as it is within the culture at large. Matthew Basso, Laura McCall, and Dee Garceau's edited collection *Across the Great Divide: Cultures of Manhood in the American West* (2001) is another important contribution in this regard.⁴² Readers looking for extended considerations and analyses of the multiplicity of subjectivities implicated within the Western's vast and varied generic sweep are well advised to begin with the abovementioned texts. Insofar as scholarly monographs depend on a mixture of humility and hubris, I hope that by foregrounding white self-conception as it has been realized diegetically and juridically I have provided workable scaffolding upon which other examinations may profitably build.

While I have noted the centrality of Anglo American masculinity to the analyses to come in *Gunslinging Justice*, it may be important to note here that one racial category other than 'whiteness' will be considered in some detail here, mostly in the concluding chapters, specifically representations of African Americans in the Western genre. The choice for this is both critical and personal. Critically, I see the racialized component of American gun laws under pressure mostly keenly when this legal realm's rhetorical flourishes have failed to accommodate fully an account of black/white history in their narrow conceptions of due process (as in *United States v. Cruikshank*) or in the utilization and codification of such racially neutral terms as 'perceived threat' (as in Trayvon Martin). Personally, the choice has something to do with my work as an African Americanist and something else to do with having lived the vast majority of my adult life in Chicago—one of the more racially segregated cities in the United States—the last several years of which were in a predominately African American neighborhood on the city's historically embattled South Side. I would not endorse such a simplistic binarism as a critical modality but, simply put, in both my work and personal life 'race' is most keenly felt as a black/white issue.

I imagine that readers living in other regions of the United States, perhaps in the rural South-West bordering Mexico, or instead in an urban metropolis with a much larger Asian American population such as, say, San Francisco, may well have an alternative perspective on these matters. Nonetheless, the combination of these two subjective factors trains my analytics to representations of Anglo and African American racial formations. It is my earnest hope that other critics may utilize and expand on the analyses in *Gunslinging Justice* to more properly develop these frameworks for a fuller consideration of the roles played by, and presented to, other racial and ethnic subjectivities in the Western genre as well as in and before the American legal system.

‘American self-defense doctrine’ is my terminology for the jurisprudence surrounding the use of self-defense pleas in murder cases and the subsequent broadening of the limits of legally justifiable homicide that has increasingly taken effect under the codification of numerous state-level ‘Stand Your Ground’ statutes. I have chosen this term for several reasons. First, the distinctive nature of this development in American law involves a rejection of the English common law tradition which imposed a duty to retreat in favor of a broader reading that permits standing one’s ground and killing in self-defense. Further, I have chosen ‘self-defense’ over ‘justifiable homicide’ because a series of closely related cases in the nineteenth and early twentieth centuries has generated a coherent set of rulings and judicial opinions under the rubric of self-defense.⁴³ Furthermore, although these cases and a set of cases from the late twentieth and early twenty-first centuries do in fact expand the limits of mortal violence, sanctioning new types of violence and a wider range of circumstances under which killing is legally justifiable, a full discussion of ‘justifiable homicide’—which must necessarily consider capital punishment, war, and perhaps even euthanasia—is well beyond the scope of this project.

So while I occasionally discuss the American expansion of the category of legally justifiable homicide, which parallels the transformation embodied in American self-defense doctrine, I refer to the juridical precedent more narrowly as ‘American self-defense doctrine.’ I have avoided utilizing ‘Stand Your Ground,’ despite its contemporary purchase in legislative initiatives and media coverage of the sensational cases of George Zimmerman and Michael Dunn, because this more aggressive stance is merely the extreme position within a range of attitudes, laws, and judicial precedent that has developed in the United States over centuries. ‘American self-defense doctrine’ better encapsulates the historical

and theoretical breadth of this issue. Finally, self-defense is not only more readily recognizable in common speech; it is also important to the American transition in gun possession which borrowed the British *duty* to defend the realm and transformed it into a *right* to defend oneself.

The question for cultural criticism is not whether broadening access to guns and expanding the legal space for private gun violence will result in more or less crime. Rather, the question here ought to be about how the power effects and discursive verities produced by legal and cultural regimes code private gun violence as justifiable. Put another way, like the disparate notes that combine to make a chord according to music theory, these legal and cultural regimes resonate together, and when they do they form a note that rings rather differently from that made by either of them in isolation. The associated evolution of the distinctive American self-defense doctrine and the right to gun possession has long been interwoven with—serving as the woof to the warp of—the Western’s articulation of gunslinging heroism. As American legal paradigms imagine the ideal citizen to be an armed Anglo man willing to resolve disputes with a gun, so too has the Western long championed a gunslinging masculine heroism. Despite the genre’s perceived antipathy to ‘the law,’ in matters concerning gun violence the two seem to agree far more than they disagree.

