

Power, Violence, and the Paradox of Founding in John Ford's *The Man Who Shot Liberty Valance*: An Arendtian Approach

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Abstract

John Ford's The Man Who Shot Liberty Valance is widely regarded as one of his best and darkest films and as a deep meditation on the American foundation myth. This article examines issues raised by John Ford's film through distinctions Hannah Arendt developed between 'power' and 'violence' in her 1969 essay "On Violence" and through her analysis of foundation myths in her 1963 book On Revolution and places them in a broader context of political philosophy. Through this conceptual apparatus, we may gain new insight into the way John Ford's film grapples with issues of law and politics. Moreover, the film provides concrete illustrations of some of the more abstract concepts in Hannah Arendt's writings.

Over the past decade or so, a growing number of scholars have recognized that the Western films of such directors as John Ford, Howard Hawks, and George Stevens offer serious meditations on issues of political philosophy. The American Western film is "an inherently political genre" (Brody 2013).¹ Moreover, "the Western is the chief realisation of the American foundation myth" (Tait 2008). And one particular subgenre of the Western provides rich provender for contemplating the myth of foundations because it grapples with a 'tragic' confrontation of lifestyles – the classic conflict between so-called 'cattlemen' (who pioneered the land, cleared it of 'hostile Indians', and created a prosperous life for themselves on the 'open range') and so-called 'sodbusters' or homesteaders (who, thanks to the 'taming' of the wilderness, follow in the wake of the cattlemen to plow fields, put up fences, etc., all of which destroy the 'open range'). This confrontation is depicted in such films as Elmer Clifton's 1918 silent picture *Winner Takes All*, George Stevens' 1953 *Shane*, and Michael Cimino's notorious 1980 *Heaven's Gate* (testifying to its persistence as a theme). The irony in the subgenre is rich (the cattlemen, having stolen the land from the Native Americans, resent having it re-stolen by homesteaders), but it is usually implicit or unacknowledged in such films.

1 For a more general analysis of the 'Western,' see Slotkin 1993 with excellent analyses of John Ford's films *Stagecoach* and *The Searchers*, among others.

The Man Who Shot Liberty Valance (1962)² – widely-acclaimed as John Ford's 'final masterpiece',³ although he directed several later films (including an 'anti-Western' *Cheyenne Autumn*) – is a prominent example of this subgenre. Along with *The Searchers*, it is generally regarded as one of Ford's 'darker' films,⁴ which were made after the director's experiences during World War II. The film is also widely recognized as a complex meditation on legal and political issues and has been analyzed from a variety of political and philosophical perspectives.⁵

I propose to examine some of the issues raised by the film through concepts developed by the political theorist Hannah Arendt in her book *On Revolution* (1963) and her 1969 essay "On Violence." I do not mean to suggest any causal connection in either direction. Obviously, Arendt was writing *On Revolution* when John Ford's film came out. Her work

2 The film is based on a short story by Dorothy M. Johnson, published in 1949. However, Ford deviated from the original plot in a number of ways that deepen and enrich themes touched on in the story.

3 For a sampling of the praise critics have had for *The Man Who Shot Liberty Valance*, see O'Neill 2004:472-73. Although the film was a success in 1962, critics have noted that it seems odd for a John Ford movie. For one thing, it is a very 'meta' film – a film about film. It references many of Ford's earlier pictures. For example, the plot is practically the inverse of his 1946 *My Darling Clementine* in which Henry Fonda as Wyatt Earp plays the marshal who brings law and order to the town of Tombstone (which the town of Shinbone echoes in *Liberty Valance*). It also recalls Ford's early Western, *Stagecoach* (1939), with John Wayne. Andy Devine (who plays the stagecoach driver in the early film and the ineffective marshal in *Liberty Valance*) is married to a Julietta in *Stagecoach* and has a daughter Julietta in *Liberty Valance*. John Wayne's character in both films has built a half-finished cabin, and the villains in both films die shortly after getting the Dead Man's Hand of aces and eights in a poker game. Ford's 1956 *The Searchers* famously opens with a shot of the wide, open spaces of western Texas (actually, Arizona) framed by the darkness surrounding a doorway of a cabin interior and ends with the same framing of the Indian-hating protagonist Ethan Edwards (John Wayne) walking away, unable to participate in the bliss of domestic life. Almost unique in Ford's oeuvre, *Liberty Valance* remains claustrophobic, virtually without exterior shots. The black-and-white film is shot in a German Expressionist *kammerspiel* fashion – dark interiors, irregular angles, no landscape vistas. See Matheson 2012:363-64; Barr 2011:162-179. A frequent criticism of *Liberty Valance* is that most of the actors – especially, Jimmy Stewart and John Wayne – seem to be 10-20 years too old for their parts. "Ford's detractors found this to be the limit of absurdity, as if the old man had slipped into dotage. But we are not seeing the characters as they were in the past.... They are the people of the film's present projected back into the past, acting out its fateful moments but incapable of altering them." McBride and Wilmington 1988:178. The staging is 'artificial' with a 'theatrical' feeling. The dialogue also seems 'stagey.' My view is that Ford consciously made *Liberty Valance* as a parable. It is supposed to be 'unrealistic.' Everything is exaggerated, larger than life – from the caricatured sets to John Wayne's ten-gallon hat to the enormous steaks served up at the restaurant, Peter's Place. This is as close as Ford ever gets to *Verfremdung* techniques.

4 For an interesting interpretation of Ford's increasingly dark films in a law and literature context, see Böhnke 2001.

5 To mention just a few: Koch 2008 (Platonic interpretation), Livingston 2009 (Straussian/Lockean perspective), O'Neill 2004 (utilizing Isaiah Berlin's two concepts of liberty).

could not have had any influence on John Ford; nor can I find any evidence that Arendt saw John Ford's film as she was composing her book. Nevertheless, the ideas Arendt was developing resonate with the message of the film in ways that enrich our understanding of both and clarify the relevance of the film in a law and literature context. Thus, an Arendtian approach provides new insights into the message of the film, and the film provides concrete illustrations of concepts developed by Arendt in her writings.

