

Myth and Law in the Films of John Ford

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This paper discusses the image of law, how it is created, the relationship of law and authority in its application and its effect on society as portrayed in the films of John Ford, one of America's important film-makers during the first three-quarters of the twentieth century. The focal point of this study is three films exploring the past of the United States of America. Young Mr. Lincoln (1939), a biographical picture about the early years as a lawyer of the later president, and – as Ford is most typically associated with the making of Westerns – The Searchers (1956) and The Man Who Shot Liberty Valance (1962), which, as well as being two of his most acclaimed films, are also considered as highly important in the genre. The films are concerned with the establishment of law and the question of legitimacy. The two broad ways of the development of law are the subject of the first two films, presenting an imposing, unquestionable law-giver on the one hand and, on the other, the operation of custom, which shows the organic creation of social rules within a society. The third film confronts the two ways, showing the different assumptions about the inherent qualities of the law. Myth in this context has a dual function: as a reservoir of visual and/or content pattern but also on the narrative level causing calculated semantic effects. As Ford was a director with his distinct vocabulary of visual style and narrative terms, his films demonstrate a specific use of myth-making techniques, its connection with the inscription of certain values into law as well as a critique of this process.

INTRODUCTION

I would like to explore the issue of how the law-making process is represented in a John Ford film and how law is established and for what purposes. What is the effect of the law on the societies in which it is implemented, what relation exists between society and those who bring the

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law? What role does violence play, as a reason to establish law, as a means of enforcing it, and as to its content?

John Ford saw himself primarily as a director of Westerns but as he was an *auteur* and not merely a genre director, he had his own approach to transcending the limitations of the genre with his films. His Westerns, situated in different locales, though mostly filmed in Monument Valley, range in time from the late eighteenth century to the late nineteenth century and cover all major topics important in that type of film. Even if Ford seldom used historical subjects his films can be assigned to certain periods or incidents, forming a kind of chronicle about the settlement of the West. His body of work is as complex as it is contradictory but a development is ascertainable, indicating increasing pessimism and uncertainty and also a revision (in part) of former attitudes.

Law was seldom the explicit topic of his films, but Ford was always interested in describing certain aspects of the functioning of society. For this purpose he often used the rural community to act as a microcosm embodying the tradition and the plain moral values of the pioneering life in nineteenth-century America. So the initial conflict lies between the law as written word (coming usually from the East) and those values and rules established in the community. Further, it represents the conflict between the natural law and codified legislation. It is also the conflict between the two forms of the genesis of law. On the one hand law is seen as imposed upon society by an authority standing high above and issuing downwards its commands; on the other hand, law is regarded as developing within society, being spontaneous and growing upwards, independent of any dominant will.¹ So Ford questions the legitimacy of law (tracing its reliance on religious faith and moral ideas) but also describes its formative effect on societies, bringing progress by transcending tradition.

FORD AND MYTH

John Ford was often called a mythical director and indeed his films were epic, often slow-moving, to the point of meandering, original and simplistic in their narrative, and include elements from ancient myths: the solitary hero torn between fate and determinism, the wise fool, the young man facing initiation, the sacrifice which must be made for the community. He most often deals with societies at an early stage of development, less complex and characterized by custom, service, and tradition. He uses the mythical narrative pattern of the hero's travel to express the shaping of character. His transcendental directing style evokes a spiritual element from the landscape, which is often the seemingly artificial, theatrical natural scenery of Monument Valley. Myth, however, contains not only (narrative) form but also a semantic dimension.

1 C.K. Allen, *Law in the Making*, (1964, 7th edn.) 1–2.

Ford uses myth, various techniques of formal or narrative pattern, to form a synthesis out of contradictions, to mediate a specific content. In this way myth, to Ford, is an indirect way of narration, depending on symbols as a common reservoir of previous knowledge. This process can be described using the structural myth theory of Claude Lévi-Strauss, who explained myths ‘... as a form of narrative mediation of cultural significant antagonisms.’² The ‘master antinomy between culture and nature’³ is set in a relational proportion, a process formulated first by Rousseau, who suggested a reintegration of culture in nature.⁴ This mediation is performed by the Fordian hero, who is described by Gallagher as ‘... perceiving that myths (even defective) are necessary to sustain us, [he] seeks to mediate between myth (repressive order) and reality (chaos), in order, by purifying myth, to revitalise society.’⁵ Thus, the Fordian hero operates as a ‘Trickster’, who brings mythical contradictions to light and then, gradually, mediates them.⁶

All of the three films to be dealt with here, are concerned with the ‘birth’ of a legal order, reflecting the questions of its sources and the way of its growth. In this way Ford uses the semantic figure of the Trickster in the first film, *Young Mr. Lincoln* to draw a picture of an ideal law that includes natural law. This shows the assumptions necessary to secure the power of law in a secular founding act – which is re-staged in a symbolic fashion. In addition there is an infusion of authority in this ideal law’s visual representative. It signifies the natural law’s endeavour ‘... to “justify” the means through the justness of the purposes ...’,⁷ to include the fundamentals and requirements of a developing civic society. In the second film, *The Searchers*, it is used to exemplify the ideal of the self-purifying power of a society marked by custom – abandoning both the authority of a single lawgiver and the presence of a natural law principle. In *The Man Who Shot Liberty Valance*, the two ways of creating and enforcing law clash, and myth is exposed as an element of establishing law that also hides its real sources.

