



‘They’re Saved from the Blessings of Civilization’: Violence, Law, and Progress in the Westerns of John Ford

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Introduction

Addressing an audience of students and scholars at the University of Bristol, Winston Churchill once meditated on the meaning of the term “civilization”:

There are few words which are used more loosely than the word "Civilization." What does it mean? It means a society based upon the opinion of civilians. It means that violence, the rule of warriors and despotic chiefs, the conditions of camps and warfare, of riot and tyranny, give place to parliaments where laws are made and independent courts of justice in which over long periods those laws are maintained. That is Civilization... In this Island we have today achieved in a high degree the blessings of Civilization. There is freedom; there is law; there is love of country; there is a great measure of good will between classes; there is a widening prosperity. There are unmeasured opportunities of correcting abuses and making further progress.¹

Churchill’s definition of civilization is straightforward. Where the rules of society are established through peaceful deliberation in an orderly process, civilization has been achieved. Where wanton violence reigns, civilization has not been achieved. Once achieved, civilization brings freedom, prosperity, and other “blessings.” In a word, civilization allows for human flourishing.

¹ Winston S. Churchill, “Chancellor’s Address, University of Bristol,” July 2, 1938, in *His Complete Speeches 1897-1963*, ed. Robert Rhodes James (New York: Chelsea House Publishers, 1974), 6: 5990-91.

However, Churchill's definition of civilization requires further reflection. Civilization cannot simply mean the absence of violence. After all, the laws passed by Parliament or any legislative body are backed by force. Something must differentiate violence authorized by law from violence committed by despotic chiefs. Furthermore, this understanding of civilization as the rule of law raises perennial questions of political philosophy: What is law? What does human progress look like and why is it impossible in "the conditions of camps and warfare"? Finally, why are the "blessings of Civilization" such as arts, letters, and commerce considered to be the products of civilization instead of its essence?

Just one year after Churchill's address at the University of Bristol, the Second World War threatened to unravel civilization. Britain's parliamentary regime stood, at times almost alone, against the barbarism and tyranny of Hitler's Germany. The stark contrast between parliaments and camps was no longer confined to Churchill's rhetoric; it was now the physical reality of a world at war.

While the clouds of war loomed over Europe, American movie-goers were treated to *Stagecoach*, a western from the Irish-American director John Ford. *Stagecoach* is best known today as the film that propelled the young John Wayne from struggling actor to western movie star.² When it was released in 1939, film critics did not take westerns seriously and by and large considered the genre to be vulgar entertainment.³

This, however, did not stop *Stagecoach* from achieving popular and critical success.⁴ What did audiences see in this film that transformed their perception of the western genre from a source for campy entertainment to a staging ground for serious cinematic works? Perhaps they recognized that John Ford was wrestling the same momentous themes as Winston Churchill: violence, law, progress, and civilization. These themes would animate Ford throughout his career.

Three of Ford's westerns are especially notable in their examination of these themes. Along with *Stagecoach*, the films *The Searchers* (1956) and *The Man Who Shot Liberty Valance* (1962) provide a coherent teaching on the relationship between violence and civilization. *Stagecoach* and *The Searchers* depict cycles of revenge which threaten to destroy human flourishing as well as the possibility of political life. In these two westerns, violence is largely portrayed as unjust, oppositional to civilization, and an obstacle to civic and material progress. *Liberty Valance* offers a solution to the problem of vengeance portrayed in the first two films. This film is a meditation on the nature and execution of law and demonstrates how violence can be "tamed" and directed towards the preservation of civil society, which Ford presents as the most desirable state for man.⁵ The films also display an understanding of progress as the movement from violent, primitive conditions to peaceful, settled conditions wherein the rights of person and property are protected and people are left free to cultivate the physical and intellectual world. Together, these films answer the questions and complications raised by Winston Churchill's definition of civilization.

² Tag Gallagher, *John Ford: The Man and His Films* (Berkeley: University of California Press, 1986), 145.

³ See Joseph McBride, *Searching for John Ford: A Life* (New York: St. Martin's Press, 1999), 284; Gallagher, *John Ford*, 145.

⁴ McBride, *Searching for John Ford*, 284-85; Scott Eyman, *Print the Legend: The Life and Times of John Ford* (New York: Simon & Schuster, 1999), 207.

⁵ Cf. Gallagher, who states that "civilization is corrupting" is the message of *Stagecoach* and *The Man Who Shot Liberty Valance*. See *John Ford*, 161. McBride similarly states that progress "is a polluting force" in *The Man Who Shot Liberty Valance*. *Searching for John Ford*, 632.

I. The Problem of Vengeance in *Stagecoach* and *The Searchers*

A. Setting the Stage

Film critic Richard Brody states: “The Western is intrinsically the most political movie genre, because, like Plato’s ‘Republic,’ it is concerned with the founding of cities, and because it depicts the various abstract functions of government as direct, physical actions.”⁶ Brody is correct to note the intrinsic political seriousness of the western genre. Westerns take place on a frontier, either within a small, typically lawless community (such as *The Man Who Shot Liberty Valance*), on the frontier outside of any organized community (such as *The Searchers*), or in some combination of the two (such as *Stagecoach*). In these primitive conditions where life and death are at the forefront, the basic foundations of politics are most visible.⁷

Stagecoach and *The Searchers*, however, are not about political foundings. No cities are present in *The Searchers*, and most of the action in *Stagecoach* takes place outside of cities. In some sense, these films are *pre-political* in nature, for they explore man’s state outside of the political community.⁸ Aristotle explains that man is by nature a political animal because he has the capacity for reasoned speech (*logos*) and can therefore deliberate about what is just and unjust and advantageous and disadvantageous.⁹ The city (*polis*) allows men to congregate for the sake of political deliberation. Aristotle argues that such deliberation is an inherently peaceful exercise whereas man outside of the city has a natural tendency for violence: “He who is without a city through nature rather than chance is either a mean sort or superior to man; he is ‘without clan, without law, without hearth,’ like the person reproved by Homer; for the one who is such by nature has by this fact a desire for war.”¹⁰ The passions and

⁶ Richard Brody, “The Man Who Shot Liberty Valance,” *The New Yorker*, accessed January 2, 2020, <https://www.newyorker.com/culture/richard-brody/the-man-who-shot-liberty-valance>.

⁷ Here again a parallel can be drawn between John Ford and Winston Churchill. Just as the primitive conditions and high stakes portrayed in westerns can reveal insights into human nature that peaceful and developed society obscures, the stark differences and conflict between the representative British regime and the tyrannical Nazi regime brings further clarity to the study of politics than less existential conflicts. Consider the following remarks from Leo Strauss, given impromptu upon hearing of Churchill’s death: “The death of Churchill is a healthy reminder to academic students of political science of their limitations, the limitations of their craft. The tyrant stood at the pinnacle of his power. The contrast between the indomitable and magnanimous statesman and the insane tyrant—this spectacle in its clear simplicity was one of the greatest lessons which men can learn, at any time.... The death of Churchill reminds us of the limitations of our craft, and therewith of our duty. We have no higher duty, and no more pressing duty, than to remind ourselves and our students, of political greatness, human greatness, of the peaks of human excellence. For we are supposed to train ourselves and others in seeing things as they are, and this means above all seeing their greatness and their misery, their excellence and their vileness, their nobility and their triumphs, and therefore never to mistake mediocrity, however brilliant, for true greatness.” Leo Strauss, “Leo Strauss on Churchill,” January 25, 1965, *The Churchill Project*, accessed January 2, 2020, <https://winstonchurchill.hillsdale.edu/leo-strauss-on-churchill/>.

⁸ See Paul A. Cantor, “The Western and Western Drama: John Ford’s *The Searchers* and the *Oresteia*,” in *Print the Legend: Politics, Culture, and Civic Virtue in the Films of John Ford*, ed. Sidney A. Pearson Jr. (Lanham Lexington Books, 2009), 115.

⁹ Aristotle, *Politics*, trans. Carnes Lord (Chicago: The University of Chicago Press, 2013), 1253a8-19. For an explanation of *logos* and deliberation as the animating principle of ancient political life, see Paul A. Rahe, *Republics Ancient and Modern: The Ancien Regime in Classical Greece* (Chapel Hill: The University of North Carolina Press, 1994), 20-43. See also Adam Ferguson’s rephrasing of Aristotelian political philosophy within the context of the Scottish Enlightenment: “With him the society appears to be as old as the individual, and the use of the tongue as universal as that of the hand or the foot.” *An Essay on the History of Civil Society*, ed. Fania Oz-Salzberger (Cambridge: Cambridge University Press, 1995), 12.

