Stopping Time to Assess the Damages

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Recently I was in the hospital for a couple days, and then on bed rest for a few days after that. Unable to conduct my undergraduate writing courses, this bed-ridden opportunity permitted me to catch up on season three of FX's show *Damages*, the entirety of which I had recorded on Tivo. Perhaps FX's network affiliation of *Damages* should be rephrased as "former show," since, after *Damages*' ratings continued to plummet on FX during its first three seasons (2007-2009), the show will instead air on DIRECTV for at least two seasons in 2011-12 ("Critically Acclaimed Damages", 2010). After watching law goddess/devil Patty Hewes (Glenn Close) and her questionably faithful lawyer minions Ellen Parsons (Rose Byrne) and Tom Shays (Tate Donovan) out-deceive their attorney competitors and respective clients (played by Ted Danson, Martin Short, Campbell Scott, Lily Tomlin, Zeljko Ivanek, among additional famous names), like other viewers, I was so psychologically and emotionally invested in their complex corruption, that the plots of *Damages* began to seem real to me.

Granted, I was on a *severe* amount of prescription drugs. However, the complex plot structures with which the writers of *Damages* infuse their episodes are often quickly taken straight from the headlines of the *New York Times*, so that these characters' narratives – melodramatic as they might be – quite literally *could* be real. Just the prior summer, New Yorkers had followed stories of Bernie Madoff's extreme Ponzi schemes, alongside similar financial debacles, detailing every moment in Madoff's case and his ultimate imprisonment. Months following, viewers of *Damages*, with the Madoff case fresh on our minds, re-followed a hyperbolized Ponzi scheme unfold on our flatscreens, albeit this one factionalized, borderline soap operatic, and featuring much more attractive celebrity faces than we had seen on the Madoffs and their lawyers. The creators of *Damages* had successfully started making me question actual reality vs. their carefully constructed and reimagined 'reality.' Shortly after the show debuted, the *New Yorker* published a story of *Damages*' disorienting effect on viewers, allowing me to realize I'm not the only one infatuated. Nancy Franklin admitted she was "Hooked because "Damages" is deranged and over the top, and only a little hooked for the very same reason. There is more than a whiff of camp about the show, which is to say, ridiculousness that appears to be unintentional…" (2007).

After over a week of near-isolation and bed rest, my factional immersion in *Damages* had overtaken my brain, particularly my imagination, effectively prompting me to question whether it was Patty Hewes's law narratives or the Business Day section of my *New York Times* that was hyperbolized storytelling. I live in Manhattan, and when I walked out of my apartment on Riverside Drive for the first time in eight days, I saw the actor who plays the District Attorney (Ben Shenkman) on the show, standing on my block in broad daylight. Immediately, I marched up to him, tapped his shoulder aggressively, and belted, "District Attorney Gates!" He circled around, mortified. All in one breath I then followed up with, "You need to know that Ellen Parsons

is conspiring with Patty Hewes behind your back on the Tobin case!" In other words, I had just informed a real person that dramatic irony had prohibited his fictional television character from knowing that Ellen Parsons, his fictional employee, was trading secrets with his fictional counsel competitor Patty Hewes. There was a long, full 30 seconds of disquieting silence as Shenkman faced off with a ghost-white, just-released-from-the-hospital lunatic on the street (i.e. me) as he visibly attempted to decide whether I was a homeless drug addict, an obsessive fan of *Damages*, or both. Graciously, he decided upon the second option, began laughing, and thanked me facetiously.

Viewer Engagement in *Damages*' Factional 'Reality'

Of course I am not so naïve as to believe that the carefully interwoven plots of *Damages* might hold up in a court room or that they even minimally represent New York City's 'real' legal system. Much like faithful fans of other narratively complex television serials hopefully do not mistake their favorite shows for 'realism,' *Damages*' narratives are exaggerated formulations of comparable highly publicized news stories and conspiracy theories. Just as a fan of *24* should not perceive that a real federal agent's career is identical to Jack Bauer's (Kiefer Sutherland), or a follower or *Lost* should not assume that its cast of manipulative characters realistically represents desperate life on a remote island, or viewers of *Mad Men* should not assert that Don Draper's womanizing, boozing, chainsmoking, immoral lifestyle represents the absolute archetype of the 1950s/60s' everyman, the same literal parallels cannot and should not be concluded from *Damages*' somewhat factionalized narratives.

> In addition, if one is looking for "real law," *Damages* is not the place to find it. The show does not, for example, emphasize accuracy in its discussion of the rules of discovery or the Federal Rules of Civil Procedure. What *Damages* does do is examine how one lawsuit affects the lives of everyone it touches – lawyers and nonlawyers alike – and how the legal system affects lawyers. (Corcos, 2009: 267)

This chain reaction of universal effectiveness, compliments of the fictional lawsuits of *Damages*' characters, is precisely where its seasonal melodrama derives from, which is what foremost attracts viewers to its narrative complexity.