As I hope to make clear in the following pages, these homologous discourses underwrite not only our social understandings of justifiable private gun violence but also our conceptions of normative masculinity. Writing about the rhetorical efficacy of legal language that attempts to hold legal interpretation apart from other practices by effacing the normative values underwriting legal interpretations, Stanley Fish has suggested that law affirms values that are already evident: ‘To the extent that law is compelling, it is compelling in relation to the very principles and biases it supposedly neutralizes; the reasons for which we do something or refrain from doing something *are* reasons only by virtue of the preconceptions and predispositions we already have.’⁴⁴ By now it should be obvious that one of these ‘already evident’ values that I see operating in and between the Western genre and American gun rights embodies a conception of Anglo ascendancy. Again it is important to be explicit here: I aim to illustrate in *Gunslinging Justice* not ‘why’ but rather ‘how’ Anglo American masculinity so often serves as the linchpin around which these discursive regimes revolve. Integral to the anti-formalist or anti-foundationalist critique of legal systems put forward by Fish and others is the attempt to cut through these effacements, to demonstrate

the historical and contextual interdependence of putatively distinct fields.

The Western genre has, as yet, received little attention within this tradition. Neither has it received due consideration within the much-expanded 'Law and Literature' or 'Law and Film' movements, although the edited collection *The Philosophy of the Western* (2010) by Jennifer L. McMahon and B. Steve Csaki is a welcome addition.⁴⁵ Even the otherwise highly illuminating collection recently edited by Saul Levmore and Martha C. Nussbaum, *American Guy: Masculinity in American Law and Literature* (2014)—save for an essay entitled 'Struggles with manhood in *Angle of Repose*' by A. Howard Matz on Wallace Stegner's novel—turns its attention for the most part away from the Western genre and looks instead to other matters and examples in considering American masculinities.⁴⁶ This reticence to discuss the Western genre more fully, or the genre's cinematic tradition at all, is especially ironic given how the book's cover rather pointedly relies on the genre's imagery, featuring as it does a gracefully sunset-silhouetted cowboy, pictured from behind, alone, looking over a vast and presumably unpopulated expanse of horizon. *Gunslinging Justice* is aimed, in part, as a corrective to such omissions.

What attention has been paid to representations of the American legal system and gun violence in American popular culture has long been dominated by two influential theoretical traditions that have obstructed studies such as mine: Lacanian notions of 'the law' and the phallic symbolism of guns. Productive as they have been in their own right, these ahistorical reifications mask the contextual evolution of interrelated discursive regimes and obscure the richness of historical changes that distinguish the American cultural and legal systems. More to the point, the richness of the genre's negotiation of gun violence has been masked by a refusal to see the specificity of gunplay within the Western as more than a phallic performance. There is a famous (and likely apocryphal) story about Freud's once joking (some say to students of his who observed the omnipresence of his cigars) that a cigar is sometimes just a cigar. In the Western genre, I argue, the gun is always more than 'just' a gun; it is not, as *Shane* (1953) would have it, 'a tool like any other.' As a tool of death, the gun is a political instrument, and it means something in our culture that our most persistently popular genre has long fixated on the politics of when, and how, one can be justified in using this tool. My work has been influenced by the psychoanalytic criticism that has long dominated film studies and is clearly indebted to anti-foundationalist legal scholarship that attempts to move beyond the

putatively universal concept of ‘the law’ as an unchanging abstract value. Occupying a critical space that lies beyond ahistorical psychoanalytical conceptions, I approach the Western genre as a lens through which to historicize the interwoven evolution of distinctively American legal paradigms and iconic representations of climactic, decisive gun violence. In an attempt to ‘make strange’ the seemingly indelible link between Anglo American male subjectivities and gun violence, *Gunslinging Justice* is grounded by analyses of the interconnected history of these legal and cultural traditions.

Notes

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- 9 Michel Foucault, ‘*Society Must Be Defended*: Lectures at the Collège de France, 1975–76,’ ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York: Picador, 2003).
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