Hannah Arendt's political theory

A crucial element in Hannah Arendt's political theory⁶ is that she revitalizes – some would say, idealizes – the ancient Greek concept of the *polis* in her definition of the 'political'. The word *polis* usually gets translated into English as 'city-state', but that does not quite catch the full meaning of the term.⁷ Aristotle famously called man 'a political animal' by which he meant that what it means to be a human being is to be a part of a *polis*, part of a specific kind of community of human beings. And one of the fundamental things that make man a 'political animal' is that he alone possesses speech – that he is capable of communicating with his fellow creatures to form a community. Anyone who is either incapable of participating in such a community or is self-sufficient and needs no community to "live well" Aristotle says is "either a beast or a god" (*Politics* 1253a29).

What it means to live in a *polis* is to live as a community in accordance with the rules we have imposed upon ourselves. For Arendt, this is the essence of the 'political' – what she calls the public realm, which is (in her view) the realm of freedom.⁸ This is where politics takes place. In the public realm, we meet (as equals) to debate how we as a community should realize the conception of some public good we can agree upon. The realm of necessity is the *oikos*, the household, the private sphere, where we are engaged in whatever we have to do to sustain ourselves physically – literally, the *oikos* is where economics is relevant. The ancient Greeks, Arendt says, kept these two spheres separate; and, by mixing them up – mixing the private up with the political, the Modern Age has gone terribly wrong.

6 My exposition of Hannah Arendt's ideas is necessarily tentative and incomplete. As Marie Luise Knott has recently said, "Arendt's texts are inexhaustible; they unfold more and more with each new reading. One suspects that as our present becomes ever more distant from the historical circumstances that originally gave rise to her thought, Arendt's works will turn out to have new and quite different things to say to us." Knott 2011:xiii. On Hannah Arendt's life and thought generally, see Young-Breuhl 1982. See also Bernstein 2011.

7 See, for example, Hansen 2006 and Kitto 2009:64-79 on the *polis*.

8 Needless to say, Arendt's view of freedom is in the Aristotelian/Hegelian tradition of 'positive' freedom – as opposed to 'negative' freedom, as Isaiah Berlin famously formulated it. See Berlin (1958).

A corollary, one might say, of Arendt's conception of the 'political' is the distinction she makes between power and violence. As Arendt explains it: "Power and violence are opposites; where the one rules absolutely, the other is absent. Violence appears where power is in jeopardy, but left to its own course its end is the disappearance of power. This implies that it is not correct to say that the opposite of violence is nonviolence: to speak of nonviolent power is actually redundant. Violence can destroy power; it is utterly incapable of creating it" (Arendt 1970:56). Power is the capacity for acting in concert for public purposes. In other words, power is something that exists when we act together as a community. And how do you achieve community? Through communication, through persuasion. Speech, therefore, is essential to the public sphere. Language articulates the meaning of our actions and coordinates agents of the community. "Power," she says, "springs up whenever people get together and act in concert, but it derives its legitimacy from the initial getting together rather than from any action that then may follow" (Arendt 1970:52).

Violence is mute, Arendt says. It belongs outside the political sphere. For example, in ancient Greece, violence was either a tool of the private sphere (the *oikos*) since slaves were ruled by necessity, i.e., by violence, or it was a tool of foreign affairs (i.e., outside the *polis*) to be used against other cities. Violence appears, says Arendt, when power fades. The extreme form of power is All against One; the extreme form of violence is One against All (Arendt 1970:42). This is what a tyranny (and, later, a totalitarian regime) does – it uses violence to destroy our ability to work in concert. Power stands in need of legitimacy – that is, in order to act as a community, we must act in accordance with the rules we have created for ourselves as a community. Violence can be 'justified' but never 'legitimate.' Arendt says that any resort to violence is, in effect, a return to the 'state of nature' – that is, it is outside the sphere of politics. As Arendt puts it: "Power is indeed of the essence of all government, but violence is not. Violence is by nature instrumental; like all means, it always stands in need of guidance and justification through the end it pursues" (Arendt 1970:51). The relationship between power and violence plays a crucial role in Arendt's analysis of the so-called 'paradox of founding,' discussed below.

The Man Who Shot Liberty Valance

In *The Man Who Shot Liberty Valance*, we see the distinction between power and violence acted out and played upon in a variety of ways. A brief summary of the plot will make this obvious as well as the film's relevance in the law and literature context. Attorney-at-law Ransom (Ranse) Stoddard (played by Jimmy Stewart) comes west from 'back East' with his law books – ostensibly, to earn his living as a lawyer but, symbolically, to

bring order and civilization to the Old West. He encounters a primitive community generally governed by the code of personal vengeance. On the way into the town of Shinbone, Stoddard's stagecoach is waylaid. The lawyer is robbed and nearly beaten to death by the outlaw Liberty Valance (played by Lee Marvin), who is also a hired gun for the cattlemen in the territory.⁹ Stoddard is found and brought into town by the tough-minded, independent rancher Tom Doniphon (played by John Wayne) – who claims to be the only man in the territory tougher than Liberty Valance.¹⁰ Stoddard reports the crime and expects Liberty Valance to be arrested.¹¹ Doniphon scoffs, "I know those law books mean a lot to you, but not out here. Out here a man settles his own problems." He means – you settle your problems with a gun.