Damages and other contemporary, critically successful shows (like *24, Mad Men, Lost, The Wire,* and *Dexter*) that are considered narratively complex have this widespread emotional and psychological affectivity because of the limited world in which their characters reside. These claustrophobic narratives which universally and wholly invade every aspect of the characters' lives (i.e. professional, personal, romantic, secretive, etc.) force this overlapping complexity of the storylines. It is this intricate web of plot threads and crisscrossed character narratives – all of which intersect even more than they would in 'real' life – that also seduces viewers' interests weekly. Keeping up with these characters' dramas requires genuine intelligence to follow multiple

plot threads simultaneously, undying devotion to the characters' personalities, and, above all, a willingness to suspend belief of reality in order for a viewer to fully immerse himself in these characters' world. "Narratively complex programs invite temporary disorientation and confusion, allowing viewers to build up their comprehension skills through long-term viewing and active engagement" (Mittell, 2006: 37). A viewer's willingness to place belief in the narrative's complex – or, oftentimes, overly convoluted – cluster of character problems, interactions, and secrets, permits him to, as Mittell suggests, be actively engaged in a world that is not reality but attempts to resemble another version of reality that (like in *Damages*) is based on synonymous realisms and truths.

In a Reuter's interview, when Glenn Close was asked if Patty Hewes was based on a real-life person, she confessed the origination of her character's inception:

> The woman I have gone on record crediting is Patricia Hines. Whenever she steps into a courtroom she knows without a doubt she's done more homework than every other person in the room. She prepares for trials by personally reading more than 10,000 documents and then presents her closing arguments extemporaneously. I love that kind of sheer intellectual capacity and voracious curiosity. (Jacobs, 2010)

In this interview Close discussed her precise shadowing of Hines and other powerful NYC female litigators, and how impressed she was with Hines's meticulous work ethic when preparing for lengthy cases. Hewes's obsession with preparation and all-encompassing knowledge, as well as her mandatory need to control any situation of which she is a part, parallels Close's interpretation of Hines's real-life character. Any viewer of *Damages* who has followed news stories of fraudulent financial cases during the past five years can draw comparisons between *Damages*' plot lines and these real news stories. The fact that Patty Hewes herself, however, is based loosely on Hines, as well as two other empowered female litigators, Lorna Scoffield and Mary Jo White (theTVaddict, 2007) provides another factional blueprinted truth via the show's creators. Other suspecting critics of the show guess about Patty Hewes's notorious embodiment of real-life public figures, oftentimes assuming that she is the culmination of multiple social villains who are loved and loathed alike. In one observant review of the third season, critic Justin Ravitz offered, "Patty's character is an amalgamation of real-life figures, including David Boies, an omnipotent, helicopter-traveling attorney who once deposed Bill Gates in an antitrust lawsuit and defended Al Gore versus the Supreme Court in the 2000 Florida election debacle" (2010). Unlike other serial narrative television shows like *Lost* and *24*, for example, which are extremist fictions based on far-fetched ideas that could not mirror reality, *Damages* purposely attempts to represent an altered version of reality whose believable characters make the show itself more plausible. *NY Times* critic Alessandra Stanley says in her post-season follow-up of *Damages*' plots, in which she identifies the character of Patty Hewes as the amoral center of (if not reason for) these extremist factionalizations of corrupt corporate news stories:

> It's a heavy-breathing, addictively watchable crime series, even though the actual ripped-from-the-headlines court case is not particularly fascinating or complex, and drama is cooked up with sleight-of-hand editing and scenery-chewing actors. And the centerpiece is Glenn Close, predictably riveting as the cool, crafty and mercurial boss from hell. ("TV WATCH," 2010)

The most recent season of *Damages*, as mentioned previously, and which affectively prompted yours truly to warn a *Damages* cast member on the street about his fictional enemies, was based (less-than-)loosely on Bernie Madoff's catastrophic Ponzi scheme and inevitable incarceration. *Damages'* first season was inspired by the Enron Corporation's corruption and fraud, while its second season offered factional social commentary on FBI tampering and insider information trading. Season three's factional rendering of Madoff's ultimately unsuccessful scheming fit the mold of *Damages'* previously exaggerated world of drama, deceit and corruption, but the ironic aspect of this extravagant factionalizing was that Madoff's actual illegalities were, at first, just as unbelievable. The real-life amount of money Madoff defrauded from countless investors rivaled that of the egregious swindling of the fictional Lewis Tobin (Len Cariou) on *Damages*. As progressively unveiled by media outlets, the enormous sums of money that Madoff stole from his clients were just as cockamamie as Tobin's fraudulent activity was told narratively on *Damages*. In the case of fiction vs. 'reality,' real life outdid fiction, but on *Damages*, the impact of the Tobin's illegalities were told out of chronological order, thus exaggerating the narrative effect even more. The *NY Times* critique of *Damages'* third season adds in regards to Madoff's narratively digestible real story:

> The narrative is once again cut up into jumbled time sequences, but the Madoff scenario is a more plausible and inviting crime than the sinister energy-corporation conspiracy that Patty eventually took down last season. That story line presumed that corporate titans were not just greedy and murderous but also brainy, and that's a bit much to swallow in the current economy. The Madoff fraud would be even harder to believe, except that it just happened. (Stanley, "Pie, Then Confession," 2010)

Season three of *Damages'* hyperbolized take on the Madoff scandal not only enhanced the sensationalist aspect of the entire ordeal, but went so far as to offer competition of believability and plausibility to that of Madoff's actual dealings. When the show received positive critical feedback during its third season, some critics synopsized that the writers of *Damages* did a more reputable job of offering a hypothesized 'truth' to Madoff's fraud than real-life mainstream journalists uncovered in their investigations. "No one may ever satisfactorily divine what Mr. Madoff said at that moment, let alone explain what possessed him to deceive and ruin even close friends and associates for all those years. "Damages" posits a fictional scenario that may be the closest people ever get to the truth" (Stanley, "Pie, Then Confession," 2010). By accepting that the deviant character of Lewis Tobin is based on Madoff, viewers are able to draw a conclusion about Madoff's psychology and criminal behavior *because* of the fictional embodiment of him as Tobin, thanks to how the writers of *Damages* have interpreted the complicated details of the Madoff saga.

