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## ***The Grapes of Wrath: An Artful Jurisprudence?***

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### **Introduction**

“...a post-modern novel long before it was fashionable to be so (Kocela, 249).

By documenting the harsh realities of the era, *The Grapes of Wrath* (*GOW*) calls to mind those distressing UN Country Reports that both describe and denounce avoidable landscapes of poverty, hunger, homelessness, and dispossession. Steinbeck embeds the novel’s harrowing images within an unforgiving framework of human rights violations, most of which flow directly from human greed. The novel’s prescient yet timeless warnings speak not only to the various humanitarian crises brought about by climate change and unethical commercial practices, but also to many ongoing, perennial global atrocities: corrupt political regimes, gendered injustices, ethnic cleansing, and displacement of entire populations. It is landscapes such as these that still serve to both spark and underpin refugee existence: the need for a compassionate system of asylum-granting, firmly grounded in human rights law, clearly remains as urgent now as it was in Steinbeck’s time. As witnesses to such chronic disregard for human dignity, readers of the novel are not only tasked with judging those responsible: we must also evaluate the perennial failings of the various global and domestic systems that have enabled and perpetuated such egregious rights violations. The final scene, drenched in symbolism, still serves as a quasi-courtroom: before the bared breast of a Lady Justice figure we become jurists, and cannot help apportioning blame for all that has been witnessed over the course of the Joad’s journeying. A close reading now, almost a century later, serves as a timely reminder that similar atrocities continue: migrant and refugee populations remain especially vulnerable, not least where they have been displaced by poverty or political crises from all that was once familiar. This article argues that the novel’s central focus on “social realism”<sup>1</sup> demands much in the way of “moral and emotional effort” (Benson, 9) from the reader: we should leave the book with nothing less than a highly “active compassion for the dispossessed” (Wyatt, 12). It is perhaps best viewed as a collection of first-hand witness testimonies, akin to

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<sup>1</sup> See further Bradbury who argues that “though sometimes read as social realism” this is not the novel’s core aim, citing Steinbeck’s view that realism “is just a form of fantasy as nearly as I can figure (140).”

those gathered and collated by the United Nations (UN) various Committees and which serve to reveal, record, and address the horrendously fine detail of abject human rights violations and their impacts upon the most vulnerable.<sup>2</sup> It is Steinbeck's "consistently catchy eyewitness quality" (De Mott, xiii) which both brings and retains this timeless sense of urgency and immediacy, without directing any clear response: it is up to the conscience of the individual reader to determine how best to process or address the various challenges presented.

### **Steinbeck the prescient rights-advocate: *The Grapes of Wrath* as template for humanitarian reportage?**

With his chapters alternating between dialogue-heavy narrative tales and essay-like "expositions of context and condemnation" (Kocela, 248),<sup>3</sup> it has long been suggested that Steinbeck perhaps had some difficulty in choosing between "factual or fictional" approaches to the novel's core issues (Howarth, 78).<sup>4</sup> The more normative aims of profit and popularity were clearly not a priority (De Mott, 1).<sup>5</sup> As one critic is said to have argued, the book was perhaps both "bad and dishonest, not because the events it described did not happen, but because of the way they are presented in the book—satirically, polemically, provocatively" (Howarth, 64).<sup>6</sup> Similar charges have increasingly been levelled against the work of some human rights NGOs, not least in terms of the need to evidence impartiality when they are

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<sup>2</sup> For a usefully succinct explanation of the role of Non-Governmental Organizations in relation to the UN's Committee system of rights monitoring and enforcement, please see <https://research.un.org/en/ngo> (accessed 04.08.20)

<sup>3</sup> Kocela details how these inter-chapters "employ a postmodern strategy of 'frame-breaking' whereby differences between history and fiction are established ... only to be problematized, alerting the reader to the difficulties of historical and political representation" (248). See also Howarth on how the novel "endures as literature because it sprang from journalism, a strong and vibrant mother" (96).

<sup>4</sup> Howarth argues however that Steinbeck opted for "fiction to make his story more artful, not truthful" (82) noting his apparent ambivalence over whether or not he was simply serving as a 'reporter' of events (93). See further Leslie, who classed the novel as "essentially a road book" (109) of "unvarnished journalism" (111), whilst other critics deemed it "uneven in spots" (Long, 496), "simplistic and formulaic" (McEntyre, 137), and even founded largely upon "a pack of lies... an act of art wrapped in propaganda" (Howarth, 72).

<sup>5</sup> The "firestorm of protest" that followed its publication meant that it was "banned and burned on both political and pornographic grounds" with many "frenzied reactions" (Lisca, 80), positive and negative. See further Lisca's views on the lack of "analysis or detailed explication" (4); Long's arguments on why "it is not flawless" but does still contain between-chapter essays "of the finest writing" (496) and Brown's musings on why the novel is no longer taught on certain syllabi within the United States (285).

<sup>6</sup> As Long further notes, the book was, soon after publication, "topping the sales of any other novel in the country" (495). Having previously "exploit[ed] the vein of folk-humour" (Watt, 51) Steinbeck looked here to his journalistic background to "rip a reader's nerves to shreds . . . to make the reader participate in the actuality, what he takes from it will be scaled entirely on his own depth or hollowness" (De Mott, xiv).

documenting the lived experiences of those who have been persecuted or disenfranchised (Richmond and Carey, 5). That said, to the modern reader the Joad family remain “impressively drawn” (McCarthy, 74) in terms of how they portray the abject realities of human survival in times of brutal austerity and relentless crises: their inability to access, possess, or preserve essential resources impacts directly upon their ability to somehow maintain their ancestral identity and family ties. For them, retaining some capacity to work or farm means the enablement of existence with some fragile semblance of human dignity, however harshly this is eked out. In other words, their plight highlights how the various fundamental human rights and interests increasingly overlap and are interlinked with each other: basic rights to health and social security underpin the ability to hold opinions, associate with others, and engage meaningfully in home and family life, all of which are necessary here to subsist in the face of disastrous famine and flood. Within the novel these key socio-economic rights are essentially framed as civil or political in nature: their absence can easily spark or signal the loss of life, and of human dignity, opening up direct pathways towards systemic, state-sanctioned patterns of abusively inhuman, degrading treatment.

