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Currents in the Cross-Legal: Recontextualizing Terence Rattigan's *The Winslow Boy*

Though Terence Rattigan's reputation as a playwright has successfully been revived in recent years, critical responses to the plays – *The Winslow Boy* (1946) being a case in point – remain limited to the perspectives of British theatre history and British party politics. Paying particular attention to 'cross-legal' parallels between *The Winslow Boy* and a variety of historical and fictional analogues, Alex Feldman restores the play to a broader frame of reference, and to some of its original contexts of production and reception. First considering Rattigan's juvenile dramatic forays into the law, including his adaptation of *A Tale of Two Cities*, he proceeds to explore archival evidence of *The Winslow Boy*'s European reception, pursuing parallels drawn by reviewers with the Nuremberg trials, the Dreyfus case, and Heinrich von Kleist's 1811 novella, *Michael Kohlhaas*, re-positioning *The Winslow Boy* within the transnational and transhistorical legal imaginary to which it properly belongs. Alex Feldman is an Assistant Professor of English at MacEwan University in Alberta. His first book, *Dramas of the Past on the Twentieth-Century Stage: in History's Wings*, was published by Routledge in 2012.

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THE WINSLOW BOY (1946) occupies a peculiar, one might say a self-contradictory position in Terence Rattigan's oeuvre. Deriving its theme from a celebrated episode in Edwardian legal history, the play dramatizes the story of a young naval cadet, wrongly accused of stealing a postal order, whose honour is ultimately vindicated by the tenacity and self-sacrifice of his family, the formidable talents of an eminent advocate, and the venerable traditions of British justice.

In its serious concerns with law, liberty, and civil rights, at its premiere *The Winslow Boy* appeared to be a departure from the habitual mode of a playwright whose reputation over the preceding decade had been built upon a run of light comedies, beginning with the dazzling success of *French Without Tears* (1936), and followed by *While the Sun Shines* (1943) and *Love in Idleness* (1944), which displayed a mastery of glittering dialogue and finely wrought comic plotting, unmatched on the London stage by any save Noël Coward.

As it happened, Rattigan had, in fact, been engaged in three projects in the early war years which, if not uniformly serious in tone, at least dealt, in some fashion or other, with serious subject matter. The first, *After the Dance* (1939), a study of the disillusionment, ennui, and self-deceit of the leisured classes in the thirties, was very well reviewed but disrupted by the advent of war. The second, *Follow My Leader* (1940), a burlesque on the rise of Hitler, having been prevented by the Foreign Office from securing the Lord Chamberlain's licence in 1938, took two years to reach the stage, missed its moment, and lasted a mere eleven days. And the third, *Flare Path* (1942), a play based on Rattigan's experiences in the RAF, though it engaged with matters of greater solemnity than the comedies of the period, represented a return to the playwright's familiar theme, romantic love.

In 1946, Rattigan's dramatization of the Archer-Shee affair finally persuaded the theatregoing public and the press that he

was capable of taking on a momentous subject, and one that engaged meaningfully with the public rather than the private sphere. But if *The Winslow Boy's* subject matter appeared to mark a new, post-Second World War direction in Rattigan's creative output, its setting and its dramaturgy represented, by contrast, a return to an old, pre-First World War society and its theatre.

Rattigan would score no points with his detractors in the 1950s for having written a play about justice in Edwardian England, since Kenneth Tynan *et al.* were not troubled so much by his plays' frivolity, as by their upper-middle-class milieux, their bourgeois sentiments, and their outmoded aesthetics.¹ A well-made play *par excellence*, *The Winslow Boy* is guilty on all counts. The Kensington setting, the artful plot contrivances, the stock characterization (dissolute elder son, pitiable family solicitor, eccentric maid), and numerous other features of the work contribute to this classification.

What often escapes the critics' notice, however, is that *The Winslow Boy's* domesticity was both practically expedient (in that it permitted the playwright to dramatize the history of a trial without staging an expensive court scene) and deliberately retrospective. As the director, Frith Banbury, observed, during the play's first London revival in 1970, though 'it might have been called an old-fashioned play when it was written . . . Terry himself told me that he had in fact tried to write it like a Pinero play'.² Rather than attesting to the default conservatism of an incurably backward-looking dramatist, the play's drawing-room aesthetics actually reflected Rattigan's intention to periodize the setting.

To clarify the nature of the paradox, then: as a wartime reflection upon liberty and justice, *The Winslow Boy* contains, in its historical plot and its political theme, some of Rattigan's most ambitious thinking; and yet these expansive ideas are rendered, dramatically, in a form which has often been perceived (misguidedly, perhaps) as Rattigan's least ambitious treatment: an Edwardian family play. While the play's stylistic conservatism neither entirely obscured its engage-

ment with the pressing concerns of its period nor limited its capacity to generate parallels, in the minds of contemporary reviewers, with a variety of fictional and historical antecedents, these elements of the work have long been buried among the ruins of Rattigan's reputation. Using the evidence of the archive to recontextualize the play, it is my intention to see them excavated and restored.

Critics' Contributions: the Story so Far

The Rattigan centenary of 2011 brought *The Winslow Boy* back to the London stage and this revival was anticipated and accompanied by much excellent editorial and biographical work. The major contribution of the critics has been to tease out the complex political implications of the work, and, specifically, the parallel political conflicts linking the period of its composition to the period of the historical events under scrutiny. During the years of the Archer-Shee affair, Asquith's Liberal party appeared to be centralizing power and, so its Conservative opponents believed, curtailing the freedoms of the British public. Meanwhile, the welfare policies introduced by Lloyd George's 1909 'People's Budget' disadvantaged the wealthy, who felt themselves increasingly tyrannized by the government of the day.

In this climate, the plight of George Archer-Shee, a young cadet accused of stealing a postal order at the Royal Naval College at Osborne, and summarily dismissed without representation or recourse, became a rallying cry for those who felt their freedom under threat. When the boy's family and legal counsel managed to force a retraction from the British Admiralty in court, and the government's case collapsed, Archer-Shee's supporters viewed his triumph as 'a vindication of democracy in the face of galloping dictatorship by state bureaucracy'.³

Rattigan's dramatic reconstruction of these events, following Labour's landslide victory in the election of 1945, when 'once again, Conservatives were claiming that the government was not merely going to strip them of their wealth but would also rob ordinary people of their freedom', struck the

same chord.⁴ Confronted by 'the most radical and comprehensive series of social reforms that the country had seen in over a century', precisely as their forebears had perceived the reforms of Asquith's government thirty-five years earlier, the more conservative among Rattigan's audience saw the play's defence of democratic institutions as a thinly veiled critique of Clement Atlee's administration.⁵ And yet, while *The Winslow Boy*, 'may have given succour to reactionaries who did not wish to recognize its full implications', more perceptive critics have always 'suspect[ed] that Rattigan's play may not be quite such a simple defence of Conservative views as the plot led some people to suppose'.⁶

By the mid-forties, as Michael Darlow explains, Rattigan had 'lost touch with the radical friends of his youth' and despite 'almost certainly' voting Liberal in the election of 1945, 'found himself uneasily alongside the Tories' when it appeared that the middle ground no longer provided a secure footing.⁷ Darlow's notion that the play, in fact, evinces an *equivocal* attitude to the contemporary political scene is the principle that guides Dan Rebellato's discussion of *The Winslow Boy* in his introduction to the most recent edition of the work.

Providing the fullest account of the play's political resonances to date, Rebellato speaks of a trial 'threaded through with ambivalences and tensions' that provided Rattigan 'with traces that deepen and trouble *The Winslow Boy*'.⁸ Keenly aware of the play's 'delicate layers of irony' and its 'sophisticated ambiguities', Rebellato both establishes 'a considerably more unstable context for the Archer-Shee case than is often suggested' and carefully articulates *The Winslow Boy*'s 'complex relation to the new Labour government of 1945'.⁹

For all the depth and diligence of the scholars' research into this dimension of the work, it is noteworthy that Darlow and Rebellato confine their attentions to British party politics. The critics' reluctance to look beyond the national frame in assessments of Rattigan's work is striking – a narrowness of scope that both derives from and perpetu-

ates, an abiding sense of the artist's own provincialism. It is certainly difficult to read the biographies without being convinced that the Eton–Harrow cricket fixture had a more significant effect upon the playwright's emotional life than the Second World War. This may not be entirely inaccurate, but it might be unhelpful if it dissuades the scholar who inherits this tradition from reading Rattigan's works in any other light.