In his Westerns Ford describes a state of society more simple and comprehensible but also subjected to far-reaching changes. His films deal with transitional periods in which individual as well as social relationships are shifting. Ford often describes a form of passage,⁸ visualized fittingly with the symbol of the doorstep, distinguishing the old social system from the new. These changes are regarded as necessary for the process of civilization

2 R. Parr, ‘Zwei Seelen wohnen, ach! in meiner Brust’: *Strukturen und Funktionen der Mythisierung Bismarcks (1860–1918)* (1992) 18.

3 C. Lévi-Strauss, *Mythologica Vol. III* (1976) 196

4 C. Lévi-Strauss, *Strukturelle Anthropologie Vol. II* (1975) 45–56.

5 T. Gallagher, *John Ford: The Man and His Films* (1986) 479.

6 C. Lévi-Strauss, *Strukturelle Anthropologie* (1967) 247.

7 W. Benjamin, ‘Zur Kritik der Gewalt’ in *Walter Benjamin Gesammelte Schriften II.1*, eds. R. Tiedemann and H. Schweppenhäuser (1977) 180.

8 Gallagher, op. cit., n. 5, p. 384.

but also lead to personal wounds and losses. Superficially the transformation follows the line from chaos to order.⁹ Ford, however, sees the former state just as a form of different order, an order, though clearly described as mythical, which is highly ambiguous. Only the certainty of the former preceding the latter is expressed without any value judgement. Thus Ford shows that no matter on what rational assumptions the positive law is based today, the founding act of law, it is subjected to a kind of mythical cause of (higher) authority – especially in the United States of America as a secular nation, lacking an absolute monarch. The figure worthy enough to impersonate the ideal of the law is, for Ford, Abraham Lincoln, who was described by someone who knew him as ‘the greatest character since Christ’.¹⁰

FORD AND LINCOLN

Abraham Lincoln always stood at the top of Ford’s hierarchy.¹¹ The most extensive depiction of Lincoln by Ford was his 1939 film, *Young Mr. Lincoln*, made during a stage in Ford’s career when the view of the American past was still mainly affirmative. The film, however, is not a conventional portrait of Lincoln. It is more a parable in which the figure of Lincoln is used to perform special functions, ascribed to him. Superficially, *Young Mr. Lincoln* can be placed in the tradition of the then popular genre of biographical pictures (biopics) which spread during the second half of the thirties, usually painting idealized portraits of famous historical individuals.¹² From its content alone, however, *Young Mr. Lincoln* distinguishes itself from most other biopics by the fact that it did not depict any historically important incident in Lincoln’s life, leaving the political dimension – with two exceptions – almost entirely aside. It is not another writing of a myth constructed around the historical person of Lincoln. Those myths were already in existence and referred to but absent from the film.¹³ The central focus of the narrative is, rather, a definition of certain ideal qualities of American law, for which Lincoln is, in Ford’s eyes, the best representative.

9 The master antinomy in Ford’s films according to T. Gallagher (id., p. 476).

10 J. Richards, *Visions of Yesterday* (1973) 234.

11 Gallagher, op. cit., n. 5, p. 10.

12 An important (but unsuccessful) film about Lincoln had already been made in 1930 by D.W. Griffith. The beginning of the biopic wave in Hollywood can be dated from 1935 when German émigré film-maker William Dieterle made *The Story Of Louis Pasteur* and followed that success later on with portraits of Emile Zola, Benito Juarez, Paul Ehrlich, and Julius Reuter. While other Hollywood directors concentrated more on American personalities the fashion spread to other countries. And all those biopics were designed to feature a clearly recognizable contemporary message.

13 On the other hand it must be admitted that this foreknowledge is why Lincoln is chosen. It is his historical position (at least that in the folk memory) in combination with Ford’s personal admiration as well as the authority arising from his tragic death that makes him the ideal protagonist.

The film was criticized for disguising historical facts in favour of 'a rewriting of the historical Lincoln figure on the level of myth'¹⁴ in a famous article of the *Cahiers du Cinéma* first published in August and September 1970. In their structural analysis, the *Cahiers* emphasized that a constitutive narrative gap led to an overdetermination of the plot and a superseding of politics, thus producing the mythological (ideological) effect.¹⁵ On the other hand the *Cahiers* recorded detailed characteristics ascribed to the law through mythical fashion (valued as a 'continuation of every idealistic depiction of the law as statement and procedure of a moralising condemnation of any violence.')¹⁶

In criticizing both the myth-making processes with regard to a) the quality of law and b) as to the suppression of history, the *Cahiers* not only confuse two different kinds of myths but also negate the specific qualities of Ford's *mise-en-scène*. Therefore two points must be taken into consideration: what function has the Lincoln figure in the narrative of *Young Mr. Lincoln* and what is the function of Lincoln in other Ford films?

