



Rush to Judgement: Imperfect Justice in *Fury*

Fritz Lang's preoccupation with the law manifests itself in his films in a variety of ways. A number of them, for instance, contain trials and pseudo-trials. In *M* (1931), Lang's last German film, the paedophile Beckert (played by fellow German and émigré Peter Lorre) is tracked down and caught not by the ineffectual police but by the criminal underworld, who then bring him before their hastily convened kangaroo court, where he is charged and found guilty. A trial also features in *Fury* (1936), *Secret Beyond the Door* (1948) and *Beyond a Reasonable Doubt* (1956), this last film being Lang's most notable – but unconvincingly schematic – examination of the limitations, as he saw it, of the official judicial system. Lang's Hollywood career spanned several genres, but his recurrent obsession with differing and frequently conflicting notions of personal and institutional justice never left him and was evident not just in the trial films, but also in works across his whole career as ostensibly diverse and chronologically dispersed as *Dr Mabuse: The Gambler* (1922), *You Only Live Once* (1937), *Rancho Notorious* (1952) and *The Big Heat* (1953). The judicial system, in Lang's cinema, is not to be trusted. Instead, it is revealed as ineffectual, wayward and capricious; invested with considerable authority, it actually possesses very little. This is exemplified by the significant role played by chance in various films (most obviously *Fury*, *The Blue Gardenia* [1953] and *Beyond a Reasonable Doubt*), suggesting that any victory over or exposure of injustice, for example, is fortuitous and hollow rather than the result of a fully functioning and effective legal system. Whether or not these justice-centred films conclude with right triumphing over wrong has little or nothing to do with the competence

of the institutions of law. As Angus MacDonald writes about *M*, from his perspective as a law academic: 'In *M*, law is never where it should be. In showing the consequences of an absence of law, the film does not provide an image of law, but nonetheless imagines law' (2004: 132). In Lang's films the institution of law is, as MacDonald finds in *M*, misplaced or at odds with the setting in which it finds itself; many of the films also offer a parallel sense of natural justice or an idealised notion of what the law could be had it not been corrupted or lost its way. Lang focuses on the frailty of the legal system and films such as *Fury* offer unsettling counterpoints to the more solid belief in the law to be found in other Hollywood films, such as John Ford's *Young Mr Lincoln* (1939).

Released in 1936, *Fury* was both Lang's first Hollywood picture and the first in a retrospectively grouped trilogy of 'social criticism' films, alongside *You Only Live Once* and *You and Me* (1938). As Tom Gunning indicates, the films were 'very much separate productions, each produced by a different studio', not a 'pre-planned trilogy' (2000: 213-4); they are, however, linked by their thematic concerns: lynching in *Fury*, the 'three-time loser' law in *You Only Live Once*, and parole laws in *You and Me*. *Fury* in particular offers a complex view of justice, constructed around a series of conflicts that are only partially resolved by the film's abrupt and imposed happy ending. The film tells the story (based on a real news item from 1933)¹ of the arrest and subsequent death of an innocent man, Joe Wilson (Spencer Tracy²), in a mob attack on the jail-house in the town of Strand, where Joe is awaiting trial. Joe has been saving up in order to marry his sweetheart Katherine (Sylvia Syd-



ney³), and is on his way to marry her when he is arrested for a kidnapping he did not commit. Although the evidence upon which Joe is suspected is purely circumstantial, the citizens of Strand quickly become convinced of his guilt. They soon grow into an unruly mob, storming the jail and burning it down, apparently with Joe still inside. However, unbeknownst to anyone, Joe survives and is now bent on revenge. He visits his brothers, Charlie (Frank Albertson) and Tom (George Walcott), and together they plot the arrest and execution (by hanging) of the 22-strong mob, whose guilt is ostensibly confirmed by newsreel footage of the fire. Following the pronouncement of a 'guilty' verdict for the majority of the defendants, sentence is about to be passed when Joe arrives at the courtroom, making the defendants no longer guilty of murder and reuniting Joe with Katherine.

Some of the legal connotations of this convoluted plot are teased out by Bergman and Asimow, who argue, for example, that Wilson is not guilty of a crime by not coming forward to say he is alive, but becomes so once he conspires with his brothers to have the mob prosecuted for his lynching. The three have, according to Bergman and Asimow, conspired to obstruct justice and have probably conspired to commit murder by seeking the defendants' executions; had the 22-strong mob been executed and the brothers' plot uncovered, Joe, Tom and Charlie Wilson could have been tried for murder (1996: 206). But this is a cinematic treatment of justice and central to *Fury* is the conflict between not only individual and institutional justice, but also the letter of the law and how it can be interpreted. The theme of people (whether a mob or a wronged individual) taking justice into

their own hands because they perceive the legal system to be inept is recurrent in Lang (see, for instance, the vigilantes in *M*). In *Fury*, it is striking that such an attitude is expressed by two oppositional narrative forces: the film's 'hero', Joe, and the Strand lynch mob, which attacks the jail and burns it down with Joe inside. This uncomfortable parallel is accompanied by other puzzles and ambiguities, which pose questions about the film and its intentions. Chance and coincidence (both uncontrollable and illogical forces) play vital roles in the narrative, and the film's representation of justice ironically hinges upon them.