¹⁰ Aristotle, *Politics*, 1253a4-7.

conditions witnessed in these films inhibit the political community from taking root. They have to be overcome before politics in the Aristotelian sense can be practiced.¹¹

Stagecoach and *The Searchers* both explore the problem that vengeance and its encompassing passions pose to human flourishing. In both films, a protagonist played by John Wayne seeks vengeance outside of the law for the death of his relatives. By no means is this an original literary trope. *The Searchers* has been appropriately compared to the *Oresteia*, a trilogy of plays from the tragic poet Aeschylus.¹² The trilogy chronicles the misfortunes of the house of Atreus, which arose out of a quarrel between Atreus and his brother Thyestes. In *Agamemnon*, the first play of the trilogy, Agamemnon, son of Atreus and king of Argos, is murdered by his wife Clytaemestra, who had taken Aegisthus a surviving son of Thyestes as her lover. Clytaemestra's bloodlust precipitates her own fall, as she and Aegisthus are killed in the next play of the trilogy, *The Libation Bearers*, by Orestes son of Agamemnon. He in turn is then hunted in the final play by the Furies, goddesses of vengeance who incarnate the violent passions that animate the *Oresteia*.

After Agamemnon returns home to Argos and before he is killed by Clytaemestra, he declares that "God's greatest gift" (*Theou megiston dōron*) to mankind is "serenity of mind" (*mā kakōs phronein*).¹³ This serenity is lost when violent passions overshadow the moderation necessary for deliberation. Aeschylus shows that revenge unleashes these passions and stifles serenity of mind. This is evinced by Cassandra daughter of Agamemnon, who, prophesying of the destruction of her family, proclaims "And drugged to double fury on the wine of men's blood shed, there lurks forever here a drunken rout of ingrown vengeful spirits never to be cast forth."¹⁴ Clytaemestra later acts upon this fury in killing her husband and relishing in the "dark red and violent driven rain of bitter savored blood."¹⁵ The "serenity of mind" lost in the *Oresteia* is similarly missing from *Stagecoach* and *The Searchers*. As will be shown below, the remedy for recovering serenity of mind and taming the passions is the same in Aeschylus' trilogy as it is in the three films analyzed here.

While the *Oresteia* explores a personal cycle of vengeance like *Stagecoach* and *The Searchers*, the two films also take place within the context of a broader geopolitical conflict and a much larger cycle of revenge.¹⁶ The drama in *Stagecoach* is propelled by the conflict between warrior Apaches and the American military; the action of *The Searchers* occurs within the context of a series of revenge killings between the Comanches and "Texican" settlers. Ford chose these settings well. Audiences watching these films today might not fully appreciate the scope and intensity of these conflicts. However, it is important to note that the victory of the United States over the Southwestern tribes was not inevitable. The United States was not a major military power during the mid-19th century, and the ability of the Apache and Comanche tribes to project power and rule over large tracts of land is easily underestimated. The Comanche and Apache had subjugated neighboring tribes and for centuries fought

¹¹ Jeanne Heffernan, "Poised Between Savagery and Civilization?: Forging Political Communities in Ford's Westerns," *Perspectives on Political Science* 28/3 (Summer 1999): 147-51. Heffernan rightly notes that the conflict between passion and reason is the fundamental political problem that must be overcome in *Stagecoach* and *Liberty Valance*.

¹² See Cantor, "The Searchers and the Oresteia," 101-130.

¹³ Aeschylus, *Agamemnon*, ed. Eduard Fraenkel (Oxford: Clarendon Press, 1982), 925-26. Translation my own. "*mā kakōs phronein*" translates literally to "to not be in bad senses." Lattimore translates this phrase as "decency of mind."

¹⁴ Aeschylus, *Agamemnon*, in *Aeschylus I*, 1186-1190.

¹⁵ *Ibid.*, 1389-90.

¹⁶ However, the *Oresteia* is not altogether removed from larger political conflicts. Lattimore notes: "Behind the domestic tragedy [in *Agamemnon*] lies the tragedy of war... [W]ith the war tragedy goes political tragedy as well." "Introduction" in *Aeschylus I*, 10.

successfully against the technologically superior Spanish Empire, eventually driving the Spaniards out of what later became New Mexico.¹⁷ The Comanche eventually controlled an empire of almost 240,000 square miles and were considered by one American military observer to be “superior to any mounted soldiers in Europe or America.”¹⁸ As Union and Confederate armies squared off during the Civil War the western frontier was effectively defenseless; the Comanche made good use of the chaos. In a matter of years, Comanche raids effectively rolled back decades of progress in American western settlement and terrorized both agrarian tribes and white settlements deep within American territory.¹⁹ These historical details help to explain the gravity of events depicted in Ford’s western dramas. The cycle of revenge portrayed between native tribes and white settlers presented no imminent or inevitable solution, and thus poses a serious stumbling block to the establishment of a community wherein peaceful deliberation can replace violence.

B. War and Vengeance in Stagecoach

The plot of *Stagecoach* is simple. A group of passengers take a stagecoach from Tonto, Arizona to Lordsburg, New Mexico. Their journey, however, is complicated by the ongoing conflict between Geronimo, leader of the Apaches, and the U.S. cavalry. Along the way to Lordsburg, an unexpected passenger joins the company. The Ringo Kid (John Wayne), a notorious outlaw who recently escaped from jail, runs into the stagecoach while out in the countryside. He is imprisoned by Marshal Curley, who is riding shotgun with the hopes of bringing in Ringo for the reward money. However, Ringo was already planning to travel to Lordsburg to seek vengeance against Luke Plummer and his brothers, who had killed Ringo’s father and brother at some point before the film begins.²⁰

While the plot of *Stagecoach* is quite simple, the film offers a complex study in character types. Ringo and Curley are joined by a diverse group of fellow passengers with various reasons for traveling to Lordsburg. These passengers include the cowardly coach driver, a corrupt and blustery banker, a pregnant woman on her way to reunite with her cavalryman husband, a Southern gentleman-gambler who volunteers to escort the cavalryman’s wife, a whiskey drummer meeting up with his family, and an alcoholic doctor named Josiah Boone and a prostitute named Dallas, both of whom were run out of Tonto by the moralizing women of the Law and Order League. Each of the passengers has a different place in society, different virtues and vices, and different passions and desires. Broadly speaking, the passengers can be categorized as either “civilians” or “warriors.” The Ringo Kid, Marshal Curley, and Hatfield, the gentleman-gambler, are warriors on account of their proficiency with firearms and willingness to fight; the rest of the passengers are vulnerable civilians.²¹

In the beginning of the film, the distinction between warriors and civilians is unimportant. For instance, most of the passengers, civilians and warriors alike, take a noticeable dislike to Hatfield. As he boards the stagecoach he assures his fellow passengers that he “can shoot

¹⁷ S.C. Gwynne, *Empire of the Summer Moon: Quanah Parker and the Rise and Fall of the Comanches, the Most Powerful Indian Tribe in American History* (New York: Scribner, 2010), 23-30.

¹⁸ *Ibid.*, 23, 32-33.

¹⁹ *Ibid.*, 207-221.

²⁰ The importance of vengeance in *Stagecoach* is amplified by the fact that the subplot revolving around Ringo and the Plummer brothers is not present in the source material and was added in its entirety by Ford and his screenwriters. See Eyman, *Print the Legend*, 194.

²¹ The one exception to this dichotomy is Doc Boone, who could be considered part warrior and part civilian. We learn in the course of the film that he fought in the Civil War and was honorably discharged from the Union Army. However, his alcoholism is an impediment to his ability to fight. Marshal Curley remarks that “Doc can shoot, *if* sober.”

fairly straight if there's need for it" to which Marshal Curley wearily replies: "That's been proved too many times." Hatfield argues at various times with Ringo, Doc Boone, and Mr. Gatewood, the banker. Their arguments largely concern the rather unimportant subject of manners and decorum within the stagecoach. Hatfield admonishes Doc Boone for smoking in the cab. "A gentleman doesn't smoke in the presence of a lady" Hatfield states, to which the doctor retorts: "Three weeks ago I took a bullet out of a man who was shot by a gentleman. The bullet was in his back." The implication of Doc Boone's retort is that Hatfield and those like him are a danger to civil society. The argument has quickly moved from a question of mere manners to the question of who is fit for to live within the political community. Hatfield's aristocratic manners mask a tendency to violence that does not conduce to living peacefully with fellow citizens as equals. Doc Boone's drunkenness is less of a threat to others—even if it caused his exile Tonto—in part because it can be more easily moderated than Hatfield's deeply-rooted aristocratic way of life.²²

It is important to note in this regard that Boone and Hatfield fought on opposite sides of the Civil War; Boone refers to it as "the War of the Rebellion" whereas Hatfield calls it "the War for the Southern Confederacy." The argument between Boone and Hatfield is thus meant to call to the audience's mind the divide in antebellum America between the North and South, between anti-slavery society and pro-slavery society. Boone's condemnation of Hatfield echoes Charles Sumner's condemnation of aristocratic slaveowners. Sumner notes that the Southern code of honor is a relic of barbarism: "Barbarous standards of conduct are unblushingly avowed. The swagger of a bully is called chivalry; a swiftness to quarrel is called courage; the bludgeon is adopted as substitute for argument; and assassination is lifted to be one of the Fine Arts."²³ The superficial gentlemanly habits conceals "lawless instincts" for all modes of violence, including dueling, which Sumner denounces as a savage practice with no place in a civilized community.²⁴ Later in the film Hatfield confirms that he shares this lawless instinct by implying that he would challenge Mr. Gatewood to a duel—again, out of a desire to protect the sensibilities of the cavalryman's wife—if the banker was younger. Whatever Hatfield's skill as a warrior may be, it is clear that he does not fit comfortably into peaceful society.