The figure of Lincoln is indeed more often used by Ford than any other real-life character. He appeared in seven films made over a period of forty years.¹⁷ With the exception of *Young Mr. Lincoln*, however, Lincoln is not the main character in these films; in fact he enjoys very little screen time and in *Sergeant Rutledge* he is not seen at all, only mentioned via dialogue by one of the black soldiers. The *Cahiers* said about these productions that 'every film refers to a single aspect of the composed personality or the complex historical role of Lincoln, which in this way appear as a universal term of reference applicable on different kinds of situation.'¹⁸ In fact, in every film, Lincoln appears at a crucial point of the story and with a specific function in the narrative. More importantly, on the formal side, a kind of sublimation is evident: in the early films Lincoln was impersonated by an actor, in later ones, like *The Man Who Shot Liberty Valance* and *Cheyenne Autumn*, a portrait is enough to mediate a certain content.¹⁹ Thus Lincoln

14 W. Fluck, *Young Mr. Lincoln: Der Text der Cahiers du Cinéma und der Film von John Ford* (1978) 11.

15 id., pp. 12–3.

16 id., p. 43.

17 The films were: *The Iron Horse* (1924), *The Prisoner Of Shark Island* (1936), *Young Mr. Lincoln* (1939), *Sergeant Rutledge* (1960), *The Man Who Shot Liberty Valance* (1961), the Civil War episode in *How The West Was Won* (1962), and *Cheyenne Autumn* (1964).

18 Fluck, op. cit., n. 14, p. 11.

19 In *Cheyenne Autumn*, for instance, the US Secretary of the Interior, Carl Schurz (Edward G. Robinson), hesitant of letting the Cheyenne nation go home to Dakota or to relocate them with military force back to the Oklahoma reservation, looks, in a beautifully composed shot, at a Lincoln photograph, his own face mirrored in the glass in front of the picture, asking his dead friend what to do. Naturally Schurz decides against military violence in favour of the humanitarian resolution.

becomes more and more an icon, a symbol used by Ford to represent certain abstract terms like idealism, human rights, equality or consciousness.²⁰

The *Cahiers* concede the specific function of Lincoln in these films but insist that in *Young Mr. Lincoln*:

Lincoln himself becomes the protagonist of the fiction and for that reason can't be inscribed as a Fordian figure but for the sake of a certain amount of distortions and mutations (referring to the narrative first and from this to the historical truth).²¹

This distinction, however, seems only plausible if one ignores the use of *dramatis personae* by Ford as mere symbols '... deprived of individuality in favour of embodying the virtues of a society ...'²² and that those '... tendencies toward stylization match his inclination to treat people as archetypes and quotidian events as sacred ritual'²³ so that often the key figures are not only alienated from their contemporaries but from the narrative itself.

A contemporary film critic noted that:

If names like Ann Rutledge, Stephen Douglas, Mary Todd and John T. Stuart weren't given to the characters, 'Young Mr. Lincoln' would pass simply for the story of a young lawyer in the frontier days of New Salem and Springfield, Ill. ...

but on the other hand 'discovered' the '... many holes, dramatically and historically.'²⁴ So, if Ford uses the process of myth-making to connect values with the figure of Lincoln, he also distances the recipient from that figure and stresses aspects that would not let this figure appear 'real'. Instead he constantly isolates it from the rest of the people, falling back on Christian iconography and symbolism, to underline the symbolic content of the ideal.

The accentuation of the signifying quality of the visual signs, an extension of meaning on the level of iconography is stressed a second time through the reduction of the narrative level, which has been described as a 'breakdown of the fabula'.²⁵

20 The use of the image of Lincoln (as well as the Lincoln image) became a standard in American courtroom films. Not only that Lincoln portraits or sculptures can be found in countless courtrooms or lawyers' offices the presentation ranges from Lincoln on a coin in the opening credits of *To Kill A Mockingbird* (1962), in which Gregory Peck appears as a lawyer with 'Lincolnish qualities', to *A Few Good Men* (1992), in which the Lincoln Memorial can be perceived in the background just at that moment when the careless lawyer (Tom Cruise) decides to fight for justice.

21 Fluck, op. cit., n. 14, p. 11.

22 J. Baxter, *John Ford* (1971) 19.

23 Gallagher, op. cit., n. 5, p. 478; note also the quote of Jean Marie Straub calling Ford the most 'Brechtian' of all film-makers, on pp. 477 and 494–5.

24 V. Wright, *Lincoln in Fancy* in Fluck, op. cit., n. 14, p. 183.

25 H. Bitomsky and M. Müller, 'Gelbe Streifen Strenges Blau: Passage durch die Filme von John Ford' (Part one, 1978) 258 *Filmkritik* 283, at 287.

The gaps, the incompleteness, the paradigmatic insertions injure the fabula in a way that it can't function as one anymore. That means it fails as a metaphorical simile for something outside of itself.²⁶

From this dialectic Ford derives an allegorizing effect: '... the incarnation of the Law and of America.'²⁷ So the Lincoln figure in *Young Mr. Lincoln* is not so much a glorification of a historical figure but a humanization of a symbol and its repositioning on a historical person. In other words, it is not merely Lincoln who becomes mythical but the law itself. This narrative process of abstraction, is effected by a form of visual presentation that often leaves the Lincoln figure in the centre of the frame, or in a generally domineering position, but primarily alone, unable to establish contact to those around him. In this way *Young Mr. Lincoln* marks a kind of starting point in Ford's examination of law, its development, use, and social functioning.