Joe also undergoes a change not only of personality but of characterisation, progressing from the trusting, naive 'John Doe' figure he exemplifies at the start of the film to the vengeful Expressionist villain he becomes after his wrongful arrest (echoing the psychotic, fixated criminal played by Lorre in *M*). That Joe eventually reverts to the nice Joe of the early scenes is implausible and unexpected, but the ending works to emphasise all the more that it was purely by chance that Joe did not burn or the lynch mob hang. As with Joe's character reversals, the more closely *Fury* is examined, the more ambiguous its relationship to its material seems to be. What might be thought of as straightforward cynicism about the justice system becomes intertwined with questions about, for instance, the stability of character, the relationship between evidence and conclusion or between representation and 'truth', with celluloid itself and the supposedly irrefutable visual evidence it can provide taking on a distinctly uncertain status.

Lang himself encouraged recognition of his own and the film's liberal credentials, although revisionist biography has produced a more complex account of this aspect of *Fury* and, more generally, the ideological status of Lang's Hollywood movies. On his escape from Germany, Lang appears to have been keen to suppress what could be construed as dubious political allegiances, claiming that his flight from Germany was precipitated by his abhorrence at being offered, by Josef Goebbels, the position of managing director of the German film industry. According to Lang, his exit from Germany was so rushed that he had to leave behind his money, and arrived 'practically penniless' at Paris' Gare du Nord (Eisner 1976: 15). Supporters of Lang have wanted to believe this version because it correlates with an image of him in keeping with his anti-authoritarian, socially concerned and radical 'problem films'. But the question of why Lang would have been offered such a prestigious post by the Nazi regime has been viewed as suspicious, also fuelled by claims (using as evidence Lang's passport, for example)



'John Doe'



Expressionist villain

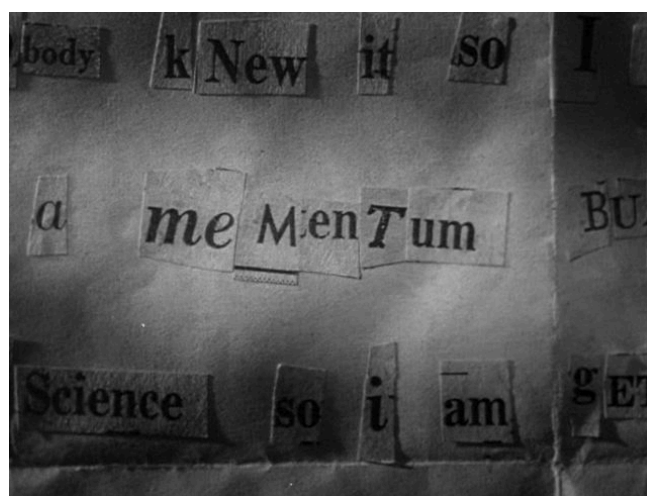
that he did not leave Germany until several months after the encounter with Goebbels and not in direct, panicked response to the invitation to take over the German film industry. Goebbels had heralded *M* as proto-Nazi, although as Gunning points out, the Nazis banned the film in 1933 and inserted a section from Lorre's final monologue into the 1940 racist documentary *Der Ewige Jude / The Eternal Jew* (Fritz Hippler) as a portrait of 'psychotic Jewish behaviour' (2000: 198). Summarising what is now known of Lang's flight, at the outset of his chapter on *Fury* Gunning states:

We now know the fictional nature of Lang's tale of a sudden flight from Germany, with its secretive departure, nervous border crossing, one final farewell to the land where he had made his career, his fortune and his fame. In fact, Lang left Berlin for Paris after a period of reflection and preparation, and with a motion picture production with his old producer Erich Pommer (who had relocated to Paris) firmly arranged. Rather than fleeing for his life and trying to beat the clock, Lang left Berlin as, one fellow refugee put it, an 'émigré deluxe'. (2000: 203-4)

By virtue of being his first film outside Europe, Lang's politics and history have traditionally been viewed as hugely significant to any interpretation of *Fury*. With what McGilligan refers to as 'wishful hindsight' (1997: 228), Lang, once installed at MGM, perpetuated the image of himself as the radical liberal shackled by reactionary forces. He maintained that *Fury* was a lowly 'C' picture that the studios tried to suppress (Bogdanovich 1967: 31), which it was not (McGilligan 1997: 220-21). He made out that he was more involved in the scripting process than he had been (1997: 224-5), although the research into lynching and legal procedure was very much Lang's input (for example, Lang was advised by legal experts against using film as evidence in the courtroom, and his dilemma is perhaps signalled by the judge in *Fury* deciding only late in the proceedings to deem the newsreel permissible). Lang also claimed that MGM had thwarted his more radical plans such as his purported desire to cast an African-American actor in the central role in order to make racist lynching more central to *Fury*'s narrative.⁴ Both biography and textual analysis suggest that Lang's politics and, by implication, those of his films are less straightforward than the liberal view might suggest.