Although he persistently declines the option of violence throughout much of the movie, Stoddard eventually does confront Liberty Valance in a gunfight and miraculously comes out alive, leaving the gunslinger dead in the street. By facing down the outlaw on the outlaw's own terms, Stoddard eliminates the threat of 'lawlessness' and makes the community safe for 'law and order'.¹² To this extent, the story echoes themes with which we are familiar from ancient epic poetry and drama – for example, the transition in Aeschylus' *Oresteia* from a code of personal honor and vengeance to the establishment of the 'rule of law', a more impersonal legal order, in the *polis*. The parallels between the Old West and ancient heroic culture have been noticed by any number of critics.¹³ However, *The Man Who Shot Liberty Valance* has a twist that puts the tale in a more Machiavellian

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- 9 Liberty Valance acts out (or tries to) the famous line in Shakespeare's *Henry VI*, Part II, act IV: "The first thing we do, let's kill all the lawyers," which is spoken by Dick the Butcher. It is a line quoted often these days by lawyer bashers. However, in the context of Shakespeare's play, it is clear that this would be a bad thing – Dick the Butcher was part of an "army of rabble", bent on disorder and anarchy. If it is intended, this is only one of a number of Shakespeare references in the film. It is also noteworthy that Valance halts the stagecoach with the words "Stand and deliver", which is the standard phrase of an English highwayman, not an American bandit. See Matheson 2012:361.
- 10 Doniphon is and remains symbolically outside the *polis* like Aristotle's beast or god. He acts when something is 'personal', not for the greater good of the community. For example, he confronts Liberty Valance in the restaurant, Peter's Place, not when Valance hijacks another customer's steak but when Doniphon's own dinner gets knocked to the floor. Doniphon refuses nomination to the territorial convention for 'personal' reasons – his intention to marry Hallie. He exits from the film past a banner that opposes statehood for the territory.
- 11 At the beginning of the movie, Stoddard repeatedly asks: "What kind of men are you?" "What kind of a community is this?"
- 12 Robert Pippin puts it well: "Valance must be killed by a representative of a new order; his death must *mean* that." Pippin 2010:81. The film calls this meaning into question and makes the need for it problematic.
- 13 See, for example, Hosle and Roche 1994; Blundell and Ormand 1997:533-569; Myrsiades 2007:279-300; Cantor 2012; and Bazin 1971 (vol. 2):148 ("the migration to the West is our Odyssey").

light. It transpires that, having arrived in the nick of time to save Stoddard during the gunfight with Valance, Doniphon, hidden in the darkness of an alleyway, fires his rifle at the outlaw just before the lawyer shoots his weapon. Doniphon is the real killer of Liberty Valance – “cold-blooded murder, but I can live with it.”

Many years after his confrontation with Liberty Valance (the film’s story is told in flashback), Stoddard – now a respected Senator and former governor – returns to Shinbone for the funeral of Tom Doniphon, who (except for Stoddard and his wife) is mourned only by his faithful black companion/servant Pompey. Pressed for an interview by the local newspaper, Stoddard finally reveals the truth of who killed Liberty Valance. The newspaper editor reacts with the most famous line in the movie: “When the legend becomes fact, print the legend.” Almost everyone agrees that the message Ford is trying to convey is a variation on the so-called ‘paradox of founding’: “the establishment of any legal order, of whatever doctrine, even liberal-democratic humanist, must be illegal, violent, unjust, and brutal, and a society must find a way to represent that fact to itself as a national memory. It usually does this, as in this movie, by lying, by a distorting mythologizing” (Pippin 2009:227).

The ‘paradox of founding’¹⁴ has several variations in the history of political philosophy. For example, Rousseau’s political philosophy posits that good laws make for good citizens, but you must have good citizens in order to make good laws. Good laws will provide for the education of good citizens, but citizens must already be educated in

14 Hannah Arendt noted one form of the paradox in *On Revolution* in the way the revolutions that overthrew absolute monarchies sought “to find an absolute from which to derive authority for law and power” (Arendt 1963:160). In analyzing Abbé Sieyès’ attempt to resolve the problem, Arendt observes that

[an absolute] was needed to break two vicious circles, the one apparently inherent in human law-making, and the other inherent in the *petitio principii* which attends every new beginning, that is, politically speaking, in the very task of foundation. The first of these, the need of all positive, man-made laws for an external source to bestow legality upon them and to transcend as a ‘higher law’ the legislative act itself, is of course very familiar Sieyès ... broke the vicious circle, and the *petitio principii* of which he spoke so eloquently, first by drawing his famous distinction between a *pouvoir constituant* and a *pouvoir constitué* and, second, by putting the *pouvoir constituant*, that is, the nation, into a perpetual ‘state of nature’ (Arendt 1963:160-61).

Of course, Arendt observes, “it is obvious that Sieyès solution for the perplexities of foundation, the establishment of a new law and the foundation of a new body politic, had not resulted and could not result in the establishment of a republic in the sense of ‘an empire of laws and not of men’ (Harrington).” Arendt 1963:163. Arendt praises the American Revolution for having succeeded in creating such an ‘empire of laws’ as opposed to the French Revolution, which – unfortunately, in her eyes – became the model of future revolutions.

order to promulgate good laws.¹⁵ The paradox of founding is often said to be mirrored in Machiavelli's notorious chapter 15 of *The Prince*: "for a man who wishes to profess goodness at all times must fall to ruin among so many who are not good. Whereby it is necessary for a prince who wishes to maintain his position to learn how not to be good and to use it or not according to necessity" (Machiavelli 1964:127).¹⁶

The paradox of founding: violence

Early in *On Revolution*, Hannah Arendt says, "whatever political organization men may have achieved has its origin in crime" (Arendt 1963:11). All political regimes begin with violence. She says (and she gets this from Machiavelli, among others): "Cain slew Abel, and Romulus slew Remus; violence was the beginning and, by the same token, no beginning could be made without using violence, without violating" (Arendt 1963:10).¹⁷ Wars and revolutions are characterized by violence, Arendt says, and this is because both of them take place outside the *polis*, outside the political realm strictly speaking. States go to war with each other because, in theory, states are in the 'state of nature' vis-à-vis each other.¹⁸ Revolutions are outside the political because they are, so to speak, what founds (or re-founds) the political. Revolutions create the space for the creation of a public realm.