However, as the film progresses, and the danger of an Apache attack grows, the distinction between civilian and warrior becomes increasingly important. The Apaches attack in the final quarter of the film before the stagecoach reaches Lordsburg. During this attack, Hatfield, Curley, and Ringo become the most important characters in the stagecoach. They fight back against the Apaches and protect their fellow passengers until the U.S. cavalry comes to the rescue.²⁵

²² Gallagher argues that Doc Boone must "escape the blessings of civilization" because he, like Dallas, is an outcast. However, Gallagher's analysis fails to consider the final scene of the film. Dallas leaves Lordsburg with Ringo; Doc Boone remains in Lordsburg and therefore partakes in the blessings of civilization. The very last line of the film shows that he has moderated the vice that had previously made him an unfit member of civil society. Curley offers Boone a drink, to which the doctor responds "just one." Gallagher, *John Ford*, 161.

²³ Charles Sumner, *The Barbarism of Slavery: Speech of the Hon. Charles Sumner, on the Bill for the Admission of Kansas as a Free State, in the United States Senate, June 4, 1860* (New York: The Young Men's Republican Union, 1863), 33.

²⁴ *Ibid.*, 43-45, 62-65. For further elucidation on Sumner's condemnation of the violence of Southern aristocracy, see Forrest A. Nabors, *From Oligarchy to Republicanism: The Great Task of Reconstruction* (Columbia: University of Missouri Press, 2017), 86-95.

²⁵ Again pointing to his ambiguity as either a warrior or civilian, Doc Boone is also shown firing at the Apaches, though his role in the battle appears to be far less significant than the three warriors.

This scene shows that different types of men are valued in war than in peace. Hatfield, Curley, and Ringo share nothing in common except their ability to fight. Whereas Hatfield's code of chivalry impels him to care for the cavalryman's wife, Ringo's sense of humanity compels him to sympathize with Dallas the prostitute—his fellow outcast whose station elicits ire from her fellow travelers. Nonetheless, these differences are cast aside when the Apaches attack. Thus, qualities that are valued in peaceful circumstances such as civility, humanity, and respect for the law are replaced by daring, moxie, and deadliness once conflict arises.²⁶ Persons unwelcome in civil society such as Hatfield and Ringo are needed in order to protect peace-loving people caught up in a cycle of vengeance.

After the Apaches are routed by the cavalry, the stagecoach arrives in Lordsburg. Once it arrives, Marshal Curley decides to look the other way and let the Ringo Kid settle his score with the Plummer brothers. Earlier in the film, Curley argued with Buck, the stagecoach driver, over what to do with Ringo. Buck convinces Curley to let Ringo "shoot it out" with Luke Plummer, claiming that "there'd be a lot more peace in this territory" if the Plummers were dead. Both characters recognize that peace is impossible when private actors seek revenge and ultimately decide that the cycle of vengeance will end only when one side is eliminated. Dallas similarly recognizes that happiness is impossible when one is caught up in a cycle of vengeance. Ringo offers to marry her and set her up at his ranch. In response, she urges him to flee. She pleads: "How can you talk about your life and my life when you're throwing them away? Yeah, mine too, that's what you're throwing away if you go to Lordsburg.... Would it make us any happier if Luke Plummer was dead? One of his brothers would be after you with a gun. We'd never be safe." Domestic relations must be put on hold when violence looms.

Stagecoach, however, has a happy ending. Ringo kills the three Plummer brothers in a shootout. Curley then allows him and Dallas to escape to Ringo's ranch "across the border." As they ride away, Doc Boone turns to Curley and happily remarks: "Well, they're saved from the blessings of civilization." This line raises two questions: what are the blessings of civilization and why must Ringo and Dallas be made safe from them? The town of Lordsburg seems to represent the "blessings of civilization." With the Plummer brothers dead, the cycle of vengeance is broken, and the residents of the town can live together in peace. Thus, the primary blessing of civilization seems to be living in peace with one's fellow man. Lordsburg may have saloons and brothels, but it also has justices of the peace to keep things in line. As soon as the stagecoach arrives in town it is greeted by the sheriff, who promptly arrests Gatewood for fraud.

Ringo, however, cannot be welcomed into peaceful society. As he remarked earlier in the film: "I guess you can't break out of prison and into society in the same week." Ringo represents a threat to the regime of law and order established in Lordsburg. He has proven himself to be a deadly man willing to work outside of the law to enact vengeance on those who wrong him. The Plummer brothers may be dead, but Ringo could find himself embroiled in another conflict if he stayed in town. When Dallas had earlier tried to convince Ringo to escape custody, she mentioned that the Plummers had sworn that Ringo killed their foreman. It is thus unclear who started the conflict between the Plummers and Ringo. Our outlaw hero might very well lack the "serenity of mind" so praised by Aeschylus and necessary for peaceful

²⁶ Brigid McMenamin observes: "Ford makes us see things differently by taking us outside of Tonto and away from the protection of the cavalry. Once off in the desert, we become far less concerned with status and respectability and far more concerned with survival." "The Blessings of Civilization: John Ford's *Stagecoach*," in *Politics, Culture, and Civic Virtue in the Films of John Ford*, 31.

living. Thus, the authorities at Lordsburg have no choice but to imprison him or to allow him to go into exile.²⁷

C. *Vengeance and the Private Morality of* The Searchers

The Searchers, like *Stagecoach*, is about a cycle of vengeance. Ethan Edwards (John Wayne)—an unrepentant Confederate veteran and likely outlaw—returns to his brother Aaron’s home on the Texas frontier. He informs the local reverend and captain of the Texas Rangers that he “don’t believe in surrenders. No, I still got my saber, reverend. Didn’t turn it into no plowshare neither.”²⁸ Ethan is a violent man, a man of action. Like Achilles, he is filled with wrath; like the *Iliad*, *The Searchers* is a drama about the nature and consequences of wrath.²⁹ A group of Comanche steal cattle from Aaron’s neighbor Lars Jorgensen, prompting Ethan and a posse of Rangers to pursue them. The posse quickly discovers that the raid was a diversion to draw them away from Aaron’s house. Upon returning, Ethan finds the house burnt to the ground, his brother and sister-in-law killed, and his two nieces Debbie and Lucy missing.

Ethan then embarks on a years-long search for the Comanches responsible for the raid. He is joined by his adopted nephew Martin Pawley, who is one-eighth Cherokee and was found by Ethan after his biological parents were killed. The relationship between Martin and Ethan reveals Ethan’s source of morality. Ethan has clear disdain for the young man on account of his Native American ancestry. His hatred of Native Americans is rooted in a desire for vengeance. Although this is never explicitly stated in the film, we get powerful evidence of this during the Comanche attack on the Edwards homestead. The young Debbie hides next to the tombstone of her grandmother—Ethan’s mother—which states that she was killed by Comanches. Ethan’s hatred was born of a desire to protect his family and exact revenge against those that have harmed them.

Thus, Ethan’s morality is defined by shared blood and shared custom. He does not consider Martin to be part of the family because he is not a blood relative. After their initial search for the Comanche raiding party fails, Martin and Ethan return to the Jorgensen household where Ethan attempts to persuade his nephew not to join him when he continues the search. “She’s no kin to you at all” Ethan says, in reference to Debbie, now the only surviving member from the Edwards raid. When Martin objects that he and Debbie are kin because her parents raised him, Ethan snaps: “That don’t make you no kin!” Therefore, Martin is barred from joining the family; outsiders can never become insiders. However, insiders become outsiders if they reject the customs of the family. Martin refuses to quit the search for Debbie because he fears what Ethan will do if he finds her. Debbie has now spent years within the Comanche tribe, and Ethan assumes that she has assimilated to the

²⁷ McMenamin notes that an alternative explanation for why Ringo cannot remain in Lordsburg to society being unable to accept him is that Ringo cannot accept society: “But can you see a guy like Ringo paying his taxes and observing speed limits, much less accepting diminishing privacy, growing bureaucracy, and devilishly complex recycling regulations we tolerate today? Maybe not.” “The Blessings of Civilization: John Ford’s *Stagecoach*,” 32.

²⁸ See Isaiah 2:4; Micah 4:3.