The Joads serve therefore as spokespersons for the need for meaningfully juridical human rights processes and as witnesses to the various atrocities that can easily occur where the notion of basic rights protection has been rendered meaningless by negligent or indifferent governance. As the novel stresses, acute rights violations tend to occur most often when some higher power is being fed by greed and commercial inequities: “...the monster’s sick. Something’s happened to the monster” (*GOW* 35). Steinbeck clearly sought to balance a normative vision of the American dream against his well catalogued record of profound “social injustices and economic inequalities [which] ...put opportunity beyond reach for many (Baym, 2272). The intercalary chapters therefore provide essential social and historical background testimonials to the novel’s more fundamental messages on the visceral consequences of territorial disputes and rampant capitalism.<sup>7</sup> They bear witness also to the various injustices associated with abuses of state power that demand fair hearing and global censure, not least those arising from the enactment of questionable legislation. Unfair customs of conquest and

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<sup>7</sup> McCarthy looks in particular to Chapter 15, where the short story style of writing is tied to documentary prose, “blunt and straightforward ...to convey a sense of the impersonal or inhuman owners (70).” When describing corrupt business practices, Steinbeck’s prose rhythms speed up however, his words growing more “shrill or metallic.” See also Howarth on how these alternating chapters bring “sweep and cadence” in spite of highlighting a key problem, namely his “failure to integrate fully the modes of journalism and literature (93).”

commerce, coupled with rapid industrialization compound the situation: land seizures and absentee landlordism have long been the causes of genocide, war crimes, and avoidable famine.<sup>8</sup> As the Office of the High Commissioner on Human Rights has repeatedly stressed:

Forced evictions can be severely traumatic and set back even further the lives of those that are already marginalized or vulnerable in society. Moreover, forced evictions violate a wide range of internationally recognized human rights, including the rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement.<sup>9</sup>

That said, even the most detailed, harrowing depositions of the Joad family cannot apparently match the “extremes of poverty, injustice, and suffering” previously recorded by Steinbeck in his *San Francisco News* reportage (Lisca, 77).<sup>10</sup> The elegiac nature of their epic story does however give articulate voice to those who have been similarly dispossessed and downtrodden, both before and since the 1930’s: it remains the case that, often, such “poetry is truer than history because history deals in facts, whereas the poetic arts deal in universals” (Heavilin, 2).<sup>11</sup> And yet the text’s reporter chapters capture how profit-led absent landlords often tend to be lacking in compassion for those unseen tenants who they are about to evict, displace, or disenfranchise: “one could not be an owner unless one were cold” (*GOW*, 33). It is particularly ironic then that the close ancestors of the share-croppers had to firstly “kill the Indians and drive them away” (*GOW*, 35). Such acts of genocide are cited with pride here to bolster their claims of worthy, endeavour-based possession. The perpetrators use them here also to attempt a conflation of the concepts of leasehold and freehold ownership, and to strengthen their bid to remain on the land in the face of the bank’s evictions: “that’s what makes

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<sup>8</sup> See further <https://www.ohchr.org/en/issues/landandhr/pages/landandhumanrightsindex.aspx> (accessed 01.06.21)

<sup>9</sup> <https://www.ohchr.org/EN/Issues/ForcedEvictions/Pages/Index.aspx> (accessed 02.06.21)

<sup>10</sup> It is noteworthy that his “compassion [and] honest indignation did not carry Steinbeck into propagandism or blind him to his responsibilities as a novelist” (Lisca, 77). This is so, despite the way in which some difficult ideas may lead to the inability “to write at that level, which, by common agreement, we call major literature” (Comfort, 83).

<sup>11</sup> She suggests also that “as Merlin is to Arthur, so Steinbeck is to his readers,” not least in his “idealistic and pragmatic” role of holding up to us a sort of mirror filled with stark images and only “bleak hope for a better future”(2).

it ours - being born on it, working it, dying on it. That makes ownership, not a paper with numbers on it” (*GOW*, 35). The notion that ownership may be rightfully earned via such murderous ‘worthy’ endeavours has its roots not only in archaic political philosophies on ‘just wars’ but also in private property law principles, for example within the doctrines of equity and trusteeship, which are themselves ostensibly grounded (with little sense of irony) in rules of fairness, equality, and good conscience.<sup>12</sup> The maxim that claimants to equitable remedies should be in possession of ‘clean hands’ when seeking out equitable remedies grounded in judicial discretion (to gain some degree of beneficial ownership over disputed title) seems to be easily dispensed with in times of conflict, conquest, or ethnic cleansing. It is unsurprising then that the novel’s land and property seizures are described in terms of military invasion: “There is little difference between this tractor and a tank . . .” (*GOW*, 157).” The need for profit-making wars and conflicts is calmly alluded to with a chilling degree of pragmatism: “Don’t they make explosives out of cotton? And uniforms? Get enough wars and cotton’ll hit the ceiling” (*GOW*, 34). Such barter underpins every aspect of the migrant existence, underscoring the systemic corruption and entrenched inequalities that have led directly to this humanitarian crisis:

Fella in business got to lie an’ cheat, but he calls it somepin else. That’s what’s important. You go steal that tire an’ you’re a thief, but he tried to steal your four dollars for a busted tire. They call that sound business (*GOW*, 126).