Building on the wealth of recent biographical and editorial research, it is my intention to document a range of critical approaches that might allow us to re-imagine *The Winslow Boy* as Rattigan's contemporaries saw it. While the scholarship of Darlow and Rebellato has initiated this project, interpreting the play's engagement with the domestic political circumstances surrounding its composition, I want to consider *The Winslow Boy*'s relationships with Rattigan's own forays into the law and a range of European legal-historical, legal-fictional traditions.

The Concept of Legal Repetition

As a means of theorizing relationships between the various historical and fictional trials which inhabit Rattigan's play, I turn to the concept of the 'cross-legal', formulated by Shoshana Felman in her 2002 work, *The Juridical Unconscious*. Proposing a 'theory of legal repetition, based on a comparative structural interpretation of a legal case and of a fictional, imaginary story', Felman analyzes the relationship between the O. J. Simpson trial and Tolstoy's *The Kreutzer Sonata*, thereby articulating 'an innovative theoretical perspective on the highly problematic . . . relation of the law to the larger phenomenon of cultural or collective trauma'.¹⁰

Felman's psychoanalytic reading of legal memory seeks to identify the 'forgotten chain of cultural wounds' and the 'compulsive or unconscious legal repetitions of traumatic, wounding legal cases', which constitute the 'juridical unconscious' of her title.¹¹ Justifying her choice of the O. J. Simpson trial as an exemplary case, Felman pauses to consider its credentials as a 'trial of the century' and

proceeds to formulate the diagnostic criteria – there are three of them – according to which a legal controversy might be identified as such. The first criterion is the trial’s ‘complex traumatic structure’; the third is ‘its attempt to define legally something that is not reducible to legal concepts’, or, more economically, the ‘excess of its legal definitions’; and between these two Felman ‘forge[s] the concept of “cross-legal” (on the model of cross-cultural) to designate a trial’s reference to another trial, of which it recapitulates the memory, the themes, the legal questions of the arguments, and whose legal structure it repeats or re-enacts – unwittingly or by deliberate design’.¹²

Analyzing the complex *cross-legality* of the Simpson case, Felman explains that ‘in everyone’s perception, black or white’, it looked like ‘a return of the ghost of the Rodney King trial’.¹³ It is precisely ‘this tendency or this propensity to repetition or to legal duplication’ that distinguishes a historic trial, as it ‘unexpectedly reveals itself to be the post-traumatic legal re-enactment, or the deliberate historical reopening, of a previous case or of a different, finished, previous trial’.¹⁴

A note at this point provides the example of Zola’s libel trial, following the publication of *J’accuse* in 1898, which ‘reopened the closed case of the Dreyfus affair . . . (for an additional hearing, and for a redeliberation and a re-examination of the evidence), and eventually enabled a rejudgment and a rehabilitation of Dreyfus’.¹⁵ Felman goes on to speak of the relationship between the trial of Eichmann and the Nuremberg trials in similar terms.

Since ‘the social function of legal institutions is to close disputes and not to open them’, the actual *reopening* of a case is regarded as a disruption, an irregularity, in the orderly workings of the law.¹⁶ ‘A case therefore requires another trial to repeat itself,’ Felman explains, ‘in order either to reverse its verdict or to change the understanding or the reading of its evidence.’¹⁷ Felman reads the *repetitions* of *The Kreutzer Sonata*, the Rodney King trial, and the Dred Scott case (1857) in the O. J. Simpson trial in these terms.

The spectral reduplication of these multiple legal narratives – the return of their ghosts – generates ‘cumulative legal meaning’, by a process perhaps best described as *haunting*.¹⁸

Echoes of the Dreyfus Affair

The relevance of Felman’s work to the analysis that follows is three-fold: firstly, she is concerned with the haunting of the major Holocaust trials by the spectre of the Dreyfus case, and these ghosts, in turn, haunt the reception of *The Winslow Boy*. Premiering in England shortly after the Nuremberg trials and shortly before the execution of the accused, *The Winslow Boy* belongs to the crucial period of those early experiments in international criminal law, and proved of great interest to German spectators in the forties. Meanwhile, the injustices perpetrated in the name of what we would now call ‘national security’, and the preservation of the authority of the armed services, became the principal axes of comparison for those reviewers who were reminded, by Rattigan’s play, of the Dreyfus case.

Secondly, it is my intention to reconstruct the *cumulative legal meaning* of Rattigan’s play, as revealed by his own archive, and the evidence of the perceptions of his contemporaries. The play bears the traces, and the reviewers invoke the ghosts, of various legal-fictional and legal-historical precursors and, by documenting these invocations and interrogating these ‘perturbed spirits’, I shall reposition *The Winslow Boy* within the mid-century legal imaginary to which it properly belongs. My study thus corresponds to Felman’s – and this is its third debt – in drawing upon precedents from both the law and from literature.

Felman’s assimilation of these two competing discourses, as providing alternative, primal legal scenes that repeat themselves (legal revenants within ‘the trials of the century’ under her gaze), provides a model according to which my own analysis is structured. Felman juxtaposes the ‘finality’ or the ‘force of resolution’ sought by the law with ‘the heightened significance’ or ‘symbolic understanding’ sought by literature.¹⁹

Whereas 'legal closure' is the law's ultimate goal, literature 'stand[s] beyond or in the margin of the legal closure, on the brink of the abyss that underlies the law'.²⁰

The following analysis, in addressing the relationship between legal-historical events and literary versions of or parallels to them, does not foreground this distinction explicitly but in drawing freely upon both discourses, owes a debt to Felman's recognition that law and literature may be regarded as complementary, and mutually informative, articulations of justice. Their 'contaminating interpenetration' becomes instructive, Felman explains, when one ceases to view their relationship in terms of the dichotomy of reality and fiction, regarding them instead as 'two linguistic acts of cultural and social intervention'.²¹

Rattigan's First Forays

'INTEGER VITAE' / 'THE PURE IN HEART'

As I have argued elsewhere, Rattigan's concern with the law spans the length and breadth of his oeuvre, from *Integer Vitae*, composed by the fifteen-year-old playwright in 1926, to *Cause Célèbre*, his final play, written for radio half a century later, in 1975.²² On the front page of the manuscript of *Integer Vitae*, Rattigan describes himself as 'Author of "The Consul's Wife" and "King's Evidence";' the second of which was also, presumably, a legal play, suggesting that even the most minor of Rattigan's juvenile dramatic forays were legal in theme.

Later renamed *The Pure in Heart*, *Integer Vitae* is the story of a young man, Gerald, who has committed a murder for the sake of a woman's honour, and is determined to confess to it. Meanwhile, his father, a bank clerk named Wilkins, is struggling to keep his job by convincing his boss that his 'reputation for never having done anything [he] oughtn't' is an asset to the firm.²³ Thus Rattigan establishes a conflict between the son's desire for full disclosure, whatever the penalty – 'I know it means death on the gallows. But I'm ready to face that' – and the father's reluctance to tarnish his family's name.²⁴

Twenty years later, Wilkins would become Winslow, another banker confronted by the alleged criminality of his son; and the profligate, expensively educated Gerald, 'gadding about with his high-class friends' and 'avoid[ing] work of any kind', would become the elder son, Dickie.²⁵ When Gerald's mother asks him where he's been all day, his reply – 'Wandering the streets. I didn't dare come home' – anticipates the plight of the tear-stained, rain-drenched Ronnie, 'hiding' in the Winslows' garden.²⁶ The clueless visitor, Mrs Penn, who comes to tea at the opening of Act Two, 'wearing a home-made dress and a beatific smile' bears a functional resemblance to the fatuous, female journalist, Miss Barnes, who invades the Winslow household, interrupting the family's serious business with her readers' trivial interest in curtains.²⁷ And her son, anticipating the later play, is named Dick. More significantly, *The Pure in Heart* anticipates *The Winslow Boy*, as it does much of Rattigan's serious drama, in terms of a concern with the idea of sacrifice.