²⁹ Consider the opening lines of the poem: “Of the wrath of Achilles son of Peleus, sing, o goddess, that accursed wrath which brought immeasurable pain upon the Achaeans.” Wrath (*mānin*) is the very first word of the poem. Homer, *Iliad*, ed. and trans. A.T. Murry, rev. William F. Wyatt (Cambridge, Harvard University Press, 1999), 1-2. Translation my own. For extended analyses of the *Iliad* and *The Searchers*, see Martin M. Winkler, “Homer’s *Iliad* and John Ford’s *The Searchers*,” in *The Searchers: Essays and Reflections on John Ford’s Classic Western*, ed. Arthur M. Eckstein and Peter Lehman (Detroit: Wayne State University Press, 2004), 145-170; Garry Wills, *John Wayne’s America: The Politics of Celebrity* (New York: Simon & Schuster, 1997), 251-61.

Comanche way of life. Upon encountering other white women at a military outpost who had been kidnapped by the Comanche, Ethan remarks that “they ain’t white, anymore.” We later learn that Scar, the Comanche chief who led the raid, has taken Debbie as a wife. After discovering this, Ethan writes a will stating that he is “without any blood kin.”

Ethan’s morality is the morality of the household.³⁰ Just as men are a political animal in Aristotle’s account, so too are they a domestic animal. Although the city is the highest community because it provides goods necessary both for living and living well, the household is man’s first community and provides the first goods needed for survival.³¹ In the ancient world, the household was tied together by domestic religious rites and private laws and customs (*nomoi*) shared only by the family.³² The morality of the household is simple: provide for the members of one’s clan and bring harm to their enemies.³³ Protecting the household and clan from enemies is a preliminary obligation to forming larger communities. As Adam Ferguson observed two millennia after Aristotle, mankind has “always wandered or settled, agreed or quarreled, in troops and companies.”³⁴ Animosity towards enemies grows out of friendship towards one’s own: “Sentiments of affection and friendship mix with animosity; the active and strenuous become the guardians of their society... it is vain to expect that we can give to the multitude of a people a sense of union among themselves, without admitting hostility to those who oppose them.”³⁵ The conflict between the Texicans and the Comanche is driven by this relationship between friendship and animosity.

Ethan thus shares the same principles of morality as his enemy, the Comanche. Chief Scar is just as animated by vengeance as Ethan; he explains that two of his sons have been killed by white men, and that for each dead son he takes many scalps. The Comanche tribe operates as an extended family of which Scar is the despotic patriarch.³⁶ Ethan recognizes in some intuitive sense that he shares the Comanche moral outlook by adopting their customs. He shoots out the eyes of a dead warrior so that by Comanche belief “he can’t enter the spirit land, has to wander forever between the winds.” During the final battle between the Comanche and the Texicans Ethan scalps Scar’s corpse.

The Comanches share with Ethan a way of life that honors ferocity, martial spirit, and familial loyalty. These qualities are interconnected and necessary to protect the family from its enemies, especially when embroiled in a cycle of vengeance.³⁷ However, such qualities

³⁰ For one counterargument—that Ethan instead represents a modern understanding of individualism—see Jeffrey Church, “Recognition and Restlessness in John Ford’s *The Searchers*,” *Perspectives on Political Science* 38/ 1 (Winter 2009), 47-57.

³¹ Aristotle, *Politics*, 1257a20. This also marks a deep tension within the character of Ethan. Blood drives him to vengeance against the Comanche. Yet, he also acts as a stranger or traveler at the family homestead by flinging money at his brother and promising to pay his own way. See J. David Alvis and John E. Alvis, “Heroic Virtue and the Limits of Democracy in John Ford’s *The Searchers*,” *Perspectives on Political Science* 38/ 2 (Spring 2009): 73.

³² See Numa Denis Fustel de Coulange, *The Ancient City*, trans. Willard Small (Mineola: Dover Publications, 2006 [1864]), 11-42, 94-100.

³³ This is Polemarchus’ definition of justice in Plato, *Republic*, trans. Allan Bloom (United States: Basic Books, 1968), 332a-b. Bloom notes in his interpretive essay that Polemarchus’ understanding of justice is rooted in ancestral duty. His father Cephalus leaves Socrates’ company to tend to familial sacrifices (331d), thus putting his son in charge of defending the traditional standard of justice. 312-316.

³⁴ Adam Ferguson, *Essay on Civil Society*, 21.

³⁵ *Ibid.*, 29.

³⁶ See the excellent analysis of the Comanche in Alvis and Alvis, “Heroic Virtue,” 71-72, 77n4.

³⁷ These qualities are also necessary to some degree within the political community. Socrates is never able to fully escape Polemarchus’ definition of justice as benefit to friends and harm to enemies, for the foreign policy of his city in speech rests upon this principle. Plato, *Republic*, 422a-d, in light of Bloom, “Interpretive Essay,” 371-2.

ultimately harm human happiness when they are unmoderated. For example, Martin Pawley's desire to avenge the Edwards clan and rescue Debbie delays and almost destroys the relationship with his love interest, Laurie Jorgensen. Cycles of vengeance therefore are an impediment to the formation of new familial bonds and larger communities.

D. The Possibility, but not Inevitability, of Progress

John Ford's early westerns are often considered to be stereotypically optimistic.³⁸ *Stagecoach* and *The Searchers* are no different. Ringo and Dallas ride off into the sunset with bliss. Ethan Edwards does not kill Debbie as Martin feared he would, but instead tenderly carries the young woman back home.³⁹ The protagonists are happy, and the cycles of vengeance have been broken.

Yet, these films are not as optimistic as they may first appear. As mentioned above, Ringo cannot be allowed to roam free in civilized society and must be exiled from Lordsburg. Similarly, the famous closing shot of *The Searchers* heavily suggests that Ethan also cannot be assimilated into civilization.⁴⁰ Moreover, while the personal vengeance is resolved in these films, the larger political conflict remains unresolved. The Apaches and Comanches live to fight another day, meaning that the larger cycle of revenge persists—are Ringo and Dallas really safe on their ranch? This shows that progress is not inevitable and suggests that the passions embedded in human nature prevent mankind from ever permanently progressing beyond the possibility of lawlessness and barbarity.⁴¹

However, progress is not impossible. For well-ordered towns like Tonto and Lordsburg to exist, men must be able to somehow quell their most violent passions long enough to found political communities. Mrs. Jorgenson, wife of Lars Jorgenson, articulates both the difficulty and possibility of forming civilized society: "It just so happens that we be Texicans. Texican is nothing but a human man way out on a limb, this year and the next. Maybe for one hundred more. But I don't think it'll be forever. Someday this country is gonna be a fine, good place to be. Maybe it needs our bones in the ground before that time can come." After Mrs. Jorgenson speaks her husband proudly remarks: "She was a schoolteacher, you know." Literate characters like Mrs. Jorgenson and her daughter Laurie bring a glimmer of hope to the otherwise hopeless world of *The Searchers*.⁴² Mrs. Jorgenson is able to perceive of a future where the frontier is tamed, where families can settle in peace and maybe even achieve some prosperity. Education thus seems to be a sign of hope and a product of more civilized

³⁸ See Eyman, *Print the Legend*, 211, 368; McBride, *Searching*, 303.

³⁹ Eyman notes that through this action "humanity is affirmed over hate and destruction" and shows that the cinematic ending of *The Searchers* is more optimistic than the original script. *Print the Legend*, 447-48.

⁴⁰ See Cantor, "The Searchers and The Oresteia," 123-24; Eyman, *Print the Legend*, 448-49; Gallagher, *John Ford*, 334-38; McBride, *Searching for John Ford*, 558. However, it should be noted that Ford himself never addressed the meaning of this closing shot, and that even John Wayne did not know what Ford had in mind with this shot, though Wayne has referred to the ending of *The Searchers* as "an unhappy happy ending." *The American West of John Ford*, directed by Denis Sanders (Columbia Broadcasting System, 1971), <https://archive.org/details/TheAmericanWestofJohnFord>.

⁴¹ See John Marini, "Defending the West: John Ford and the Creation of the American Epic," in *Politics, Culture, and Civic Virtue in the Films of John Ford* 2-7.

⁴² In this regard, Cantor's comments on the civilizing impact of women in *The Searchers* are useful. "The Searchers and The Oresteia," 119-122. However, Cantor argues that femininity as such is the civilizing factor in *The Searchers*. It seems more likely that education, not femininity as such, is the source of the civilizing nature of the Jorgenson women. As will be shown below, this would make Ford's understanding of civilization (and the lack thereof) in *The Searchers* more consistent with his portrayal of civilization in *The Man Who Shot Liberty Valance*.

circumstances. However, the literacy of the Jorgenson women is not sufficient to tame the frontier and bring an end to wanton violence. Law must first be established.