It is particularly telling—and quite reminiscent of socio-economic human rights discourses generally—that while the front seat power holders discuss the inequities of politics, conflict, and commerce, many more basic human needs (health care, nutrition, water, sanitation, for example) are either quietly side-lined or completely overlooked. On the rare occasions where they are grudgingly acknowledged, they tend to be dealt with via the sort of entirely open-ended, aspirational promises found in the various UN Documents tasked with somehow addressing (or at least challenging) the traditions and norms of unjust resource allocation. One near-perfect exchange in the novel aptly summarises this: “Danny in the back seat wants a cup of water. Have to wait. Got no water here” (*GOW*, 126). This blunt template for the rationing

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<sup>12</sup> For a useful outline of the workings of Equity and the law of trusts see Gallagher (2013).

of finite or very scarce resources could be said to apply equally to many of the current policies (domestic and international) on the distribution of other short-supply, finite things: food, social security, housing, and vaccine distribution. The slowly progressive nature of socio-economic rights realization generally sees signatory states committing to the eventual eradication of, for example, poverty or poor health under various UN Conventions and Declarations, at some undetermined future point in time.<sup>13</sup> In the meantime, those who thirst or hunger in the forgotten or deliberately ignored ‘back seats’ must try to be satisfied with vague promises of a better future and glib reassurances that the arduous, endless journey is not a completely pointless one. The book’s detailed analysis of the impacts of the tractors’ arrival speaks also to several timeless, prescient human rights issues: the increasingly urgent need to effect sustainable development, achieve more ethical consumerism, and address the unfolding terrors associated with climate change: “No man had touched the seed, or lusted for the growth. Men ate what they had not raised, had no connection with the bread. The land bore under iron, and under iron gradually died.” (*GOW*, 38).

This synopsis could as easily apply to the present day as it did to Steinbeck’s vision of a ruined, toxic land and increasingly degenerate systems of commerce and governance. By detailing the consequences of having absentee landowners and disinterested legislators, Steinbeck forces us to acknowledge the sharpening divisions in society along “us” and “other” lines, a feature that develops throughout the work. As such a story was simply “too big for photos . . . [he] turned to fiction because it was a higher, truer form of expression” (Howarth, 83) and therefore achieves much more than straightforward journalistic, NGO, or UN reportage alone might have managed to do in terms of public awareness-raising. It was, however, the earlier “journalistic assignments [which] drew him ever deeper into the fate of his culture and especially towards those who had been discarded by it” (Wyatt, 12). Steinbeck was clearly aiming to document exactly how such a harsh system for attaining fiscal success – still largely the preserve of the privileged elites - would inevitably lead to the reaping of “sour grapes for the few who achieve it” while remaining “ungraspable for the many” (Gossage, 117). The faceless landlords’ callous disinterest is mirrored by an equally dangerous lack of compassion from bystanders, represented here by the twin “monsters” of helplessness and enforced

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<sup>13</sup> See for example UNHRC General Comment no. 14 (2000) which sets out the aspirational, progressive aims of Article 12 ICESCR on the right to health (available <https://www.refworld.org/pdfid/4538838d0.pdf> accessed 01.06.21). See further McCrudden (655) and the seminal texts by Farmer (2003) and Shue (1996).

mechanisation. The tenant families have had no option but to drain the land by planting cotton, the very crop that “robs it, sucks all the blood out of it” (*GOW*, 34) in much the same way as they themselves have been exploited, by having to pay toxic fealty to the “monster” banks. The remorseless, invading tractors have no more connection to the lands being farmed than the absentee landlords themselves often had: they are presented as similarly uncontrolled entities, responsible for wanton destruction of land, livelihoods, and human dignity in a way that is quite distanced from the men driving them, who are now merely one more replaceable cog within a larger machine. Annihilation is inevitable, and the consequences of these actions are then symbolised in nature, not least by the cruel winds that have gradually uprooted the struggling, vulnerable vegetation of the dustbowl:

the wind raced faster over the land, dug cunningly among the rootlets of the corn, and the corn fought the wind with its weakened leaves until the roots were freed by the prying wind and then each stalk settled wearily sideways toward the earth and pointed in the direction of the wind (*GOW*, 4).

Arguably, Steinbeck saw threatened or actual violence as prerequisites to bringing about meaningful societal change. The battered turtle’s slow, calm seeding of the land, post-collision, underscores this (Railton, 34) but also represents a “sorrow that can’t talk” (*GOW*, 91), reinforcing just how the state brutalities (economic, physical, meteorological) are often to blame for irreversible displacements. Again, these dispossessed refugee families do turn to their own histories of violence, conflict, and defiance as a sort of comfort or blueprint for future planning: “When shoes and clothes and food, when even hope is gone, we’ll have the rifle. When grampa came...he had pepper and salt and a rifle” (*GOW*, 92).<sup>14</sup> This capacity for violence may also be turned sharply inwards however: the related themes of identity loss and human redundancy are made more poignant by the self-immolation that the sharecroppers must engage in to enable them to become nomadic, refugee migrants with some chance of survival. They can flee with only the barest of essentials meaning that they must opt to destroy those few scant possessions that would have served no visibly practical purpose, other than—as they

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<sup>14</sup> As Wald noted, the work fits well within the field of “classic left fiction”(14) and as part of a larger “tradition of forward motion toward a discernible goal of a targeted upheaval against economic injustice” (15).



themselves admit—marking them out as still human: “How can we live without our lives? How will we know it’s us without our past? No. Leave it. Burn it” (*GOW*, 92).

This particularly egregious form of “human erosion” (Lisca, 82) calls to mind not only the modern ravages of conflict and climate change but also the legalised stamping out of Indigenous cultural heritage (language, customs, sacred spaces, and items). These losses led directly and quickly to dehumanisation, genocide, and abject rightlessness: they enabled state-sanctioned racial discrimination and inequality (with legalised socio-cultural assimilation), perpetuating the wide range of intergenerational harms associated with entrenched poverty and systemic rights abuses.<sup>15</sup> The Californian valley floods symbolise this damage, which even the more established or native plants (that might have been expected to withstand such an onslaught) cannot endure: “the streams and the little rivers edged up to the bank sides and worked at willows and tree roots...cut out the roots of cottonwoods and brought down the trees” (*GOW*, 452). The migrants’ makeshift camps suffer equally, as the flood waters bring disease, hunger, death, and utter desperation. Steinbeck’s descriptions should resonate with modern readers given the ongoing, perennial nature of refugee crises sparked by war, conflicts, globalised commerce, environmental destruction, and the worsening effects of climate change.