Fury is, however, without question a socio-politically motivated film with potentially significant ideological impact. It is not surprising that the film's producers were cool in their responses to it, a coolness matched by Lang's perception of the law as inflexible and blind. Lang was incensed at the producer Joseph L. Mankiewicz's imposition of *Fury*'s happy ending. As he conveys to Bogdanovich, Lang thought that the 'perfect ending' for the film would have been Joe saying, 'Here I stand. I cannot do otherwise. God help me' (1967: 28), a conclusion of exemplary inconclusiveness which would have left the audience – as well as the jury – having to make up its own mind on Joe and the crimes committed. Bogdanovich asks Lang whether or not *Fury*'s final speech is 'a personal statement of your disenchantment with Germany?' to which Lang replies, rather cryptically: 'It's very hard to say. I would say, not knowingly' (1967: 26). The core of *Fury* and of Lang's other 'social criticism' films is their slippery ambiguity, the possibility that he is interested in justice and the law in ways that are not exclusively defined by liberalism and a belief in the integrity of the judicial system.

The emphasis placed on the role of chance, coincidence or accident in many of Lang's social commentary films could be seen to conform to such an interpretation. In *Fury* circumstantial evidence leads the authorities to wrongly assume Joe is one of the kidnappers still on the loose, for example, because there were traces of peanut husks on the ransom note, and Joe has peanut crumbs in his pockets. Additionally, a dollar bill he has in his possession has a serial number that matches the money used by the kidnappers and he has no alibi for the night before. Whereas here, eerily convincing circumstantial evidence can mask a man's innocence (as it also does in Hitchcock's *The Wrong Man* [1956]), in *Beyond a Reasonable Doubt* Tom's (Dana Andrews) dare (to frame himself for a murder we think he did not commit) masks his guilt. Both *Fury* and *Beyond a Reasonable Doubt* are resolved by chance. In *Fury*, it is Katherine's detection of Joe's characteristic error in writing 'mementum' (for 'memento') in the anonymous note he



sends to the judge to help convict the defendants of his murder that tells her he is still alive.⁵ It is then Katherine's subsequent confrontation with Joe that precipitates his guilt-ridden, night time walk through Strand and his unexpected appearance at the trial. Chance in Lang can easily be confused with the malign fate that is often thought to dominate his films. In this respect George M. Wilson is right to challenge Eisner and others who adhere to the popular cliché of Lang as a 'director whose characters are invariably trapped without hope by forces that far outrun their understanding and power to resist' (1986: 17). Chance and coincidence do not necessarily signify 'fate'; characters in Lang are, more often than not, able to intervene in 'fate', and the smooth progress of many of the films' narratives is rudely halted by such moments of unpredicted personal intervention as Joe's surprise appearance before the judge at the end of *Fury*. In *Fury*, Joe starts off believing in the law and an inevitable, determined notion of justice, and it is only after the lynching and his supposed death that he demonstrates a more subjective sense of injustice. Joe refers to the death of his idealism in his concluding speech to the court:

And the law doesn't know that a lot of things that were very important to me, silly things maybe, like a belief in justice and an idea that men were civilised, and a feeling of pride that this country of mine was different from others ... the law doesn't know that those things were burnt to death within me that night.

What makes *Fury* so much more trenchant and hard hitting than many Hollywood courtroom films is that it is the irretrievably scarred and cynical protagonist who espouses the values of patriotism and a belief in justice – when he has lost all faith in these himself. Most American trial movies (even those, such as *To Kill a Mockingbird* [Robert Mulligan, 1962], which do not revolve around a positive legal outcome) never lose faith in the law. Instead, as Greenfield et al identify when they comment that films such as *In the Name of the Father* (Jim Sheridan, 1993) ‘do not disturb our faith in the law; the failings are those of individuals, normally police officers, who are shown as corrupt. The idea of the law is shown as subverted by individual or even communal dishonesty’ (2001: 27), the majority of Hollywood and other mainstream courtroom dramas abide by the ‘rotten apple’ theory: that the institution is healthy, although it can sometimes be corrupted by a deviant, criminal or untrustworthy individual.

Joe almost makes an ass of the law; the fact that he does not is attributable not to the fatalistic ‘machinery’ Thomas Elsaesser (1971: 9) sees as underscoring Lang’s films (of the kind that dictates the consensus politics of Lumet’s *Twelve Angry Men* [1957], for example), but to his independent and selfishly motivated decision to intervene. Lang himself suggests there is nothing altruistic about Joe’s intervention, merely a realisation that he ‘can’t go on living with an eternal lie’ (Bogdanovich 1967: 30) – that giving himself up gives him back his life. Gilles Deleuze remarks that ‘the great moments in Lang are those where a character betrays himself’ (1989: 138). He might also have added that it is frequently the role of Lang’s women to pick up on this moment of betrayal, as Katherine does in *Fury* or Susan (Joan Fontaine) does at the end of *Beyond a Reasonable Doubt*. *Fury*’s moment of self-betrayal is Joe’s slip with ‘mementum’, a mistake that is both characteristic and, at this stage in the story, the error that precipitates the final narrative twist.

