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TWO CONCEPTS OF *LIBERTY VALANCE*: JOHN FORD, ISALAH BERLIN, AND TRAGIC CHOICE ON THE FRONTIER

TIMOTHY P. O'NEILL[†]

"If as I believe, the ends of men are many, and not all of them are in principle compatible with each other, then the possibility of conflict — and of tragedy — can never wholly be eliminated from human life, either personal or social. The necessity of choosing between absolute claims is then an inescapable characteristic of the human condition."

— Isaiah Berlin, "Two Concepts of Liberty"
in *Isaiah Berlin: The Proper Study of Mankind*

"We are doomed to choose, and every choice may entail an irreparable loss."

— Isaiah Berlin, "The Pursuit of the Ideal"
in *The Crooked Timber of Humanity*

"Nothing's too good for the man who shot Liberty Valance."

— Railroad Conductor to Senator Ransom Stoddard
in John Ford's *The Man Who Shot Liberty Valance*

INTRODUCTION

1962 was a good year for movies. In fact, two years ago a theater in Los Angeles held a retrospective of 1962 films called "The Greatest Year in Motion Picture History."¹ That year saw Ingmar Bergman release *Through a Glass Darkly*. Luis Bunuel countered with *Viridiana*. Alain Resnais produced *Last Year At Marienbad*. David Lean made *Lawrence of Arabia*. Francois Truffaut topped this with not one, but two classics: *Jules and Jim* and *Shoot The Piano Player*. Tony

[†] Professor, The John Marshall Law School. A.B., Harvard University; J.D., University of Michigan Law School. Two people deserve special mention. First, I wish to thank my late uncle, Curt Casper, a great movie fan who first told me about *The Man Who Shot Liberty Valance* shortly after it opened in 1962. Second, I want to extend a special thanks to John Rose, an enormously perceptive student of film, who first convinced me to pay serious attention to American Westerns. Like Sheriff Calder in Arthur Penn's *The Chase* (1966), he and I have spent the last forty years "just lookin' for an ice cream cone."

1. Stephen Farber, 1962: *When The Silver Screen Never Looked So Golden*, N.Y. TIMES, Sept. 15, 2002, § 2, at 24. All references to the films that opened in 1962 are from this article.

Richardson matched this with two of his own: *A Taste of Honey* and *The Loneliness of the Long Distance Runner*.

And that was just Europe. America was represented by Arthur Penn's *The Miracle Worker*, Sidney Lumet's *Long Day's Journey Into Night*, Richard Brooks' *Sweet Bird of Youth*, Blake Edwards' *Days of Wine and Roses*, Stanley Kubrick's *Lolita*, Sam Peckinpah's *Ride the High Country*, John Huston's *Freud*, Robert Mulligan's *To Kill a Mockingbird*, and John Frankenheimer's *The Manchurian Candidate*.

John Ford, perhaps America's greatest director of Westerns,² also released a film in 1962, *The Man Who Shot Liberty Valance*. Bucking the Technicolor trend, it was an old-fashioned-looking Western filmed in black-and-white. It marked the first time James Stewart and John Wayne — stars of some of the greatest Westerns ever made — appeared together on screen.

Critics were dismissive of this work by the sixty-eight year-old Ford. The *New York Times* called it "creaky," *Daily Variety* said it lacked "sophistication," and the *New Yorker* called it "a parody of Mr. Ford's best work."³ Although the star power of Stewart and Wayne enabled the film to show a slight profit,⁴ it was generally considered both a critical and commercial disappointment.

Yet over the last forty years film scholars have come to recognize *Liberty Valance* as an American masterpiece, certainly one of the greatest Westerns ever made. They began to look past the stogy, almost claustrophobic feel of this black-and-white Western. They came to realize, in the words of Joseph McBride, author of the magisterial biography *Searching For John Ford*, that "*Liberty Valance* is not a film about landscapes or scenery, it is a film about ideas, an allegory of American history."⁵ Andrew Sarris called *Liberty Valance* one of Ford's "major works."⁶ Critic-director Peter Bogdanovich described it as "perhaps [Ford's] most deeply felt personal statement."⁷ Other critics have more recently described it as "timeless," "an American clas-

2. In addition to *The Man Who Shot Liberty Valance* (1962) and *My Darling Clementine* (1946) discussed in this essay, Ford directed such Western classics as *The Searchers* (1956), *Stagecoach* (1939), *Rio Grande* (1950), *She Wore A Yellow Ribbon* (1949), and *Fort Apache* (1948). (The last three films are commonly referred to as comprising Ford's "Cavalry Trilogy.") *The Searchers*, *My Darling Clementine*, and *Stagecoach* were each selected by the Library of Congress' National Film Preservation Board for inclusion in the National Film Registry, a list of the most significant films in the history of American cinema. See *Films Selected to the National Film Registry, 1989-2003*, available at <http://lcweb.loc.gov/film/titles.html> (last visited Aug. 9, 2003).

3. JOSEPH MCBRIDE, *SEARCHING FOR JOHN FORD* 624-25 (2001).

4. MCBRIDE, *supra* note 3, at 623-24. The film was budgeted at \$3,207,000 and came in \$84,850 under budget. It reaped a domestic gross of \$3,200,000. *Id.*

5. MCBRIDE, *supra* note 3, at 626.

6. *Id.* at 625.

7. *Id.*

sic," "one of the crucial films of the Western genre," "[Ford's] greatest film," and "the *Citizen Kane* of Westerns."⁸

Why the critical change of heart? Perhaps because *Liberty Valance's* retelling of the story of the West was light-years beyond the American sensibility of 1962. Moviemakers had consistently framed the Western genre in simple dualities: "good guys vs. bad guys," "white hats vs. black hats," "cowboys vs. Indians." True, in the 1950s directors such as Budd Boetticher⁹ and Anthony Mann¹⁰ had begun to take the Western into more complex psychological territory. Yet consider that in 1962, the same year *Liberty Valance* was released, the most successful Western was simply titled *How The West Was Won*.¹¹ This is the title that reflected the prevailing American attitude in 1962: the story of the American West was the story of "law and order" imposing itself on a wild, unruly land. "Good guys defeating bad guys," "white hats defeating black hats," "cowboys defeating Indians" — like football, business, or war, it was all about "winning."

Americans in 1962 wanted to see *How The West Was Won*; but what *Liberty Valance* showed was *How The West Was Changed*. It tells a remarkably nuanced story emphasizing that any change invariably results in both gains and losses. It sees the settling of the West as a zero-sum game, rather than a story of continuous progress. It views the story of the American West as, in the truest sense of the word, "tragic."

My pairing of John Ford, an Irish-American film director, with Isaiah Berlin, a Russian-English-Jewish historian of ideas, may appear odd. I have no reason to believe that Ford ever heard of Berlin; I have no reason to believe that Berlin ever saw a Ford film. Yet around the time Ford was making a film quite literally about the "death of Liberty," Berlin delivered his now classic lecture "Two Concepts of Liberty" at Oxford.¹² As this essay will demonstrate, Berlin's concept

8. These quotations can be found at Rotten Tomatoes,TM a web site specializing in collecting critical commentary on films, available at <http://www.rottentomatoes.com/m/TheManWhoShotLibertyValance-1013212/> (last visited July 24, 2003).