YOUNG MR. LINCOLN

The first part of the film describes the founding myth: after Lincoln (Henry Fonda) received, amongst other books, *Blackstone's Commentaries* in exchange for some goods from a pioneer family, the scenery switches immediately to a medium-close shot of Lincoln reading the commentary, humbly remarking 'Law!'; he repeats this exclamation accompanied by dissolve which shows him lying in the forest, his long legs leaning against a tree stump in a surrounding of a peaceful landscape. In this rather peculiar position he is discovered by Ann Rutledge. Next the two are wandering under old oaks alongside the river and Ann is trying to persuade Lincoln to finish his education in Jacksonville college. Suddenly Lincoln throws a stone into the river and [dissolve] the sun-drenched water transforms into a grim one with ice floating on it. Lincoln, alone now on the same way as before, reaches a little graveyard with a tombstone bearing the name of Ann Rutledge. While he is putting the first spring flowers on the grave he speaks with Ann about his future. He grabs a bough declaring if it falls to her direction he will go to study law, if not, he will stay in the village. The bough falls on Ann's side but after a moment of silence he concedes that he may have directed it to her direction.

This sequence shows the emergence of American law. First Lincoln is gifted the law book from the illiterate pioneer family, glad to see the book in good condition ('the law is indestructible'²⁸). Thus Ford demonstrates the '[...] handing over by the people of the custody of the Law to their chosen Leader',²⁹ the establishing of a form of representation that is not dependent

26 id.

27 Richards, op. cit., n. 10, p. 275.

28 Fluck, op. cit., n. 14, p. 20.

29 Richards, op. cit., n. 10, p. 278.

on a federal government. It places the natural law as its basis, presenting nature as the fountain of ideal order. To Ford it is nature and, therefore, the natural law which reveals the divine rules and the Lincoln figure encapsulates the contradiction between secular law and divine power. '... Law and innate intuitive knowledge are one with nature ...'.³⁰ The reference to history, however, and the future role Lincoln would have to play, break into the abstract idealism of this parable, giving the whole narrative a new direction and infusing it with a mythical quality of the law that supersedes legitimacy through authority.

The supposed historical role of Lincoln as the mediator between the natural law of the Declaration of Independence and the Constitution, which added the previously unmentioned protection of right of property to the rights of the individual,³¹ is already suggested here, when he reads – in the above-mentioned scene – in *Blackstone's Commentaries*:

The law is the right of a person to life, reputation and liberty, the right to acquire and hold property. Wrongs are violations of these rights.

In this way he subsumes the right of ownership under the basic principles of the natural law. The subordination of this law under the authority of natural/divine rules constructs a fiction of justice, which dissolves the tension between justice and its '... execution in the form of law, legitimacy or legality ...'.³² The law establishing and justifying authority, as a mythical authority,³³ avoids the question of the inherent violence of the law in form of a natural law, which assumes the justness of all natural causes.³⁴ In this respect it disguises '... power as the principle of all mythical establishment of law.'³⁵

Secondly the reference to the right to hold property, in conjunction with the election speech at the beginning of the film, has a mediating effect on economic and political topics. The election speech, containing protectionism of customs duty and the national bank (the programme of the Whig Party in opposition), which 'is exactly the programme of the developing American capitalism ...'.³⁶ is contrasted with the Lincoln figure as an incarnation of 'populist',³⁷ values standing for a Jeffersonian ideal of an agrarian individualism and against centralism and 'big business'.³⁸ This contradiction is solved by an avoidance of any further recourse by the Lincoln figure to politics, rather, establishing a moral order superior to all politics through the

30 Gallagher, op. cit., n. 5, p. 167.

31 D. Gerhard, *Abraham Lincoln und die Sklavenbefreiung* (1965) 7.

32 J. Derrida, *Gesetzeskraft: Der 'mystische Grund der Autorität'* (1991) 44.

33 Benjamin, op. cit., no. 7, p. 199.

34 id., p. 180.

35 id., p. 198.

36 Fluck, op. cit., n. 14, p. 15.

37 See, for ideology of populism, Richards, op. cit., n. 10, pp. 222–33.

38 Fluck, op. cit., n. 14, pp. 83–4; see, also, Richards, id., p. 231.

‘... intimate relationship to law and a (natural and/or divine) knowledge about good and evil ...’.³⁹ Lincoln thus embodies moral purity unaffected by political decisions or interests. In this way the *Cahiers* are right to assert that ‘... the whole film is a superseding of politics through morality.’⁴⁰ This is an element common in many a Ford film along with the moral integrity and even purity of the usual Fordian hero. This fact is important in that way, as all qualities of law later on must be seen against the background of this moral ideal.