Indicative of Lang’s lack of belief in any clear delineation between right and wrong is the fact that Joe’s concluding, restorative capitulation stems not from the innate goodness of his character or from remorse, but rather from the ‘hero’ having tripped himself up and been caught out. The interplay between believing in Joe’s essential goodness, and the unpredictability of his evil side and of chance hangs over *Fury*’s conclusion. Joe’s subjection to the nightmare of wrongful accusation would seem to indicate the resurgence of the idealism and innocence he displays before his wrongful arrest, but it remains significant that this nightmare occurs only after the ‘mementum’ mistake, and thus only after Joe has been found out by Katherine. Like Tom Garrett’s error in *Beyond a Reasonable Doubt*, Joe’s unintentional blunder is potentially understood, in psychological terms, as a Freudian slip, a symptom of an unconscious desire to acknowledge guilt. But it also forms part of a tendency in Lang’s films for characters to fail to carry through ingenious conspiracies or plots. What could be seen (in the ‘fate’ reading of Lang) as a punishment for hubris is perhaps more usefully interpreted as a dramatisation of human weakness – the inevitability of error, accident or cock-up.

Fury, like many other Lang films, rejects crude notions of fate, and instead deploys its counterpart, chance, to indicate an inherent mistrust of the idea that any actions and events are ‘beyond our control’. In a reversal of the conventional model identified by Greenfield et al, it is thus the individual, rather than some monolithic, unshakeable system, that, in Lang, is invested with the power to deliver justice. The near fatal importance afforded such apparently

arbitrary events as Katherine picking up on Joe’s mistake is symptomatic of the cynicism in *Fury* as regards the official legal system, a cynicism reinforced by the unlikely parallels between Joe and the lynch mob. Although on opposing sides, both set out to abuse the judicial system and to exploit it for their own ends, Joe by seeking a verdict that will convict the defendants of murder, the mob by cajoling their fellow citizens into perjuring themselves by producing false alibis for the night of the jail-house fire. Both, in turn, almost succeed: Joe would have left the 22 men and women to be executed had it not been for Katherine’s timely intervention, and the defendants are on the verge of being acquitted until newsreel footage of the riot night is produced by the District Attorney. In Lang, the judicial system is blind and obtuse, too often a vehicle for deception, self-deception, delusion, lack of self-knowledge, which in *Fury* are dramatised in terms of appearances, and surfaces; the superficial being taken to represent the truth.

Deleuze comments that ‘the American Lang becomes the greatest film-maker of appearances, of false images’ (1989: 138). As Lang’s first Hollywood film, *Fury* is a transitional text, articulating a persistent preoccupation with surface and superficiality and bridging his earlier Expressionist style with his later Hollywood-ised transparency. First, there is the emphasis on the superficiality of the judicial system – the courts’ inability to ‘see’ the truth, to detect whether or not the witnesses are lying; linked to this are the characters’ superficiality, for in *Fury* everyone is swayed by image rather than argument (even Katherine, who is jolted out of her post-traumatic catatonia by making a simple association between Joe’s brother Charlie’s lit match and Joe amidst the flames of the jail-house); finally, there is the use of the newsreel in the courtroom to seal the fate of the 22 defendants by ‘proving’ their guilt whilst actually missing the most crucial of that night’s events: the fact that Joe has survived.

Fury is transitional because it has not quite relinquished the Expressionist predilection for externalising inner turmoil. In *M*, the most obvious precursor to *Fury* within Lang’s German work, the equivocations between alternative perceptions of justice are enacted both on the surface of and within the tortured body and psyche of the child murderer Beckert, a play on inside / outside that is substantiated by its overly stylised mise-en-scène and Expressionist use of light and shade, conflicting lines and distorted angles. In addition, *M* retains the Expressionist preference for elliptical symbolism (a rolling ball or a floating helium balloon to signify the death of Elsie; the spinning spiral in a shop window reminiscent of an intensely physical, *Caligari*-esque chaos). Although in muted form, *Fury* retains some of these features: the chain of gossiping women and their juxtaposition with a group of chickens; the transformation of Joe into a shadowy Expressionist villain (subjected to equally Expressionist chiaroscuro lighting); the highly stylised images of mob violence as they burn down the jail; the ghosts of the 22 defendants haunting Joe. If it is ambiguities that drive *Fury*, at the level of mise-en-scène these uncertainties are worked through in an overt way that does not emerge in later films on similar themes.