The quiet indifference of those who feel unaffected by such events is similarly timeless and captured in the book’s prescient, vivid descriptions, and haunting imagery. Then, as now, the “comfortable people in tight houses” opt to ignore what is happening, remaining as faceless and silent as the disdainful and miserly “shitheels” (*GOW*, 162) who must sometimes grudgingly patronise the road-side diners: we learn little of them, other than that they feel “pity at first, and then distaste, and finally hatred for the migrant people” (*GOW*, 454). This pattern of compassion-fatigue serves as a sadly recognisable template for many of the current media discourses on such contentious issues as refugee rights, cuts to foreign aid, and the difficulties of effecting a just allocation of scarce resources. Silences matter, then as now: they have the

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<sup>15</sup> It is the key moments of “melodrama and bombast” that grant the characters voice, even if they perhaps seem at first to be acting as “mouthpieces for grandiose ideas, stereotypes that speak in folk lingo or stand as rigid symbols of portentous ritual” (Howarth, 94). Similarly, the general chapters can be said to serve as “simplistic editorials, haranguing the reader with dire prophecy, crude analysis, and crypto philosophy” (McCarthy 94). On the loss of Indigenous cultural and spiritual identity via the seizure of lands and sacred items, see further Diver (43).

capacity to condemn us all as disinterested elite, in sharp contrast to the quiet stoicism shown by those refugees and migrants who somehow manage to survive their ruthless displacement. Steinbeck's decision therefore to render the indifferent middle classes as an amorphous unknown group serves as both challenge and rebuke to the modern reader's self-identification: do we think of ourselves as part of this unnamed, deliberately blind-eyed group or might we perhaps ever have to share in the migrants' struggles, via the effects of some unforeseen economic or ecological disaster?<sup>16</sup> In any event, it is the glaring "absence of charitable middle-class people" throughout the text that permits Steinbeck to quietly accuse his fellow Americans of 'complacency about the hundreds of thousands of migrants starving along the road' (Gossage, 117). In doing so, he clearly and comprehensively "offended social decorum and regional pride" (Wyatt, 2) in much the way that an aggrieved NGO spokesperson or UN Special Rapporteur might relentlessly set out and then analyse the glaring deficiencies and abject failings of a broken human rights regime, after giving voice to those most affected.

Again, it is the moments of stillness and silences that make the detailed descriptions of the events in the inter-chapters more effective: the destitute starve, sicken, die, and give birth in "the wet hay of leaking barns" but must do so in a defeated hush, "pant[ing] with pneumonia" or quietly "curled up in corners" (*GOW*, 454). When desperate, destitute men are shot at for stealing hens, they either splash "sullenly away" or are mortally injured, able only to sink "tiredly in the mud" (*GOW*, 454). The deliberately brutal "shock of first-hand observation" (Wyatt, 13) compels us to acknowledge why, still, a "man can see but not change the world" (Benson, 9). As such, the novel provides an increasingly timely and timeless comment upon the nature of social injustice: detailing and depicting it—rather than dictating or directing reader responses—ensures that a fresh quality remains for new readers to wrestle with, the best part of a century later. In sum, the novel's core messages are further amplified by the voicelessness of its disenfranchised, vulnerable communities: denying migrants their basic human rights means that they are often irreversibly "othered" via a relentless, permanent social exclusion (Eckert, 347). Steinbeck thus explores and challenges two central myths which largely "govern the book" (Bradbury, 141). The first of these concerns the benefits of engaging

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<sup>16</sup> At the time of writing the Covid-19 pandemic is still an issue, with debates on equitable vaccine allocations ongoing, not least in terms of human rights, global vulnerabilities, and political implications. See further <https://blogs.bmj.com/bmj/2021/04/01/palestine-is-bearing-the-brunt-of-vaccination-inequalities/> (accessed 31.05.21)

with the mythic process of “hopeful American westering,” where a subjugated group can travel from a grim life of servitude towards shining promises of freedom and plenty. This dream is shown by the text to be quite false, but still serves as a sort of dramatic catalyst for the realisation of the second myth, which centres on the notion that some “heroic evolution” might yet somehow occur, via a learned, self-sufficient form of stoic solitude.

The profound, innate fear of otherness that tends to take hold in times of economic crisis and conflict, sadly, seems to take root much more firmly, destroying all worthier notions. And yet, at the very close of the novel, an enlightened, altruistic sense of “selfhood in the community” (Bradbury, 141) just manages to emerge, post-flood, when all hope seems to have been lost. Steinbeck’s message seems to be that this approach offers the best means of surviving humanitarian crises and protecting the basic right to human dignity. Though the final scene falls far short of any symbolically beautiful or tidy resolution it serves to stress how the book’s

two journeys seem to conflict or contradict. Sometimes this motion appears as a rational, moral voyage towards a utopian form of human collectivity; sometimes it is a blind, amoral, instinctive process revealing not individual will and choice but an animal-like natural endurance (Bradbury, 141).