After Lincoln received the law from the pioneer mother, a series of oppositions is introduced into the narrative: country versus city, high society versus lower class, education versus simple-mindedness, chaos versus order. In every case Lincoln (= the law) works as a mediator and – in the last case – as an authority, illuminated with a sparkle of almost divine determinism and faith. The Christ parallel is stressed with Lincoln’s arrival in Springfield, riding on a mule and by his quoting of the Sermon on the Mount to tame a lynch mob.⁴¹ So the primary social function of law is here to unify society thus following the natural rights approach which makes its origin not a case of particular interests but of all relevant power. The function is furthermore to establish the authority of the law in society. This is performed by the Lincoln figure in the second part, to a degree, and, fully, in the third part of the film.

After Lincoln reached Springfield he had to handle his first case of two feuding neighbours, arguing about debts and compensation. Since one of them did not pay the sum due he got a beating from the other. That is why he demands compensation of the same amount as the debt. Lincoln declares the claims as nearly the same leaving a small difference, which he demands as his pay, threatening his sceptical clients with physical violence (‘Did you fellas ever hear ’bout the time I butted two heads together?’⁴²). In appearing as a crafty, mischievous mediator ending the conflict, a real Solomon, he expresses the ideal order of law in finding a fair balance, a judicial insight that comes to him quite naturally.

In this way Ford stresses the connection between law and force (power) and the different, albeit conjunctive, quality of its introduction and its practice. He shows:

that law is always a power which one has granted, which is authorised, which is approved and justified, a power, which is through its use justified or justified through its use ...⁴³

This dual function of the law, being accepted because of its origin from a higher authority and as an instrument of social organization containing an

39 Fluck, id., pp. 15–6.

40 id., p. 21.

41 Richards, op. cit., n. 10, p. 278.

42 A.J. Place, *The Non-Western Films of John Ford* (1979) 53.

43 Derrida, op. cit., n. 32, p. 12.

authority of organized force is also shown in the third part of the film while the progress of the second part laid emphasis on the unifying function of the Lincoln figure. It places him in Fourth-of-July celebrations of the plain folk and later in a ball in the elegant house of his future wife, Mary Todd, thus proving that he is a man of the people but also one who can cope with the protocol of high society.

The third part, at least, contains a great courtroom scene with Lincoln defending two brothers accused of murder. The killing took place in the evening of the Fourth of July and two young men are arrested for the deed. They turn out to be the two sons of the pioneer family, the Clays, who happened to hand the law book to him a long time ago (the sons were only little boys then). An attempt at lynching the two young men by the townspeople is prevented by Lincoln, again demonstrating the influence of law on social and on individual behaviour, as well as the power lying in its enforcement. The trial starts with nearly all, except Lincoln (the law), against the Clay family. This trial sequence again shows Lincoln acting with incontestable authority and as the great unifier. The authority is also expressed on the formal level, placing Lincoln in the center of the frame or letting him stand or move in a way that he is dominating the scenery. The unifying quality is emphasized in the course of the trial with his refusal of a questionable plea bargaining to save one brother but having the other sentenced to death. 'Because Lincoln is Right he can accept no compromise ...'.⁴⁴ He furthermore demonstrates 'in the selection of the jury ... that only the quality of the people can bring justice'.⁴⁵

Principally, however, this sequence clearly shows the kind of quality law must have to be enforced and expressed like this. Lincoln, shown so far as, despite his profession, not being dependent upon logical, rational, knowable precepts,⁴⁶ defines his standpoint against that of the pedantic prosecutor with the sentence 'I may not know much about the law. But I know what's right and what's wrong.' So again Ford takes up the theme of the force inherent in the law. He shows that:

there is no applicability or enforceability of law without force, no matter if it is immediate or not, if it is physical or symbolic, outer or inner, compelling or regulative force, if it's brutal or in a subtle way discursive and hermeneutical and so on.⁴⁷

He also presupposes that the force of the law is only right (and adequate) in the service of justice. He finds this justice in the rigorous moral idealism of the natural law. So if the conflict in the courtroom scene is that of the rational legal authority of the positive law versus the enforcement of the natural law, Ford is opting for the latter, because 'the reference to the means

44 Richards, op. cit., n. 10, p. 275.

45 A. Sinclair, *John Ford* (1979) 91–2.

46 Place, op. cit., n. 36, p. 54.

47 Derrida, op. cit., n. 32, p. 12.

of force, seems not to be questioned by the advocates of natural law, because they are justified through the natural purposes.’⁴⁸

Ford surrenders in a glorious victory the natural-law principle: Lincoln wins the case, frees the two brothers from the charge, convicting the real murderer in the witness stand and winning public acclaim of the people, acceptance in high society, and the thanks of the family, whom he has saved. In the true apotheosis of the last few shots he locates his subject, Lincoln, in history, ending with the final frame of the Lincoln Memorial.