When Lang arrived in Hollywood, lured over the Atlantic by David O Selznick, he had planned to make as his first American feature a modern version of *Dr. Jekyll and Mr. Hyde*, provisionally entitled *The Man Behind You*.⁶ Stephenson’s story of a physician who is so intrigued by his own potential for both good and evil that he discovers a medicine with which he can effect a physical separation between the two personae – the good, attractive Jekyll and the bad,



repulsive Hyde – seems an entirely appropriate project for Lang, who had been preoccupied throughout his career in Germany with the idea of split personae. When Joe arrives at his brothers' house we do not yet know that he has escaped the jail-house fire and so mis-recognise this man who at first looks like Joe's distorted, evil counterpart or alter ego. His supposed death and this dramatic change in appearance cause a severance of our identification with Joe, with whom we had earlier sympathised (the last image we have of Joe at this point is of him in the jail, the innocent victim engulfed by flames). This loss of empathy is also symptomatic of the prioritisation in *Fury* of change in appearance over psychological and emotional development. To increase our shock and sense of separation, Joe's transformation is extreme. As with Jekyll and Hyde, this is not merely the psychological rise of the repressed, but the negation of the self with the surfacing of the bad doppelgänger. Ironically, when Joe arrives, his brothers Charlie and Tom



cast by the trilby tugged down over his forehead. Joe has returned as a force of darkness, like the vampire uncomfortable in the presence of light, like the villain needing to hide himself away. His torment is physically enacted; as the room brightens, he bellows 'Turn out that light' whilst instinctively clutching the arm we soon learn was badly burnt in his escape from the fire. What was a 'character' is now a cipher; his appearance has become his mode of personal expression. As Joe begins to recount his escape, he talks of himself as dead.

To interpret this as signalling the death of the good 'John Doe' Joe once was, is to over-simplify the transformation. Once Joe has sat down, still clutching his arm and in semi-darkness, he begins his explanation of events – not by describing how he escaped (although this soon follows) but with an account of how he has spent his day in a movie theatre repeatedly watching the lynching and fire. He describes watching 'a newsreel of myself getting burned alive'



are discussing eye-for-an-eye revenge for their brother's death, although the fact that they are simultaneously feeding milk to puppies suggests a certain lack of conviction. Joe's voice then interjects from off-screen, 'That's five and ten cents store talk', as his shadow blots out the light streaming in from the next room. Charlie and Tom turn around as if having spied an apparition; in a sense they have, for the next shot – of Joe – shows a man almost unrecognisable. Spencer Tracy's earlier smiling, bumbling and fidgety sincerity has been replaced by an awesome stillness, a bass monotone and a vengeful expression partly obscured by the shadow



and of feeling no pain from the burns because 'you can't hurt a dead man and I'm dead, everybody knows that – the whole country knows it'. Joe is not internally split as Beckett had been; instead, his alienation is externalised, as he finds himself condemned to an existence of perpetual detachment, of observing himself as others do. To underline this, from his homecoming on, Joe is marginalised from the film's action, left passively to listen to radio transmissions of the mob's trial and to contribute only via a cryptic, anonymous note that further consolidates the view that he is dead. Joe has become the embodiment of *Fury*'s paradigm

matic redefinition of justice, the absent body at the narrative's core. Justice has become mutable and incapable of reconciling its individual and official manifestations, while the trial has become the site upon which the alternative and conflicting interpretations of the same event collide.

Justice or not in *Fury* hinges on the newsreel Joe had watched in the movie theatre. The status of news footage as potentially the least adulterated, most authentic type of audiovisual document is brought to bear on the trial scene.⁷ We anticipate being shown the newsreel footage because it has been introduced twice earlier on in *Fury*: in the scene discussed above and as reporters and cameramen converge on Strand, in the run-up to the lynching. And yet it is only at a relatively late stage in the trial that we are actually shown it – a dramatic and potentially ironic delaying of the 'hard' evidence in the case. The first thing to note about the newsreel is that it is not straightforwardly compatible with the lynching scene as dramatised earlier. It is thus not incontrovertible evidence or visual proof of the mob's violence and of Joe's murder, but an alternative version of events. Within the fire scene itself, the news camera that is ostensibly capturing the images later seen projected in court is mounted on a tripod, stationary and obliged to film through



the heavy balustrade of a balcony opposite the jail-house; the cameraman then runs out of film (a comic touch), instructing his assistant to load another roll of 'hyper-sensitive film' (presumably to enable them to shoot in difficult light conditions) and to put a two-inch lens on the camera (presumably to capture the action in close-up). The diegetic camera is then forgotten and the subsequent images make up a fantasy version of what the news crew might have wanted to capture: dramatic, steep-angle close-ups of the mob as they storm through the jail's doors and Eisensteinian shots of the sheriff and his deputy turning the hoses on the unruly intruders as they race upstairs to the cell where Joe is detained, ransack the office and set light to the mound of papers and furniture.⁸