> Far more than a prescient exploration of American power and its foibles, however, *Damages* presents one of the most elaborate, unpredictable TV narratives in recent memory, a constantly morphing M.C. Escher puzzle that will, hopefully this week, unlock this season's mysterious centerpiece: What happened in that hotel room with Ellen, the gun, and Patty? How and why, exactly? "We know point A, we know point Z. The fun of it, for us, is how we get there," Todd Kessler said. (Ravitz, 2010)

This confession from *Damages*' creator Kessler proves that even the show's writers are taking their viewers for a purposefully factionalized ride to which even they do not know the end result. Factionalizing Madoff's true story allows the writers to extract the most sensationalized aspects of these real news stories – ones that aghast American followers of the news stories were already entertained by – but then build off of these to exaggerate them even more. This 'M.C. Escher' puzzle of unwinding character lunacy and increasingly questionable plausibility of this projected 'reality' on the show pushes viewers' limits of their belief suspension, yet still must maintain *enough* plausibility for viewers to not change the channel. *Damages*' intense factionalizing of the Madoff scandal, Enron's corruption, FBI tampering, and whatever other conspiracy theories they fictively alter in the future must master this balance between suspended belief and realistic interpretation of current events. This balance is, of course, difficult to master.

> Viewing tastes thus divided between conspiracy buffs, who saw the sometimes reflexive and tonally divergent monster-of-the-week episodes as distractions from the serious mythological mysteries, and fans who grew to appreciate the coherence of the stand-alone episodes in light of the increasingly inscrutable and contradictory arc… (Mittell, 2006: 33)

For the audience of *Damages*, its viewers who are indeed obsessed with these corporate finance conspiracy theories, and thus watch this fictional show because of it, an offering of truth can emerge, which viewers can use to interpret what really happened in the actual news stories. Conspiracy theory news stories are, of course, favorite narratives for obsessive personalities that dictate to both historical realism and fictionalized popular culture; *Damages* attempts to appease and entertain both types of viewers simultaneously.

Filmic Television Disguised as a Serial Soap Opera

While the factional reimaginings within *Damages*' plots are the narrative strengths that seduce some viewers to remain faithful followers, other viewers who do not have an established viewing history of the show cannot just 'jump right in' and start watching. In regards to the commitment that shows like *Damages* require from viewers to stay abreast of the sudden plot shifts on a weekly basis, critic David Itzkoff blames the complex narratology for *Damages*' declining viewership:

> In its first season "Damages" was well reviewed, but its serialized narrative made it difficult for new viewers to jump into later episodes. Its audience declined to about 1.4 million for its finale from about 3.7 million viewers for its debut. But FX renewed it for two additional seasons, concluding that "Damages" helped further its tradition of stark, stylized shows like "Nip/Tuck," "Rescue Me" and "The Shield." (2010)

Itzkoff's comparison to these other television shows is somewhat problematic because the narratives of *Nip/Tuck* or *Rescue Me*, for example, do not challenge and play around with the temporality of their narratives as much as *Damages*. Like trivial and oftentimes silly daytime soap

operas, the ending of one episode of *Damages* can end with a character inhaling a breath but then start the succeeding episode with that same character exhaling. The time continuation from each episode is so dependent from one moment to the next that an entire season of *Damages* can only offer one conclusion at the season's end, instead of a mini weekly finale at the end of each episode. In comparison to *Nip/Tuck*, for example, on which Drs. McNamara and Troy typically have a showy departure from their office, home, or an anonymous woman's bed, the weekly conclusions of *Damages* are not conclusions at all, but temporary pauses that force viewers to hold our breaths, too, for seven days, until the next episode airs.

> The major distinction between television serials and television series is that in a serial, the narratives continue across episodes, often taking weeks, months, or even years to resolve, and the characters evolve and change over time. In contrast, the characters in a series remain fairly stable, with little growth or development, and each episode contains an independent storyline that is typically resolved at the end of the show. Theoretically at least, episodes in a serial must be aired chronologically in order for the narrative to make sense… (Bielby and Harrington, 2008. p. 71)