The state still has the power to subjugate communities and individuals via law and policy to the point where they become utterly dehumanised: it is no coincidence that animal metaphors occur frequently in *GOW* with various characters portrayed, indeed demonized, as feral, cruel, and violent. Desecration of the dead and disregard for culturally important funerary and burial rituals is especially relevant here (Watson, 33). The “fiction of [their] non-civilisation” is not a recent development in terms of human rights violations, nor is the perpetuation of any “denial of residence” (Eckert, 347) which displaced peoples must face. Both these notions are still apparent in much of the recent jurisprudence on homelessness, poverty, statelessness, and refugee refoulement: other losses affecting space and place remain relevant to the destruction of family life rights and the removal of one’s identity, especially when seeking asylum, crossing hostile borders, living in the wake of partitioning or political upheaval.<sup>17</sup> The far-reaching impacts of losing one’s land or belongings have long been associated with the

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<sup>17</sup> For a recent analysis of refugee ‘rights,’ see Giuffré (2020)

atrocities meted out to many nomadic or Indigenous tribes:<sup>18</sup> Steinbeck's depiction of a newly debased white settler community is perhaps all the more shocking because of this. Entrenched, legalised cruelties backdrop the most poignant, profound aspects of human existence, such as the inability to bury the dead with any degree of dignity, or even hold a "decent" funeral. Granma's death is concealed by a silently grieving Ma, to avoid interference from border patrol officers and the risk of having to leave her remains behind in an unmarked pauper's grave. Grampa's illicit burial shows a further measure of defiance, while the release of the stillborn infant's apple-box coffin into churning floodwaters, represents a "manifesto" challenge to those in power: it is a sharp reminder too of just how far-reaching certain social inequalities are in terms of violating the basic norms that attach to human dignity: birth and funerary rituals, freedom of movement, privacy, and the preservation of familial ancestry. Such stark human rights violations mean that "even death offers no respite for the Okie migrants" (Lott, 61) unless they opt to rebel openly and dangerously against authority. A "pathetic repetition of the Joads' misfortunes" (Lott, 65) is used to focus our gaze upon the importance of a juridical right to engage in peaceful protest.<sup>19</sup> Modern readers are likely to grasp this urgency, as global protests over racial discrimination and historic injustices seem set to continue: "Go down an' tell 'em. Go down in the street an' rot and tell 'em that way. That's the way you can talk...Go on down now, an' lay in the street. Maybe they'll know then" (*GOW*, 468).

In some respects, Steinbeck's reportage simply "sums up the Thirties," by attesting to the profound societal upheavals that can flow from unprecedented "natural and economic disaster" (Bradbury, 140). As has been noted elsewhere, however, its Depression-era backdrop requires no less than an "ancient narrative device," with epic scope, and a constantly "shifting focus from grand scale to individual" (Howarth, 75) narrative. In many ways, this is exactly what human rights NGOs and UN Country Reports on rights violations tend to aim for, in a bid to focus international attention on long-tolerated, unseen, unfolding, or recent atrocities, and perhaps gain some acknowledgement of them to prevent recurrence or achieve redress. By highlighting specific violations and gathering in the testimonies of unseen, unheard vulnerable persons, and groups, they hope to provoke urgent legal, political, or humanitarian responses:

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<sup>18</sup> On the rights of nomadic minorities see Gilbert (2014)

<sup>19</sup> Lott describes "...a manifesto of the unnecessary pain of the ignorant and poverty stricken," arguing that the focus on these rights violations offers insights into Steinbeck's political stance. His "treatment of death...reflects societal power structures for his readers' evaluation and criticism" (Lott, 57). The Joads' fears over illegal burials were possibly misplaced given the legislation of the time, however (Lott, 65).

these in turn might then identify (and address via meaningful reforms) those corrupt systems and inept state policies that are largely to blame for human suffering, then as now.<sup>20</sup>

### **Crafting new rights and norms via barter and gendered justice?**

The language and hostility of the fabricated “otherness” in *GOW*, for example, is presented in increasingly divisive and challenging terms as the novel progresses, moving from accusations of basic vagrancy to much more animalistic forms of criminality: “bums” (*GOW*, 195) and “squatters” quickly become seen as “outlanders, foreigners” (*GOW*, 246), and “thieves” (*GOW*, 296), who are invariably also “dirty and miserable. They ain’t a hell of a lot better than gorillas” (*GOW*, 231). In doing so the text spans the gap from the time of its publication to more recent or emergent global issues surrounding migration, entrenched bigotry, and systemic racial discrimination. Steinbeck’s writing can be seen as predicting (or at least presaging) some of the key characteristics of our post-war age, not least the significant rises in chronic vulnerability, homelessness, ecological disaster, hunger, inescapable poverty, health crises, and the increasing use of displacement or statelessness as weapons of conflict or subjugation. Read with a modern eye, the Joads and the other Oakies would likely be classed as internally displaced persons, having been forced to move within their own nation, whilst technically at least still coming under the auspices of their own government’s ‘protections,’ however inadequate.<sup>21</sup> The brutal realities of their experiences amount, however, to de facto statelessness, something which is reinforced through the disparaging language that the settled population (who truly “belong” on the land in question, in their own eyes at least) will choose to use about them. Viewing the migrants as stateless means also that they are subject to a “corrosive, soul-destroying condition that colours almost every aspect of ... [life]” (Leclerc and Colville, 6). Their journeying, births, and deaths are both marked and marred by this forced internal migration: the lack of any sensitivity towards them as fellow human beings only escalates throughout the novel and speaks therefore to many events in recent times. It may be argued for example that Tom’s launch of the apple-box to “tell ‘em” foreshadows the impact

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<sup>20</sup> Howarth argues further that Steinbeck’s closeness to the subject allowed him to create the “strong visual images” which still speak fluently of enduring “themes of sharing versus greed” (83). As such, his work is perhaps best understood as the sort of unsettling - and therefore successful - “documentary” which “plays upon [the] emotions of the reader” (75).