The finale again emphasizes that *Young Mr. Lincoln* shows Ford at his most supportive of myth. Criticizing the positive law not through the social circumstances from which it is derived, not by exposing their ‘... structures, which conceal but also reflect the economic and political interests of the ruling social forces’ but by pitting an ideal against it that he himself must have seen as impracticable, belonging to a bygone age, may not be a clear ‘... denunciation of the ideology of the narrative (at least at this point in his career) ...’.⁴⁹ That he lets this ideal of the past win, that he himself sees as passed,⁵⁰ may justify an accusation of being unhistorical (and may have inspired the critique of the *Cahiers*). In the year 1939, however, when *Young Mr. Lincoln* was made, the past had become a variable good, and numerous ‘historical’ films were made to serve other ideologies than that of Ford’s moral idealism. So, all in all, Ford raises questions about the origins of law, of authority and enforcement, but only later on would he find the distance to regard former ideals critically.

THE SEARCHERS

The film *The Searchers* is certainly not a film about law in the sense of courtrooms, trials, lawyers, prosecutors, and judges. It is a Western situated in a remote, god-forsaken part of Texas (albeit filmed in Monument Valley) after the Civil War. Surrounded by wasteland, single families live on small farms distant from one another. The landscape is bleached, living is hard, and thinking is simple. If Ford was directing his films to be a kind of recreation of ancient myths, *The Searchers* is the closest he comes in realising this intention.

In all this, the film seems the complete opposite of the themes shown in *Young Mr. Lincoln*, no bucolic countryside where people living in ideal commitment along with nature, no evocation of a pantheistic spirit to base a

48 id., p. 71.

49 Place, op. cit., n. 42, p. 58.

50 That Ford didn’t use the evocation of past times to construct a continuity where there is none, but treats it as bygone and irrecoverable, is expressed in the grave scenes, which are a recurring element in his films, notably in *Young Mr. Lincoln*, *My Darling Clementine* (1946), and *She Wore A Yellow Ribbon* (1949). See, also, Richards, op. cit., n. 10, p. 270.

natural law theory on, and no blessed lawgiver, with the right to unquestioned authority. With the very beginning (showing the lonely silhouette of Ethan Edwards riding to the homestead of his brother), Ford demonstrates that even if such a lawgiver had existed his communication would not have reached this place.

[The] ... settlers were more or less left to their own devices. The societal and juridical procedures give evidence for that (election of judges, sheriffs, the joint pursuit of crimes, as posse, lynch-law, vigilante committees etc.⁵¹

So *The Searchers* is, speaking about law in John Ford's films, essentially a film about custom. Again this abstract content is visualized by the central figure, in this case Ethan Edwards (John Wayne). It differs from *Young Mr. Lincoln*, however. Ethan is not law's embodiment but a catalyst provoking actions and thus making the unseen social assumptions of the small white community around him visible. Since many Ford films describe periods of transition, his protagonists operate in situations between subsistence and change.⁵² The film presents a society which has not differentiated its institutions. A kind of head is Samuel Clayton (Ward Bond), who is the minister but also the captain of the vigilante force. The life is uniform, marked by the ritual and carried out between baptizing, marrying, and burying. With the appearance of Ethan, existing order begins to waver. He disturbs a funeral service as well as wedding preparations, constantly questioning the authority of Clayton, asking about what function he is performing in certain situations.

So Ethan is the figure of the essential loner, and in this way recurrent in his purpose as well as in his character in numerous Ford films. The loner has to fulfil a societal task, but he is not adapted for this. He '... has to pay with a loneliness that paradoxically closes a gap in society.'⁵³ With the loner figure, Ford describes the relation between liberty and order as an antinomy between the individual and the community in a time, where the balance between individual rights and social responsibilities on which communities depend, has not been established.

The Odyssey of Ethan and Martin, however, leads to an individuation process, which, as a kind of initiation, promotes young Martin to an equal member of society. It is also an encounter with cultural extremes, with different systems of organization and order. Now Ford describes those self-regulatory societies, depending on customary rules and sanctions, again in symbolic fashion – in a formal pattern, which has become one of the most prominent in the cinema of John Ford: the 'doorway-shot'.⁵⁴ It serves as a

51 H. Bitomsky, 'Gelbe Streifen Strenges Blau: Passage durch die Filme von John Ford' (part three, 1980) 284 *Filmkritik* 341, at p. 375.

52 Gallagher, op. cit., n. 5, p. 245.

53 H. Bitomsky, 'Gelbe Streifen Strenges Blau: Passage durch die Filme von John Ford' (part two, 1979) 267 *Filmkritik* 95, at p. 106.

54 Doorways play an important part also in *The Man Who Shot Liberty Valance*, *The Last Hurrah*, and *The Sun Shines Bright*, all films dealing with political and/or

frame of this film, being his very first and very last shot, and is constantly used throughout the plot. The first shot begins with a black screen and then a door, covering a small space in the middle, is opened, light streams in, and a woman steps out of the darkness onto a sunlit porch.