Arendt says the 'state of nature' is just "a theoretically purified paraphrase" (Arendt 1963:11) of the crime of Romulus and Cain. If you take the 'state of nature' concept seriously, how do you escape it? You impose a political regime on a territory and thereby

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- 15 See *On the Social Contract*, Book II, chap. 7: "In order for an emerging people to appreciate the healthy maxims of politics, and follow the fundamental rules of statecraft, the effect would have to become the cause...." Rousseau 1978:69.
 - 16 See Arendt 1977:137-39. Of course, there are many readings of Machiavelli. This one is congruent with the theory that the greatest thing a prince can do is to found a republic. See Rousseau, *On the Social Contract*, Book III, chap. 6; Benedict de Spinoza, *A Political Treatise*, Book V, sec. 7. One may also find the paradox in Plato's *Republic* on how a philosopher may be compelled to rule, which also mirrors the paradox in Plato's *Meno* as to whether virtue can be taught.
 - 17 Cain founded the first city in the Bible, Enoch. Romulus, of course, founded the city of Rome. Both figures slew their brothers.
 - 18 The 'lawlessness' of what is outside the *polis* is highlighted by the robbery incident in *Liberty Valance*. Stoddard's stagecoach is robbed by Liberty Valance outside the city. When Stoddard first speaks to the buffoonish town marshal about arresting Valance, the marshal objects that he lacks the jurisdiction. The robbery, Stoddard then concedes, might be a "territorial offense" outside the marshal's jurisdiction. Later, of course, after he has done some research, Stoddard finds that the marshal does have jurisdiction and can arrest Valance as soon as he comes to town – to which the marshal replies, "Just when I was starting to get my appetite back."

violate someone else's 'rights' in the 'state of nature'. Hobbes called the state of nature the war of all against all. How do you get out of it? You band together in order to impose some kind of order – backed up with violence. Once a 'public space' is created, the *modus vivendi* becomes persuasion, and violence returns you to the state of nature. Arendt observes that, "under certain circumstances violence – acting without argument or speech and without counting consequences – is the only way to set the scales of justice right again" (Arendt 1970:64, citing the example of Billy Budd, the mute sailor who can only lash out physically at the unjust accusations of his superior; see the discussion below). This is precisely what happens in *Liberty Valance*. How and why this is the case is the crux of the message in the film, and it requires more explanation of the context in which the gunfight between Stoddard and Valance takes place.

The paradox of founding: Education is the basis of law and order

As we saw in the example of Rousseau's paradox of founding, education has played a crucial role in democratic theory (think only of J.S. Mill or John Dewey, for instance). In my reading of the film, the pivotal scene of *Liberty Valance* takes place in the schoolroom. Hallie, who is the romantic interest in the movie (the woman Tom Doniphon intends to marry but who winds up marrying Ranse Stoddard) is illiterate. Stoddard offers to teach her to read. This offer eventually leads to the establishment of a school, located in a room attached (significantly) to Dutton Peabody's newspaper office. As John Ford sets the scene, the schoolroom into which Stoddard strides is an American utopia. All ages, genders, and races¹⁹ mix together harmoniously to learn about American constitutional government. On the blackboard behind Stoddard is written "Education is the basis of law and order." Link Appleyard's daughter Julietta, whose mother is Mexican, is the star pupil. Tom Doniphon's black 'servant' Pompey (played by Woody Strode)²⁰ is present,

19 Interesting is the total absence of Native Americans in this film. Ford's 1956 *The Searchers* dealt with themes of racism and genocide, shocking in 1956 as it implied that the American founding was based on both. It is as though the work begun in *The Searchers* has been completed by the time of *Liberty Valance*.

20 The character of Pompey is rife with tension and ambiguity. It is uncertain what his relationship with Tom Doniphon is, but it smacks of a master/slave relationship. (It is worth remembering that John Wayne's character in *The Searchers* – with whom Tom Doniphon has parallels – was a Confederate soldier who never surrendered.) The name – Pompey – implies a slave name. Southern plantation owners often named their slaves for ancient Greeks and Romans in homage (or unconscious mockery) of ancient learning. Pompey is certainly loyal to Doniphon – even when he might be appalled by what Doniphon does. Watch the expression of dismay on Pompey's face, for example, when Doniphon, pretending to teach Stoddard how to shoot a pistol, instead shoots the paint cans Stoddard is setting up as targets, spilling paint all over Stoddard's suit. Stoddard then punches Doniphon in the jaw – eliciting the first true respect Doniphon shows for the lawyer. Only after Doniphon has been decked does Pompey begin to laugh at the incident. The figure of Pompey also implies the

along with various other adults. The comic character Kaintuck is there because he ‘lost’ at the cut of the cards as to who would have to go to school from the ranch where he works.

However, the scene is not merely for comic relief. Ford is working on a number of levels here. Bear in mind that, in 1962, the United States was far from a model of racial harmony. This was the height of the civil rights movement. Rioting took place that year in Oxford, Mississippi over the admission of a black man, James Meredith, to the University of Mississippi. Eight years had gone by since the United States Supreme Court’s ruling in *Brown v. Board of Education* (1954), overturning racial segregation in education, but little had happened to resolve the race question in the United States. Ford is quite consciously contrasting the ideals of American government with its reality. Already at this point in the film, Ford is poking holes in the fabric of mythic memory in which American audiences like to wrap themselves.