<sup>21</sup> See further <https://www.unhcr.org/uk/internally-displaced-people.html> (accessed 04.06.21)

that the infant Alan Kurdi's drowning had (too briefly) at one point during Europe's ongoing refugee crisis. The lesson here is that the recognition of our fellow humans' humanity can be very fleeting indeed.<sup>22</sup>

And yet Steinbeck reminds us always of "...the little screaming fact that sounds through all history: repression works only to strengthen and knit the repressed" (*GOW*, 249). The novel does offer important representations of stability and social justice, in its small but mighty patches of social constructivism which give rise to morality-grounded customary norms of behaviour and workable rules of fairness. These are effected mainly in the nightly roadside "camps" where new "leaders emerged, then laws were made, then codes came into being..." (*GOW*, 203). In the "Government camp" too, some of the migrants organically establish new rules of conduct and regulations for everyone's mutual benefit. These customs seem to be grounded in equity and fairness and build upon the sense of familial or "tribal" identity that has been somehow retained by this otherwise dispossessed population. Echoing the aims of such instruments as the Universal Declaration on Human Rights,<sup>23</sup> these 'new' norms include a list of "what rights must be observed," including privacy, human dignity, family life, food, and health. Crucially, they are underpinned by the "safety" of the migrants having at least some access to water, land, and heat. Cultural integrity and charitable deeds are explicitly mentioned, especially in terms of the need for human dignity: "and when a baby died a pile of silver coins grew at the doorflap, for a baby must be well buried, since it has had nothing else of life. An old man may be left in a potter's field but not a baby" (*GOW*, 204). Ma Joad's later analysis serves as a timeless indictment of many of the ineffectual systems and processes tasked with providing human security and alleviating poverty and hunger: "If you're in trouble or hurt or need – go to poor people. They're the only ones that'll help – the only ones" (*GOW*, 394).

It is *GOW*'s communal, agreement-led creation of behavioural norms that provides the sort of charity and social justice that the wealthy elites cannot. In some ways the drafting processes

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<sup>22</sup> On the ongoing refugee crisis see further Trilling (2020) <https://www.theguardian.com/news/2020/sep/22/how-rescuing-drowning-migrants-became-a-crime-iuventa-salvini-italy> (accessed 06.06.21); Morrow (2021) <https://www.wsws.org/en/articles/2021/05/27/medi-m27.html> (accessed 05.06.21) and Hayden (2021) <https://www.irishtimes.com/news/world/africa/european-and-libyan-authorities-accused-after-130-migrants-drown-1.4545966> (accessed 06.06.21).

<sup>23</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed 01.05.21)

of the camps also echo the non-binding, persuasive remits of many slow-crafted UN Declarations and Conventions, especially insofar as these seek to influence the making of domestic laws and policies in future and achieve rights realization. Their negotiated, pragmatic yet principled templates for societal cohesion and progressive rights reform (grounded in a need to alleviate suffering) similarly rely upon ostracism of those who disobey, mirroring the UN Committee Reportage system which publicly highlights obligational breaches and failings by signatory states (*GOW*, 207). For the dispossessed and hungry, human greed and selfishness are particularly abhorrent. Those few migrants who hide and eat their hoarded food inside their own tents (i.e., tinned beans or peaches, bakery cake etc) come in for particular disdain: "...it would not have been good to eat such fine things openly. Even so, children eating their fried dough smelled the warming beans and were unhappy about it" (*GOW*, 232). The squandering of scarce resources by the wealthy is the greatest of crimes against those who are homeless or malnourished, however. Not only is "a fallow field...a sin," such "unused land is a crime against the children" (*GOW*, 245) whose fathers must then attempt trespass on others' vacant land either to tend to small hidden vegetable patches or to sweep up filthy, excess flour from the floors of boxcars to try and make bread (*GOW*, 247). Via its powerful critique of capitalism, *GOW* also finds compassionate responses in unexpected places: small kindnesses in the face of deprivation and injustice do run throughout the novel, such as the dime's worth of sugar on credit (*GOW*, 393) and the waitress Mae's act of (belated) charity in the diner over the "nickel a piece candy" (*GOW*, 187). Such altruism stands out clearly against a landscape otherwise tarred with apathy and indifference. There are significant signs of unappreciated wealth, jealously hoarded: left-over pie crusts are scraped into a waste bucket as a bored cook stirs a huge pot of uneaten stew and then feeds handfuls of nickels into a slot machine to prevent it paying out to his customers (*GOW*, 168). The deep symbolism is inescapable: whether or not the cook is the actual owner of the diner, he generally behaves as such, wielding sufficient power and disinterest to ensure that few useful resources, however scrappy, will be diverted to those who are dying from hunger or disease.

In terms of charitable deeds, it is Rose of Sharon's final act that demonstrates most plainly how the female Joads have not allowed their humanity to be stolen entirely. Their defiance also forces us to confront our own possible assumptions about the causes, character, and nature of perennial rights issues: displacement, refugee migration, and state-sanctioned destitution. Steinbeck tasks us with questioning how and why law, policy, and principle have led us to this

moment and indeed to many other points in our troubled past and troubling present. Despite the various biblical symbols and overtones that have preceded and presaged this point (unjust forced exodus, deadly flood, sheltering manger, pièta-like postures, the notions of salvation and resurrection),<sup>24</sup> we are still thrown by seeing humans reduced to such basic levels of need. The harsh realities of the barn scene offer a compelling, near-silent testimony to those various rights violations that have both preceded and enabled it, not least the abuse and misuse of the once-fertile, now despoiled, land that has led them to this juncture. Though it has been argued that we are witnessing biology beatified here (Bluestone, 105), it has also been suggested that the full significance of the scene consists in its representations of “blind, amoral, instinctive process, revealing not individual will and choice but an animal-like natural endurance” (Bradbury, 141). To frame it so simply, however, is to ignore its raw power: this is a viscerally compassionate, gendered response made by a bereaved and brutalised mother, post-partum. At her most vulnerable, and having lost almost everything that she held dear, she *chooses* to make this profound gesture to a stranger, defying social conventions to effect a positive, humanitarian course of action. It might just (we cannot be sure) preserve the life of this suffering outsider or at the very least bring him some comfort as he lies close to death in her arms.<sup>25</sup>

The framing of an abandoned young woman as saviour-Madonna to an emaciated, older, dying man offers readers a clear, inverted image of a key socio-cultural norm, particularly in times of war and conflict where women are often most at risk of abject, highly gendered harms and abuse.<sup>26</sup> Here, the half-starved girl must put aside revulsion and fear of otherness (which has characterised much of the journey) to share the scarcest of resources. Her action at this point represents much more than a gifting of nourishment: it serves also to offer us a tiny shred of hope in the value of human nature, not least in our ability to think independently and act with some degree of autonomy, and to dispense with certain rules of behaviour where