9. Boetticher directed a remarkable series of taut, sophisticated "chamber Westerns" starring Randolph Scott in the 1950s, including *Ride Lonesome* (1959), *Decision at Sundown* (1957), and *The Tall T* (1957). In 2000, the New York Film Festival organized a tribute to his work. See Elvis Mitchell, *He's Stony and Noble, Like the West Itself*, N.Y. TIMES, Sept. 30, 2000, § B, at 15.

10. A favorite of Jean-Luc Godard, Mann directed "existential Westerns" such as *Man of the West* (1958), *The Naked Spur* (1953), and *Winchester '73* (1950).

11. The film consisted of five segments. Each segment was the sole responsibility of a single director. Henry Hathaway directed three of the segments, while George Marshall directed one. Interestingly, John Ford directed the fifth segment, entitled "The Civil War."

12. ISAIAH BERLIN, *THE PROPER STUDY OF MANKIND* (Henry Hardy and Roger Hausheer, eds. 1997). *Two Concepts of Liberty* is included in *THE PROPER STUDY OF MANKIND*, a collection of Berlin's essays. The lecture was first delivered as Berlin's In-

of "negative liberty" actually provides a lens through which Ford's theme of the tragic choices involved in the settling of the American frontier can be brought into focus. For the death of one concept of "liberty" — Liberty Valance — undoubtedly brought forth a new concept of "liberty" in the West. As we shall see, the choice to replace the evil, sadistic Liberty Valance with another kind of "liberty" produced many benefits. But, as Isaiah Berlin reminded us, "every choice may entail an irreparable loss."¹³ The West, through the eyes of John Ford and filtered through the work of Isaiah Berlin, was about "choosing." And, as *Liberty Valance* reminds us, every choice comes with a price.

Moreover, Berlin's use of the philosophical distinction between "monism" and "pluralism" sheds additional light on the issues posed in *Liberty Valance*. Monism can be defined as the belief that there is ultimately only one true answer to any problem, from "What is the best philosophy?" to "What is the best form of government?" A monist might subscribe to the concept that the American West was indeed "won" — that the one true answer ultimately prevailed. But Berlin, using Machiavelli's work as an example, contends that two (or three, or more) answers can exist that are equally valid, yet totally incompatible.¹⁴ Pluralism, Berlin argues, forces men to choose between valid yet incompatible values, and this kind of choice often entails tragedy.¹⁵ Berlin's insights help us see the tragic choice that is at the center of *The Man Who Shot Liberty Valance*.

Although Berlin's work helps to clarify Ford's ideas in *The Man Who Shot Liberty Valance*, the relationship is not at all one-sided. For Ford's work in its own way offers a concrete exposition of some of Berlin's ideas. In "Two Concepts of Liberty," Berlin refers to a figurative "frontier" at least a dozen times. For example, in defining "negative liberty" — the extent to which an individual is free *from* outside control — Berlin writes that "[i]t follows that a *frontier* must be drawn between the area of private life and that of public authority."¹⁶ The

augural Lecture as Chichele Professor of Social and Political Theory at Oxford on October 31, 1958. Noel Annan, *Foreword* to *THE PROPER STUDY OF MANKIND* xviii (Henry Hardy and Roger Hausheer, eds. 1997).

13. ISAIAH BERLIN, *The Pursuit of the Ideal*, in *THE CROOKED TIMBER OF HUMANITY* 1, 13 (Henry Hardy, ed. 1991).

14. ISAIAH BERLIN, *The Originality of Machiavelli*, in *STUDIES ON MACHIAVELLI* 149, 185-203 (Myron P. Gilmore ed., 1972). Berlin's paper *The Originality of Machiavelli* was first read at a meeting of the British section of the Political Studies Association in 1953. *Id.* at 149 n.1. It was published in full as an essay in *Studies on Machiavelli*. *Id.* at 149.

15. BERLIN, *supra* note 14, at 185-203.

16. ISAIAH BERLIN, *Two Concepts of Liberty*, in *THE PROPER STUDY OF MANKIND* 191, 196 (Henry Hardy and Roger Hausheer eds., 1997). The word "frontier" or "frontiers" also can be found at 199, 207, 216 (4 times), 225, 235 (2 times), and 236 (two times). *Id.* at 199, 207, 216, 225, 235, 236.

literal American "frontier" — not quite state-of-nature, not quite civilized — offers a very real battleground where the borders between public authority and private life are disputed. Ford's version of the American frontier offers Berlin a cinematic arena for his ideas to play out.

THE MAN WHO SHOT LIBERTY VALANCE

The Man Who Shot Liberty Valance was originally a short story that appeared in the July 1949 issue of *Cosmopolitan*. Dorothy M. Johnson, a prominent author of both Western fiction and non-fiction, wrote it.¹⁷ Even people who never saw the film may know the basic plot from having listened to Gene Pitney's¹⁸ 1962 hit recording "The Man Who Shot Liberty Valance,"¹⁹ which Burt Bacharach and Hal David composed.²⁰

The film opens with a striking image: the camera lingers on a train belching smoke, fouling an otherwise pristine Western vista. The train then pulls into a small Western town called Shinbone. Among the train's passengers are Ransom "Ranse" Stoddard (James Stewart)²¹ and his wife Hallie (Vera Miles).²² Stoddard represents Shinbone in the U.S. Senate. Stoddard and his wife are recognized immediately, and Senator Stoddard agrees to give an interview to the town's newspaper, the *Shinbone Star*. In the course of the interview,

17. Dorothy M. Johnson, a journalism professor at the University of Montana, had two other stories made into films, *A Man Called Horse* (1970) and *The Hanging Tree* (1959). Her non-fiction included *THE BLOODY BOZEMAN: THE PERILOUS TRAIL TO MONTANA'S GOLD* (1971).

18. Rock-and-Roll Hall of Famer Gene Pitney recorded a series of hits during the 1960s, including "It Hurts To Be in Love," "Backstage," and "Town Without Pity." "Rubber Ball," a song he composed for Bobby Vee, reached number six on the Billboard charts in 1960-61. *Discography Singles*, available at <http://www.bobbyvee.net/singles.html> (last visited July 21, 2003).

19. In 1962 "Liberty Valance" peaked at number four on the Billboard charts. *45 RPM Records*, available at <http://www.45s.com> (last visited July 21, 2003).

20. *Song Listing*, available at <http://members.tripod.com/~colli/pitney/songs.html> (last visited Aug. 9, 2003). First-time viewers of the film will be surprised to discover that the song appears nowhere in the picture. Apparently the film was released ahead of schedule before Pitney's recording had been completed. Steven Lubet, *The Man Who Shot Liberty Valance: Truth or Justice in the Old West*, 48 UCLA L. REV. 353, 353 n.2 (2000).