The adverse effects of criminal allegations upon the family of the accused is a theme to which Rattigan will return in *The Winslow Boy*. Admittedly, Ronnie is innocent, where Gerald is guilty, but the playwright is more concerned with the contrast between the fathers' responses than with the sons' deeds. As the biographical literature attests, the difficulty of Rattigan's relationship with his own father is everywhere apparent in his plays, and in these two works he presents two opposing visions of paternity. Mr Wilkins's indignation – 'Why didn't you make sure it was only yourself you were sacrificing and not your parents as well?' – could not be further from the position that Arthur Winslow adopts.²⁸ As self-regarding as he is conventional and pusillanimous, Wilkins repeatedly voices his reluctance to 'spend [his] declining years in the workhouse'.²⁹

When it comes to light that the house of the murdered man was burgled on the night of his death, the police reach the conclusion that the same man is responsible for both crimes. Should the burglar be found guilty, Gerald vows to confess and exchange his life for that of an innocent man, a prospect by

which Wilkins is appalled. Following a miscommunication between father and son as to the trial's verdict, the former finds a way to forestall this act of heroism. Encouraging Gerald to step out on to an unstable balcony, which collapses under his weight, Wilkins causes his son's death, thereby saving his family's honour.

That evening, in response to the maid's enquiry ('I suppose you won't be goin' up to the Office tomorrow after what's happened', Wilkins 'thinks for a moment, then . . . struck with an idea', he replies, with 'an air of martyrdom', 'I'm afraid I'll have to go, even after this,' remarking, after the maid's exit, that 'It'll make a good impression.'³⁰ In the juvenile work, a cowardly father takes his son's life to save his career. In the mature work, a principled father is prepared to suffer any indignity, and moreover any financial risk, to clear his son's name.

'A TALE OF TWO CITIES'

If Rattigan had experimented with paternal responses to alleged filial criminality in *Integer Vitae* – thus laying the groundwork for the re-examination of this theme in *The Winslow Boy* – he had also drafted a version of the principal legal representative of the latter play some years before. Sir Robert Morton's prototype was Sydney Carton, the lawyer-protagonist of Dickens's *A Tale of Two Cities*, which Rattigan had adapted for the stage as part of a joint venture with John Gielgud.

Completed in 1935 – the year that Ronald Colman's performance of Carton's role hit the big screen – the play remained long unperformed, withheld by Bronson Albery, to whom it had been offered, out of respect for John Martin-Harvey, who had written to Gielgud, imploring him not to mount the adaptation while his own version of the novel, *The Only Way* (1889), was still playing in the West End. When Rattigan's script was eventually produced at St Brendan's College in 1950, 'the scene in the Criminal Court at [the] Old Bailey' – Rattigan's first extant trial scene – struck one reviewer as the episode 'by which [*A Tale of Two Cities*] would be remembered'.³¹

In assessing the impact of the Dickens adaptation on the conception and composition of *The Winslow Boy*, one must first acknowledge that the novel itself bears a striking resemblance to the historical events upon which Rattigan's later play was based. Stryver's defence of Charles Darnay (at the prompting of Carton, his junior counsel), rested upon the barrister's success in discrediting, or at least casting doubt upon, the ability of the prosecution's chief witness to identify the accused. Calling attention to the obvious similarities between the appearances of Darnay and Carton, Stryver forces the prosecution's witness, John Barsad, to concede that his confidence in his memory, and his eyesight, may be misplaced. 'The upshot of which', the narrator informs the reader, 'was, to smash this witness like a crockery vessel, and shiver his part of the case to useless lumber.'³²

As Rattigan must have observed when he came to write *The Winslow Boy*, this element of Dickens's novel was echoed in Sir Edward Carson's defence of George Archer-Shee. The strongest element of the Admiralty's case was the unshakeable conviction of the post-mistress at Osborne that the cadet who had cashed Reginald Back's postal order for five shillings was the same boy who had, only moments later, bought a postal order for fifteen and six. It was Carson's masterful cross-examination of this chief witness, rendering her testimony suspect on account of her less than perfect eyesight, that forced the Admiralty to drop their case.

In Rattigan's adaptation of Dickens's Old Bailey scene – in a significant departure from the novel – Stryver begs the judge's permission to retire from the court, on account of a 'feeling of faintness', explaining that Carton will conduct the case in his absence.³³ Though the trick is Stryver's, rather than Carton's, comparable acts of subterfuge will become the hallmarks of Sir Robert Morton's strategic dissembling in *The Winslow Boy*. By allowing Carton to pursue the line of enquiry that he suggests to Stryver in the novel, and himself cross-examine the witnesses, Barsad and Lucie Manette, Rattigan elevates the junior counsel's role to greater prominence,

depriving him of some of the mystery by which he is shrouded during this, his first appearance in the novel – where he remains a liminal, crepuscular presence – and accelerating the revelation of his character.

Much of the additional dialogue spoken by Carton in the adaptation pre-emptively Sir Robert Morton's in *The Winslow Boy*. There is, for example, a striking parallel between Sir Robert's formidable cross-examination of Ronnie Winslow, and the following crescendo of incrimination, directed by Rattigan's Carton at John Barsad:

CARTON: . . . I suggest that the whole of your evidence is a tissue of lies designed to bring an innocent man to the gallows.

BARSAD: No, that's not true.

CARTON: I suggest that you never found those lists in the prisoner's room.

BARSAD: I did.

CARTON: I suggest that you compiled those lists yourself and that you sold your false information to the government.³⁴

In *The Winslow Boy*, Rattigan will reprise the rhythm of this legal-rhetorical assault, as Sir Robert Morton tests the probity of Ronnie's story, and his character – 'I suggest there is barely one single word of truth . . . I suggest that you did it for a joke . . . I suggest that by continuing to deny your guilt . . . I suggest that the time has at last come' – preparing for the devastating curtain of the second act.³⁵ After accusing Ronnie of theft, forgery, and deceit, thereby reducing him to tears, the advocate utters the justly famous words, 'The boy is plainly innocent. I accept the brief', before stalking out of the room.³⁶

The interpretative significance of this verbal echo is slight, however, compared to the significance of the parallel relationships between lawyer-protagonist and female lead from one play to the next. Provoking Lucie Manette's tears by describing 'without emotion' the punishment that Charles Darnay will likely receive should he be found guilty ('He will be drawn on a hurdle to Tyburn, he will be half hanged, he will then be cut down, and . . .'), Rattigan's Carton finds himself at odds with the play's heroine from the very first.³⁷ 'Can you feel no pity for a

man in danger of his life?' Lucie asks. 'Frankly, Miss Manette,' Carton replies, 'pity is an emotion I have always tried to suppress.'

Sir Robert Morton, under interrogation by Catherine Winslow, will recapitulate Carton's sentiments. When the suffragette attacks the advocate for being 'ashamed of [his] emotions', he replies that 'as a lawyer, I must necessarily distrust them. . . . Emotions muddy the issue.'³⁸ In their personal qualities, their initial antagonism, and the reconciliatory movement that defines their relationship, Rattigan's Sydney Carton and Lucie Manette anticipate the interaction of their counterparts, Sir Robert Morton and Catherine Winslow, in *The Winslow Boy*.

Hearing that Lucie is unwell, Carton lays the blame with her sex: 'Isn't that like a woman. . . . She feels ill because he is acquitted, and yet she'd have felt just as ill if he'd been found guilty.'³⁹ When Lucie apologizes for being 'so stupid as to faint', Carton responds as follows: 'Not at all. As a woman you have the right to be stupid, I suppose.'⁴⁰ Carton presents himself as a cold-hearted misogynist, as does Sir Robert, but the female leads challenge the bases of these portrayals and undermine the barristers' carefully cultivated personae. Sir Robert's caustic remarks on the subject of Cate's activism, his recommendation that she 'abandon the lost cause of women's suffrage' and his conviction that, in further pursuing her voluntary work she 'will be wasting [her] time' recast Carton's casual chauvinism in the light of ideological debate.⁴¹ And yet, for all their surliness, neither man is quite as disagreeable as he appears.