Most tellingly, as the lesson progresses, Stoddard calls on Pompey (passing over Julietta) to explain what the basic law of the land is. Pompey eventually replies correctly that it is the Constitution, which he says was “writ” by Thomas Jefferson (mixing it up with the Declaration of Independence) and began with the words “We hold these truths to be ... uh ... self-evident ...” Pompey cannot complete the quote, so Stoddard finishes it for him: “That all men are created equal.” Pompey says, “I knew that, but I plumb forgot it.” Stoddard replies, “A lot of people forget that part.” What is striking about this exchange (besides Stoddard’s condescension²¹ and the scene’s obvious didacticism) is that, when the camera is on Stoddard, there is visible behind him a portrait of George Washington, the father of his country but also a slave owner. When the camera is on Pompey, a portrait of Abraham Lincoln is visible. Ford clearly intends to stress the unfulfilled promise of American democracy, but there is something else going on here as well. The exchange reflects an ongoing debate in American constitutional law on the relationship between the Constitution and the Declaration of Independence. Technically speaking, the two documents stand in no legal relationship to one another. The Constitution supersedes the Declaration. However, Abraham Lincoln famously called the Declaration of Independence an apple of gold in a frame of silver (the Constitution) – that is, the Constitution should be interpreted in accordance with the goals set forth

dependency of ‘white’ America on ‘black’ labor – virtually unacknowledged either in the film or history. See Pippin 2010:78. For an exposition of Pompey’s character and role in the film, see the excellent article by Horne 2012:5-27.

21 Compare this scene with one of the final scenes in the film in which Senator Stoddard awkwardly slips Pompey some “pork chop” money.

in the Declaration, goals as yet unfulfilled. Stoddard is teaching his students what the American regime *should* be, not what it *is*.²²

Reality sets in abruptly. After his colloquy with Pompey, Stoddard lectures his students on a draft editorial written by Peabody about the importance of voting to make the territory a state. Tom Doniphon interrupts the class, looking for Pompey. “Why have you been wasting time here? Get to work. Your schooling’s over,” Doniphon says to Pompey.²³ Although Stoddard protests, Pompey leaves the schoolroom immediately. Doniphon then says, “The good editor here has written some noble words, and you read ‘em good, but if you put that paper out, the streets of Shinbone will be running with blood.” He relates that, at the behest of the cattlemen, Liberty Valance has been gathering hired guns and has already murdered some ‘sodbusters’ south of the Picketwire River. The class breaks up in fear and turmoil. Stoddard turns and erases from the blackboard the statement: “Education is the basis of law and order.” This is where we learn Stoddard may be in doubt about his ideals, that he has been secretly practising with a gun in case he has to face down Liberty Valance. Education may be the basis for law and order in the *polis*, and law may ensure the public space for political action, but neither of them creates that space.

Ford’s film has set up the problem admirably. Stoddard, representing the ideals of democracy and education, now seems to be coming to terms with the reality that his ideals may be lacking. At the very least, he should be prepared to act in his own defense since there is no true public realm to which to appeal. It is not yet enough, however, to make him actively resort to violence.

Power and violence

What does make Stoddard resort to violence relates to how ‘power’ (in an Arendtian sense) is established in the film. As the classroom scene indicated, even before the gunfight, the community of Shinbone is in the process of acting in concert – exercising their ‘power’. Two delegates are to be elected at an assembly of the townspeople to the territorial convention, which is to determine the matter of statehood. The voting is

22 “And many have imagined republics and principalities that have never been seen or known to exist in reality; for there is such a gap between how one lives and how one should live that he who neglects what is being done for what should be done will learn his destruction rather than his preservation.” Machiavelli 1964:127 (Chap. 15).

23 Doniphon acts in just as high-handed a manner with Hallie, telling her to “go where you belong. I don’t want you in no shooting gallery.” Hallie, by contrast, protests Tom’s bullying. There seems to be both a critique and a subtle acceptance of race and gender roles in the film.

to take place in the saloon, where Pompey notably waits outside – as do the women of the town. Liberty Valance arrives to intimidate the townsfolk to vote for him as the cattlemen's representative. He warns them not to vote together in a way they will regret when they are alone. Valance fails. It should be noted that he fails because Tom Doniphon's reputation with a gun, which is also backed up by Pompey's shotgun outside the saloon doors,²⁴ forces him to accept the outcome of a fair vote. Instead, the townspeople elect as their delegates representatives of what were traditionally believed to be the cornerstones of American democracy – the rule of law (Ranse Stoddard) and a free press (Dutton Peabody): the lawyer and the newspaperman, professions that depend on words, on persuasion. (One cannot help but contrast the contempt with which both lawyers and journalists are held in the US today.) In Arendtian terms, this truly is an exercise of 'power' as opposed to violence.

Yet, as Arendt observes, violence can destroy power, and Liberty Valance makes good on his threat of violence. After his attempt to disrupt the election fails, Liberty Valance calls Stoddard out. "You got a choice, dishwasher [Stoddard]. Either leave town," he says, "or tonight be on that street alone. You be there, and don't make us come and get you." Stoddard apparently decides to leave. He does the dishes at the restaurant, Peter's Place, to settle up his debts, while Pompey waits to escort him out of town. However, Liberty Valance intervenes. Valance and his 'myrmidons'²⁵ (as Peabody calls them) beat the newspaper editor just as savagely as Stoddard was beaten at the beginning of the movie. This is the act that finally convinces Stoddard to face down Liberty Valance in the street. This is the film's dramatic climax.²⁶

24 Echoing a confrontation between Doniphon and Valance at the restaurant, after Valance tripped Stoddard as he was serving Doniphon's steak, and anticipating the final showdown when Valance is killed.