Published just two years ago, and presumably written before *Damages* first aired, these sub-definitions of television serials already seem outdated, as the narrative techniques of *Damages* defies them. Because *Damages*' plot threads typically do not last months or years, and because its narratives certainly do not unravel in a chronological manner, the show itself cannot be compared to many other serial narratives currently on television. The closest television narratives, which are also on cable, and to which the unique serialization of *Damages* can be compared, are *Mad Men* and *Breaking Bad*, both of which also take place every season within a very short time period; are both deceptively plot heavy, but are actually driven by their complex characters; and both do not chronologically unfold to reveal their deceptive characters and intricately woven plots. Other more popular shows like *24* and *Lost* also play around with time and narrative order, but are far more plot-driven than *Damages*' multi-faceted characters allow its narrative to be. John Fiske offers a revised and updated definition: "Serials…have the same characters, but have continuous storylines, normally more than one, that continue from episode to episode. Their characters appear to live continuously between episodes, they grow and change with time, and have active "memories" of previous events (2010: 120). And yet, Patty Hewes, Ellen Parson, Tom Shays, and *Damages*' other conspiring characters don't always have the chance to "live continuously between episodes," because of the writers' rapid need to include their every move in each episode. This disallows any character interaction, confession, or deception to happen off-screen, unlike in most of these aforementioned likeminded serial narratives.

> Certainly, serial fiction offers another layer of anticipation outside the diegetic narrative, as the form of seriality itself is predicated on anticipating the next episode. The producers clearly mine this anticipation through their use of cliffhangers and mysterious revelations within the episodes…gaps in both serial literature and television are productive spaces to negotiate and interpret between the old and the new, previously consumed and forthcoming

installments. (Gray and Mittell, 2007: 32)

This definition of serial television fiction is the most appropriate for *Damages*, considering that *every* episode is a cliffhanger, literally forcing viewers to wait (im)patiently until next week. It's also important to note that *Damages* is more highbrow and universally critically reputable for its storytelling and meticulous factionalizing than some other popular television serials (*24, Lost, Nip/Tuck, Rescue Me*), and thus rather comparable to postmodern literary fiction. Many notable social commentators who scribe literary fiction that can be shelved on the 'postmodern' bookshelf also experiment with these same narrative licenses that *Damages* prides itself for playing with: a non-chronological narrative that eventually jigsaw puzzles itself together; misrepresented character identities that feature a hefty amount of dramatic irony for the reader to relish; classically tormented and theatrical characters who, like hurricanes, blow through a contemporary world that they tend to either demolish or ultimately not survive in; and narratives that can borderline on melodrama yet are set against the backbone of identifiable current events or social commentary that's relatable to an empathetic readership. This hodgepodge of complex narrative techniques that *Damages* shares with many esteemed postmodern novels makes the show 'literary' and 'filmic,' elevating it beyond just a simple television series. "In fact, the long history of storytelling suggests that unspoiled narratives are far less common than spoiled ones – traditional drama and literature often retells well-known source material like myths and history…" (Gray and Mittell, 2007: 17) *Damages* offers a retelling of historical events, albeit fictionalized/factionalized ones, and although its viewers know the real-life outcomes of these events, its narrative still remains unspoiled with enough innovative plot twists that the storytelling itself remains as deceptive as the show's characters.

The severity with which *Damages* destroys its chronology is such a challenge for viewers that, as television critic Ravitz suggested earlier, its complexity might be guilty for alienating viewers and thus losing ratings. Even well-informed, seasoned viewers of *Damages* sometimes must read online synopses if we forget what happened in a prior episode, or especially, a prior season. "'Damages' relies on red herrings and blurred time sequences to confuse the viewer" (Stanley, "TV WATCH," 2010). The first three seasons of the show are all interconnected and all of the characters seem to affect each other in some way, thus requiring the viewer to have not only a history of closely following the show's overall plot, but even to have somewhat memorized the characters' relationships and previous actions. The temporality of the characters and the admittedly confusing world in which they are immersed can understandably be too much for unseasoned viewers or those who attempt to watch the show just once, only to never or occasionally return. This noncommittal attitude is virtually impossible in order to follow Patty Hewes's villainous plotting, as well as the interactions of the other characters. Murders, thefts, conspiracy theory inceptions, physical attacks, verbal arguments, beatings and muggings, car crashes, courtroom victories, extramarital affairs, children conceived from illicit adultery, confessions of love and distrust – all of these dramatic narrative moments are in unordered disarray as per *Damages*' writers. Trying to figure out in what order and time sequencing that the soap operatic events

happened or characters deceived each other is half the enjoyment of watching the show, even if viewers are rarely correct with our guesses or assumptions, especially in regards to time.

> Television's sense of time is unique in its feel of the present and its assumption of the future. In soap opera, the narrative time is a metaphorical equivalent of real time, and the audiences are constantly engaged in remembering the past, enjoying the present, and predicting the future…the future may not be part of the diegetic world of the narrative, but it is inscribed into the institution of television itself: the characters may not act as though they will be back with us next week, but we, the viewers, know that they will. The sense of the future, of the existence of as yet unwritten events, is a specifically televisual characteristic, and one that works to resist narrative closure. (Fiske, 2010: 117)

This experimentation with temporality – that of time, place, and character whereabouts, and in *Damages*' particular case, that of historical recreation – as well as the proudly melodramatic nature of the characters and their actions, fashion *Damages* as both serially innovative and stylistically postmodern. While we as viewers may not necessarily be able to predict the characters' futures on *Damages*, we are able to 'one-up' them because, as per the writers' allowance of dramatic irony, we know more about the fates of Patty Hewes, Tom Shays, Ellen Parsons, et. al., than they themselves know. Rose Byrne, who plays Ellen Parsons on the show, initially disapproved of the supreme amount of dramatic irony with which the show's writers supply their viewers for Ellen. "…'the audience knew more than Ellen,' she said, 'so she kind of came off stupid, because everyone was one step ahead of her… [Season 3 has] been a lot richer for me'" (Itzkoff, 2010).