Unperturbed by Carton's remark that, as a woman she has a right to be stupid, Lucie proffers the following insight:

LUCIE: (*smiling*): May I say something to you, Mr Carton? I think at heart you're a very different person from what you'd have us believe.

CARTON: That's impossible. At heart I don't exist.

LUCIE: I think you do.⁴²

Like Carton, according to Lucie, Morton, according to Cate, is 'at pains to prevent people knowing the truth about [him]', but

Cate will divine it.⁴³ Discovering that he has refused the Lord Chief Justiciary for the sake of the Winslow case and wept, spontaneously, at the verdict in court, Catherine concedes that she has been a fool to distrust Sir Robert's motives and, in the closing moments of the play, begs his forgiveness for having 'entirely misjudged' his attitude to the case.⁴⁴ Just as Rattigan's Lucie will see through Carton's apparent indifference to the virtue it obscures, so, in the words of Edwin Schloss, in the *Philadelphia Inquirer*, Catherine reveals Sir Robert to be 'a brilliant stuffed shirt with an unstarched heart'.⁴⁵

Rattigan and the British Justice System

Beyond the Dickens adaptation's significance as a source of preparatory character sketches for *The Winslow Boy*, the comparison of the two plays also affords an insight into Rattigan's motivations as a playwright of legal drama. I have argued elsewhere that when Rattigan re-creates British legal history on stage, he is dramatizing the state of the nation, and in Dickens he finds a mentor.⁴⁶ The critique of Chancery law in *Bleak House* is the most famous instance of this Dickensian trope, closely followed by his exposure of the injustices of the debtors' prison system in *Little Dorrit* and 'The Old Man's Tale about the Queer Client' in *The Pickwick Papers*. And *A Tale of Two Cities*, which, according to Sally Ledger, presents the 'apotheosis of Dickens's embroilment with both theatre and law', also forms part of this 'condition of England' discourse.⁴⁷

Charles Darnay's Old Bailey trial is based on a case of 1781, in which the (almost certainly guilty) defendant, one Francis de la Motte, fell victim to the fate that Darnay narrowly escapes, being hanged, drawn, and quartered for his crimes.⁴⁸ As Sally Ledger has shown, the likelihood is that, in the novel's period, Darnay would have been convicted, in spite of his innocence, but 'Dickens spares Darnay the usual kind of Old Bailey justice'.⁴⁹ By 'allowing Darnay's defence counsel . . . to succeed in securing a not guilty verdict, Dickens . . . is superimposing his mid-century reformist vision of

the legal process on to a harsher eighteenth-century legal regime that he would like to purge'.⁵⁰

To speak in Felman's terms, the traumatic wound left by de la Motte's conviction and those of others like him is thus reopened and partially healed by Darnay's trial and acquittal. And yet while Dickens reserves the novel's most biting critique for the 'shifting and seemingly arbitrary law of the Terror', presenting British justice as marginally preferable to the horrors of the French alternative, the scenes at the Old Bailey still furnish ample material for the workings of his satirical imagination.⁵¹

In Dickens's novel, the satire is generated through prose parodies of mid-nineteenth-century legal discourse; in Rattigan's version, reflections on the condition of England are produced via dialogic means. 'Sneering' at Darnay's naive belief that the jury 'couldn't find [him] guilty', Carton remarks, wryly, upon the defendant's 'faith in our English justice', and laughs at Stryver's assertion that 'in this country . . . our trials are conducted with the strictest impartiality'.⁵² Challenged by his superior to explain why he finds this risible, Carton responds: 'I hate to destroy your illusions, Mr Darnay, but I think you owe your escape not so much to your innocence as to the exchange of smiles between you and Miss Manette when she was in the box.'⁵³ As Carton goes on to explain, 'an English jury is never impartial but it is always sentimental.'⁵⁴

This is the first example, in Rattigan's oeuvre, of a legal trial functioning as a source of 'state of the nation' commentary. He will celebrate the traditions of British justice in *The Winslow Boy* and condemn its prejudices in *Cause Célèbre*, but here, under Dickens's tutelage, Rattigan treats the English courts satirically.

Legal-Historical and Legal-Fictional Parallels

'THE WINSLOW BOY' AND THE HOLOCAUST
If the British justice system is presented in a more positive light in 1946 (in *The Winslow Boy*) than in 1935 (in the Dickens adaptation),

this is only partially explained by the evidence of the source material upon which the two plays were based. More significantly, it is a function of the playwright's response to the times. *The Winslow Boy*, like all history plays, dramatizes the history of two moments: the historical situation it reconstructs and the historical period of its composition.

Rattigan's principal source, Alexander Woollcott's essay on the Archer-Shee affair, treats the case as 'a microcosm in which was summed up all the long history of British liberty'.⁵⁵ Edward Carson's success in securing the Petition of Right – the archaic legal instrument presented by the Attorney General to the monarch for his endorsement, which allows a private citizen to pursue a civil action against an agent of the Crown (in this case, the Admiralty) – provided the basis for a jingoistic treatment. Conceived during the war, with explicitly patriotic intentions, *The Winslow Boy* retains the idea inherited from Woollcott that Great Britain's protection of 'the inviolable sovereignty of the individual' was her proudest boast.⁵⁶ The Crown's concession to the rights of the private citizen 'could not happen in any totalitarian state', would have been 'difficult to imagine in the Germany of Bismarck and the Wilhelms', and 'impossible to imagine . . . in the Germany of Adolf Hitler'.⁵⁷

If the party-political dimension of the play was regarded by a number of contemporary reviewers in England as providing a particularly pertinent set of historical parallels, the broader ideological argument, on the comparative merits of British legal and political culture, struck a chord with European audiences, in the light of more pressing, international concerns. On 17 October 1946 a reviewer of the play's Swedish production observed that '*The Winslow Boy* has taken up a series of questions which concern us all terribly closely the day after the hangings at Nuremberg'.⁵⁸

The questions to which the reviewer refers relate, presumably, to the subject's capacity to resist or oppose the tyrannical power of the state, particularly in a time of war, the subjugation of individual freedoms to the needs (actual or spurious) of the collective,

and the risks posed to civil liberties by an over-mighty military. The implication here is not so much that the playwright *intentionally* contributes to the discourse surrounding the trials (and their verdicts) at Nuremberg but rather that the play interrogates the anxieties of its period, in a Europe reeling from the effects of National Socialism's rise and fall, and seeking to learn lessons from it.

Though the Swedish reviewer here trusts his readers to divine the precise import of the 'questions which concern us all . . . closely', three years later the *Rheinische Post* published the following assessment of the play's significance for post-war German spectators, which leaves very little to the imagination.

'Let Right be Done' are the decisive words written in the King's hand clean across the Petition of Right which in England, the land of civic freedom, enables the ordinary citizen, by ancient right, to take legal action even against the Crown. . . . That it can be done, that it is physically possible, is a fact of fundamental importance for the character of public life in England. It is a typical manifestation of the spirit of Puritan Protestantism based on the personal responsibility of the individual conscience.

In Germany, such a conception of justice must find a living echo. We have rightly grown very sensitive to everything connected with right and justice. In our country, in which the principles of justice have long been despised and rejected, in whose people, faith in the effective power of justice has been shattered, which had and still has largely lost the sense of the protection and security of justice, a people whose rights are derided by the world even now, four years after the end of a criminal war, which is subject to foreign justice, whose rights, whose judicial procedures are curtailed, an appeal to justice, the language of justice, will be very well understood.⁵⁹

Rattigan's emphasis on British liberal traditions was designed to appeal to audiences on the home front but, as this review reveals, these ideas also resonated with Britain's erstwhile foe in the late 1940s. One can hear, in these impassioned cadences, the contrapuntal themes that characterized Germany's political climate in the post-war years – the urgent desires for denazification and reconstruction – and there are overtones, also, of the movement that was to follow in the late 1950s and 1960s, known by German cultural

historians as *Vergangenheitsbewältigung*, coming to terms with the past. The immoderate praise here of England as ‘the land of civic freedom’ and the celebration of ‘the character of public life in England’ is typical of the kinds of self-abasement displayed by public figures in Germany in the immediate aftermath of war.