21. Stewart, of course, starred in some of the most famous films ever made, including *Vertigo* (1958), *Rear Window* (1954), *It's A Wonderful Life* (1946), *The Philadelphia Story* (1940), and *Mr. Smith Goes To Washington* (1939). Yet, when he was asked late in his career to name his favorite films he chose *The Spirit of St. Louis* (where he portrayed Charles Lindbergh) and *The Man Who Shot Liberty Valance*. CHARLOTTE CHANDLER, *NOBODY'S PERFECT: BILLY WILDER, A PERSONAL BIOGRAPHY*, 183 (2002).

22. Vera Miles is best remembered for her work in two Alfred Hitchcock films, *Psycho* (1960) and *The Wrong Man* (1956), as well as the John Ford classic *The Searchers* (1956). She was "Miss Kansas" in the 1948 Miss America pageant. <http://www.web-spawner.com/users/winnersinreview/> (last visited Aug. 9, 2003).

Stoddard reveals that he and Hallie have returned to Shinbone to attend the funeral of an old friend, Tom Doniphon (John Wayne).²³ The newspapermen are surprised, because none of them have ever heard of Doniphon. Encouraged by Hallie, Stoddard then proceeds to tell them how he and Hallie once knew Doniphon.

The film then begins a long flashback showing Stoddard as a young man fresh out of law school making his way west. The stagecoach he is on is stopped and robbed by Liberty Valance (Lee Marvin)²⁴ and his gang. When Valance robs a woman passenger, Stoddard indignantly informs Valance that he is a lawyer and that he will make sure that Valance is sent to jail. Valance responds by robbing Stoddard, ripping up his law books, horsewhipping him, and leaving him for dead.

Doniphon finds Stoddard by the side of the road. He and his partner, Pompey (Woody Strode),²⁵ take Stoddard to Shinbone where Hallie, the woman everyone in town expects Doniphon to marry, can nurse Stoddard back to health. When Stoddard regains consciousness, he finds himself in the kitchen of a restaurant owned by Hallie's employers, Mr. Erickson and his wife Nora. Although Doniphon warns Stoddard that in the West law books cannot defeat guns, Stoddard decides to stay in Shinbone in order to bring Liberty Valance to justice.

Stoddard offers to work in the restaurant to repay Hallie and her employers. Stoddard is waiting tables on a Saturday night when Liberty Valance comes in with his two henchmen, Floyd (Strother Martin)²⁶ and Reese (Lee Van Cleef).²⁷ Valance and company intimidate three diners into giving them their dinners. Valance mocks Stoddard

23. Winner of the 1970 Oscar for Best Actor for *True Grit* (1969), John Wayne occupies an iconic place in American film history. In just one year, 1948, Wayne created two of the most memorable characters in the history of Westerns, appearing as Thomas Dunson in Howard Hawks' *Red River* and Captain Kirby York in John Ford's *Fort Apache*. For a fascinating study of Wayne's career placed in the broader context of American politics and culture, see GARRY WILLS, *JOHN WAYNE'S AMERICA: THE POLITICS OF CELEBRITY* (1997).

24. One of the screen's most convincing "tough guys," Lee Marvin appeared in action films such as *Point Blank* (1967), *The Dirty Dozen* (1967), and *The Professionals* (1966), yet won the 1966 Best Actor Oscar for his comic turn in *Cat Ballou* (1965). Perhaps his finest screen performance was Hickey in John Frankenheimer's production of Eugene O'Neill's *The Iceman Cometh* (1973). Fans of American law will also recall his winning performance in *Marvin v. Marvin*, 122 Cal.App.3d 871 (1981).

25. A football star at UCLA, Woody Strode enjoyed a long career in Hollywood. His most memorable screen appearance was as the title character in John Ford's *Sergeant Rutledge* (1960).

26. One of the finest character actors ever to appear in Westerns, in 1969 alone Strother Martin could be seen in *True Grit*, *The Wild Bunch*, and *Butch Cassidy and the Sundance Kid*. Yet he is best remembered for his role as the captain of Road Prison 36 in *Cool Hand Luke* (1967) when, commenting on Paul Newman's behavior, he delivered the classic line: "Now what we have here is a failure to communicate."

and then proceeds to trip him while he is carrying food to Doniphon's table. This leads to a showdown between Doniphon and Valance that ends inconclusively with Valance and his men leaving. Stoddard is now even more determined to stay in Shinbone to fight Valance.

Dutton Peabody (Edmond O'Brien),²⁸ the editor of the *Shinbone Star*, invites Stoddard to start his law practice in the newspaper office. Stoddard also opens a school in the office to teach people how to read. His students include both children and adults such as Pompey, Nora, and Hallie. Class is canceled one day when Doniphon comes to announce that Valance and his men are working for the ranchers in the Territory who are opposed to statehood. Doniphon states that Valance has already killed two "sodbusters" and that the townspeople need to protect themselves.

A meeting is then held in Shinbone to elect two representatives to attend the convention in Capitol City to decide who will represent the Territory in Washington. Peabody and his newspaper are urging the farmers and townspeople to support a pro-statehood candidate, while the anti-statehood ranchers want to "keep the range open" and preserve their own power. Stoddard is chosen to chair the meeting. Doniphon is nominated, but refuses the nomination because he has "personal matters." Stoddard is then nominated. At this time Valance and his men force their way into the meeting and demand the right to vote even though they do not reside there. Valance's henchmen then nominate Valance. The townspeople respond by nominating Peabody. They then, by acclamation, elect Stoddard and Peabody as their representatives. Valance leaves, promising vengeance. Doniphon suggests that Stoddard leave town, but Stoddard refuses.

That night, Valance and his men break into the newspaper office, vandalize the premises, and savagely attack Peabody. When Stoddard finds Peabody near death, he sends word to Valance that he wants to meet him on the street. When Hallie hears this, she asks Doniphon to help Stoddard.

Although Stoddard had been practicing shooting ever since he had moved to Shinbone, he was clearly no match for Valance. Facing each other alone in a classic Western showdown, Valance toys with

27. Lee Van Cleef is best known for his appearances in two Clint Eastwood "Spaghetti Westerns," *The Good, The Bad, and The Ugly* (1967) and *For A Few Dollars More* (1967). Interestingly, John Ford also used the names Floyd and Reese for two of the Clegg brothers in his film *Wagon Master* (1950). JOSEPH MCBRIDE, *SEARCHING FOR JOHN FORD* 629 (2001).

28. Winner of the 1955 Oscar for Best Supporting Actor for *The Barefoot Contessa* (1954), Edmond O'Brien could play Shakespeare (Casca to Marlon Brando's Marc Anthony in *Julius Caesar* (1953)), drama (a 1965 Oscar nomination for Best Supporting Actor for his work in *Seven Days in May* (1964)), or comedy (Marty Murdock in Frank Tashlin's vastly underrated *The Girl Can't Help It* (1956)).

Stoddard by first nearly shooting him and then shooting the gun out of Stoddard's hand and injuring him. When Valance dares Stoddard to pick up the gun, Stoddard picks it up, two shots ring out, and Valance falls down dead.