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<sup>24</sup> Steinbeck challenges certain religious concepts (sacrifice, selflessness, asexual virginity, and maternity) which might be otherwise associated with the scene: his “inversion of scripture...[a] bitter satire” (Eckert, 348) relies upon religious imagery but then upends it. The sacred nature of this “communion,” unlike the life-giving or destructive powers of many natural fluids found outside the human body (e.g., rain and flood waters) is directly tied to maternal human and humane acts, rather than to divinity. See further Eckert (345) on Steinbeck’s ‘failed analogy’ inversions of religious imagery in general: the “reverse exodus” into, rather than away from, slavery; the use of twelve Joads; the preacher (‘JC’) who sacrifices himself to save Tom, and the Moses-like release of the infant’s body into the river.

<sup>25</sup> See also Bradbury’s discussion of this “paradisial Eden, where life returns to innocence and to its primal sources” (140). As such, the barn scene serves as a “powerful symbol of human life persisting”(Watt, 74).

<sup>26</sup> See further Jayaraman (76) (<https://www.un.org/en/chronicle/article/rape-war-crime>, accessed 02.06.21)



necessary, in times of acute crisis. As a rough template for the making of difficult choices, the distressing barn scene both grates and disturbs. Steinbeck is forcing us to see things which are not usually viewed up close: poverty, starvation, degradation, nakedness, and profound vulnerability. In doing so he challenges our basic assumptions over what ‘might’ or ‘must’ be done in terms of crafting meaningful responses to chronic or acute issues of abject want and trampled dignity.<sup>27</sup> Ultimately, it falls to the novel’s women to achieve the realization of loftier ideals via problematic intervention: as with the gradual, progressive nature of human rights-led legal reforms, it is the implementation of practical measures that often gives meaning to those worthy aspirations captured elsewhere within the words of far-off paper provisions. The justiciability of fragile rights, similarly, often rests upon the ability to be both heard and seen, so as to access the very things which might remedy wrongs or restore lost status, and, crucially, be used to prevent future rights violations (e.g., state apologies, public inquiries, or the holding of truth commissions). In an era of ‘fake news’ and unchecked social media rampages, it may be argued that the right to be accurately heard, believed, acknowledged, and *remembered* has perhaps become the most important of all of the various protective mechanisms that have grown out of the efforts of the UN.

Against such a backdrop, Rose of Sharon’s final, haunting gesture—grounded in both mercy and pragmatism—speaks volumes. It highlights how a hungered quest for land and a wealth of belongings has been replaced by a much more basic, inherent “lust” for survival (Wyatt, 24). It emphasises too the peace to be found in reaching some higher ground (here, both moral and literal) away from chaos and public judgements. She has in some small way triumphed over the various man-made evils (capitalism, rightlessness, ruined earth) perpetrated upon her and her people by resource-hoarding elites. As such she represents a nascent “Lady Justice” figure, bare-breasted and therefore powerful, and no longer (or perhaps not yet) in need of her sword and blindfold to dispense sharp justice and wisdom.<sup>28</sup> We are reminded though that we are intruding on the scene, much as the layman might do in a closed courtroom

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<sup>27</sup> Although Steinbeck was largely denounced for it, this “consciously sensational” (Watt, 74) scene stands in stark contrast to the earlier ones of domestic violence between Ma and Pa Joad, which did not provoke the same levels of readership shock or outrage. See also McCarthy’s analysis of the scene’s portrayal of the themes of cooperation and sacrifice: it is ‘convincing’ as an allegory but ‘in realistic terms it is not (80).’ Railton is similarly unconvinced, labelling the moment as “unquestionably sentimental” and having “unlikely outsized gestures”(44).

<sup>28</sup> See further Gossage on this “...enigmatic act of communal piety”(103); Buker (69) on the feminist imagery, and Kocela (263) on how an ‘interpretive reading gets the equivalent of a wink from Rose of Sharon.’

where they have no right to be present. We are kept distant by the silently powerful, knowing exchange that passes between the women: “Ma’s eyes passed Rose of Sharon’s eyes, and then came back to them. And the two women looked deep into each other” (*GOW*, 475). Steinbeck again underscores the importance of gender here and bookends it within the text: men may easily become fragile in times of emergency and must be protected at all costs, it seems. At the very beginning we see women emerge from their houses ‘to stand beside their men—to feel whether this time the men would break ... no misfortune was too great to bear if their men were whole’ (*GOW*, 6). Despite their own hardships, these resilient female observers remain a reassuring, constant presence, so that later we will see them again standing guard over their men:

to see whether the break had come at last... And where a number of men gathered together, the fear went from their faces, and anger took its place. And the women sighed with relief, for they knew it was all right – the break had not come and the break would never come as long as fear could turn to wrath” (*GOW*, 454).

The women’s role is neither to pacify or quell any dissent, nor is to peace-keep. Rather, they offer the stoic, unseen support that is needed to spark the sort of quiet, wrathful defiance that might eventually spark meaningful reforms and challenge entrenched, systemic injustices.