25 The henchmen of Achilles, another classical reference. The reference by Ford here is deliberate – Achilles is the pinnacle of 'heroic' virtue – virtues that are admirable in a savage society but not the refined culture of the *polis*. We are in awe of him in Homer's *Iliad*; we are appalled by him in Shakespeare's *Troilus and Cressida*. It is worth noting that, just before Peabody enters the newspaper office where Liberty Valance and his henchmen are waiting for him, Peabody is quoting to himself the inspirational St. Crispin's day speech from Shakespeare's *Henry V* – giving himself courage for the battle he fears he must face. Just before being beaten, Peabody utters a line that reproduces the ambiguities inherent in the concept of 'liberty' – with its associations to both freedom and license (and Berlin's sense of 'negative liberty'): "Liberty Valance taking liberties with the liberty of the press?"

26 Here, too, what actually motivates Stoddard is somewhat puzzling. He must know that it is suicidal to face Liberty Valance in a gunfight. One of the subthemes in the film is what it means to be 'a real man.' The film wavers between Tom Doniphon's bravado and machismo and Ranse Stoddard's mature restraint. Has Stoddard accepted Doniphon's version of 'manhood'? After the gunfight, Hallie confesses that she was disappointed in Stoddard's decision to run away but cannot bear the thought of the outcome that was more likely. The ambiguity remains in the awkward silence between the couple at the very end of the film.

If the homesteaders are to be secure from the ranchers ‘north of the Picketwire,’ they must neutralize the violence of the cattlemen represented in the form of Liberty Valance. Although Stoddard has been practicing with a handgun, he is hopeless at it. As the feckless town marshal Link Appleyard says to Liberty Valance, Stoddard could not shoot the hat off his own head with the gun right in his hand. It is Doniphon’s violence, not Stoddard’s, that determines the outcome. In Arendtian terms, Doniphon’s crime is ‘justified’ in that it prevents a clear injustice and paves the way for a new and better community and legal order. It could never be ‘legitimate’ – not even by the Old West’s code of honor. Doniphon, for example, could have stopped the gunfight by calling Liberty Valance out – giving him a fair chance to draw; may the better man win, so to speak. Doniphon does not. Instead, his “cold-blooded murder” re-enacts the “primordial crime” of Cain and Romulus. It is ‘justified’ by the ‘civilization’ it institutes. Yet, the ‘crime’ is covered up. Why that is requires some explanation.

Smoke gets in your eyes

In the film, the story of Liberty Valance is related by Ranse Stoddard many years after his confrontation with the outlaw – and after he has had a distinguished career as governor, senator, and ambassador. He and his wife Hallie have returned to the definitively civilized town of Shinbone (a town now with a railroad, telephones, and no hint of Mexican *cantinas*)²⁷ to attend the funeral of Tom Doniphon, a now forgotten and obscure figure who has not worn a gun in years. When the reporter from Peabody’s old newspaper, the *Shinbone Star*,²⁸ discovers Stoddard’s presence, he insists on an ‘exclusive’ (and is soon joined by the editor of the paper). Stoddard agrees in order “to mend some political fences.” Stoddard speaks in a pompous, self-important fashion (that recalls – or, rather, anticipates – the tone of the cattlemen’s mouthpiece, Cassius Starbuckle, at the territorial convention late in the film), and he wears a large white hat with a black band – the same kind of hat worn by Wild Bill Hickok (who was famously murdered while playing poker, holding the Dead Man’s Hand, aces and eights – the same hand with which Liberty Valance wins a poker pot, the silver from which spills onto the street after he is killed). In the flashback scenes, Stoddard never wears a hat – in stark contrast to Liberty Valance’s black hat and Tom Doniphon’s ten-gallon white hat.²⁹ By wearing the same hat Wild Bill

27 Pippin notices this as well. See Pippin 2010:72-73.

28 The irony becoming clear over the course of the film that Dutton Peabody would never have suppressed the story Stoddard gave the newspaper.

29 Perhaps, an indication of a lack of ‘manliness.’ On hats in *Liberty Valance*, see Matheson 2012 and Barr 2011. Jimmy Stewart recalled that, in the first film he did for John Ford, the two men had a dispute about his character’s hat. As a result, Ford would not allow him to wear a hat in *Liberty Valance* – an anecdote that cannot be all there is to the story. See James Stew-

Hickok wore, Senator Stoddard has symbolically assumed the character of the gunslinger hero of the Old West. He has assumed the identity (or, at least, the trappings) of and built a reputation as ‘the man who shot Liberty Valance.’

After the gunfight, unaware that it was Doniphon who killed Valance, the bandaged and wounded Stoddard and Peabody attend the territorial statehood convention. Peabody nominates Stoddard as the territorial delegate to Congress. In his speech, Peabody acknowledges the role of the cattlemen in opening up the West. They

seized the wide-open range for their own personal domain, and their law was the law of the hired gun. But now, today have come the railroads and the people. The steady, hard-working citizens, the homesteader, the shopkeeper, the builder of cities. We need roads to join those cities, dams to store up the waters of the Picketwire, and we need statehood to protect the rights of every man and woman, however humble.

Stoddard, says Peabody, “came to us not packing a gun, but carrying instead a bag of law books. Yes. He is a lawyer and a teacher. . . . But more important, he’s a man who has come to be known throughout this territory in the last few weeks as a great champion of law and order.” Here is the beginning of the legend that will buoy Stoddard’s career, eliding and distorting a gunfight into some act of law enforcement. The cattlemen’s mouthpiece, Major Cassius Starbuckle, rises to object: “I can’t believe my eyes. Is it possible that such a representative body of honest, hard-working Americans can endorse a candidate for the Congress of our beloved country whose only claim to the office is that he killed a man?” The statement causes a furor, but it appears to provoke a crisis of conscience in Stoddard, who walks out of the convention.