The town is stunned to find that Stoddard has shot and killed Liberty Valance. Doniphon comes into the restaurant to apologize for being too late to help. Doniphon sees Hallie treating Stoddard's wound and finally realizes that Hallie is in love with Stoddard, and not him. Doniphon leaves, gets drunk, and then returns with Pompey to his home outside town. He looks at the unfinished addition he planned for Hallie after they were married. Furious, he torches the entire house and sits down, waiting for the flames to engulf him. His death is averted only by Pompey's running through the flames to carry him out.

The scene then shifts to the convention in Capitol City. The ranchers nominate a candidate pledged to oppose statehood and to keep the power in the hands of the ranchers. The pro-statehood forces nominate Stoddard, not just because he is an educated lawyer, but also because he is "The Man Who Shot Liberty Valance." A speaker then criticizes Stoddard for having killed an innocent man. Stoddard, flustered, leaves the hall and is ready to return to the East. Doniphon stops Stoddard and tells him that he (Stoddard) did not kill Valance. A flashback then shows the shooting again, except this time from a different angle: we now see the action from where Doniphon and Pompey stood on a side street during the showdown. The flashback reveals that Doniphon actually fired the shots that killed Valance. Doniphon tells Stoddard he did this only to please Hallie.

Now knowing the truth, Stoddard goes back into the hall where he will eventually be elected representative, without revealing the truth that he did not shoot Liberty Valance. He will go on to serve as the new state's governor, then senator, as well as the U.S. ambassador to England. Doniphon, on the other hand, quietly leaves the hall.

The film's flashback ends, returning to the interview Stoddard is having with the reporters. It is clear that Stoddard expects that they will now publish the story that Tom Doniphon, and not he, was "The Man Who Shot Liberty Valance." Yet the editor of the *Star* refuses to do so, saying "This is the West, sir. When the legend becomes fact, print the legend."²⁹

The final scene shows Stoddard and Hallie back on the train heading east. Hallie looks out the window at the Western landscape and says, "Look at it. Once it was a wilderness. Now it's a garden.

29. THE MAN WHO SHOT LIBERTY VALANCE (John Ford 1962).

Aren't you proud?"³⁰ Stoddard does not respond. Stoddard then suggests that after he gets his irrigation bill passed, he and Hallie should move back to Shinbone. Hallie readily agrees.

LIBERTY VALANCE IN THE CONTEXT OF FORD'S CAREER

Liberty Valance is often compared with a film Ford made in 1946, *My Darling Clementine*.³¹ Both are about threats to the stability of a town in the West. In *Clementine*, the threat comes to the town of Tombstone in the persons of the Clanton family. *Clementine* is Ford's version of the often-filmed story of Sheriff Wyatt Earp³² and company killing the Clanton family at the O. K. Corral. It is a sunnier, more optimistic story of "good defeating bad," with the town of Tombstone going on to prosper with its new church and new school.

There is no question that Ford views the defeat of the Clantons in his 1946 film differently from the defeat of *Liberty Valance* in 1962. Joseph McBride sees *Liberty Valance* as reflecting "Ford's deep pessimism toward the American future."³³ William Darby, directly comparing *Liberty Valance* with *Clementine*, sees Ford as exhibiting an "increasingly darkened perception of human possibilities."³⁴ Yet rather than simply moving from optimism to pessimism, Ford's shift may have more to do with a more mature artist in 1962 recognizing themes he did not see in 1946. It may not be Ford's pessimism, but rather his intellectual growth that accounts for the differing tone of the two pictures. While *Clementine* exhibits a sweet simplicity, *Liberty Valance* possesses a complexity that is far more challenging, even revisionist, in its view of the American frontier. And, interestingly, the work of Isaiah Berlin — an Oxford philosopher — provides the vocabulary that best expresses Ford's new ideas.

ISAIAH BERLIN: FROM MONISM TO PLURALISM

Isaiah Berlin is considered one of the leading historians of ideas in the twentieth century. And Roger Hausheer has described the or-

30. *Id.*

31. See WILLIAM DARBY, JOHN FORD'S WESTERNS: A THEMATIC ANALYSIS, WITH A FILMOGRAPHY 147-184 (1996).

32. A search of the International Movie Database reveals twenty-nine movies or television shows in which the character Wyatt Earp is portrayed. *Internet Movie Database*, available at <http://www.imdb.com/find> (last visited Sept. 5, 2003). Among the more famous films are Lawrence Kasdan's *Wyatt Earp* (1994) (Kevin Costner as Earp); George P. Cosmatos' *Tombstone* (1993) (Kurt Russell as Earp); John Sturges' *Gunfight at the O.K. Corral* (1957) (Burt Lancaster as Earp); and Allen Dwan's *Frontier Marshal* (1939) (Randolph Scott as Earp). John Ford would later include Wyatt Earp in another film, *Cheyenne Autumn* (1964); Earp was played by James Stewart.

33. JOSEPH MCBRIDE, SEARCHING FOR JOHN FORD 634 (2001).

34. DARBY, *supra* note 31, at 147.

ganizing principle of Berlin's work thusly: "Virtually all Berlin's work in the history of ideas revolves around what he sees as the greatest revolution in our basic outlook since the Renaissance: the rebellion against monism."³⁵ Berlin himself has described monistic thought as a central tenet of the western intellectual tradition with roots running back to Plato.³⁶ He has summarized this position as comprising "a kind of three-legged stool on which the central tradition of Western political thought" rests.³⁷ First, it embodies the belief that "as in the sciences, all genuine questions must have one true answer and one only;" second, "there must be a dependable path towards the discovery of these truths;" and third, "that the true answers, when found, must necessarily be compatible with one another and form a single whole, *for one truth cannot be incompatible with another*."³⁸ In other words, Berlin describes the monistic tradition as believing that "mankind has been presented with the scattered parts of a jigsaw puzzle: if you can put the pieces together, it will form a perfect whole which constitutes the goal of the quest for truth, virtue, happiness. That . . . is one of the common assumptions of a great deal of western thought."³⁹

For Berlin, the crack in the monistic tradition begins with Machiavelli. In Berlin's famous essay, "The Originality of Machiavelli,"⁴⁰ he goes far beyond the obvious reading of Machiavelli's work: how a leader acquires and retains political power. To Berlin, the genius of Machiavelli lies in his recognition of two discrete systems of morality.⁴¹

The first is the morality of the pagan world: "its values are courage, vigour, fortitude in adversity, public achievement, order, discipline, happiness, strength, justice, above all assertion of one's proper claims and the knowledge and power needed to secure their satisfaction."⁴² These were the values found in the old Roman Republic and in ancient Athens.⁴³ To Machiavelli, these were "the best hours of mankind and, Renaissance humanist that he [was], he wishe[d] to restore them."⁴⁴

35. Roger Hausheer, *Introduction* to *THE PROPER STUDY OF MANKIND* at xxviii, (Henry Hardy and Roger Hausheer, eds. 1997).

36. ISALAH BERLIN, *The Decline of Utopian Ideas in the West*, in *THE CROOKED TIMBER OF HUMANITY* 20, 23-26 (Henry Hardy, ed. 1991).