## **Conclusion**

“... history grounds fiction, and myth grounds history” (Kocela, 248)

It is unsurprising that very “few novelists have impacted American jurisprudence more” than Steinbeck, particularly in the sense that his work demands, even yet, that “injustice...[be] remedied through legal response” (Gilbert, 1).<sup>29</sup> Clearly, his “abiding respect for people who worked on farms and in factories” was underpinned by a timeless and profound “sympathy for

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<sup>29</sup> See also Lott (58) on the significance of Steinbeck’s having chosen a ‘former preacher to put into words the idea that the law is not always right.’ As Bradbury further argued, it is “a work expressing social despair and political indignation at the way failure and decay breed a harvest of wrath” (141).

the underdog” (Baym, 2272), which would not go amiss now, the best part of a century later.<sup>30</sup> Steinbeck still ensures, though, that by the end of the novel we are left in no doubt as to the entirely fictive nature of any state-promised Eden, spiritual or material. He achieves this largely via the highly gendered closing scene, what “with all its tensions of communal feeling and unnatural sexuality, accus[ing] the reader of ignorant selfishness” (Gossage, 107). Here as elsewhere the novel holds up to us a silent, accusatory mirror, challenging us to evaluate much about our own beliefs which we may not readily care to admit.<sup>31</sup> The work does not therefore fit easily into the traditional definitions of “morality play” (Railton, 30) opting instead to “merge advocacy with altruism” (Howarth, 92); the modern reader will be just as much affected, if not more so, by his stinging critique of corrupted, unjust landscapes, avoidable man-made crises, and by Steinbeck’s sharp spotlighting of the ever-worsening deficiencies of our legal, political, and economic systems.

And yet, other historic atrocities (such as slavery and genocide), which have in part enabled the novel’s catastrophic chain of events, are often only lightly touched upon. The seizing of land from Indigenous peoples, for example, is referred to in passing as just one of many ‘brave,’ essential acts of conquest carried out by Grampa’s generation. There is more than a hint of irony, however, within the various predictions of those who fear the influx arrival of the internal migrants: “They’ll take the country. Outlanders. Foreigners” (*GOW*, 247). The displaced farmers are oblivious to or desensitized in respect of their own racism and dehumanising comments: “ol’ Simon, had trouble with this first wife. She was part Cherokee. Purty as—as a black colt” (*GOW*, 206).<sup>32</sup> Conversations such as these do underscore the message that the “Oakies” own journey along a “trail of tears” is neither unique nor original: it is grounded in an inevitability that has been seen before and since, on countless occasions in human history.

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<sup>30</sup> He merges modernism with realism, to celebrate “traditional rural communities along with social outcasts and immigrant cultures” (Baym, 2272). See further Watt on how Steinbeck sacrificed some measure of literary style to ensure that his powerful messages would be made more apparent to a wider readership (574). He sought, it seems, as both novelist and visionary, to convert our beliefs “rather than confront” us directly (Railton, 33) through the use of “frequent sentimentality, flat characterizations, heavy-handed symbolism, [and] unconvincing dialogue” (De Mott, 152).

<sup>31</sup> Railton adds that Uncle John converts from guilt to wrath in the moment when he decides to send the remains of the stillborn baby down the river, suggesting that this may amount to a sign from Steinbeck that the United States, as a nation ‘must leave Christianity and capitalism behind.’ (43) As Railton further notes, “every novel of purpose must make some compromises with its audience if it wants to reach and move them” (41).

<sup>32</sup> This is echoed by the words of the migrant-policing ‘deputies, fat-assed men with guns slung on fat hips, swaggering through the camps... Why, Jesus, they’re as dangerous as Niggers in the South! If they ever get together there ain’t nothing that’ll stop ’em.’ (*GOW*, 247)

No matter how hopeful the Joads might be about finding some better way of life, we know that similarly abused and displaced persons have long preceded them, and will continue to follow in their tracks, often with no mythical place of opportunity to greet them at their journey's end. For those who do survive the arduous trip to the Californian "Promised Land" (De Mott, xl) the final harsh truth seems to be that "Eden still lies elsewhere" (Howarth, 94). Decision-makers must accept that "man's primal biological nature" (Bradbury, 140) arises from an ingrained or learned fear of "others" which in turn finds expression in our ability to hoard resources (e.g., land, wealth, knowledge, access to justice) and to exclude those who are may be in most dire need of them.<sup>33</sup>

It is fitting then that the novel does not produce some tidy or pleasant ending.<sup>34</sup> In this it mirrors the efforts of those international human rights bodies who have formulated dozens of international treaties—and crafted intricate rights frameworks—based upon jurisprudence and reams of statistical data gathered over many decades. Their slow, often unseen progress towards meaningful law and policy reforms notwithstanding, it remains the case that there are usually no easy or simple resolutions in situations where dignity violations, climate change, poverty, and displacement are at issue. Substantive, significant changes to resource allocations seems to firstly require the sort of wider public outrage that can only be sparked by some Steinbeckian "catharsis of illumination" (Watt, 70), grounded in deep pathos or abject horror, or both. Justice itself is otherwise at risk of being deemed a too-scarce resource that must be rationed out in much the way that water, land, food, adequate shelter, and health care often are. This in turn can set out quite toxic markers as to which lives will then matter most. As Steinbeck the prescient rights-advocate argued (echoing the tone adopted by most drafters of human rights instruments), we should truly "fear the time when Manself will not suffer and die for a concept,

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<sup>33</sup> Bradbury argues also that Steinbeck at times acts as a political writer, 'celebrating in large rhetorical sweeps the need for human beings to transcend selfishness, form the human family [and] become one.' At other points he steps back, assuming the role of 'observant scientist, indifferently watching the biologically blind actions of living systems pursuing survival' (140). See also Wyatt's discussion of the importance of having a "central Western legend of loss," underpinned by a sharp yearning to reach a mythical "paradise of men." (17).

<sup>34</sup> See also De Mott on how *GOW* "like all truly significant American novels ... does not offer codified solutions" (1) even though 1939 was clearly a highly significant "year of signs and portents" (Wyatt, 1) in both local and global terms. Steinbeck still managed to capture both "the bad faith and the good, [and] the tensions of the time," by "writing for the vast middle class that forms the audience for best-selling fiction" (Railton, 29). His local setting was also, in socio-cultural terms, a particularly "fertile moment" in American history, which clearly "helped to overthrow previously dominant critical tendencies" (Wald, 21).

for this one quality is the foundation of Manself, and this one quality is man, distinctive in the universe” (*GOW*, 157).

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