Now why Stoddard walks out of the convention and why he walks back in after a conversation with Doniphon (who, in a cloud of cigarette smoke, informs Stoddard that he was not the one who killed Liberty Valance) is something of a puzzle.³⁰ However, it makes more sense in the context of Arendt’s conceptual framework. The territorial convention is an exercise of power. It is *political* in every sense of the word, and it depends on persuasion, on words, on rhetoric – *not* on violence. In the context of the

art, *A Wonderful Life* (documentary film 1987).

30 Doniphon implies he should do it for Hallie, the woman Doniphon had been planning to marry but who is apparently in love with Stoddard: “Go on back in there and take that nomination. You taught her how to read and write. Now give her something to read and write about!” A number of critics have wondered whether this is sufficient reason for Stoddard to accept the nomination.

polis, Stoddard's ostensible act of violence against Valance is shocking, inappropriate, disqualifying in some way. In terms of the 'rule of law' he values, Stoddard has acted outside of it. He has, as Starbuckle says, taken the law into his own hands, acted as judge and juror.³¹ From the perspective of the *polis*, which Major Starbuckle feigns, what Stoddard did was to eschew the 'rule of law' by killing Liberty Valance.

The tragedy of the second-best regime

In an interesting interpretation, Getrud Koch speculates that Stoddard's ostensible 'betrayal' of the law is eating at him. On one level, Stoddard agrees with Starbuckle's assessment. He does not want political power from an "illegal act." According to Koch, once Stoddard decides to face down Liberty Valance, "he has violated his platonic understanding of law" (Koch 2008: 687), which is why he takes down his bullet-ridden sign from Peabody's office. His 'Platonic' vision of himself is sullied. Only when Doniphon explains that Stoddard did not kill Liberty Valance does he consent to enter politics. He retains his personal sense of integrity, but this does not expunge the public deception.

The popular power he receives as The Man Who Shot Liberty Valance may have been gained legally, but the inhabitants of the cave have not been freed, they are applauding the state of law founded by force, not the state of law in its pure form. As a Platonist, Stoddard has failed miserably; in the end, as a politician, he has become a man of deception, but the person he is, however, seems unchanged (Koch 2008:687).

This is an intriguing conceptualization with much explanatory power with respect to Stoddard's personal motives. Its implications are congruent with the pompous Senator Stoddard who returns to Shinbone for Doniphon's funeral.³²

However, I think Koch's reading is off the mark and may be properly supplemented with a common, popular interpretation of Stoddard's feelings. This view holds that, however

31 Notably, Starbuckle says 'the mark of Cain' is on Stoddard.

32 It also provides an intriguing modern variation of the Platonic 'noble lie,' which has the good effect of making people more inclined to care for the *polis*. Plato, *Republic* 415c-d. The echo is there as well of the Platonic paradox of founding – how can a philosopher come to rule in a city in which his descriptions of truths outside the cave will sound like the ravings of a mad man to the inhabitants of the cave. See *Republic* 517d-e. In Koch's interpretation, however, it is a tragedy of realism: "Had the law remained platonic instead of becoming practical, Stoddard would have been shot by Valance without his as much as turning a hair, the truth of reason of the system of law would never have had any effect, and neither would it have gone to the dogs of politics" (Koch 2008:690).

legally dubious³³ it may be for Stoddard to have killed a man in a gunfight, it would still arguably be self-defense (and, thus, ‘justified’). If Doniphon killed Valance in cold blood, he is guilty of murder – at least, as seen through the eyes of the *polis*.³⁴ Stoddard realizes that, if he does not pick up the burden of the killing, he may be risking the life of the man who saved him and did the citizens of Shinbone a tremendous good.³⁵ When he realizes what the consequences might be for Doniphon, Stoddard accepts the lesser evil. The question is: is it unjust to judge Doniphon by the very standards his actions helped make a reality?

An Arendtian perspective illuminates this question. The political realm, the realm of freedom, in Arendt’s conceptual apparatus echoes the ‘tragedy’ of the ‘second-best regime’ in ancient Greek political philosophy. The best regime, according to Plato and Aristotle, is the rule of the wise king (the philosopher-king we know from Plato’s *Republic*). Such a king would be able to discern true justice and apply it as individual circumstances require. The second-best regime is the ‘rule of law’. The rule of law is second-best because even the most enlightened laws by their nature must be general. But infractions are individual – there are always extenuating circumstances that the law cannot (necessarily) take into account. Law can never provide ‘true’ justice – only the philosopher-king could theoretically do that. Law can only approximate a kind of rough-shod justice.³⁶

In her analysis of Herman Melville’s *Billy Budd*, Arendt comments:

The tragedy is that the law is made for men, and neither for angels nor for devils. Laws and all ‘lasting institutions’ break down not only under the

33 Dubious depending on the legality of duels. On the legality of the gunfight, see Lubet 2000-2001. However, Lubet mistakenly says that Ranse Stoddard calls out Liberty Valance. *Ibid.* at 358. It is, rather, Liberty Valance who makes the threat right after the vote on the delegates. Valance is later told that Stoddard is out on the street with a gun, which he then claims makes his action ‘self-defense.’ But nowhere in the film does Stoddard explicitly call Valance out.

34 Doniphon’s act may be interpreted as ‘murder’ in a number of ways: as a violation of ‘natural law’ or as a violation of the ‘code of the West.’ The extent to which it is a violation of the positive law of the *polis* (Shinbone) may be problematic, as indicated below. However, as the Starbuckle character indicates, this is how Doniphon’s act would likely be interpreted since Shinbone is ostensibly under the ‘rule of law’ – however ineffectively administered.

35 In the law and literature context, one is reminded of the end of Harper Lee’s *To Kill a Mockingbird*, which was released as a film in the same year as *Liberty Valance*. There, it was thought that Atticus Finch’s son Jem killed the evil Bob Ewell in self-defense although he was actually killed by the reclusive Boo Radley. The Maycomb county sheriff (with Atticus’ tacit consent) refuses to allow the truth to come out, as it would be a “sin” to expose Radley “with his shy ways” to public scrutiny. Koch also acknowledges this. See Koch 2008:690.