II. Taming Violence: The Nature of Law in *The Man Who Shot Liberty Valance*

A. *Liberty Valance and the Purpose of Law*

In a bill to reform criminal punishment in the state of Virginia, then governor Thomas Jefferson explained the need for law:

Whereas it frequently happens that wicked and dissolute men resigning themselves to the dominion of inordinate passions, commit violations on the lives, liberties and property of others, and, the secure enjoyment of these having principally induced men to enter into society, government would be defective in its principal purpose were it not to restrain such criminal acts, by inflicting due punishments on those who perpetrate them.⁴³

For *Liberty Valance* (Lee Marvin), the titular character of *The Man Who Shot Liberty Valance*, there is no better description than “wicked and dissolute man.” *Liberty Valance* is a film about the arrival of law and order to the fictional town of Shinbone, located in an unnamed western territory. This is accomplished by killing Liberty Valance. The film opens with Senator Ransom Stoddard (James Stewart) and his wife Hallie returning to the town after a long absence. Much has changed since they have left; what was once a small frontier village is now a prosperous community connected to the world by the railroad. They are there for the funeral of an old friend, a nobody named Tom Doniphon (John Wayne). After the editor of the local newspaper accosts Stoddard and demands to know “who is Tom Doniphon,” Stoddard recounts for him the story of how he came to Shinbone and the nature of the town in the primitive days before the arrival of the railroad.

When Stoddard first came to town he was a young lawyer from the East. On the road to town his stagecoach is held up by Valance and his gang. Stoddard attempts to protect a widow from the gang, shoving one of the outlaws while shouting: “What kind of men are you?” Valance shows him exactly what kind of man he is by smacking him to the ground and beating him with his horse whip. He then proceeds to tear up the young man’s law books, symbolically proving that he is unrestrained by any code of conduct.⁴⁴

In this scene Stoddard represents conventional law. He belongs in the courtroom, where deliberation settles disputes and justice is delivered impartially and by the guiding hand of reason. Valance, on the other hand, represents “the dominion of inordinate passions” that Jefferson condemned as dangerous to human flourishing. He mocks Stoddard’s profession by teaching him “western law,” which is nothing more than violence. Stoddard is too weak to defend himself against Valance. Law as a merely abstract concept cannot overcome man’s wildest passions.

When Valance beats Stoddard on the road to Shinbone we gain some insight into the state of nature, man’s condition of vulnerability outside of a functioning civil order. Valance’s “western law” is might makes right; he bears no audience for the appeals of weaker men. This

⁴³ Thomas Jefferson, “A Bill for Proportioning Crimes and Punishments in Cases Heretofore Capital, 18 June, 1779,” *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 2: 492-93.

⁴⁴ Sidney A. Pearson Jr. helpfully explains that Stoddard’s lawbooks are a target for Valance’s anger because they are “a symbolic representation of how civilization makes its first appearance in the west.” “It is Tough to Be the Second Toughest Guy in a Tough Town: Ask the Man Who Shot Liberty Valance,” *Perspectives on Political Science* 36/ 1 (Winter 2007): 25.

scene is fundamentally Hobbesian. Hobbes warns that “without a common power to keep them in awe,” men like Liberty Valance will “use violence to make themselves masters of other men’s persons, wives, children, and cattle.”⁴⁵ Valance and Stoddard both desire the same thing: Stoddard’s possessions. Hobbes would explain that because they both desire but cannot attain the same thing, they exist in a state of war against one another.⁴⁶ Valance’s “western law” makes sense from a Hobbesian perspective because in this state of war the “notions of right and wrong, justice, and injustice, have no place.... Force and fraud are in war the two cardinal virtues.”⁴⁷ Stoddard’s appeal to civil law by threatening Valance with imprisonment is inappropriate in this circumstance. There is no sovereign with the power to punish Valance, and therefore no authority to which Stoddard can effectively appeal. He does not understand this, however, because he is from the East where standards of criminal law have long been set and independent courts of justice have long prevailed. He is so accustomed to civil society that he cannot yet understand the lawlessness of the West. Hobbes’ portrayal of the state of nature in *Leviathan* and Ford’s portrayal of Stoddard’s beating share the same harsh teaching: where anarchy reigns, violence can be expected.

Stoddard is found unconscious by Doniphon, who brings him to town so that he can be treated for his injuries. Stoddard is faced with a choice when he awakes to either seek personal vengeance against Valance or to seek legal recourse to punish him. Doniphon recommends that he starts carrying a gun—in other words, to seek personal vengeance. This has worked well for Doniphon, who seems to be the only man that Valance fears. Stoddard rejects Doniphon’s proposal, stating: “I don’t want to kill him. I want to put him in jail.” By rejecting the idea of personal vengeance Stoddard prevents a cycle of revenge from beginning.⁴⁸ He departs from men like Ethan Edwards and the Ringo Kid, who have no problem with extrajudicial killing. However, he is speaking from naivety in regard to his present circumstances. Doniphon explains to him: “I know those law books mean a lot to you, but not out here. Out here a man settles his own problems.” Stoddard retorts that Doniphon is saying exactly what Liberty Valance said. Stoddard is correct. Doniphon, like Valance, sees law as an abstract concept that has no force and therefore no bearing in the harsh conditions of Shinbone.⁴⁹ The only difference between the men is that Doniphon has no interest in Valance’s lawlessness; he is a mostly well-ordered man devoid of the wicked and dissolute passions that animate Valance.

⁴⁵ Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett Publishing, 1994), 76.

⁴⁶ *Ibid.*, 75.

⁴⁷ *Ibid.*, 78. See also David W. Livingstone, “Spiritedness, Reason, and the Founding of Law and Order: John Ford’s *The Man Who Shot Liberty Valance*,” *Perspectives on Political Science* 38/ 4 (Fall 2009), 225n23 and Ryan, “Violence and Recognition,” 28. However, it would be a mistake to describe Valance as a Hobbesian. Hobbes claims that the first law of nature is to seek peace. Valance could lay down his arms and join the peaceful society of Shinbone but chooses not to. See Hobbes, *Leviathan*, 80.

⁴⁸ Stoddard, like Winston Churchill, wishes to make a distinction between violence and law. While the two concepts cannot be entirely divorced from each other, Churchill is not the first to distinguish between them; Xenophon and Thomas Aquinas have also done so. Xenophon states: “Since, he said, the lawful is just, and the unlawful violent, he ordered that the judge always cast his vote in conformity with the law.” *The Education of Cyrus*, trans. Wayne Ambler (Ithaca: Cornell University Press, 2001), I.4.17. Aquinas states that laws made without proper form or authority are “more violence than law” (*magis sunt violentiae quam leges*). Thomas Aquinas, *Summa Theologiae, Latin-English Edition*, trans. Fathers of the English Dominican Province (United States: Benzinger Brothers, 2010), I-II, q. 96, a. 4. Translation my own. The following subsection should contribute to the distinction between law and mere violence.

⁴⁹ See Livingstone, “Spiritedness, Reason, and Founding,” 219. Livingstone is correct, however, in stating that Doniphon differs from Valance in that he has limited his appetites and restrained his desires.

By seeking legal remedies, Stoddard presents a solution to the omnipresent violence of the Wild West. *The Man Who Shot Liberty Valance* thus resolves the revenge scenarios of *Stagecoach* and *The Searchers* by creating a regime of the rule of law in place of personal justice.⁵⁰ The film serves the same function for John Ford's westerns that *The Eumenides* serves in Aeschylus' *Oresteia*. The goddess Athena settles the dispute between Orestes and the Furies by establishing a court of justice whereby the people of Athens shall decide legal cases through deliberation. The goddess explains to her people the benefit of this court: "No anarchy, no rule of a single master. Thus I advise my citizens to govern and to grace, and not to cast fear utterly from the city. What man who fears nothing at all is ever righteous? Such be your just terrors, and you may deserve and have salvation for your citadel."⁵¹ The impartial court protects the innocent from both the chaos of a state of nature and the arbitrary rule of a single person. It places reason in command of violence by encouraging deliberation, and therefore limits and legitimizes violence. Orestes is found innocent during the trial. Athena then placates the angered Furies by offering them a place of devotion within the city; their acts of vengeance shall serve as "strong guards" protecting the city against disorder.⁵² In accepting Athena's offer, the Furies explain that law will replace cycles of vengeance: "Civil War fattening on men's ruin shall not thunder in our city. Let not the dry dust that drinks the black blood of citizens through passion for revenge and bloodshed for bloodshed be given our city (*poiei*) to prey upon.... Let love be their common will; let them hate with single heart."⁵³ Thus, violence is tamed by being placed under the regimen of law whereby the political community is united under a singular authority that can settle disputes and prescribe punishments.

While Stoddard may share the ideal presented by Aeschylus, his desire for law and order is only wishful thinking so long as Liberty Valance is alive. Eventually he comes around to Doniphon's solution and begins training with a handgun. Meanwhile, Valance brings his reign of terror into town, in part for his own amusement and in part because cattle ranchers have hired him to prevent Shinbone's agrarian population from organizing for statehood. At the film's climax Valance is killed in a duel with Stoddard. Stoddard is soon after nominated as the territory's delegate to the United States Congress. He leads the charge for statehood and builds a successful political career on his reputation for defeating Valance. However, Stoddard confesses to the newspaper editor that Tom Doniphon is actually the man who shot Liberty Valance. Unbeknownst at the time to Stoddard, Doniphon hid across the street during the duel and fired the killing shot against Valance. On hearing this the editor rips up his notes and refuses to publish the story. He then delivers film's most famous line: "This is the West, sir. When the legend becomes fact, print the legend."