Ironies abound here. Much of the action takes place inside the jail and so away from any news camera; when the action cuts to the crowd outside looking on as the jail burns, the deathly hush of the scene ironically anticipates the screening of the silent film to an equally hushed courthouse. The District Attorney shows the newsreel footage in an attempt to find the defendants guilty of perjury if not murder, presenting it as 'State Exhibit A', the work of a single news cameraman, Ted Fitzgerald. This footage shows a crucially different – and even more fantastical – version of the events surrounding the fire. The newsreel as shown comprises

nothing but dramatic shots taken from within the thick of the mob: close-ups of men ramming down the jail-house door; furtive shots from under trees; a low-angle shot of one defendant, Sally Humphrey, hurling a fire bomb at a pyre of office furniture stacked high outside the jail; a semi-close-up of another defendant, Frederick Garrett, drenched with water and brandishing an axe he has just used to cut through a fire brigade hose-pipe. The DA draws attention to actions and expressions by freeze-framing the three individuals directly implicated by the film, all of whom look back horrified at these distorted images of themselves. The defendants appear so different from their wild screen images that there is an inevitable and ironic parallel to be drawn between their abrupt physical alteration and Joe's. Lang has chosen not to make this film-within-a-film resemble conventional newsreel at all, but rather to imbue it with an Expressionist, almost abstract flamboyance (deeply ironic if one considers Lang's assertion that, when making a 'picture of the day' as *Fury* is, 'I always tell my cameraman, "I don't want fancy photography – nothing 'artistic' – I want to have newsreel photography"' (Bogdanovich 1967: 19). Despite the cameraman running out of film, it is not as if this newsreel merely fills in the gaps left by the earlier version of the



events; it appears directly to contradict certain aspects of the 'real' events, such as where the fire was started.

Ostensibly, the newsreel functions as conclusive proof of the defendants' guilt, in much the same way as the photographs are used at first in *Beyond a Reasonable Doubt* to 'prove' Tom's innocence. Factual images are significant components of Lang's critique of justice: in *M* still frames of the building in which Beckert is found are inter-cut with the pages of the police report being flicked through, and in *Beyond a Reasonable Doubt* Lang presciently inserts TV cameras into the courtroom. In *Fury*, because of its obtrusive stylisation and distortion (the discrepancy between the possessed, manic faces projected on the screen and the composed, tidy individuals in the courtroom is vast) the newsreel functions to cast doubt on the entire notion of proof equalling certainty and truth. Raymond Bellour remarked about each photograph in *Beyond a Reasonable Doubt* that 'shimmering in memory, [it] plays with the truth of the cinema' (1987: 9). The footage in *Fury* obviously cannot prove that Joe is dead, and neither can it convey why the assembled masses believe that it does, as it looks nothing like authentic newsreel and contradicts some of the details as previously shown in the 'real' version of events.

The paradox embodied by this newsreel, as mentioned above, is that it is the most sustained non-naturalistic



Defendants Sally Humphrey and Frederick Garrett in court and as seen on the newsreel

interlude in *Fury*. Expressionist stylisation is, in this film, reserved for moments that shed doubt on the credibility of the image, when images appear to reflect not events but emotions and thoughts: the chickens are indicative of the gossiping women's desire for intrigue and embellishment, not hard and fast facts; the ghosts of the defendants haunting the Joe are externalised projections of his own feelings of guilt; even Joe's transformation after the fire is made resonant by its connotations of emotional as opposed to purely physical change. Thus, the footage shown in the courthouse, more than acting as 'proof' of the mob's collective guilt, reflects its hysteria – that is, its irrationality and the heady emotiveness that built up around the lynching. Expressionist stylisation thus signals, in *Fury*, the rise of the repressed, the intrusion of forces such as emotion that any system of justice strives so hard to keep at bay. Ironically, however, the dispensation of justice in *Fury* is actually driven by such moments. A scene that Mankiewicz certainly wanted to omit was the sequence towards the end of the film in which Joe, staring in at a florist's window, is surrounded by the ghostly images of the defendants who are about to hang for his murder.⁹ The sequence is generally unsettling. The first shot comprises a track in to the floral display so that the camera seems to be resting among the flowers; a policeman strolls by and Lang cuts to a medium close-up of Joe obsessively looking in at the window and then directly to camera. At this point music starts, Joe looks worried, and Katherine's voice is heard telling him to 'do a good job of it' as the ghosts of the defendants are superimposed, forming a garland, with the flowers, around Joe. Joe,

like the mob, is motivated by irrationality (as Katherine has said in the previous scene, 'The mob doesn't think – it doesn't have time to think'). The supposedly rational legal outcome rests on forces far beyond the law's control.