This passage reveals *The Winslow Boy*’s resonance not only as a paean to justice, but as an image of self-determination. The Third Reich curtailed individual liberties and robbed the German people of an independent judiciary but, having fallen, it also deprived Germans of the right to administer justice for themselves. Rattigan’s image of a nation proudly upholding its own freedom and that of its citizens was an enviable one, in the eyes of the play’s German audiences.

To the cynically minded, the patriotic dimension of *The Winslow Boy* appeared heavy-handed. Indeed, it was apparently played for (or, at least, met with) laughs at the Gaiety in Dublin, where, according to one reviewer, ‘all the players combine in lending truth to Noël Coward’s extravagance: “After all, it’s a jolly fine thing being an Englishman”’.⁶⁰ This sentiment might be considered ‘the secondary meaning of the play’, the *Dublin Evening Herald*’s reviewer continues, ‘and flecks it with humour even in its most serious parts’.⁶¹

As the *Rheinische Post*’s review attests, no such humour *flecked* the production or reception of Rattigan’s play in Düsseldorf. Rather, ‘all agreed upon the fact . . . that the play [taught] the Germans a valuable lesson in Democracy (with a capital D), in a more convincing way than the reading of many books and the listening to many lectures’.⁶² According to *Theatre World*’s German correspondent, in 1950, Terence Rattigan was ‘one of the most discussed men in literary circles in Western Germany’.⁶³

THE DREYFUS CASE

In addition to observing the play’s contemporary relevance, reviewers responded to *The Winslow Boy*’s adaptation of the Archer-Shee affair as an accretion to the tradition of historical trials concerned with the rights of

the individual. Foremost among them, in the minds of British and American reviewers, was the Dreyfus case, but it was not its dramatization in Rattigan’s play that first suggested this parallel; the celebrated *affaire* sprung to mind for contemporary commentators on the Archer-Shee trial itself.

In *The Archer-Shees Against the Admiralty*, Rodney Bennett describes ‘a pungent editorial’, entitled ‘The Perils of Bureaucracy’, in Henry Massingham’s radical weekly *The Nation*, which in its issue of 6 August 1910 reflected on the implications of the Archer-Shee trial by way of a comparison with the Dreyfus case.⁶⁴ As Bennett explains, at the time Massingham was rumoured to have formed an ‘unholy alliance’ with the staunchly conservative editor of *The Morning Post*, thereby uniting the hard left with the hard right against the Admiralty, whose cause the government upheld.⁶⁵

Though Bennett barely touches on them, the three parallels that Massingham draws are worthy of further consideration. Firstly, he remarks that, whereas in France ‘a miscarriage of justice in one of the services required the threat of revolution and the overthrow of a whole party system ere it could be righted’, the English ‘take [their] bureaucratic scandals . . . with a happy mildness . . . with none of the complications that ensue from the raising of party cries and the stirring of religious passions’.⁶⁶ The comparative decorum of the English example, in contrast to the hysteria of the French, conceals a danger, however:

The ease with which justice is done at last is not all pure gain . . . the gravity of such an evil may be overlooked, and its magnitude concealed.⁶⁷

In the absence of an English Zola – where was Shaw, or Galsworthy? – who might have stirred up the nation’s righteous indignation, Massingham positions himself as ‘the conscience of mankind’, taking pains to protect his readership from such an oversight.⁶⁸

Secondly, the two cases resulted in ‘a similar exposure’ of the evidentiary form upon which their verdicts turned: the Archer-Shee and the Dreyfus affairs ‘demon-

strated the utter unreliability of the experts in handwriting whom the authorities are pleased to patronize'.⁶⁹ The sting is in the relative clause. The pseudoscientific fallacies of forensic graphology, though lamentable, are not *quite* the target of Massingham's attack. What he sees as being *exposed* by the parallel cases is, implicitly, the use made of this evidentiary canard, and its suggestible, biddable, or corruptible practitioners, by unscrupulous governments. Again, Massingham draws an anti-establishment moral.

Finally, in his third cross-legal parallel, Massingham pursues his primary objective, which is to educate his readership about the hierarchical frame of mind endemic in a bureaucratic society, and its associated perils.

It is with difficulty that the plain man brings himself to understand the state of mind of bureaucrats, be they soldiers, sailors, or civilians, whose prejudices explain such a miscarriage of justice as this. It was intelligible enough in the Dreyfus case, where religious and racial bigotry explained it, and the panics of an alarmed patriotism went to reinforce that potent disorder of minds. But in the Osborne case no such prejudice, social or political, was at work. The authorities were dealing with a lad who belonged to their own world.⁷⁰

As Massingham goes on to explain, the culprit here is the system, in which it becomes second nature for superiors, whether military or political, blindly to trust in the judgments of their trusted underlings. This kind of bureaucratic inertia makes it easier for the commanding officer to assume that the guilty party has been properly identified and to lend his voice to his underlings than to give due consideration to the rights of the individual concerned.

The significance of the Dreyfus comparison, then, is that whereas anti-semitism and patriotism *appeared* to be the evils motivating the establishment to persecute Dreyfus, in fact, according to Massingham, the system of military bureaucracy was as much to blame as the prejudices of those who belonged to it or upheld its version of events. In neither case did the top brass intend to frame an innocent man or to pervert the course of justice: in Dreyfus and Archer-Shee, the French army and the British navy believed

that they had found the real culprits. But haste, arrogance, negligence, truculence, shoddy detective work and a variety of inexcusable procedural irregularities resulted in two insupportable accusations. Archer-Shee was dismissed from Osborne – convicted, effectively – without legal representation and Dreyfus (and his defence counsel) were forbidden from viewing the evidence against him during his court martial. Massingham blames the system, its desire to preserve the *status quo* and its own integrity at all costs.

According to Massingham, the Archer-Shee affair ought to teach us that bureaucracy is perilous. The fact that the Admiralty was forced to retract its accusation in court is a point in favour of the British legal system, certainly, but the initial, unconscionable neglect of George Archer-Shee's rights demonstrates that British society in 1908 and French society in 1895 were not so entirely different. Both establishments were reluctant to discredit their militaries; both militaries were incapable of policing themselves; and both closed ranks with little regard for justice.

Now, when Rattigan transformed the Archer-Shee affair into *The Winslow Boy*, he certainly mobilized this critique of bureaucracy, and yet the play, crucially, ends on a triumphant note. While the historical case might be regarded, by a radical commentator such as Massingham, as reflecting bureaucracy's perils above all else, and though, as Rebellato and Darlow show, Rattigan's celebration of the British legal system's ability to do justice, against fearsome odds, may be an equivocal encomium, it *is* the play's emotional and ideological centre.

The comparable interpretation of the Dreyfus case is perhaps most eloquently expressed in words that Emmanuel Levinas attributes to his father: 'A country that tears itself apart to defend the honour of a small Jewish captain is somewhere worth going.' Catherine Winslow's conviction – 'if ever the time comes that the House of Commons . . . can't find time to discuss a Ronnie Winslow and his bally postal order, this country will be a far poorer place than it is now' – precisely parallels this sentiment.⁷¹ And it was this dimension of the analogy that became, for

Rattigan's reviewers, the principal axis of comparison.