37. BERLIN, *supra* note 36, at 24.

38. ISALAH BERLIN, *The Pursuit of the Ideal*, in *THE CROOKED TIMBER OF HUMANITY* 1, 5-6 (Henry Hardy, ed. 1991).

39. BERLIN, *supra* note 36, at 27.

40. ISALAH BERLIN, *The Originality of Machiavelli*, in *THE PROPER STUDY OF MANKIND* 267, 267-325 (Henry Hardy and Roger Hausheer, eds. 1997).

41. BERLIN, *supra* note 40, at 289.

42. *Id.*

43. *Id.*

44. *Id.*

Machiavelli compares this with Christian morality.⁴⁵ He describes the ideals of Christianity as “charity, mercy, sacrifice, love of God, forgiveness of enemies, contempt for the goods of this world, faith in the life hereafter, belief in the salvation of the individual soul as being of incomparable value.”⁴⁶

Machiavelli “does not wish to deny that what Christians call good is, in fact, good, that what they call virtue and vice are in fact virtue and vice.”⁴⁷ What Machiavelli does insist on, however, is that it is *impossible* to combine Christian values with those values needed to build a strong civil society along the lines of ancient Athens or Rome.⁴⁸ Christian morality and pagan morality are simply not compatible.⁴⁹ Machiavelli has no problem with individuals choosing Christian morality, as long as they recognize that they have condemned themselves to “political impotence.”⁵⁰ The stark consequence of this for Machiavelli is that, between following the pagan morality that creates a strong civil society and the Christian morality that promotes individual virtue, “*a man must choose*.”⁵¹

To Berlin, Machiavelli’s insight was “profoundly upsetting” to Western monistic thought.⁵² For, in Berlin’s words:

[I]f Machiavelli is right [then monism] — the central current of Western thought — is fallacious. If his position is valid then it is impossible to construct even the notion of such a perfect society, for there exist at least two sets of virtues — let us call them the Christian and the pagan — which are not merely in practice, but in principle, incompatible.⁵³

Machiavelli, to Berlin, had “unintentionally, almost casually” expressed the “awful truth” that shook centuries of Western monistic thought to its very foundations: “namely, that not all ultimate values are necessarily compatible with one another — that there might be a conceptual . . . obstacle to the notion of the single ultimate solution which, if were only realized, would establish the perfect society.”⁵⁴

45. *Id.* at 289-91.

46. *Id.*

47. *Id.* at 290.

48. *Id.* at 287-91.

49. *Id.*

50. *Id.* at 290-91.

51. *Id.* at 291 (emphasis added).

52. *Id.* at 315.

53. *Id.* at 314.

54. *Id.* at 315-16.

MY DARLING CLEMENTINE: MONISM ON THE AMERICAN FRONTIER

If John Ford had any doubts that the American frontier could ultimately establish the "perfect society," he certainly did not reveal them in his 1946 film *My Darling Clementine*. His account of the victory of the Earps over the Clantons is a straightforward account of good triumphing over evil. Even Joseph McBride has noted that "the Manichaean opposition between the Earps and the Clantons is relatively unusual in Ford's West, where characters are usually painted in subtler shades of gray."⁵⁵

The story is based loosely on the famous "Gunfight at the O.K. Corral," a real-life shoot-out between the Earp and Clanton families that occurred in Tombstone, Arizona in 1881. Ford is only one of a long line of filmmakers to retell the story.⁵⁶

The film begins with Wyatt Earp (Henry Fonda)⁵⁷ and his brothers stopping outside Tombstone with a herd of cattle they are taking to California. Pa Clanton (Walter Brennan)⁵⁸ and his son ask if they are interested in selling the cattle. The Earps refuse. Wyatt and two of his brothers then ride into Tombstone for a shave, leaving their youngest brother James to tend the cattle.

Indian Charlie, a drunk who is "shooting up the town," interrupts Wyatt's shave. Wyatt, irritated that no one is stopping the gunshots, subdues Indian Charlie by himself. The townspeople are impressed and ask Wyatt to become the town's Marshal. Wyatt, however, refuses.

That night the Earps return to their campsite to find that the Clantons have killed James and have stolen the cattle. Vowing revenge, Wyatt returns to town and announces that he will become Marshal and that he will deputize his two brothers.

55. JOSEPH MCBRIDE, *SEARCHING FOR JOHN FORD* 432-33 (2001).

56. See *supra* note 32.

57. Henry Fonda's Honorary Oscar in 1981 quite simply described him as the "consummate actor." Both on stage and in the movies he created the role of Lt. (j.g.) Doug A. Roberts, the definitive American World War II serviceman, in the eponymous *Mr. Roberts* (1955) (directed by Josh Logan on Broadway and John Ford on the screen). His other unforgettable performances for Ford included Lt. Col. Owen Thursday in *Fort Apache* (1948), Tom Joad in *The Grapes of Wrath* (1940), and Abraham Lincoln in *Young Mr. Lincoln* (1939).

58. One of Hollywood's great character actors, Walter Brennan won three Oscars for Best Supporting Actor. Television fans will remember him as Amos McCoy in the long-running series *The Real McCoys*.

Wyatt works to establish his authority within Tombstone. He wins the allegiance of Doc Holliday (Victor Mature),⁵⁹ the owner of the local saloon. He also becomes romantically interested in Clementine Carter (Cathy Downs),⁶⁰ Holliday's old girlfriend from Boston. The film moves inexorably towards the conclusion where the Earp brothers and Doc Holliday — the forces of "law and order" — face the evil Clanton brothers at the O.K. Corral. Although the Earps kill all of the Clantons, the Clantons also kill one of the Earp brothers and Doc Holliday.

The film ends with law and order reigning in Tombstone, exemplified both by its new church and its new school run by Clementine Carter. Morgan and Wyatt Earp then ride off into a figurative, if not literal, sunset.

My Darling Clementine belongs to a genre of Westerns that Richard Slotkin has characterized as "Town Tamer" stories.⁶¹ Cheyney Ryan has observed that "in the Town Tamer western the injustice is typically imposed by powerful criminals whom the hero must defeat — thus empowering 'decent folk' to bring 'progress.'"⁶²

Tombstone cannot prosper until it is freed of the scourge of the Clantons. Yet *My Darling Clementine* stands out by not simply dwelling on the defeat of the Clantons, but by also carefully illustrating the kind of "progress" the "decent folk" of Tombstone are attempting to achieve. The film is about the act of civilizing, indeed domesticating, the American frontier.

The film charts this progress as a movement from darkness into light. The beginning of the black-and-white *Clementine* has almost a *film noir* quality. The Earps meet the Clantons at dusk. Our first view of Tombstone is a wild night with a drunk terrorizing the town by firing a gun. Later that night, the Earps discover that the Clantons have murdered their brother and stolen their cattle. Even later that same night, Wyatt comes in out of the rain to take the job of Marshal.

It is only after Wyatt Earp puts on his badge that we literally get to see Tombstone in the light of day. And we find that it is made up of average citizens trying to bring a particular type of civilization to the

59. Star of numerous "sword and sandals" films of the 1950s, Victor Mature may be best remembered as the star of *The Glory Brigade* (1953), announced as the evening's entertainment for the troops in Robert Altman's *M*A*S*H* (1970).