An observation frequently made about *Fury* is that it stands apart from the conventional 'social problem' film, in that, like *You Only Live Once* and *You and Me*, it marginalises the issue it purports to be about. As Lambert comments, '*Fury* is not ... about a lynching' (1955: 18).¹⁰ It is tempting simply to agree with this, but that would be to ignore the detail with which Lang invests the red herring that is the lynching. Just prior to requesting that the newsreel film be



admitted as evidence, the DA recites how, in the last 49 years in this 'proud land of ours', there has been a lynching approximately every three days, that mobs have lynched some 6,010 individuals, but that of the many thousands who perpetrated these crimes, only 765 have been brought to trial because of the conspiracies of silence that have protected them. Lang gathered these statistics during extensive research into lynching in 1930s America, although he was perhaps more preoccupied with what could be deduced about justice in general than with lynching per se. In *Fury*, the potential significance of statistical details is down played, much as later, the unquestioning assumption that a stop frame image will yield more concrete information than a moving one is treated ironically. Much as Lang's films eschew the easy polarities of the social problem movie, *Fury* suggests that the essence of the film is not to be found in the accumulation of factual details.

If *Fury* is not about lynching, then what is it about? Lambert posits that it is 'an almost abstract study of mob hysteria' in which 'There seems an unmistakable allusion ... to the insensate, destructive urge to mass-power that has so often obsessed Lang' (1955: 18).¹¹ Justice in *Fury* is meted out not because of undeniable hard evidence (his regurgitation of statistics about lynching is a desperate stalling tactic on the part of the DA at a moment when the trial is going badly for him), but because of uncontrollable and irrational forces that incite the masses to pursue the judgment they desire, regardless of legitimacy. This is neatly encapsulated by the 'Chinese whispers' chain of gossiping women (twittering and twitching like the chickens to which they are compared) that passes the news of Joe's arrest from one to the other, embellishing the tale at every turn. Although the last woman to be told the news is evidently sceptical, the gossip has now become fact, and the woman is roundly chastised: 'Young lady, in this country people don't land up in jail unless they're guilty.' In this irrational context, justice becomes merely what the majority desire and perceive it to be, and in this respect, the various expressions of superficiality in *Fury* are linked by the underlying assumption that surface and image are inherently unstable facets of an underlying truth yet to be discovered.

In this way, the film's ending (so vilified by Lang) becomes not an obstacle to be overcome, but a strangely apt conclusion. Lang, like Douglas Sirk, is associated with the 'emergency exit', an imposed conclusion that arrives abruptly, with little more than coincidental narrative motivation, and whose major role it is to mask the fissures of the unresolved problem text that had preceded it. After a film predicated upon the superficialities of character, the ineptitude of the law, the inconclusiveness of film evidence and the irrational power of mob violence, it is unlikely that an implausible reunion between Joe and Katherine before the judge and a packed courtroom will seem credible. This conclusion is *Fury*'s final paradox as the improbable kiss cements in our memories the far more bitter ending it is so flagrantly used to supplant, namely Joe's speech to the judge:

I know that by coming here I save the lives of these twenty-two people, but that isn't why I'm here. I don't care anything about saving them – they're murderers. I know the law says they're not – I'm still alive, but that's not their fault.

Lang's treatment of justice is consistently cynical. From *M* onwards, the director's law-centred films become increasingly academic in their interest in judicial procedure,



as if their underlying desire is to prove the mechanics of a system incapable of serving and preserving the ideals of justice. This tendency, already evident in the self-conscious examination of criminality and innocence in *You Only Live Once*, finds its ultimate expression in *Beyond a Reasonable Doubt*, in which Lang's predilection for 'testing' received notions of justice and truth are woven most overtly into the film's narrative. Lang's 'problem' films conclude, as does *Fury*, in an equivocal manner marked, more than anything else, by an abruptness that pre-empts emotional investment in them: so Joe's volte-face is more implausible than sincere, just as the final confirmation of Tom Garrett's guilt as he is on the point of being pardoned at the very end of *Beyond a Reasonable Doubt* occurs so suddenly that it de-

nies us the possibility of identifying with the emotions (such as Susan's pain) that have led to it. Joe, in *Fury*, does not come to the courtroom because he has learnt much or wants to rectify things; he comes because otherwise he would be an isolated outcast forever. The previous night he had looked in at a window display for newly weds and remembered the first scene of the film when he did the same thing but with Katherine: Joe would rather get married than wander aimlessly through purgatory. The ending to *M* similarly emphasises the self-preservation instinct when a mother, looking directly to camera, warns us to watch our children, an insinuation that the law cannot be trusted to do this on our behalf and is no more capable now of solving crimes than it was when it bungled the Beckert case. Likewise, the shock revelation of Tom's guilt at the end of *Beyond a Reasonable Doubt*, although in this instance prompting a reassessment of the entire preceding film, serves again to underline Lang's perception of the judiciary as superficial and inept. Nowhere in Lang does the institution of justice triumph over the illogical, irrational and arbitrary forces brought to bear on it. This inferiority is suggestive more of chaos than control, and for all its neatness, the conclusion to *Fury* does nothing to dispel the worries this ushers in. The law in Lang is often lucky; it is never astute. Individuals incriminate themselves and factions take justice and morality into their own hands. Lang's cynicism is radical and challenging, not because his films formulate credible alternatives to existent codes, but because they promote no morality or certainty at all. His films do not point to an ideological position as, say, does *Twelve Angry Men*; instead they offer analyses of the workings and shortcomings of justice.