According to the veteran critic James Agate, 'the Dreyfus and Archer-Shee cases had one thing in common. While the ostensible object of both trials was to decide upon the guilt or innocence of an individual, something much deeper was involved – the basic principles of justice'.⁷² Invoking Zola's phraseology, Agate goes on to declare that, 'Against the "sacred, inviolable Ark" of the French War Office must be set the "sacred and inviolable Ark" of the British Admiralty'.⁷³ He proceeds to quote from Clemenceau's words at Zola's libel trial: 'Gentlemen, make it known in the name of the French people that France has justice even for the Jews! . . . We appear before you, gentlemen of the jury. You appear before history!'⁷⁴

Agate follows this quotation with the extraordinary claim that, in Rattigan's play, 'what is going through the minds of the Winslow Boy's father and his brilliant counsel is Clemenceau's famous speech'.⁷⁵ If one tolerates the imputation of historical memory to fictional characters whose dialogue provides no evidence for it, Agate's words can be read as he intends them. The defences of both protagonists are comparable as triumphs of liberalism. Thus, Agate articulates the play's moral, with his accustomed rhetorical flair:

Civilian and lawyer would have it known in the name of the British people that though the cannon belches and the earth quakes there is still justice in Britain for the individual. We had the feeling the other evening that those responsible for the administration of British justice came in the end to know that they were appearing before history.⁷⁶

This is a cross-legal hauntology, which pays no heed to traditional epistemological distinctions between fantasy and reality but accepts and revels in the slippage between them. Drawing upon an heroic register, à la Clemenceau, Agate forges a parallel between the trials of Dreyfus and the Winslows in terms of the leading players' awareness of their own historic roles, as representatives of the ideologies that define their nations, undeterred by the threat of war.

Mobilizing the Dreyfus analogy, two of Rattigan's German reviewers speak slightly of his genteel treatment, implying that the Archer-Shee affair, when seen in the light of the Dreyfus case, could have furnished material for a more indignant, political play by a German playwright.⁷⁷ Among Anglo-American commentators, however, the sense that *The Winslow Boy* presented 'a British juvenile edition in the Dreyfus affair' is more positively inflected.⁷⁸ 'Rattigan seems to feel it – at this distance – as much as Zola felt about Dreyfus,' wrote the *Drama* reviewer, aligning the minor British dramatist with the pre-eminent writer and social critic of late nineteenth-century France.⁷⁹

MICHAEL KOHLHAAS

Though the Dreyfus comparison was a source of criticism in the hands of those German reviewers who were provoked to acknowledge it, the analogy was not widespread in central or eastern Europe. The German and Austrian press more commonly and more appreciatively regarded *The Winslow Boy* as a modern *Michael Kohlhaas*, recalling Heinrich von Kleist's novella of 1811. A favourite of Kafka's, the novella is based upon the sixteenth-century history of Hans Kohlhaase, a horse-dealer from Cologne on the Spree, who resorted to violence after the theft of his horses by a spineless but well-connected nobleman, on finding that the courts of Saxony offered him no redress. In 1540, having committed numerous acts of terror with a group of bandits assembled in defence of his cause, Kohlhaase was brought to trial, with little hope of acquittal, and broken on the wheel for his crimes.

Described by a Viennese reviewer as 'the story of a similar tragic clash between the sense of justice of the individual and the infallibility of the state authority', the events upon which Kleist's novella was based, and the novella itself, were commonly invoked by middle-European journalists as historical-fictional antecedents to Rattigan's play.⁸⁰ As the same critic reminds his readership, shortly before the historical Kohlhaase's death at the hands of the Imperial authorities, the judge declared that 'State necessity can drop

a veil over evil, over deeds which otherwise would continue unchecked.⁸¹ Echoing the *Rheinische Post's* comparison of British to German justice, here the Kleist comparison becomes grounds for a tribute to Anglo, as against Saxon, traditions of liberty. 'English freedom of will and thought,' the reviewer asserts, 'fanatically rejects such a deification of the authority of the state.'⁸²

If it is tempting to see in this comparison between Kleist's novella and the events of Rattigan's play a muted reference to recent German history, it is because Kleist had first succeeded in making the story of Hans Kohlhaase resonate in his *own* period. As Anthony Stephens observes:

It is no accident that Franz Kafka was to recognize in Kleist a 'blood relative', for . . . Kleist has transposed his own experience of the Prussian bureaucracy on to the fictional past.⁸³

To illustrate Kleist's 'bureaucratization of his pseudo-historical setting', Stephens dwells on the text's 'obsessive multiplication of . . . documents', as 'the most striking emblem of the intricacies of the distribution of power'.⁸⁴

The second anachronism that permits Kleist to comment upon early nineteenth-century theories of government *via* mid-sixteenth-century miscarriages of justice is 'the legal-philosophical question . . . central to the story', on 'the protective obligations of the state toward its subjects'.⁸⁵ As Theodore Ziolkowski explains, 'the older status-based law of the sixteenth century protected its subjects only when they were acting as representatives of their class and not as individuals'.⁸⁶ The law of the Holy Roman Empire, by which the historical Kohlhaase was condemned, 'knew nothing yet of the social contract between ruler and subject . . . developed only in the course of the next two centuries'.⁸⁷

The rest of Ziolkowski's fascinating analysis – which treats *Michael Kohlhaas* as 'an exemplum for the philosophy of law' – demonstrates Kleist's reliance upon the Prussian Statute Book of 1794, the *Allgemeines Landrecht*, as the source of the novella's engagements with legal theory.⁸⁸

As well as permitting the author to reflect upon his own period, these anachronisms permit the comparison between Kleist's Germany of the Reformation and Rattigan's Edwardian England, and, specifically, the fire-breathing horse-dealer with the good-natured banker. As Kleist informs the reader in the novella's opening paragraph, 'the world . . . would have had every reason to bless [Kohlhaas's] memory, if he had not carried one virtue to excess . . . his sense of justice'.⁸⁹ This quality provoked reviewers to identify Kleist's anti-hero with Arthur Winslow, whose words, 'An injustice has been done. I am going to set it right, and there is no sacrifice in the world I am not prepared to make in order to do so', might have been spoken by his sixteenth-century counterpart, or Kleist's version of him.⁹⁰

Arthur Winslow – 'a gout-tormented Michael Kohlhaas in an invalid chair' – is prepared to sacrifice the financial well-being of his family, his long-serving maid's position, his undisciplined son's Oxford education, and, at least initially, his principled daughter's marital prospects to the pursuit of redress, just as Kohlhaas is prepared to sell the entirety of his assets for a fraction of their value in order to dedicate himself to his cause.⁹¹

It is clear from the very opening of the tale that Kohlhaas is capable of great violence – he is one of the 'most terrible' (*entsetzlichsten*) men of his time, as well as one of the 'most righteous' (*rechtschaffensten*), as evidenced by the campaign of incendiary violence he unleashes throughout Saxony – while Arthur Winslow remains mild-mannered throughout.⁹² And yet, though the play may be, as one review opined, 'a merry *Michael Kohlhaas* which lacks . . . the tragic frenzy of Kleist', the relationship between the texts provoked at least seven reviewers to acknowledge their similarities.⁹³

One particularly significant parallel between Kleist's novella and Rattigan's play is the resemblance of Kohlhaas's interview with his groom, Herse, to Arthur Winslow's interview with Ronnie after the latter's 'sacking' from Osborne. Herse has been left behind at the Junker von Tronka's castle to

guard his master's horses, as a guarantee of Kohlhaas's good faith, while Kohlhaas travels to Dresden to seek a pass allowing him to travel through Saxony. Though Herse is stubborn in his determination to protect the pair of blacks from mistreatment, the Junker's lackeys have forced them into harness, sequestered them in a pigsty and allowed their condition to deteriorate past recognition. Accusing Herse of attempting to steal the horses, on the most fragile of pretexts, the steward and castellan of the Tronkenburg beat Kohlhaas's groom to within an inch of his life, set the dogs on him, put an arrow through him for good measure, and force him to flee the castle.

When Kohlhaas returns from Dresden after pursuing the fool's errand on which the Junker von Tronka has sent him – 'the story about the pass was a fable . . . there was no such regulation' – he finds Herse in a critical condition, coughing up blood.⁹⁴ And yet, in spite of his indignation, Kohlhaas considers the possibility that Herse might be somehow to blame, in which case he would be prepared 'to put up with the loss of his horses as being after all a just consequence'.⁹⁵ In a businesslike fashion, Kohlhaas declares his intention to 'investigate the business' and requests that his wife summon the groom, much as Arthur Winslow will ask Grace to send Ronnie to see him in Rattigan's play.⁹⁶

Kohlhaas begins by asking, 'What have you been doing at Tronka castle? I can't say that I am too pleased with your conduct.'⁹⁷ Throughout the interview he questions Herse scrupulously, assuming the best of Wenzel von Tronka and his retainers wherever possible. Thus, when Herse explains that the blacks were to be quartered in a pigsty, Kohlhaas assumes, at first, that he speaks figuratively; he then proffers the suggestion that 'perhaps there was no other shelter' available for them.⁹⁸ Here, and elsewhere, his intention is to ensure that he has properly sifted the evidence before seeking redress for his wrongs.