B. Ransom Stoddard as the Deliberate Element of Law

Much has been written about how *The Man Who Shot Liberty Valance* explores the extralegal nature of political foundings, the need for mythmaking, the nature and purpose of civic virtue and spiritedness, and the diverging psychological portraits of civilized men like Ransom Stoddard and rugged frontiersmen like Tom Doniphon.⁵⁴ These themes are rich and in many

⁵⁰ Robert B. Pippin notes that if Valance was killed without also establishing law and order it would simply spark a cycle of revenge. The unseen but spoken conflict between the farmers and the cattle ranchers lends this plausibility. *Hollywood Westerns and American Myth: The Importance of Howard Hawks and John Ford for Political Philosophy* (New Haven: Yale University Press, 2010), 81, 103-4.

⁵¹ Aeschylus, *The Eumenides*, in *Aeschylus I*, 696-701.

⁵² *Ibid.*, 794-955.

⁵³ *Ibid.*, 978-986. Translation modified.

⁵⁴ Consider among numerous examples Pearson, "Second Toughest Guy," 23-28; Heffeman, "Savagery and Civilization," 147-51; Livingstone, 218-227; Joshua Foa Dienstag, "A Storied Shooting:

cases commentators have very fruitfully expounded upon them. However, many analyses of the film have suffered to varying degrees by assuming that Stoddard alone represents law and that Doniphon in no way represents law.⁵⁵ In contradistinction to this view, I argue that Stoddard and Doniphon represent two different and complimentary elements of law. Stoddard represents the intellectual and deliberate qualities of law whereas Doniphon represents the assertion of force necessary to execute law. Both of these elements are necessary to defeat Liberty Valance, and to bring peace and order—and by extension, civilization—to Shinbone.

The deliberate element of law is rooted in man's intellectual faculties. Thomas Aquinas' definition of law as "an ordinance of reason for the common good, made by him who has care for the community, and promulgated" provides a good framework for understanding the deliberate element of law because it does not mention the need for enforcement.⁵⁶ According to Aquinas' account, the capacity for reason is the first precondition to establishing law. Stoddard undoubtedly has this; he is an educated man, and his lengthy political career suggests that he knows how to effectively frame general rules for the ordering of society. Likewise, he follows the rest of Aquinas' definition of law. Stoddard directs his activities to the common good unlike Doniphon, who at first only protects others from Valance to the extent necessary to protect himself.⁵⁷ Stoddard does not have the formal authority to command the people of Shinbone; there is no clear authority in the unorganized territory other than the town's cowardly and immoderate marshal. However, Stoddard acts as their political leader through persuasion. He convinces the people of Shinbone to vote for statehood in spite of intimidation from the cattle ranchers. The citizens recognize his wisdom in political affairs and devotion to the common good, and therefore choose him to chair their meeting to nominate delegates to the territorial convention. Finally, Stoddard serves as a promulgator of the laws. He literally carries the law into town in his lawbooks. Moreover, he teaches the townsfolks to read and write, thus making them capable to read and understand the laws. Without the capability to read and understand, it would be impossible for the townsfolks to willingly follow the law because they would not know what it says in the first place.

Stoddard even moves beyond mere promulgation to another deliberate element of law that is not mentioned in Aquinas' formal definition. In the very middle of the film, Stoddard establishes a school and instructs the townsfolks not only in reading and writing, but also history and civics. He teaches the largely immigrant population that the United States is a republic, which one of his pupils explains "is a state in which the people are the boss." Stoddard uses his position to cultivate self-government in the people of Shinbone, providing

Liberty Valance and the Paradox of Sovereignty," *Political Theory*, 40/3 (June 2012), 290-318; Marini, "Defending the West," 1-19.

⁵⁵ See Cheyney Ryan, "Print the Legend: Violence and Recognition in *The Man Who Shot Liberty Valance*," in *Legal Realism: Movies as Legal Texts*, ed. John Denvir (Urbana: University of Illinois Press, 1996), 24; Pearson, "Second Toughest Guy," 25; Heffernan, "Savagery and Civilization," 148; Gallagher, *John Ford*, 392.

⁵⁶ Aquinas, *Summa Theologiae*, I-II, q. 90, a. 4. As will be shown below, Aquinas does not neglect the need for coercion to enforce law even though he excludes it from his formal definition.

⁵⁷ Doniphon scares off Valance when he is eating at the local restaurant, but only after Valance disturbs his own meal. He again scares off Valance when the people of Shinbone meet to elect delegates to the territory convention. However, Valance knows that Doniphon will not go out of his way to stop him from committing violence, and therefore threatens the voters of Shinbone not to "vote any way now that you'll regret later." Immediately before he interrupts the meeting, we learn from a newspaper headline that Valance has killed two pro-state homesteaders. Doniphon's disinterest in public affairs is further evident in the meeting when he declines nomination as a delegate, stating he must attend to his own business.

the intellectual direction and foundation necessary for them to deliberate on the justice and usefulness of their laws.⁵⁸ Ford's statement about education and law could not be any louder: the chalkboard behind Stoddard reads: "Education is the basis of law and order."

Although the educative nature of law is often overlooked by contemporary commentators, ancient, medieval, and early modern philosophers have all acknowledged it as central to law's function. In the *Crito*, Socrates describes the law as a teacher, for it orders the education of the young and informs the citizen's understanding about what is right and wrong.⁵⁹ Similarly, the Athenian Stranger of Plato's *Laws* suggests that laws should begin with "preludes" to convince the citizens of their justice. This puts the citizen "in a frame of mind more favorably disposed and therefore more apt to learn something."⁶⁰ Through praise and blame the law can teach right and wrong, making it less necessary to use violence to enforce law by persuading the citizens to "become more obedient and well disposed to the laws."⁶¹ Plato's understanding of the educative nature of law is shared by Aquinas. The medieval philosopher emphasizes moral habituation as a purpose of law in stating that "the proper effect of law is to lead its subjects to their proper virtue... since law is given for the purpose of directing human acts; as far as human acts conduce to virtue."⁶² Because the fundamental precept of the natural law—to do good and avoid evil—is too vague to provide practical moral advice, well-ordered laws and wise lawgivers like Ransom Stoddard can teach good-natured people how to correctly practice virtue.⁶³ Such an understanding of law, however, is not unique to ancient and medieval philosophers. Even Hobbes acknowledges the educative function of law. He argues that men often violate the laws and harm the commonwealth through ignorance or the influence of false teachers.⁶⁴ Therefore, the sovereign ought to educate his people "by a general providence, contained in public instruction, both of doctrine and example, and in the making and executing of good laws."⁶⁵ Ford's depiction of Stoddard as an educator may seem odd to contemporary audiences who see little connection between education and the concept of law. This depiction nevertheless is necessary to solidify Stoddard as the incarnation of law's deliberate function and places Ford in a long line of thinkers who have noted law's educative purpose.

C. Tom Doniphon as the Violent Element of Law

Ransom Stoddard cannot kill Liberty Valance on his own. His knowledge and public concern are insufficient for bringing law and order to Shinbone. He needs Tom Doniphon. Likewise, force is needed to uphold the law. The deliberate element of law gives direction to the political

⁵⁸ See Marini's excellent discussion of the schoolhouse scene in "Defending the West," 11-13. Cf. Gallagher, who claims that in Ford's late films "education is seen as indoctrination and as a method of imposing repressive order." *John Ford*, 397. Gallagher's statement makes little sense in the context of *Liberty Valance*, where Stoddard is teaching the class about their political rights and reciting the doctrine of human equality found in the Declaration of Independence.

⁵⁹ Plato, *Crito*, trans. Thomas G. West and Grace Starry West (Ithaca: Cornell University Press, 1998), 50d-e.

⁶⁰ Plato, *Laws*, trans. Thomas L. Pangle (Chicago: The University of Chicago Press, 1980), 723a-b.

⁶¹ *Ibid.*, 730b.

⁶² Aquinas, *Summa Theologiae*, I-II, q. 92, a. 1.

⁶³ For the first precept of the natural law according to Aquinas, see *Summa Theologiae*, I-II, q. 94, a. 2. For a good explanation of the educative purpose of law in Aquinas, see Mary M. Keys, "Aquinas's Two Pedagogies: A Reconsideration of the Relation between Law and Moral Virtue," *American Journal of Political Science* 45/ 3 (July, 2001): 519-31.

⁶⁴ Hobbes, *Leviathan*, 191-93.