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A version of this article which engaged in greater detail with debates about film and the law appeared in *Law and Humanities*, 4,1, 2010, 1-19.

Works Cited

- Bellour, Raymond (1987) 'The Pensive Spectator', *Wide Angle*, 9, 1, 6-10.
- Bergman, Paul and Michael Asimow (1996) *Reel Justice: The Courtroom Goes to the Movies*. London: Andrews and McMeel.
- Bogdanovich, Peter (ed.) (1967) *Fritz Lang in America*. London: Studio Vista.
- Bordwell, David (1985) *Narration in the Fiction Film*. London: Routledge and Kegan Paul.
- Bordwell, David and Kristin Thompson (1990) *Film Art: An Introduction*. London: McGraw Hill.
- Delage, Christian (2003) 'Le tiers cinématographique dans le prétoire' in Biet, Christian & Lawrence Schifano (eds) *Représentations du procès: Droit, Théâtre, Littérature, Cinéma*. Paris: Université Paris-Nanterre, 165-170.
- Deleuze, Gilles (1989) *Cinema 2: The Time-Image*. London: Athlone.
- Dubois, Phillippe (2003) 'Le cinéma en procès, selon Fritz Lang' in Biet, Christian & Lawrence Schifano (eds) *Représentations du procès: Droit, Théâtre, Littérature, Cinéma*. Paris: Université Paris-Nanterre, 392-395.
- Eisner, Lotte H. (1976) *Fritz Lang*. London: Secker & Warburg.
- Elsaesser, Thomas (1971) 'Why Hollywood?', *Monogram*, 1, 4-10.
- Greenfield, Steve, Guy Osborn and Peter Robson (2001) *Film and the Law*. London: Cavendish.
- Gunning, Tom (2000) *The Films of Fritz Lang: Allegories of Vision and Modernity*. London: BFI Publishing.
- Lambert, Gavin (1955) 'Fritz Lang's America: Part One', *Sight and Sound*, 25, 1, 15-21, 55.
- Laster, Kathy (with Krista Breckweg & John King) (2000) *The Drama of the Courtroom*. London: Federation Press.
- MacDonald, Angus (2004) 'Endless streets, pursued by ghosts' in Moran, Leslie J. and Emma Sandon, Elena Loizidou, Ian Christie (eds) *Law's Moving Image*. London: Cavendish Press, 121-132.
- McGilligan, Patrick (1997) *Fritz Lang: The nature of the beast*. New York: St Martin's Press.
- Petley, Julian (1973) *The Films of Fritz Lang*. MA thesis. UK: Exeter University.
- Wilson, George M. (1986) *Narration in Light: Studies in cinematic point of view*. Baltimore: John Hopkins University Press.

¹ As Bergman and Asimow explain: *Fury* was based on an ‘incident that occurred in San Jose, California in 1933. A mob dragged two accused kidnappers from their cells and hanged them in a public park. All the action was captured on newsreels. The governor of California, Sunny Jim Rolfe, refused to send in the militia and later declared that the lynching was the best lesson ever given to the country. Nobody was charged for the crime’ (1996: 207). See also Delage 2003: 165-170.

² Spencer Tracy starred in more than one trial film. Besides *Fury*, he played a lawyer in George Cukor’s battle of the sexes, *Adam’s Rib* (1949) and then Justice Hayward in Stanley Kramer’s *Judgment at Nuremberg* (1961).

³ Sydney starred in all three of the ‘social criticism’ films and also suggested Lang as the director of the latter two in the trilogy (Gunning 2000: (n 1) 214).

⁴ See Eisner 1976: (n 24) 164–6; McGilligan 1997: (n 27) 228.

⁵ In *The Wrong Man* Manny’s similar slip (misspelling ‘drawer’) is the reason suspicion falls on him.

⁶ See Lambert 1955: 25

⁷ For discussion of *Fury*’s use of newsreel see Dubois 2003: 392-5.

⁸ See the end battle between strikers and police in Eisenstein’s *Strike* (1925).

⁹ See McGilligan 1997: 232.

¹⁰ Also see Petley 1973.

¹¹ Although the underlying argument of this essay is that in *Fury* – as in several other of his films – Lang’s interest is in creating narratives that expose the deficiencies of the legal system and thus that his characters are often ciphers for conveying this message, another answer to the question ‘If *Fury* is not about lynching, then what is it about?’ is also Joe’s stupidity in that, in pretending to be dead, he has let 22 people get away with attempted murder. Tracy brings out Joe’s simple-mindedness, particularly through his exaggeratedly ‘innocent’ facial and physical gestures prior to Joe’s arrest.