The reason I dwell on this element of the text is that it demonstrates a desire on Kleist's part, as does the comparable interview scene on Rattigan's, to clarify the *status*

quo ante. These scenes present the protagonists' respective stances, *prior to* their wholesale acceptance of the narratives upon which their shared sense of injustice rests, those of Herse and Ronnie.

Neither Michael Kohlhaas nor Arthur Winslow is a radical. The former does not view the theft and abuse of his horses as a long-awaited opportunity to wage war on Saxony any more than the latter treats his son's dismissal from naval college as a sought-after pretext for attacking the Admiralty. As Sean Allan observes, 'Kleist's characterization of the horse-dealer is such that we can be sure that in his normal condition he is not a man predisposed to avenge himself on his enemy'; he is a peaceable and law-abiding citizen when first the reader encounters him.⁹⁹

Kleist accentuates 'the utter reasonableness of Kohlhaas's initial dealings with the establishment' and makes it abundantly clear that the horse-dealer 'had not the least intention of evading whatever regulations there might be for the export of horses'.¹⁰⁰ It is Kohlhaas's discovery that the powerful neither adhere to nor enforce society's codes that unleashes his potential for radical activism. The elector of Saxony's failure to provide the remedy he seeks causes Kohlhaas to pursue a form of retribution disproportionate to the restitution merited by his losses.

If both works subject the protagonists' motivations to scrutiny in these early scenes, crucially neither text allows the question to rest here. Doubts over the relative influence of ethical abstractions and psychological compulsions remain unresolved throughout. Is the desire for victory a concern for the principles of justice or a manifestation of personal pride? Speaking of the consolidation of the von Tronka faction in the Saxon government in the midst of Kohlhaas's campaign, John Ellis argues that its effect 'is to allow the grand view of Kohlhaas's cause (an heroic challenge to a corrupt system) to gain ground at the expense of the more trivial version (excessive vengefulness over a few horses)'.¹⁰¹

This is an important point, comparatively speaking, because it reminds us of Grace

Winslow's challenge to Arthur when the Winslows' morale, and their finances, reach their lowest ebb. 'Are you sure it isn't just plain pride and self-importance and sheer brute stubbornness?'¹⁰² Certainly Cate's motivation, forcing 'a Government Department' guilty of 'ignor[ing] a fundamental human right' to acknowledge its error, seems weightier than Arthur's desire to prove his son's innocence.¹⁰³ For Winslow, as for Kohlhaas, a 'more trivial version' of his struggle exists throughout in tension with 'the grand view' of his campaign.

Kohlhaas loses more, with the death of his wife, than Winslow ever does, and his response is far more extreme than Winslow's ever becomes – vowing revenge and resorting to arms, rather than merely pursuing an expensive law suit. But for those reviewers to whose national mythology and literary heritage *Michael Kohlhaas* belongs, Arthur Winslow's determination to see justice done, at all costs, appeared to reprise the righteous indignation of Kleist's horse-dealer, and to re-articulate the ideological questions posed by Kleist's novella about the relationships between law and justice, entrenched authority and individual liberties.¹⁰⁴

In this case, as in those of the Dickens adaptation and the Dreyfus affair, there is a degree of slippage between historical and fictional parallels, as there is in Felman's analysis of cross-legal repetition throughout. The crucial point is that *The Winslow Boy* was perceived by its first audiences as a dramatic contribution to the rich history of trials and the literature surrounding them that endorsed (or could be interpreted as endorsing) liberal values. A genteel domestic play it may be and a reflection on British party politics no doubt, but it is as a work of legal-historical drama, and one that resonated in this key for reviewers in the 1940s, that *The Winslow Boy* succeeds in transcending the conditions of its conception in the drawing rooms of Kensington.

Notes and References

1. As John Osborne realized in the early 1960s, *Look Back in Anger* (1956), the reception of which was to topple Rattigan from the pedestal on which he had stood

for twenty years, was itself 'a formal, rather old-fashioned play', to all intents and purposes, well-made. The apparent originality of the play's content obscured this fact (which now seems glaringly obvious) from the notice of those who lauded its novelty. John Osborne, 'That Awful Museum', *Twentieth Century*, CVXIX, (February 1961).

2. Frith Banbury Collection, Harry Ransom Centre, University of Texas at Austin, Box 46, Folder 6 'Correspondence and audition notes re: *The Winslow Boy*' (reg. no. 13578).

3. Michael Darlow, *Terence Rattigan: the Man and His Work* (London: Quartet Books, 2000), p. 194.

4. Michael Darlow, 'A Personal Essay', in Terence Rattigan, *The Winslow Boy*, ed. Andrew Mayne with a personal essay by Michael Darlow (Harlow, Essex: Longman, 1983), p. vii–xvi, at p. ix.

5. Dan Rebellato, 'Introduction', to Terence Rattigan, *The Winslow Boy*, ed. Dan Rebellato (London: Nick Hern, 1994), p. v–xxx, at p. xxiii.

6. Darlow, *Terence Rattigan*, p. 200; Darlow, 'A Personal Essay', p. viii.

7. Darlow, *Terence Rattigan*, p. 193 (my italics).

8. Rebellato, 'Introduction', p. xxiii.

9. *Ibid.*, p. xxiii–xxiv; xxvii.

10. Shoshana Felman, *The Juridical Unconscious: Trials and Traumas in the Twentieth Century* (Cambridge, MA: Harvard University Press, 2002), p. 54, 57.

11. *Ibid.*, p. 57.

12. *Ibid.*, p. 59, 63, 61 (italics all original).

13. *Ibid.*, p. 61–2.

14. *Ibid.*

15. *Ibid.*, p. 198.

16. *Ibid.*

17. *Ibid.*

18. *Ibid.*, p. 63.

19. *Ibid.*, p. 55.

20. *Ibid.*, p. 8.

21. *Ibid.*, p. 55.

22. See Alex Feldman, "'It Could Only Happen in England": Law and the State of the Nation in the Plays of Terence Rattigan', *Law and Literature*, October 2014. This article compares Rattigan's treatments of British legal history in *The Winslow Boy* and *Cause Célèbre*.

23. Terence Rattigan, *The Pure in Heart* (typescript), p. 7, in Terence Rattigan Papers (TRP), British Library, Department of Western Manuscripts, Add MS 74288.

24. *Ibid.*

25. *Ibid.*, p. 4.

26. *Ibid.*, p. 7.

27. *Ibid.*, p. 13.

28. *Ibid.*, p. 7.

29. *Ibid.*, p. 11.

30. *Ibid.*, p. 22.

31. John Coe, review of Terence Rattigan and John Gielgud, *A Tale of Two Cities*, 'A First-Rate School Play' in John Gielgud Papers (JGP), British Library, Department of Western Manuscripts, Add MS 81447.

32. Charles Dickens, *A Tale of Two Cities*, ed. and intro. Richard Maxwell (London: Penguin, 2000), p. 77.

33. Terence Rattigan and John Gielgud, *A Tale of Two Cities: Adapted for the Stage from the Novel by Charles Dickens* (bound typescript), I-3-17, in JGP Add MS 81363; two typescripts of the play also exist in TRP Add MSS 74292 and 74293.