⁶⁵ *Ibid.*, 219. Hobbes further argues at *ibid.*, 225, that "the instruction of the people dependth wholly on the right teaching of youth in the universities."

community and teaches good people how to live well. But this still leaves us with the problem of wicked and dissolute men, those will not listen to reason. Aquinas states that because some men are “shameless” (*protervi*) and “not easily moved by words, it was necessary for such to be constrained by force and fear.”⁶⁶ Thus, law must contain a violent element. “It is essential to the idea of a law” Alexander Hamilton writes, “that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience.”⁶⁷

Doniphon implicitly understands the teaching of Aquinas and Hamilton. The schoolhouse scene ends when he informs Stoddard that Valance has been recruiting hired guns for the cattle ranchers and will be returning to town. “Votes won’t stand up against guns” he observes. Stoddard is forced to admit defeat and dismiss the class. He erases the message “education is the basis of law and order” from the chalkboard, symbolically illustrating the ineffectiveness of law when it is not backed by force. Fortunately for Stoddard, his defeat is only temporary. Doniphon trains him with a handgun, thus arming him with the capability to use violence.

The final showdown between Stoddard and Valance represents the unification of the deliberate and violent elements of law. Doniphon never would have killed Valance on his own accord; it took Stoddard’s concern for the public good to compel Doniphon to action. Here we see the deliberate element of law—rational will—directing violence for the sake of the common good.⁶⁸ This mirrors the ending of *The Eumenides*. The Furies have been tamed, and brought under the direction of Athena, the goddess of wisdom, for the purpose of protecting law-abiding Athenians. The legend that Stoddard killed Valance, like the myth of Athena bringing law to Athens, unites the deliberate and violent elements of law together. Although the legend is not technically true, as Doniphon is the man who shot Liberty Valance, it teaches and clarifies a broader truth—that force must be directed by reasonable laws—through uniting the elements of law together in one figure.⁶⁹ Thus, violence is tamed and made safe for the common good.

D. Dutton Peabody and the Lessons of Civilization and Progress

One figure has often been overlooked in analyses of *The Man Who Shot Liberty Valance*. Dutton Peabody, editor and publisher of the *Shinbone Star*, at first glance seems to be nothing more than comic relief. He is a newspaper editor and the town drunk. His comedic verbosity cuts through the deep tension of the film. However, Peabody may be the key to understanding John Ford’s teachings on progress and civilization.

Like Stoddard, Dutton Peabody is an educated man. He writes with eloquence and can quote Shakespeare even while intoxicated. He also knows the proper place setting for utensils, something alien to the uneducated citizens of Shinbone. If Stoddard is a symbol of civilization, then so too is Peabody. If Stoddard represents law, deliberation, and political organization—the elements of civilization according to Churchill—then Peabody represents

⁶⁶ Aquinas, *Summa Theologiae*, I-II, q. 95, a. 1. Translation modified.

⁶⁷ Alexander Hamilton, *Federalist* No. 15, ed. Clinton Rossiter (New York: Signet Classic, 1999), 105.

⁶⁸ Livingstone phrases this in a slightly different manner and applies it to foundings specifically instead of law generally: “The establishment of the rule of law, the emergence of the social contract, and the establishment of civil society—including equality of opportunity for women—all require the proper combination of force and reason.” “Spiritedness, Reason, and Founding,” 217.

⁶⁹ In this sense, the legend carries the same purpose as the famous noble lie in Plato’s *Republic*. Part of the lie, that a god has mixed metals into souls to determine a person’s rightful place in the city, is an obvious falsehood. However, it illuminates the very real truth that some are better fit for political rule than others. See Plato, *Republic*, 415a-c. Livingstone, “Spiritedness, Reason, and Founding,” 225.

culture, rhetoric, manners, and *belles lettres*. If Peabody was not such a ridiculous character one would be tempted to argue that he represents the true “blessings of civilization.”

It is clear, however, that Peabody is not meant to represent the essence of civilization. Rather, he represents the trappings of civilization. His eloquence may be a source of private joy, but it contributes nothing to the public happiness while Liberty Valance is on the loose. Peabody is helpless and beaten nearly to death when Valance and his gang return to town. Valance destroys his printing press, proving that eloquence has no impact on those who will not listen. Unlike the straight-laced Ransom Stoddard—who is hesitant to touch alcohol even for medicinal purposes—Peabody equates drunkenness with his “unalienable right, the pursuit of happiness.” He serves as a warning to the audience not to mistake license for a blessing of civil society. Civilized man risks forgetting that law and the moderation of passions are needed for civilization; he could become drunk on prosperity as Peabody becomes drunk on alcohol.⁷⁰

Ford is not saying, however, that the trappings of civilization are useless. He is merely showing that such trappings are useless if law—the essence of civilization—has not firmly taken hold. Once Valance is killed, Peabody is able to fruitfully contribute to Shinbone. He attends the territorial convention as a delegate and gives a speech to nominate Stoddard as the territory’s delegate to the U.S. Congress. Peabody’s speech is a remarkable story about transforming the American West from a world of chaos to a civilized society. He states that before American settlers entered the plains, native tribes roamed freely “with no law to trammel them except the law of survival, the law of the tomahawk and the bow and arrow.” Then the cattlemen arrived and “seized the wide-open range for their own personal domain, and their law was the law of the hired gun.” There is no effectual difference here between the native tribes and the cattlemen; both practice the rule of the stronger and settle disputes through violence and personal vendetta. Peabody states that moral progress did not come until the railroad brought permanent settlers, “the steady, hardworking citizens, the homesteader, the shopkeeper, the builder of cities.” Peabody finishes his history lesson with a call to further the progress made in civilizing the West by building roads and dams and, most importantly, by organizing the territory for statehood in order to guarantee equal protection under the law. In this account, civilization is achieved by replacing the law of the gun with true law—the kind of law that Ransom Stoddard carried in his lawbooks. It is exactly the understanding of civilization that Churchill expounds, wherein civilians determine law through peaceful assemblies.

Peabody’s brief history of civilization on the American continent remarkably parallels Thomas Jefferson’s account of the progress of civil society.⁷¹ Writing to William Ludlow in 1824, Jefferson notes that the natives out west in the Rocky Mountains are “in the earliest stage of association living under no law but of nature.”⁷² The white settlers living just further east are in little better condition and are themselves “semi-barbarous.”⁷³ Civilization is fully

⁷⁰ For an alternative interpretation of Peabody’s drunkenness, see Gallagher, *John Ford*, 401.

⁷¹ A parallel can also be made between Peabody’s speech and Thucydides account of pre-classical Greece. The historian writes: “For once they were wont throughout all Greece to go armed because their houses were unfenced and travelling was unsafe, and accustomed themselves, like the barbarians, to the ordinary wearing of their armour.... [T]he Athenians were the first that laid by their armour and growing civil, passed into a more tender kind of life.” The original inhabitants of Hellas practiced piracy and carried arms because they had no law for protection. Only with more civilized conditions and the founding of cities did men stop carrying arms daily. Thucydides, *The Peloponnesian War: The Complete Hobbes Translation*, ed. David Grene (Chicago: The University of Chicago Press, 1989), I.6.

⁷² Thomas Jefferson to William Ludlow, September 6, 1824, in *Writings*, ed. Merrill D. Peterson (New York: Library of America, 1984), 1496.

⁷³ *Ibid.*, 1496.

developed on the East coast of the United States where cities and seaports thrive under a regime of law, property rights, and commerce. Jefferson is confident that society will continue to progress as the blessings of civilization gradually spread into the interior of the American continent. Peabody is similarly confident that the railroad will prompt progress in the West by bringing in civilized inhabitants from the East. At the very beginning of *Liberty Valance*, we see that the railroad succeeded in bringing prosperity to Shinbone. Hallie hardly recognizes her hometown: “The place has sure changed: churches, high school, shops.”⁷⁴ Her friend the former marshal of Shinbone responds: “Well, the railroad done that. The desert’s still the same.” Thus, the railroad serves as a potent symbol of human progress by bringing with it economic prosperity and institutions for moral and intellectual cultivation.⁷⁵ It makes human communities distinguishable from wastelands.

By contrasting the settled town with the untamed wilderness, Ford also points to a second symbol of progress—the garden. The garden has long served as a symbol of peace, tranquility, and civilized life.⁷⁶ Throughout the film references are made to the cactus rose, which blooms in the desert wilderness. Early in the film while Doniphon is courting Hallie (before she marries Stoddard of course) he brings a cactus rose for her garden. She notes that if they ever dam the river the irrigation will provide for lots of flowers. Recall that Peabody proposes to do precisely that later in the film in his speech on civilization. At the end of the film we learn that now Senator Stoddard is working on an irrigation bill. As he and his wife look out the window of their train car, she remarks: “It was once a wilderness. Now it’s a garden.” Thus, while the ending of *Liberty Valance* is typically considered to be less optimistic than the ending of *Stagecoach* or *The Searchers*, from a political perspective it is the most optimistic of the three films.⁷⁷ The Wild West is no longer wild. Law has replaced personal vengeance. The problem of wanton violence has been solved, and a garden of prosperity has grown in the resulting peace. This is the kind of progress that Ford celebrates.⁷⁸

E. Human Equality as the Foundation of Law

Human equality is necessary for the kind of regime depicted in the peaceful West of *The Man Who Shot Liberty Valance* to make sense. Film critic John Baxter, however, has suggested that Ford believed in no such thing: “[A]lien to [Ford] is the concept of equality. We live, Ford suggests, in a stratified moral and social structure, exercising rightful control over those below

⁷⁴ Coupled with this line from *Liberty Valance*, Mary P. Nichols’ account of *My Darling Clementine* suggests that churches and schools are recurring symbols of civilized communities in Ford’s Westerns. “Heroes and Political Communities in John Ford’s Westerns: The Role of Wyatt Earp in *My Darling Clementine*,” *Perspectives on Political Science* 31 / 2 (Spring 2002): 78-84.