60. Cathy Downs is best remembered for her work in 1950's sci-fi films such as *Missile To The Moon* (1959), *The Amazing Colossal Man* (1957), and *The She-Creature* (1956).

61. RICHARD SLOTKIN, *GUNFIGHTER NATION: THE MYTH OF THE FRONTIER IN TWENTIETH-CENTURY AMERICA* 379-404 (1992).

62. Cheyney Ryan, *Print the Legend: Violence and Recognition in The Man Who Shot Liberty Valance*, in *LEGAL REELISM: MOVIES AS LEGAL TEXTS* 27 (John Denvir, ed. 1992).

American frontier. Nowhere is this better seen than in *Clementine's* justly famous "church dedication" scene, which Joseph McBride accurately refers to as "one of the touchstones of the Western genre."⁶³

Earp and Clementine are invited on a Sunday to attend the dedication of Tombstone's first church. The camera first follows the two of them walking towards the church, but then cuts away to a long shot of the half-built church spire rising between two large American flags rippling in the wind⁶⁴ with the mountains of Monument Valley in the background. It is an unforgettable image of the human effort involved in creating a new home in the American West — faith, flag, and frontier existing together.

Yet within moments Ford presents another image that is equally striking. The church deacon, announcing that he's "read the Good Book from cover to cover and back again, and I've nary found a word agin' dancing," says that they will now have a "dad-blasted good dance."⁶⁵ And Ford has the fiddler, the violinist, and the pianist begin to play "Oh, Dem Golden Slippers."⁶⁶ The entire congregation then begins square dancing on the wooden planks at the construction site.

But the most breathtaking moment is when Earp asks Clementine to dance. The dancers part to allow Earp — the gun-slinging symbol of "law and order" — to rather stiffly dance with Clementine. It is an unforgettable image — civilization putting its mark on the frontier in the form of the town's Marshal dancing at a church dedication ceremony in the sunshine of a Sunday afternoon. Joseph McBride has rightly called this "[t]he finest sequence in Ford's body of work to date" and a "poetic interlude [that] remains one of the glories of his career."⁶⁷

Fittingly, Earp later eschews the opportunity to fight the Clantons at night; he orders that the fight take place in the light of day.⁶⁸ Earp, as the duly constituted representative of the law in Tombstone, then openly rids the town of the evil Clantons at the O.K. Corral.

The film ends in sunshine, both literally and figuratively. The Earps leave Tombstone with law and order, a new church, and a new

63. MCBRIDE, *supra* note 55, at 435.

64. *Id.*

65. *Id.*

66. This song was written by James A. Bland in 1879. *Id.* Those not intimately familiar with nineteenth century American music might nevertheless recognize the tune from the breakfast cereal commercial "Oh, Those Golden Grahams."

67. MCBRIDE, *supra* note 55, at 435.

68. See WILLIAM DARBY, JOHN FORD'S WESTERNS: A THEMATIC ANALYSIS, WITH A FILMOGRAPHY 177 (1996).

school founded by Clementine. The march from darkness to light is finally completed.

Clementine sees civilization as an unquestioned good. It sees civilization as the predictable end of a predictable journey: church *plus* school *plus* "law and order" *equals* civilization. It also sees civilization as something that can be *imposed* by people on the frontier: Earp throws Indian Charlie out of town; the deacon founds the church; Earp tells a known gambler to leave on the next stage out of town; Clementine starts a school; Earp kills the Clantons. People can assert control over — indeed, they can actually tame — a hostile environment. Civilization marches on, and *My Darling Clementine* can imagine no other possible scenario, much less a darker side to the story.

My Darling Clementine is a perfect example of what Berlin would characterize as a "monist" view of the world. Church, school, "law and order" — these are the parts of the "jigsaw puzzle"⁶⁹ that only need to be put together properly. And there is one — and only one — way to put a jigsaw puzzle together.

Yet, ironically, it is a joke in this most sunny of films that provides a disquieting note. As Clementine and Wyatt are standing on the porch of the Mansion House looking off into the mountains, Clementine says "The air is so clear and clean — scent of the desert flower."⁷⁰ Wyatt sheepishly replies, "That's my — barber,"⁷¹ referring to the cologne he received at the Bon Ton Tonsorial Parlor.

It is a nice touch, a light moment. But it is also disturbing. Instead of marveling at the nature that exists around them, men are already beginning to "bottle it." Whether it is churches or saloons, schools or cologne, men are domesticating the wild nature that exists around them. Will men eventually decide that the scent of the desert flower in a bottle obviates the need for it to exist in nature? Is there any dark side to the march of civilization on the American frontier? These are questions that John Ford was not ready to address in 1946. He was ready to address them, however, sixteen years later in *The Man Who Shot Liberty Valance*.

THE MAN WHO SHOT LIBERTY VALANCE: NEGATIVE LIBERTY AND THE SHIFT FROM MONISM TO PLURALISM

At first blush, *The Man Who Shot Liberty Valance* could be mistaken for a remake of *My Darling Clementine*. On the surface Ford

69. ISAAH BERLIN, *The Decline of Utopian Ideas in the West*, in *THE CROOKED TIMBER OF HUMANITY* 27 (Henry Hardy, ed. 1991).

70. MCBRIDE, *supra* note 55, at 430.

71. *Id.* Interestingly, John Ford himself added these lines to the film. *Id.*

just substitutes Shinbone for Tombstone, the evil Liberty Valance for the evil Clantons, and lawman Ranse Stoddard for lawman Wyatt Earp.

Yet, we quickly learn that Stoddard is like a funhouse mirror reflection of Earp. Earp is the Marshal of Tombstone and is indeed a "lawman." But Attorney Stoddard, we soon learn, is long on "law" but short on "man." Ford presents Stoddard at the beginning of the film as someone far too convinced that law books alone hold the key to all of society's woes. The camera lingers on Stoddard wearing an apron and washing dishes while fruitlessly searching his law books for a way to bring Liberty Valance to justice.

So John Ford has fooled us. Now we think the film will be about Ranse Stoddard's *transformation* into Wyatt Earp. This is because Ford now shows us how Stoddard reluctantly comes to accept that law books alone cannot stop Liberty Valance. Stoddard obtains a gun from Dutton Peabody and secretly goes off every day to practice shooting. Just as Wyatt Earp combined the authority of law with skill with a gun, so will Stoddard. We expect the final scene to show Stoddard's newly acquired shooting skills surprising bad guy Valance — and it would not surprise us if the showdown takes place around, say, "High Noon."

But Ford fools us again. He shows us that, despite practice, Stoddard is hopeless with a gun. There is no way Stoddard could outdraw even a drunken Valance. There is no way Stoddard will ever be able to "ransom" Shinbone from the control of Valance and his gang.

At this point, the viewer has to wonder why this film is not following the predictable "Town Tamer" path of *My Darling Clementine*. And then the answer becomes clear. *Clementine* is a simple story of good guy Earp against the bad guy Clanton clan. *Liberty Valance*, however, is not so simple. True, Stoddard is the good guy and Valance is the bad guy. But *Liberty Valance* has something *Clementine* lacks: the character of Tom Doniphon (John Wayne). While *Clementine* consists of a simple dyad, *Liberty Valance* contains an intricate triad. The presence of Tom Doniphon adds layers of complexity to the story.