36 Compare Abensour 2007.

onslaught of elemental evil but under the impact of absolute innocence as well. The law, moving between crime and virtue, cannot recognize what is beyond it, it cannot but punish elemental goodness even if the virtuous man, Captain Vere, recognizes that only the violence of this goodness is adequate to the depraved power of evil (Arendt 1963:79).

In the eyes of the *polis* under the rule of law, Doniphon's action can only look like a crime – just as, in Melville's novella, Billy Budd's accidental killing of John Claggart looks like a crime.³⁷ Stoddard presumably understands this. Thus, Stoddard does not fall from a 'Platonic' idea of law, as Koch would have it. Rather, he acts in accordance with a (non-political) Platonic idea of justice, which can only ever be imperfectly realized in law. On this reading, Stoddard understands that to apply the letter of the law to Doniphon's actions from the perspective of the 'rule of law, the 'second-best' regime, would be to commit an injustice.

Moreover, it would fail to recognize the "verità effettuale" of things, as Machiavelli put it in Chapter 15 of *The Prince*. As opposed to the English warship in *Billy Budd*, the town of Shinbone is only ostensibly under the rule of law. The law and order of Shinbone – represented by the marshal, Link Appleyard ("the jail's only got one cell, and the lock's broke, and I sleep in it") – is as good as having no law and order at all. In effect, Shinbone is in the state of nature, in the war of all against all. Doniphon's action may not be sanctionable in a truly founded *polis*, but no true public realm has been instated in Shinbone. The killing of Liberty Valance lays the real foundation of the city, the *constitutio libertatis*, "the constitution of a public space where freedom could appear" (Arendt 1963:258). In Arendtian terms, by accepting the nomination as territorial delegate, Ransom Stoddard has the opportunity to bring about "lasting institutions" to constitute a proper public realm. It is a 'revolution,' founded on the 'crime' by Tom Doniphon.³⁸

37 The killing was accidental; the act of violence was not.

38 But the paradox of founding is irresolvable. Arendt's *On Revolution* is in many ways an extended meditation on remarks she made in her earlier treatise *The Human Condition*: "It is in the nature of beginning that something new is started which cannot be expected from whatever may have happened before....The new always happens against the overwhelming odds of statistical laws and their probability, which for all practical, everyday purposes amounts to certainty; the new therefore always appears in the guise of a miracle." Arendt 1958:177-78. It may also appear in the guise of a 'crime.'

Print the facts, including the legend

Many viewers and critics see the ending of *Liberty Valance* as dark and melancholy, and so it is in many ways. In the closing scene of the film, Stoddard and Hallie are sitting on the train – speaking haltingly, almost stonily, not looking directly at each other.³⁹ They talk of returning to Shinbone and construct a fantasy of living life like it was in the old days. The melancholy atmosphere seems to imply that this can never happen. It is a melancholy of nostalgia.⁴⁰ The scene is punctuated by the final line of the movie, when the train conductor says to Stoddard, “Nothing’s too good for the man who shot Liberty Valance.” The lie on which Stoddard has based his career lives on, unchallenged.

Some read the ending as ‘dark’ because the film is thought to expose the seedy underside of American democracy. All its ideals of freedom and equality are just so much smoke – like the smoke Tom Doniphon exhales to fill the screen introducing the flashback within the flashback. The ‘real’ America is an America of violence. And when the truth is known, the comfort of the legend is preferred. It is not hard to recall here the controversy surrounding the publication of Hannah Arendt’s *Eichmann in Jerusalem*. According to her critics, the book shockingly implied that the evil deeds perpetrated by the Nazi Adolf Eichmann were “banal” and that the Jewish councils that cooperated with the Nazis were somehow complicit in the Holocaust. Arendt’s friend, Karl Jaspers, explained that her critics were upset because the book was an “act of aggression against ‘life-sustaining lies.’”⁴¹ The implications of the book were too cruel, some believed, to be spoken of. Arendt emphatically denied the charges against her, insisting that her critics were misreading her, but she steadfastly championed the pursuit of truth, wherever it led. Similarly, *Liberty Valance* seems to be an attack on the “life-sustaining lies” of the American republic. However, this does not mean that the film itself is endorsing the lie. As director Peter

39 They leave before Doniphon’s funeral actually takes place. Why this happens is never explained – one of a number of things that remain unexplained in the film. As Stoddard walks away, he notices the cactus flower on Doniphon’s coffin, left by Hallie – like the cactus flower Tom Doniphon gave her early in the film. Stoddard realizes that Hallie still loves Doniphon. The symbolism of the cactus rose is quite rich. After Doniphon presented Hallie with the cactus rose, Stoddard asked Hallie whether she had ever seen a ‘real’ rose (as though a cactus rose was not ‘real’). The roses Stoddard had in mind could only be cultivated in Shinbone if the river were dammed and a system of irrigation instituted. This is what Senator Stoddard is about to accomplish at the end of the film – transforming a “wilderness” into a “garden.” Hallie asks him, “Aren’t you proud?” He never replies to her question. Does Stoddard regret his actions? If so, does he regret *how* the wilderness was transformed into a garden or *that* it was?

40 Their conversation reveals that they do not communicate their own deep feelings to each other.

41 Letter from Karl Jaspers to Hannah Arendt, 16 November 1963, Arendt and Jaspers 1992:531. For a brief overview of the controversy surrounding *Eichmann in Jerusalem*, see Amos Elon’s introduction to Arendt 2006, but the controversy is still raging.

Bogdanovich has pointed out, John Ford did not ‘print the legend’ – he exposed the “verità effettuale” behind it (Bogdanovich 1978:34).

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