⁷⁵ Gallagher goes so far as to label the train that brings Senator Stoddard into and out of town as “the film’s principal protagonist.” *John Ford*, 384.

⁷⁶ See for instance Socrates’ statement that “in whatever countries the [Persian] king resides, or whenever he travels, he is concerned that there be gardens, the so-called pleasure gardens, filled with all the noble and good things that the earth wishes to bring forth.” Xenophon, *Oeconomicus*, trans. Carnes Lord, in *The Shorter Socratic Writings*, ed. Robert C. Bartlett (Ithaca: Cornell University Press, 1996), 4.13. For a modern example of the garden as a symbol of tranquility, see Winston S. Churchill, “The Second Reading of the Mines (Eight Hours) Bill,” July 6, 1908, in *Liberalism and the Social Problem* (Rockville: Arc Manor, 2007 [1909]), 88.

⁷⁷ See McBride, *Searching for John Ford*, 631-32, 34.

⁷⁸ As will be further shown below, this form of progress is not merely economic. Only one of the changes Hallie lists when she returns to Shinbone involves economic progress. The other two—churches and schools—represent the cultivation of moral and intellectual virtues, and thus represent a higher form of progress. Cf. Ryan, “Violence and Recognition,” 26-27, 42n6, who argues that the progress shown in the film is “specifically economic progress.”

and owing a great respect to those above."⁷⁹ In one sense Baxter is correct. Ford certainly does not believe that all men are equal in all things. No one could come away from *Liberty Valance* and think that the cowardly marshal Link Appleyard deserves equal respect to Stoddard or Doniphon. Similarly, it is difficult not to be awestruck at the martial superiority of men like Ethan Edwards or the Ringo Kid. Nevertheless, a basic sense of equality exists in these three Ford westerns. The four racial groups depicted exhibit many of the same qualities, passions, talents, virtues, and vices. For instance, Scar and Ethan share the same warrior ethos and the same desire for revenge. In *Liberty Valance*, the young Mexican girl Julietta has significant intellectual capacity, mirroring Stoddard's wife Hallie who shows that she is able to quickly overcome her illiteracy. Indeed, the schoolhouse scene seems to be a demonstration of human equality; a diverse group of students, men and women alike, are all learning the same subjects.

The schoolhouse scene in *Liberty Valance* also demonstrates a deeper understanding of human equality. Stoddard asks the class if they can name "the basic law of the law," which is "changed by time to time by things called 'amendments.'" He is clearly talking about the Constitution. Pompey, a black man and Doniphon's hired hand, responds by talking about the Declaration of Independence. Stoddard does not correct him, and instead lets him recite the Declaration. Pompey quotes the passage: "We hold these truths to be self-evident" but forgets the following phrase: "that all men are created equal," which Stoddard supplies. Pompey states that he knew that but forgot it. Stoddard mournfully responds, "Oh that's alright Pompey, a lot of people forget that part of it." One must pause and wonder whether Stoddard is simply talking about students forgetting the Declaration of Independence or if something deeper is at stake. When Stoddard states that a lot of people forget that all men are created equal, he might well be talking about Jefferson's wicked and dissolute men, men so blinded by the fury of passions that their reason cannot comprehend self-evident truths. The equality displayed here is not an equality of talent or intellect, but rather a moral equality.⁸⁰ Because all men are created equal they are entitled to the same rights expressed in the Declaration: protection of life, liberty and the pursuit of happiness. Likewise, this means that one man is not entitled to rule over another without his consent. Voting and representation are therefore required to make government legitimate; "the people are the boss" as Stoddard's student proclaims.⁸¹ Without this understanding of equality the high drama between Stoddard and Valance is all for naught. Might makes right would be sufficient to establish a hierarchy

⁷⁹ John Baxter, *The Cinema of John Ford* (New York: A.S. Barnes & Co., 1971), 11.

⁸⁰ Dienstag presents a different view of the schoolhouse scene. He argues that "just as the egalitarian screenplay is (generally) supplemented by a visual depiction which shows something more racially and sexually hierarchical, here it is practically spelled out for us how the text of the Declaration is only enacted and meaningful (to the extent that it is meaningful) in a setting where race and sex have an unspoken power." Stoddard "appears patronizing" towards Pompey when correcting him, thus establishing a hierarchy within the classroom. "A Storied Shooting," 299-301. Dienstag confuses here the kind of equality that Ford is attempting to portray. Stoddard is indeed superior to Pompey—and to all of his students—in that he has knowledge of the law and its moral foundations. Therefore, he is most fit for political rule. However, this does not give him the right to rule over Shinbone. He must recognize the moral equality of other people by first securing their consent. Thus, the intellectual hierarchy does not negate moral equality, but rather protects it by unifying wisdom and consent. Ford's treatment of equality is in line with the political theory of the American Founding. See Thomas G. West, *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Moral Conditions of Freedom*, (Cambridge: Cambridge University Press, 2017), 59-95, 102-134. On the political problem of reconciling wisdom and consent see Leo Strauss, *Natural Right and History* (Chicago: The University of Chicago Press, 1965), 140-43.

⁸¹ See Marini, "Defending the West," 12-13.

of betters; it would make no moral difference whether Valance wins and subjects the people of Shinbone to his tyranny or Stoddard wins and brings peace to the town.

Stoddard does not correct Pompey when he begins speaking of the Declaration of Independence because in Stoddard's mind the Declaration is immediately linked to the Constitution. The belief in moral equality and the need for consent of the governed is the foundation for the rule of law. Once this belief is firmly implanted in a community, then it can agree to peaceful deliberation instead of the "law of the hired gun" or the "western law" of Valance. As Pompey recites the words of the Declaration a portrait of Abraham Lincoln hangs above and to his left. Ford may be subtle about his belief in human equality in other scenes, but there is nothing subtle about a black man reciting the phrase "all men are created equal" in front of a portrait of the Great Emancipator. Lincoln in fact shares Stoddard's belief that the Constitution and the Declaration fit together. He describes the Constitution as an "picture of silver" that fits around the "apple of gold" of the Declaration: "The picture was made, not to *conceal*, or *destroy* the apple; but to *adorn*, and *preserve* it. The *picture* was made *for* the apple—*not* the apple for the picture."⁸² The purpose of the "law of the land," to return to Stoddard's phrase, is not to preserve some social hierarchy for its own sake or for the sake of an arbitrary "historical order."⁸³ Rather, it is to protect a moral system that recognizes the dignity of "the steady, hardworking citizens, the homesteader, the shopkeeper, the builder of cities" against the violence of gunmen like Liberty Valance.

Conclusion: John Ford's Vindication of Civilization

When Ransom Stoddard attends Tom Doniphon's funeral he notices that his gun belt is missing and demands that it be placed in his casket. Appleyard responds: "He didn't carry no handgun Ranse, he didn't for years." Doniphon could hang up his gun belt in the new West. No longer were personal vendettas and cycles of revenge the norm. No longer could wicked and dissolute men like Liberty Valance threaten the very survival of the community. In their place, peace loving citizens could transform the desert into a garden under the protection of the law.

This is John Ford's image of civilization. When cycles of revenge are replaced by the steady hand of the law, peace reigns. Violence may be necessary from time to time to enforce the law; the human condition will always produce a few Liberty Valances. But violence is no longer the norm. Serenity of mind replaces the violent passions of wrath, vengeance, and greed. The deliberate function of law comes to the forefront, growing out of legislatures and educating willing citizens on right and wrong. The violent function of law becomes less necessary and fades to the background.⁸⁴ Though violence is never fully eradicated, the violence sanctioned by law is done in defense of the community and therefore considered legitimate. This is true progress and the highest blessing of civilization. From the mitigation of violence other blessings such as prosperity, leisure, and literacy can blossom. More so than the railroad, the garden, or even the schoolhouse, Tom Doniphon laying up his gun belt is the greatest symbol of political progress.

⁸² Abraham Lincoln, "Fragment on the Constitution and the Union," January 1861, in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick: Rutgers University Press, 1953), 4: 169.

⁸³ See Baxter, *Cinema of John Ford*, 11.

⁸⁴ Here again Ford's understanding of the relationship between law and violence bears resemblance to Hamilton's understanding. Hamilton claims that one of the benefits of a strengthened national government is that the federal government will have less need to resort to violence in order to uphold the law. *Federalist* No. 27, 170-73.

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