Tom Doniphon represents the best of the American frontier tradition. In the words of Cheney Ryan, Doniphon exists *outside of* the law, but not *opposed to* the law; Doniphon observes a kind of unwritten "natural law."⁷² He is a man of honor, and he asks nothing more than to be allowed to run his ranch — and his life — with as little interference as possible.

72. Cheney Ryan, *Print the Legend: Violence and Recognition in The Man Who Shot Liberty Valance*, in *LEGAL REELISM: MOVIES AS LEGAL TEXTS* 24 (John Denvir, ed. 1992).

There is no Tom Doniphon-type character in *Clementine*. And yet, on second thought, perhaps there is. Doniphon is like the desert flower, whose scent Clementine refers to in talking to Wyatt Earp. She remarks on the natural beauty of the aroma of the flower that is indigenous to the unsettled country. Earp, recall, ruefully tells her that what she smells is actually bottled cologne. Civilization has no intention of leaving the desert flower — or Tom Doniphon — alone. Towns such as Tombstone and Shinbone will civilize the frontier, domesticate nature, and even capture the scent of the desert flower in cheap cologne.

Clementine does not address what will become of the desert flower. But *Liberty Valance* does, by examining the plight of Tom Doniphon. And John Ford invites us to make this desert flower/Doniphon connection by continually using the image of the cactus rose to represent Doniphon.

The cactus rose appears at crucial times in *Liberty Valance* to symbolize Doniphon. Significantly, the only times Ford moves his camera off the sound stage and into the desert are the three scenes at Tom Doniphon's ranch. The first scene at the ranch takes place at the very beginning of the film when Hallie asks the former Sheriff, Linc Appleyard (Andy Devine),⁷³ to take her alone out to Doniphon's abandoned ranch. Wild-growing cactus rose surrounds the ruins of the house. Hallie leaves the wagon to pick one. We later learn of the significance of the cactus rose when, during Stoddard's flashback, we learn that Doniphon brought Hallie a cactus rose when he was courting her many years before. Finally, at the end of the film, Hallie leaves one item on Doniphon's coffin — the cactus rose she picked that morning. Tom Doniphon, like the cactus rose, was a hardy survivor that learned how to bloom, for a time, in the desert.

Yet the cactus rose symbolizes more than just Doniphon. Its combination of the tough, prickly cactus with the beautiful flower reminds us that many different things can flourish side-by-side in a pre-law state of nature — both the flower (Tom Doniphon) and the cactus (Liberty Valance). This is the conundrum that John Ford deals with in *Liberty Valance*; it is an issue that *My Darling Clementine* did not even acknowledge.

And this is where the work of Isaiah Berlin provides insight. In his essay "Two Concepts of Liberty," Berlin differentiates between what he calls "negative liberty" and "positive liberty."⁷⁴ He defines

73. Veteran of numerous Westerns, Andy Devine may be best remembered as Jingles on television's *Adventures of Wild Bill Hickok*.

74. ISAIAH BERLIN, *Two Concepts of Liberty*, in *THE PROPER STUDY OF MANKIND* 191, 191-242 (Henry Hardy and Roger Hausheer, eds. 1997).

"negative liberty" as being the answer to this question: "What is the area within which . . . a person . . . is or should be left to do or be what he is able to do or be, without interference by other persons?"⁷⁵ Berlin continues that "liberty in this [negative] sense means liberty *from*; absence of interference beyond the shifting, but always recognizable, frontier."⁷⁶ Thomas Hobbes wrote that a free man "is not hindered to do what he has a will to."⁷⁷ Thus, a world of perfect negative liberty would be what philosophers refer to as a "state of nature." And in a pre-legal state of nature, the "big fish" will dominate the "little fish." This was most memorably expressed by R. H. Tawney, who tersely observed "freedom for the pike is death for the minnows."⁷⁸

Make no mistake — Liberty Valance may not be admirable, but he is nonetheless an example of "liberty." He represents the extreme negative liberty found in a state of nature. As the proverbial big fish, he steals at will from elderly female stagecoach passengers; he takes food at will from restaurant customers; and he horsewhips at will anyone who stands in his way. We may disagree with his choices, but Valance's life is a textbook example of extreme negative liberty. As Jeremy Bentham observed, "The liberty of doing evil, is it not liberty? If it is not liberty, what is it then?"⁷⁹

Therefore, Berlin stresses, "liberty" *per se* is not an unmitigated good.⁸⁰ Society recognizes, for example, that compelling the education of children and forbidding public executions both function as curbs on liberty, but this does not necessarily make these decisions unwise.⁸¹ Berlin again cites R. H. Tawney for the proposition that "the liberty of the strong, whether their strength is physical or economic, must be restrained."⁸² In fact, Berlin continues, "the bulk of humanity has certainly at most times been prepared to sacrifice this [liberty] to other goals: security, status, prosperity, power, virtue, rewards in the next world; or justice, equality, fraternity, and many other values which appear wholly, or in part, incompatible with the greatest degree of individual liberty."⁸³

75. BERLIN, *supra* note 74, at 194.

76. *Id.* at 199.

77. *Id.* at 195 n.3 (quoting THOMAS HOBBS, *LEVIATHAN* 146 (Richard Tuck, ed. 1991)).

78. BERLIN, *supra* note 74, at 196 n.1 (quoting R. H. TAWNEY, *EQUALITY* 208 (3d ed. 1938)).

79. BERLIN, *supra*, note 74, at 219 n.3 (quoting JEREMY BENTHAM, *THE WORKS OF JEREMY BENTHAM* 301 (John Bowring, ed. 1962)).

80. BERLIN, *supra* note 74, at 233-42.

81. *Id.* at 240.

82. *Id.*

83. *Id.*

Both Stoddard and John Ford understand that, in order to bring progress to Shinbone, liberty — in two very different senses — must be destroyed. In the literal sense, “Liberty” Valance must be killed. But in the larger sense, the conditions that support the extreme “negative liberty” in the state of nature known as the American frontier must be eliminated.

But John Ford knows something Stoddard does not. Indeed, John Ford knows something John Ford did not know when he made *My Darling Clementine* in 1946. And that is that the conditions that foster an extreme state of negative liberty produce not just the evil personified by the Clantons and Liberty Valance, but they also produce the virtues personified by Tom Doniphon.

Doniphon and Valance are not complete opposites, for Doniphon is as adamant as Liberty Valance in trying to preserve the kind of negative liberty currently reigning in Shinbone. Doniphon, no less than Valance, insists that the rule of law Stoddard is attempting to establish has no relevance for Shinbone. Doniphon, no less than Valance, mocks the law books Stoddard brings from the East. Doniphon, no less than Valance, continually reminds Stoddard that he does not belong in Shinbone; Valance does this by addressing Stoddard as “Dude,” while Doniphon mockingly calls him “Pilgrim.”⁸⁴

But while Liberty Valance uses his negative liberty to terrorize others, Doniphon uses that same negative liberty to pursue a peaceful, productive life. Again, the only time Ford takes his camera off the claustrophobic sound stage is to show us the prosperous, efficient Doniphon Ranch — with the Doniphon name proudly written above the corral. Like the cactus rose, both Doniphon and his ranch bloom in the desert, contributing harmony and beauty.