34. JGP, Add MS 81363, I-3-21–22.

35. Terence Rattigan, *The Winslow Boy*, ed. Dan Rebellato, p. 54.

36. *Ibid.*, p. 55.
37. JGP, Add MS 81363, I-3-29.
38. Rattigan, *The Winslow Boy*, p. 94.
39. JGP, I-3-31.
40. *Ibid.*, I-3-32.
41. Rattigan, *The Winslow Boy*, p. 95.
42. JGP, I-3, 32.
43. *Ibid.*
44. *Ibid.*, p. 93.
45. Edwin H. Schloss, 'The Winslow Boy at Walnut after Broadway Triumph', *The Philadelphia Inquirer* (5 May 1948) in TRP, Add MS 74550, 37r.
46. See Feldman, "'It Could Only Happen in England'".
47. Sally Ledger, 'From the Old Bailey to Revolutionary France: the Trials of Charles Darnay', in Colin Jones, Josephine McDonagh, and Jon Mee, ed., *Charles Dickens, A Tale of Two Cities and the French Revolution* (Palgrave Macmillan, 2009), p. 75–86, at p. 77.
48. According to Sally Ledger, 'Dickens would have read about this case in the *Annual Register* for 1781, adjacent as it was to the account of the trial of George Gordon, which had provided some of the raw material for *Barnaby Rudge* some eighteen years earlier.' *Ibid.*, p. 77. For further details, see Charles Dickens, *A Tale of Two Cities*, Appendix III, 5. 'De la Motte's State Trials as a Source for Darnay's Old Bailey Ordeal', p. 423–8. The first of Dickens's contemporaries to observe the parallel was appalled to see the just conviction of a guilty man becoming the vehicle of Dickensian satire: 'It would be impossible to imagine a fairer trial than De La Motte's, or stronger evidence than that on which he was convicted. . . . It is surely a very disgraceful thing to represent such a transaction as an attempt to commit a judicial murder.' Sir James Fitzjames Stephen, 'A Tale of Two Cities', *Saturday Review of Politics*, 17 December 1859, in Ruth Glancy, ed., *Charles Dickens's 'A Tale of Two Cities': a Sourcebook* (London; New York: Routledge, 2006), p. 62–4, at p. 64.
49. Ledger, 'From the Old Bailey to Revolutionary France', p. 78.
50. *Ibid.*, p. 79.
51. *Ibid.*, p. 81, 82.
52. JGP, Add MS 81363, I-3-33.
53. *Ibid.*
54. *Ibid.*
55. Alexander Woollcott, 'The Archer-Shee Case', in Long, *Long Ago* (London: Viking Press, 1943), p. 135.
56. *Ibid.*, p. 135.
57. *Ibid.*, p. 142.
58. Unsigned review of *The Winslow Boy* in *The Eskilstuna Courier* (17 October 1946) in TRP, Add MS 74550.
59. Unsigned review, 'Let Right be Done – Terence Rattigan, *The Winslow Boy*', *Rheinische Post* (27 October 1949), in TRP, Add MS 74550, f71r.
60. Unsigned review, 'Rattigan at the Gaiety', *Dublin Evening Herald*, 16 September 1947.
61. *Ibid.*
62. Alfred Unger, 'The Winslow Boy in Germany', *Theatre World* (June 1950), TRP Add MS 74550, f77r.
63. *Ibid.*
64. Rodney M. Bennett, *The Archer-Shees Against the Admiralty: the Story behind The Winslow Boy* (London: Robert Hale, 1973), p. 142.
65. *Ibid.*
66. Henry Massingham, 'The Perils of Bureaucracy', *Nation*, VII, No. 19 (6 August 1910), p. 657–8, at p. 657.
67. *Ibid.*
68. This was how Anatole France described Zola at his funeral.
69. Massingham, 'The Perils of Bureaucracy', p. 657.
70. *Ibid.*, p. 658. Though Massingham had no knowledge of it, there was, in fact, a religious dimension to the Archer-Shee case as well, but as Bennett observes, the final sentence here 'confirms that Commander Stapleton-Cotton's anti-Catholic expression had not been retold outside the College'. Bennett, *The Archer-Shees Against the Admiralty*, p. 142.
71. Rattigan, *The Winslow Boy*, p. 72.
72. James Agate, review of *The Winslow Boy*, *Sunday Times* (28 May 1946), TRP Add MS 74550, f3v.
73. *Ibid.*
74. *Ibid.*
75. *Ibid.*
76. *Ibid.*
77. Rolf Trouwhorst, 'Grundgens in *The Winslow Boy*: Rattigan Premiere in Düsseldorf', *Die Neue Zeitung*, (31 October 1949); unsigned review, 'The Winslow Boy with Grundgens', *Rhein Echo* (27 October 1949), TRP Add MS 74550, ff. 68, 75.
78. Philip Hope-Wallace, review of *The Winslow Boy*, *Manchester Guardian* (25 May 1946); J.B., 'The Winslow Boy', *Manchester Evening News* (9 April 1946); Jerry Gaghan, 'The Winslow Boy in Debut: British Drama at the Walnut', *Philadelphia Daily News* (5 May 1948); unsigned review, 'The Winslow Boy is Heartwarming Stage Drama', *St Louis Star Times* (28 September 1948), in TRP, Add MS 74550 ff. 7v, 11v, 37r, 61r. Cf. John Chapman, 'The Winslow Boy Genteel and Boreome British Prize-Winner', *New Yorker* (8 November 1947), f32v.
79. Unsigned review of *The Winslow Boy*, *Drama* (Autumn, 1946), TRP, Add MS 74550, f15v.
80. R. H., 'The Winslow Boy', source unknown, TRP Add MS 74550, f48r.
81. *Ibid.*
82. *Ibid.*
83. Anthony Stephens, *Heinrich von Kleist: the Dramas and Stories* (Oxford; Providence RI: Berg, 1994), p. 244.
84. *Ibid.*, p. 244, 257.
85. Theodore Ziolkowski, *The Mirror of Justice: Literary Reflections of Legal Crises* (Princeton, NJ: University of Princeton Press, 1997), p. 205.
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*, p. 204.
89. Heinrich von Kleist, *Michael Kohlhaas*, trans. Martin Greenberg (Hoboken, NJ: Melville House, 2004), p. 3.
90. Rattigan, *The Winslow Boy*, p. 59.
91. Unsigned review, 'The Winslow Boy with Grundgens', *Rhein Echo* (27 October 1949), TRP Add MS 74550, f75.
92. It is conventional for the critics to observe the equal importance of both characteristics in their assessments of Kohlhaas's nature. See, for example, John Geary, *Heinrich von Kleist: a Study in Tragedy and Anxiety* (Philadelphia: Pennsylvania University Press, 1968), p. 118; Denys Dyer, *The Stories of Kleist: a Critical Study* (New York: Holmes and Meier, 1977), p. 120; and John M. Ellis, *Heinrich von Kleist: Studies in the Character and Meaning of his Writings* (Chapel Hill: University of North Carolina Press, 1979), p. 69.
93. Friedrich Greil, 'The Winslow Boy: Premiere at the Josefstadt Theatre', source unknown, TRP, Add MS

74550, f56. In addition to this review, and the review cited in note 80, see also: unsigned review, "Ein Mann Kampft gegen Unrecht", Terence Rattigans *Winslow Boy* kommt in die Josefstadt', source unknown; Dr J., 'Let Justice Prevail', source unknown (Vienna, 1948); unsigned review, 'Theatrical Self-Portrait', *Allgemeine Kolnische Rundschau* (28 October 1949); Rolf Trouwhorst, 'Grundgens in *The Winslow Boy*: Rattigan Premiere in Düsseldorf', *Die Neue Zeitung* (31 October 1949); unsigned review, 'The Winslow Boy with Grundgens', *Rhein Echo* (27 October 1949), TRP Add MS 74550, ff. 47r, 49, 74, 68, 75.

94. Kleist, *Michael Kohlhaas*, p. 9.

95. *Ibid.*, p. 13.

96. *Ibid.*, p. 15.

97. *Ibid.*

98. *Ibid.*, p. 17.

99. Sean Allan, "Mein ist die Rache spricht der Herr": Violence and Revenge in the Works of Heinrich von Kleist', in Bernd Fischer, ed., *A Companion to the Works of Heinrich von Kleist* (New York: Camden House, 2003), p. 240.

100. *Ibid.*, p. 242; Kleist, *Michael Kohlhaas*, p. 8.

101. Ellis, *Heinrich von Kleist*, p. 78.

102. Rattigan, *The Winslow Boy*, p. 60.

103. *Ibid.*, p. 71.

104. For twelve questions posed by Kleist's novella, see Dyer, *The Stories of Kleist*, p. 110–11.