Watching *Damages*, we know how certain characters are murdered far before we know when, and in most cases, we know long before these characters themselves find themselves in danger. We witness lusty affairs impassioning before our eyes but are clueless as to how the characters involved ended up together in the bedroom; sometimes, we see two people romantically involved in the future who, in the present, have not yet even met. *Damages* treats us to bloody corpses, totaled automobiles, and crime scene evidence found in dumpsters, all before we have any initial information with which to piece together these clues. *Damages* turns us as viewers into the best attorneys the show has to offer, all the while dramatically and ironically alienating the characters from each other. Most often, though, Patty still seems at least one step ahead of even viewers' knowledge of *Damages*' complex plot structures, but even her character is provided with lapses of dramatic irony during which we're permitted to know tiny narrative snippets of Patty's future. "In contemporary narratively complex shows such variations in storytelling strategies are more commonplace and signaled with much more subtlety or delay; these shows are constructed without fear of temporary confusion for viewers" (Mittell, 2006: 37). This temporary confusion, however, is precisely the viewing enjoyment with which *Damages* taunts its viewers. And, although *Damages* is not a soap opera by intention, and although I prefer the label 'melodrama' instead of 'soap opera' to describe the show, multiple critics suggest that because of its hyperbolized tone and the desperation of its characters that it verges on soap operatic narrative devices. The oftentimes outrageous reactions of Patty Hewes and her counterpart characters often rival those

of classical characters in Greek drama. Still, other critics suggest that the narrative complexity of soap operas, if heightened from simplistic daytime television, as *Damages* is of a higher caliber, is not a negative genre in which to be placed. Bielby and Harrington suggest that the dramatically sweeping and interweaving complexity of soap operas' characters – similar to *Damages* – offers a more commendable finished product and a somewhat universal appeal:

> Serial narratives have also been a central nation-building enterprise in all regions of the world, raising complex questions about the impact of imported television on national identities. Finally, the popularity of serial narratives globally coincides with a sustained decline in the popularity of daytime soap operas in the U.S. domestic market, allowing at different levels of the marketplace. (2008: 70)

By this assertion, television serials that border on melodrama or operatic qualities ought to be considered critically esteemed due to their potential for drawing in such a large viewership with their complex narratives, and for their ability to incorporate such a large diversity of intriguing storylines and character relationships.

A Narrative Upgrade of Postmodern Genre 'Mash-up'

If *Damages* is given the seemingly negative label of a 'late-night soap opera,' then one of the foremost complex qualities the show possesses is its genre hybridity. This postmodernist quality of maintaining the ability to offer an organized and suspenseful 'mash-up' of genre is a trait *Damages* possesses that is typically critically acclaimed for postmodern film, rather than for television shows. Many television series are too simplistic or, in the literal sense in terms of programming, too short to offer this genre hybridity. Whereas, in film, narratives that are considered 'postmodern' as per their stylistic combination of genre, are usually acclaimed because of their ability to satisfy these genre necessities simultaneously (see: films directed by Quentin Tarantino, David Fincher, Christopher Nolan, Paul Thomas Anderson, David Lynch). From week to week, *Damages* manages to don multiple genre masks simultaneously:

- a horrific social tragedy, which as mentioned before, features narrative and character arc elements that rival classical Greek drama
- a corporate law family saga headed by all-powerful 'mama' Patty Hewes, and her aspiring attorney 'children,' Ellen, Tom, etc.
- a reimagining of recent news stories and current events, which continues to assist viewers' understanding of these news fascinations in the guise of fiction/faction
- a *who-done-it?* mystery-thriller narrative that is paired with a lawyers-as-detectives tale
- biographical reconstructions of infamous public figures (Bernie Madoff and his family, the Enron spearheads, FBI bosses), which, dependent upon a viewer's understanding or empathy to the real-life person these characters are based on, might even be construed as parody or satire
- an empowered corporate feminist fantasy in the embodiment of both Patty Hewes and

Ellen Parsons, and via their analogous distrust and admiration for each other

- and, a darkly comedic interplay between Manhattan social archetypes and their desires to outdo, best, and sometimes even do away with each other.

While these other genre definitions for *Damages* are more obvious when watching just an episode or two of the show, this last genre, that of black comedy, requires the viewer to have a personal history with the characters, in order to understand their evil humor and suggestive jokes that refer back to prior episodes and seasons. This comedy of (lack of) manners that is injected throughout *Damages* offers biting social commentary about pretentious Manhattan lifestyles, such as absentee parenting (Patty's disastrously irresponsible prep school son who indirectly strives to ruin her life), or the outrageous lengths that rich businessmen go to in efforts to keep their mistresses anonymous. While the laughter that derives from *Damages*' plot lines is often surprising for viewers to find from the show's narratives, the situations that create the humor might even be compared to sensationalist reality television shows that get far better ratings than *Damages*.