When Ford made *My Darling Clementine*, he saw no “down-side” to the destruction of the extreme negative liberty personified by the evil Clanton family. In true “Town Tamer” fashion, the elimination of the Clantons simply brought peace, prosperity, and progress to Tombstone.

But in *The Man Who Shot Liberty Valance*, Ford used the cactus rose to symbolize the type of negative liberty inherent in the state of nature that existed on the frontier. Ford now realized that you cannot eliminate the “cactus” (the evil Liberty Valance) without also killing

84. Just as the Pilgrims arrived in a “New World” in which they originally did not belong in 1620, Stoddard is reminded by Doniphon that he (Stoddard) has come to a “New World” in which he does not belong. The irony is obvious. Just as the Pilgrims in 1620 eventually imposed their rule on the land, so too will “Pilgrims” like Stoddard impose their rule of law on the American frontier.

the "rose" (the virtuous Tom Doniphon). And that is the insight that gives such depth to Ford's film.

But Ford's insights do not stop here. It would have been easy for Ford to simply make *Liberty Valance* an elegy to frontier values and to suggest that society made a terrible mistake when it replaced the negative liberty of the frontier with progress in the form of law, statehood, and the railroad.

Yet Ford is too sophisticated for that. In the negative liberty of the American frontier, both Valance and Doniphon thrived; indeed, this type of negative liberty was made for strong, dominant men like them. It is significant that Doniphon describes Valance as being the toughest man in the territory "except for me." Doniphon and Valance are the "pikes" that live off the "minnows" in a state of nature.

And how were the "minnows" in Shinbone faring?

It is noteworthy that the character of Pompey was not in the Dorothy Johnson story; Ford himself added this character to the movie.⁸⁵ Pompey is Doniphon's African-American friend and servant. They exhibit loyalty towards each other: Pompey is always ready to defend Doniphon with a gun, while Doniphon at one point stands up to a bartender and forces him to serve Pompey a drink. But there are disquieting aspects to the relationship. Although they are both grown men, Doniphon twice refers to Pompey as his "boy" while Pompey addresses Doniphon as "Mr. Tom." The whiff of a master-slave relationship is very much a part of the film. Indeed, one of the movie's most disturbing moments occurs when Doniphon finds Pompey learning to read under Stoddard's tutelage. Doniphon, clearly angry, orders Pompey to get back to the ranch to do his chores.⁸⁶

Ford recognizes that the negative liberty regime in the American frontier had to be replaced. Neither the Clantons nor Liberty Valance — nor, for that matter, Tom Doniphon — can be allowed to dominate the "minnows" of society.⁸⁷ But the fact that the change may have been beneficial in many ways does not mean that it was accomplished without any loss. When we choose to eliminate the system that

85. JOSEPH MCBRIDE, *SEARCHING FOR JOHN FORD* 624 (2001).

86. Ford brilliantly shows us that even the new society Stoddard is trying to establish may not include Pompey. Ford pointedly shows Pompey having to sit outside the meeting Stoddard chairs to determine who will represent Shinbone in Capitol City. No one complains that Pompey is disenfranchised. Nor does anyone complain that at the convention in Capitol City women must wait outside the hall while the men decide the future of the Territory.

87. The relation between Liberty Valance and the Clantons is too obvious to merit much discussion. But it is nevertheless fascinating to note that at one point in the film we learn that a farm family slaughtered by Liberty Valance and his men was named Holliday. It cannot be mere coincidence that this is also the name of one of the Clantons' victims at the O.K. Corral.

spawned the evils of Valance and the Clantons, we have to accept that we are also eliminating the many virtues of the Tom Doniphons as well. And this gives *The Man Who Shot Liberty Valance* a wisdom, a sophistication, and indeed a sadness that is missing from a simple "Town Tamer" film like *My Darling Clementine*.

And once again, Isaiah Berlin provides the vocabulary for expressing this. In his essay on Machiavelli, Berlin set out two different ways of life: the Christian life and the Roman Republic life.⁸⁸ Each can be seen as virtuous.⁸⁹ A monistic view would suggest that these two virtuous lifestyles could be integrated into one if we just work hard enough to put the jigsaw puzzle pieces together.

But Berlin questions this central premise of Western philosophic thought. Instead, Berlin contends that all "good things" are not always compatible, and "[c]onsequently a man must choose."⁹⁰ Berlin rejects the monistic view that there is one final answer, and instead supports the pluralistic view that there are many different, equally valid, yet completely incompatible systems of philosophy, morals, and government. Monism is comforting to the extent that it teaches that there is one, and only one answer, and that you must simply work hard enough to find it. But a pluralist view is deeply unsettling. For, as Berlin expresses it:

If, as I believe, the ends of men are many, and not all of them are in principle compatible with each other, then the possibility of conflict — and of tragedy — can never wholly be eliminated from human life, either personal or social. The necessity of choosing between absolute claims is then an inescapable characteristic of the human condition.⁹¹

And what Isaiah Berlin helps us see is that John Ford's *Liberty Valance* is about just that — that most existential of human conditions: the necessity of choosing. Stoddard comes to Shinbone offering to replace a Hobbesian state of nature with a world of education, irrigation, and legal rights. The John Ford of *My Darling Clementine* would have viewed this as an unalloyed good. But an older John Ford now recognizes that you not only cannot eliminate the vices of Liberty Valance without losing the virtues of Tom Doniphon; you also cannot establish a modern society without being forced to accept both the pol-

88. ISALAH BERLIN, *The Originality of Machiavelli*, in *STUDIES ON MACHIAVELLI* 149, 169-206 (Myron P. Gilmore, ed. 1972).

89. BERLIN, *supra* note 88, at 168-173.

90. ISALAH BERLIN, *The Originality of Machiavelli*, in *THE PROPER STUDY OF MANKIND* 267, 291 (Henry Hardy and Roger Hausheer, eds. 1997).

91. ISALAH BERLIN, *Two Concepts of Liberty*, in *THE PROPER STUDY OF MANKIND* 191, 239 (Henry Hardy and Roger Hausheer, eds. 1997) (emphasis added).

lution of the railroad and the alienation inherent in a community that neither knows nor cares whether Tom Doniphon is dead or alive.

CONCLUSION

As previously mentioned, *The Man Who Shot Liberty Valance* marked the first joint screen appearance of James Stewart — who so often played the iconic American man of reason — and John Wayne — who so often played the iconic American man of action. The complexity of *Liberty Valance* came from John Ford's realization that — much as we may otherwise wish — it was *impossible* for both of these icons to coexist on the American frontier.

It was Isaiah Berlin who wrote, "We are doomed to choose, and every choice may entail an irreparable loss."⁹²

And it was John Ford who filmed *The Man Who Shot Liberty Valance*.

92. ISAAH BERLIN, *The Pursuit of the Ideal*, in *THE CROOKED TIMBER OF HUMANITY* 1, 13 (Henry Hardy, ed. 1991).