The beginning, which became famous, is a kind of reverse establishing shot, because instead of introducing the landscape with a long shot and a pan, it introduces with its darkness/light symbolism the main theme in a Manichean fashion. It establishes the master antinomy of this film between inside and outside, setting in motion pairs of contradictory elements beginning with that of nature versus culture, continuing with individual versus group, blood relationship versus social relationship, white versus native American culture, authority versus freedom, civilization versus violence and so on. More so, together with similar shots of doorsteps, openings in Indian tepees, or cave mouths, the camera always placed behind the openings underlining the surroundings, it creates an effect of framing which is a simple but fitting symbol of cultural alliance and the inherent regulations of specific societies.⁵⁵ With the diversity of these shots, Ford states that each culture is marked but also restricted by values, and again makes a step towards natural law, by applying this symbol to nature. As nature, however, is 'hard' this time (somebody is always muttering about 'bad land' or blaming 'this country') its 'law' serves as the basis of Ethan's racism. In this way Ethan is depicted as acting irrationally, fit for survival in nature but not really belonging to civilization. Through Ethan, the film '... persistently questions seemingly linear cause and effect patterns ...'.⁵⁶ Ethan's behaviour, however, also reveals the irrational assumptions of the others and by (unjustly) doing so, he initiates the self-regulatory process of society.

This process is represented first by Martin. He is portrayed as half-illiterate, vested with a general consciousness of right and wrong,⁵⁷ that let him stay with Ethan in a redeeming function. Secondly it is represented by, primarily two, women out of their neighbourhood, Mrs. Jorgensen and her daughter Laurie. As in *Young Mr. Lincoln*, where the mother hands the law book over to Lincoln, establishing the equivalent of mother – law – nature,⁵⁸ the women in *The Searchers* appear as the taming and civilizing factor and

juridical topics. At the end of *Young Mr. Lincoln*, after Lincoln has won the case, one can see him stepping alone through the door of the courthouse, whose surrounding blank wall covers the whole frame. One can hear cheering of the people but Ford did not cut to the crowd, but remains on this shot and then fades out. See, for 'doorways' also, W. Luhr and P. Lehman, *Authorship and Narrative in the Cinema* (1977) 154–7.

55 It could also indicate the transitory view on myth and law when related to the Platonic cave simile (see Platon: *The State*, Seventh Book, 514a–518e), Plato's sceptical view on myth (see, for instance, L. Coupe, *Myth* (1997) 104–5), and his tracing back of the nature of justice to reason (see N. Bowie and R. Simon, *The Individual and the Natural Order* (1977) 58).

56 Luhr and Lehman, op. cit., n. 54, p. 86.

57 Allen, op. cit., n. 1, p. 88.

58 Fluck, op. cit., n. 14, p. 22.

also show persistence in their attitude towards the land, which their men otherwise would have left. The women are also marked with signs of formal education, Mrs. Jorgensen being a former schoolmarm, while her husband, albeit wearing glasses, when a letter arrives cannot read it himself and has his daughter Laurie read the letter out loud. Laurie will marry Martin, and thus the couple, again on the symbolic level, represent the balancing out of the former contradictions, demonstrating that Ford at this point of his career is still optimistic that the next generation will do better than the former. The integration is completed by leading Debbie back into the bosom of the family. As her own family was destroyed, however, she is to live with the Jorgensens. So the re-establishment of the family unity, again using the doorway symbol, is the last evidence of the self-regulating process of society and also of the rejection of Ethan, who with his racist view caused the former disturbance. In the end the family is unified, but it cannot be the restoration of the former one, matched by blood relationship (the only relationship Ethan accepts, once stating that he has no relatives anymore, as when he is presuming that his niece may have slept with a native American). A new one, however, will come into being, through marriage and adoption, customary acts to which Ethan will not adapt, riding away, again a loner.

As in numerous post-war films Ford expresses in *The Searchers* a sense of cultural dislocation, either depicted as a clash of different cultures or a rapid change within a single culture⁵⁹ (the latter describes the conditions in *The Man Who Shot Liberty Valance*) showing the polarized cultures of the whites and the native Americans. In this film Ford also reveals the racism and assumptions of cultural superiority which were usually suppressed or unquestioned in other Westerns, even in Ford's former work. He shows that custom which defines itself in dissociation from other cultures is eager to place itself above the other. This latent pattern is brought out by the openly racist Ethan, and the real conflict in this film is whether the society is affected by it or whether it is able to overcome it. So Ford, again exposing himself as a moralist, shows, that even if custom is of lesser importance today for the creation of positive law, there may be some kind of enduring custom which must be rooted out of society.

THE MAN WHO SHOT LIBERTY VALANCE

The film, *The Man Who Shot Liberty Valance*, was often described as an old man's work, even as a 'testament',⁶⁰ and indeed it marks not even a doorpost to the last stage of Ford's directoral career (he made only three more feature films, plus some minor work), but gave the Western genre, along with Sam Peckinpah's *Ride The High Country* (1961), a last new turn, beginning the

59 Luhr and Lehman, op. cit., n. 54, p. 149.

60 J. Hembus, *Das Western-Lexikon* (1995, 3rd edn.) 411–13.

final period of the classical age of this genre. It is more, however, than a summation of former themes and concerns. It is not the great sentimental reminiscence, which some critics expected, panning and patronizing the film upon initial release.⁶¹ It is a further development of Ford's vision of the Old West, depicted as a way of life, that stopped existing a long time ago.