> For example, genre has been a key piece of information included in product pitches since the early days of television sales… Genre is a necessary ingredient in successful pitches, whether named explicitly (e.g., "sitcom"), through hybrid reference (e.g. "a cross between action adventure and comedy"), or through now-clichéd reference to other successful cultural texts (e.g., "It's *The Real World* meets Kerouac meets *The Simple Life 2* – in Mandarin.") (Bielby and Harrington, 2008: 78)

Shows like *The Real World* or *The Simple Life*, which are mentioned here, are proudly tawdry with their subject matter and typically asinine 'character' decisions. And while no critically esteemed show like *Damages* would want to be described as a genre mash-up of any of these silly reality shows, which boastfully feature imbeciles flaunting their amoral behavior, the characters of *Damages* are admittedly just as over-the-top. However, while set in a 'realistic' Manhattan, and as paired with more recognizable genres like "legal thriller" or "social drama," the absurdist plots of Hewes and company don't seem as ludicrous as these other television shows. Meanwhile, whenever humor is involved in *Damages*, the show's intellectual characters are usually in on the joke, too. Unlike sensationalist realty shows that attempt to create an allegedly 'realistic' representation of time, place, and character types, the self-aware characters of *Damages* know the satirized or parodized facets of their own characters, their interactions with other characters, and how their actions affect others. It is their self-awareness that makes them more believable. Unlike when viewers are laughing *at* the buffoons of reality television shows, in serials like *Damages, Mad Men,* and *Breaking Bad,* we are laughing *with* the characters instead. This genre mash-up, particularly if humor can be an added bonus within these otherwise somewhat bleak cable dramas, elevates them beyond other television shows and serials that are limited to their own singularly assigned genre label.

In regards to one of *Damages*' more intended or obvious genres, that of the legal mystery-thriller,

Jason Mittell offers in his book about narrative complexity, specifically for this popular genre, which is presently one of the most-watched on television:

> But as in any mystery-driven fiction, viewers want to be surprised and thwarted as well as satisfied with the internal logic of the story. In processing such programs viewers find themselves both drawn into a compelling diegesis (as with all effective stories) and focused on the discursive processes of storytelling needed to achieve each show's complexity and mystery. (2006: 38)

As mentioned in the prior section: *Damages* is a guessing game, so much that the complexity of its confusion for viewers renders it worthless to even speculate what will happen from episode to episode. With many formulaic television shows, every episode unfolds in a similar manner, and typically ends the same way, too (for example: the faithful plot structure of *Law and Order* strategically plays out identically from week to week, allowing even sporadic viewers to immediately hypothesize about the results of each case). *Damages* has so many twists and turns within its mixture of genres that even attempting to guess the outcome seems pointless; however, this impossibility is quite often a main component of the show's enjoyment factor. The over-the-top conclusions that *Damages* frenetically spirals towards purposely *confuses* viewers, and *so very much happens* within a single episode. Even the finales of the first three seasons, for example, did not offer much closure for the temporary seasonal characters, and even less closure for the series' regulars (Patty, Ellen, Tom, etc., with the exception of Tom's death in season three).

> Rejecting the need for plot closure within every episode that typifies conventional episodic form, narrative complexity foregrounds ongoing stories across a range of genres. Additionally, narrative complexity moves from serial form outside of the generic assumptions tied to soap operas – many (although certainly not all) complex programs tell stories serially while rejecting or downplaying the melodramatic style and primary focus on relationships over plots of soap operas… (Mittell, 2008: 32)

Damages has been on for three seasons and still shows no signs of even potential closure. So many plot threads are continued from season to season; some narrative twists in season one are, for example, just starting to make sense in season three, yet finalized, fully-explained answers are not yet offered for these twists (more on this intentional and meticulously planned narrative complexity in the next section).

In regards to my suggestion that one of *Damages'* sub-genres is that of a corporate feminist fantasy, consider the dueling between Patty Hewes and Ellen Parsons, who, although they do not trust each other (no one on this show does), they also know each other better than any of *Damages*' other characters. This squaring off of Hewes versus Parsons was established early-on in season one, and has gotten progressively more intense and multi-layered with each season, namely because of Ellen's quest to uncover many of Patty's personal and professional secrets.

Ellen hates Patty but admires her just as much as Patty knows to keep her enemies closer than her friends. Similarly, while Ellen is unquestionably projected as the more feminized of these two archetypal female characters (i.e. Patty = power-hungry bitch / Ellen = aspiring ingénue), Patty must 'act like a man' to succeed in her cases. She must outsmart all men involved in any narrative thread, and progressively teaches Ellen to do the same, while simultaneously deceiving her, and viciously meddling in Ellen's personal life. In turn, Ellen respects this about Patty, but consequently does not want to mirror her boss's persona; Ellen idolizes Patty without idealizing her. "In making Patty so implacable, the show makes the character extremely unlikeable, even possibly unredeemable, in a way that a male lawyer would not be… We expect women to be kind and understanding and certainly not to put others in harm's way" (Corcos, 2009: 269).

Other popular network television shows that tend to be far more simplistic or clichéd in their approach to plot and character – such as *Private Practice, CSI, Law & Order: Special Victims Unit* – present female characters who have achieved some level of success or respect in a career-driven world where gender is of seemingly no concern. These female doctors, detectives, lawyers, surgeons, et al. make snappy decisions, have other female followers and young males chasing after them, and 'wear the pants' in their own respective fictionalized serial. Patty Hewes, however, is an extremist case of an all-powerful fictional female character, not only because she is (as mentioned previously) based on truthful culminations of real-life women, but also because she is quite literally the God of Manhattan, as far as *Damages'* narrative is concerned. Most male characters know she is ruthless and unforgiving, which is rare for female characters, and apparently unacceptable for most TV viewers' tastes, as displayed by *Damages'* dwindling ratings. As per the show's writers, any male character who challenges Patty winds up either (a) dead, or (b) emasculated, the latter of which is typically presented as a worse scenario.

> …Patty Hewes, is more extreme on both ends: she's cruel, Machiavellian, dogged, charming, and dangerous. At the same time, she's vulnerable, precisely because of her hard-charging ways—she's a target of those she has gone after and brought down. In the second episode, when she receives a package at her office—and it is her office; she's the head of the firm—we find out just how vulnerable. (…in this case, however, the character appears to deserve most of what she gets.) (Franklin, 2007)

Infused amongst the other genres that *Damages* collectively maintains, this corporate feminist fantasy successfully appeals to viewers who can relate to Patty, or to Ellen's 'less masculine' legal world ingénue. Either female character can be seen as empowered, since the males in the show rarely fare well. In season three, even Tom Shays, who is essentially viewed as Patty's successful substitute son, is murdered (in her interrogation scene at the police station, Patty even proclaims "Tom is family"). The majority of the males on this show die by unfortunate circumstance, are imprisoned, are emasculated in court, and most all, murdered – even if they did nothing wrong. While gender empowerment is only rarely discussed between Patty and Ellen, when Patty gets her finely manicured fingers ahold of the male characters, the 'bad' men

are punished, while the 'good' men are often already victims of the bad men…but Patty is already busy rectifying all of these illegalities or amoral actions, to avenge these 'good' men.

Narrative Complexity's Promotion of Cerebral and Emotional Intelligence

Media theorist John Fiske suggests that "Television viewing is more interactive than either cinema spectating or novel reading and consequently its narratives are more open to negotiation. The segmented, fractured nature of television, its producerly texts, and its active audiences, come together…" (2010: 119) Just four years prior, Stephen Johnson's book, *Everything Bad is Good For You*, broke down into categories (television, film, videogames, and a surprisingly brief section on internet social networking) these realms of popular narratology. A summation of Johnson's book is that complex popular culture narratives – like *Damages* – now have the capability of making television viewers genuinely smarter, since we must follow a challenging, interwoven tangle of narrative threads simultaneously, as opposed to more simplistic television series from generations past. Johnson used innovative series like *The Sopranos, Six Feet Under,* and even the early-1980s serial *Hill Street Blues*, to illustrate his points of the increased viewer demand of narrative threading (Johnson, 2006). Thus, Fiske's work, and other writers whose content is synonymous, and who also scribe about the process of popular narratives' indirect, almost sneaky, attempt to increase viewers' intellectual capabilities through storytelling, perhaps build off of Johnson's intensive studies.

"[Narrative] complexity has not overtaken conventional forms within the majority of television programming today – there are still many more conventional sitcoms and dramas on-air than complex narratives (Mittell, 2006: 29). Although Mittell's quote was published in 2006, before shows like *Damages, Mad Men*, and *Breaking Bad* had initially aired, it is still true for today's television viewership that many of these 'conventional sitcoms and dramas' tally higher ratings *because* of their simplistic narrative forms. This same high ratings hypothesis is true for the aforementioned reality television shows; these programs are comfortable for lackadaisical viewers who don't necessarily want to be challenged by complex storytelling, factionalized news stories, or characters who are based on infamous social truths and/or public figures. Many television critics like Fiske, Johnson, and Mittell, however, argue that millennial television viewers crave if not expect narratives to be more complicated nowadays, and that the most coveted narratives are indeed cerebrally challenging ones. Even shows like *Lost* or *24,* for example – which are fictional rather than intentional social commentary like *Damages* aspires to promote – present brainiac puzzles for their viewers, requesting if not requiring that their viewers guess about what will happen next. Moreover, viewers of these shows are also required to possess a library of knowledge to maintain interest in them; watching narratives as complex as these requires encyclopediac memorization skills.

About a year ago, I overhead two television watchers on a Manhattan subway, talking about their viewing pleasures. One professed that he was a *24* fan while the other proclaimed his love for *Lost*. They sparred sarcastically about their own respective loyalty to these serials, jesting that one show was better than the other, but both agreeing that regardless of programming content

or changes in the show, they were each invested – emotionally and psychologically, as well as physically planted on their sofas – for the long-run, since they had spent years of their lives attempting to solve the puzzles that the narratives of *Lost* and *24* seasonally presented to them. They also joked that they could not possibly commit infidelity on their beloved chosen show, by watching one of its competitors. This is, of course, not to say that television viewers can only intellectually handle one television serial that is of a complex narrative nature. Rather, much like Johnson's claims that television narratives are making us smarter, or at least requesting more commitment from us, it is true that we as viewers must remain absolutely faithful to our chosen serial(s), in order to empathize with its characters, and, literally speaking, know what is happening. The interaction of 21st century serial narratives like *Damages* require us to not miss a single episode, the impossibility of which would negatively impact not only our understanding of the show's plot, but badly hinder our committed relationship to our chosen show. No longer can we just casually tune into television serials since they are so intense and narratively complex; we must be married to a particular show. Although, thanks to DVR and Tivo, polygamist marriages to multiple television serials are allowed for viewers who can 'handle' the cerebral narrative challenge.