In a way, the two main characters of the former films are now brought together. The Ethan figure at the end of *The Searchers*, having confronted his racist attitude, is still not capable of adapting to the changing reality of society. He seems to be like a forerunner of Tom Doniphon (also played by John Wayne), while the lawyer and later senator Ransom Stoddard (James Stewart in place of Henry Fonda) is a kind of secular (and rational) Lincoln. It is easy to see the conflict arising from the meeting of those opposing characters, who represent different sides of the development of custom and law, in their relationship to society. With the introduction of a third figure, however, named Liberty Valance⁶² (Lee Marvin), the two otherwise natural antagonists become partners for a while, with Doniphon constantly protecting Stoddard (= the law). Liberty Valance, representing the allegorical principle in this film, is '[...] rather unique in Ford: a singular example of an absolute one-dimensional character: pure unadulterated violence and chaos without hint of redeeming feature.'⁶³ Certainly this figure is a new element, which adds to the change of key Ford expresses in this film, making it more sombre and claustrophobic than any other Western he made before.

The change of tone is obvious; instead of idealism now resignation reigns. The all-justifying idealism of the higher order in *Young Mr. Lincoln* is gone, as is the idea of a self-regulating society, that would deal with wrongdoing. Not that there is no development in the film. The establishment of literacy and law take place. They are, however, outshone by the technical progress and a more advanced form of organization. In general, a new calculus is set producing new winners and losers by replacing a '... rough equality of all men in a state of nature [through] ... social stratification based on unequal distribution of property.'⁶⁴ With this film Ford also comes to the conclusion that the ideal of natural law is not adequate for dealing with the increasing differentiation of modern society. He also shows that customary law, as a popular evolutionary law, does not come to terms with the legal interpreters acting only as the representatives of the people and deriving the law from the characteristic customs of the community alone.⁶⁵ Instead, law is interpreted and applied by specialists, dealing with the abstract contents of another, the juridical discourse.⁶⁶ Ford shows these different spheres, being situated in

61 L. Maltin (ed.), *Movie and Video Guide 1993 Edition* (1992) 774.

62 For the meaning of this and other 'speaking names' in the film, see Gallagher, op. cit., n. 5, pp. 392–3.

63 id., p. 396.

64 H. Nash-Smith, *Virgin Land: The American West as Symbol and Myth* (1970) 62.

65 Allen, op. cit., n. 1, pp. 112–3.

66 id., pp. 114–5.

different spaces; rational legal authority, personified in Ransome Stoddard, is a product of the East. Stoddard, being completely different from the townspeople in the West in culture, manner, thinking, would not adapt to this society as would the old Westerner Doniphon to these upcoming 'modern' times. The difference is that Stoddard has actually the power to change society by establishing education and law. He only could do so with the help of the locals, having the wish to live in better circumstances. Stoddard and the people, however, do not share the same assumptions about the law. This time Ford shows that the law is not an ideal untouched by the convenience of the ruling class but serving the interests of particular groups. This is demonstrated with the second political meeting, which has nothing to do with the people of Shinbone, but comprises a lot of phoney rhetoric and political fuss. It is this meeting, however, where Stoddard begins his real political career, which will make him a Senator on the legend that he is the man who shot Liberty Valance.

So the final irony is that both men are 'the man who shot Liberty Valance', Tom, who really did it, and Ranse, whom everyone regards as the one who did it. This demonstrates that '... in the public realm, figures and events that possess a defining importance can be infused with fabrication.'⁶⁷ It also shows that that fabrication consists of a mediation of contradictions. Again these contradictions are embodied in one character, that of Ransom Stoddard, but this 'embodiment' is a fraud. To establish law in Shinbone, Ranse did not only have to teach the 'abc' but he also had to be recognized as one of the people. As the man who shot Liberty Valance, he is able to 'perform' the dual task, being the well educated lawyer from the East, but also the true Westerner, by killing the ruthless outlaw in a shootout. By showing the real circumstances, lying behind this enforcement of the law Ford reveals the connection of violence and misrecognition.⁶⁸ The system which has not grown out of society but is imposed on it, is an order of its own, requiring new 'doorways' to enter it. In '... establishing a certain authority for that law, however, Ranse has at the same time undermined its legitimacy.'⁶⁹

CONCLUSION

In the symmetrical way Ford often directed his films, he returns to the starting point with *The Man Who Shot Liberty Valance*, again questioning the way law is established and enforced. Again it is the value inherent in the law, and the authority necessary to gain its acceptance that is the main topic

67 C. Ryan, 'Print the Legend: Violence and Recognition in *The Man Who Shot Liberty Valance*' in *Legal Reelism*, ed. J. Denvir (1996) 23.

68 id.

69 id., p. 26.

of his examination. What, however, formerly belonged to the sphere of ideal commitment to justify its creation and application is now the result of convenience and the interests of particular groups. That this results in a changing attitude to myth as a quality of Ford's direction is fairly obvious. Myth was something of a reality in *Young Mr. Lincoln*, hence the film is not realist, being a kind of parable about the ideal of law. If, however, natural law is no longer applicable, due to the development and differentiation of society it is replaced by a rational legal system (raising the question of cause and effect). Ford expounds the mythical element of law, which seems to be the element of mediation, but he concedes, that in a rational legal system the myth is referring to former values which have ceased to exist.