These narratively complex shows seduce us to formulate hypotheses of the characters' fates, who will outdo whom, and how episodes and even entire seasons will conclude, albeit most times with a lack of closure. "A good story can be a well-told tale, but it can also be a puzzle and a challenge, an object to be marveled at (directing focus to the well-told tale's actual *telling*), a familiar space, a complex network to be mapped, and a site to stimulate both discussion and the proliferation of textuality (Gray and Mittell, 2007: 34). This 'narrative as puzzle' disguise hooks in faithful viewers, in efforts to maintain annual ratings. More importantly, the challenges of keeping up with a television serial's characters' tribulations and interactions typically promotes a sort of emotional intelligence requirement that other conventional shows do not require. My accosting an actor on the street about his fictional character, for example, proves that I must possess an 'emotional intelligence' which I have empathetically employed to 'save' Ben Shenkman's D.A. character. This empathy from me as a viewer has derived from an apparent psychological connection to Shenkman's character because his role in season three of *Damages* was the 'good guy,' prompting me assign my viewership loyalty to him rather than to Patty Hewes or any of the other corrupt characters. The plots of shows like *Damages* challenge viewers intellectually, in the guise of brain-teasing puzzles, while the character arcs and oftentimes melodramatic character reactions to certain situations beg viewers to empathize with the characters, thereby requesting us to also use our emotional intelligence. This fully conceptual activity, extensively employing both the prefrontal lobe's analytical and logical part of the brain and the hypothalamus's emotional portion, is a rare intellectual experience that not many television programs can boast.

It is understandable, and equally unfortunate, that these serials which feature such high narrative complexity and require so much from viewers, tend not to last many seasons, due to the American viewing public's preferences. "Audiences tend to embrace complex programs in much more passionate and committed terms than most conventional television, using these shows as the

basis for robust fan cultures and active feedback to the television industry (especially when their programs are in jeopardy of cancellation) (Mittell, 2006: 32). This suggests that while some viewing audiences embrace narrative complexity like *Damages* features, viewers who watch television for purely escapist reasons, or perhaps not to engage in entertainment on an intellectual level (be it cerebrally or emotionally), outnumber those who do covet narrative television's complexity.

Although *Damages* has moved from FX to DirecTV, the definitive relocation of which remains to be seen or proven effective, like other critically acclaimed shows that struggle in the ratings *because* of their narrative complexity (such as HBO's ratings-faltering *Treme*), its staying power appears rather grim. *Damages*' reputation, after all, now proceeds its ability to obtain additional viewers, a feat that seems somewhat impossible unless curious viewers tune in to watch seasons one through three on Netflix, where the show is offered via Instant Queue.

> …"Damages" had to address a predicament that all serialized shows — even those that are less intricate — must face: How would it hold on to an audience from episode to episode and still maintain a frenetic weekly production schedule? To answer this, its creators evolved an off-the-cuff writing style that has enthralled and alienated viewers while it surprises, baffles and aggravates its cast. (Itzkoff, 2009)

Only undyingly faithful viewers of such serial programs prevent these serials' deaths, in hopes that their questionably off-putting narrative complexity does not *overly* 'baffle' or 'alienate' its viewers. The extremist situations in which Patty Hewes and Ellen Parsons will find themselves during season four will require previous viewers of *Damages* to hope their note-taking skills and/or memories are infallible. For similar serial narratives with such intricately interwoven plot threads, new viewership becomes increasingly difficult as these series continue into new seasons. For *Damages* in particular, the confusion of its characters' meddlings against each other alienates viewers who have no historical relationship with these characters and their interactions. With *Damages*' purposeful narrative puzzling,

> If you think you understand a character's motivations or values on this show, think again. If a character seems vaguely principled, he's probably bad news. If a character seems to have pure intentions, she's probably a narc or a spy or a vengeful former lover. If a character's actions seem spontaneous, he's probably been planning this move for years. In the topsy-turvy, deeply corrupt universe of "Damages," everyone is calculating and everyone is dangerous. (Havrileseky, 2009)

Regardless of *Damages*' future success, similar to that of other narratively complex television serials, creator Kessler and his team of writers must decide carefully if they want to revamp the show to encourage new viewership, or if they instead wish to cater strictly to viewers who have invested three years of intrigue. Although it remains to be seen what ultimate fate such complex television narratives face in an increasingly attention-deficit viewing entertainment marketplace, hopefully intellectual-minded fans – cerebrally and emotionally intelligent alike – will continue demanding such highbrow television programming. In terms of television serials' level of quality,

only shows like *Damages*, with their carefully tangled narrative threads and intensive character arcs, are capable of developing such multifarious characters as Patty Hewes. Simplistic television series, or even some serials, that undermine viewers' intellectual capacities, would not be able to tame Patty Hewes's Herculean personality. These monumental characters need such complicated shows for themselves, too, but in the end, they need viewers just as much.

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