Title of Paper: **JOHN GALSWORTHY (1867-1933) AND JUSTICE (1910) REVISITED**

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Abstract: The article examines Galsworthy's approach to prison reform through his method of inquiry and his writing, with particular reference to his play, *Justice* (1910). It also scrutinises the contemporary contexts of the Prison Commission and the Home Office.

Keywords: mimesis, synaesthesia, propaganda, closed-cell confinement, solitary confinement, separate confinement, prison reform, Star, Intermediate and Recidivist Class.

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The Victorian

John Galsworthy’s play, *Justice*, the proceeds from which provided ‘aid for a Vienna, starving after the 1914-18 War’, and later helped ‘the Russian Famine Relief’ (Sauter, 1967: 40), was staged many times in England in 1910 and 1911, in provincial towns as well as in London. It was even first performed simultaneously in London and Glasgow, and its London début was ‘quite sensational’ (Marrot, 1935: 255). It was also performed in New York, New Haven, Boston, Hamburg and in Vienna in 1913, where there were ‘seventeen curtains’ (Marrot, 1935: 376), and re-staged annually until 1917, and again in 1922. In all, it was staged 26 times. It was ‘turned into one of the first British sound films in 1930 and remade in 1948’, and later ‘performed on BBC Television’ in 1960 (Nellis, 1996: 73). Although it was openly acknowledged by Winston Churchill (1874-1965) as being the catalyst for his prison reforms in 1911 and mild reforms were to follow in the United States, the play today, like Galsworthy’s other plays, has faded into obscurity. In fact ‘a revival in 1968, though the critics still acknowledged the power of the play, ran for only a short time’, attributed to ‘the horrors of solitary confinement’ seeming ‘as remote as the hanging of thieves’, with a new Parliament Act about to suspend ‘all prison sentences of six months or less’ (Holloway, 1968: 45). But in 1910, despite his endorsing of Galsworthy’s recommendations concerning separate confinement, which the writer termed more emotionally as solitary confinement, Churchill nonetheless defended the prison commissioner Sir Evelyn Ruggles-Brise’s (1825-1899) commitment to prison reform as well as his track record in already having established the successful borstal system for young offenders. It is the background to Churchill’s defence of Ruggles-Brise with which this article is concerned as it sheds fresh light on Galsworthy’s *Justice* as well as on the way in which he approached social reform through his writing.

Critical treatment concerning *Justice* has concentrated on Galsworthy’s successful powers of persuasion, and has always mentioned his pamphlet, *A Justification of the Censorship of Plays*, which appeared in 1908 (Marrot, 1935: 217), and which helped to change the strict censorship laws then in place, paving the way for ‘more intellectually demanding drama than was currently available on the West End stage’ (McDonald, 1986: 1). Taken as the point of departure are the writer’s rightfulness of attitude in *Justice* and the rational basis of his whole approach. In addition to his energetic soliciting of members of parliament, Galsworthy’s method was to appeal to the community’s emotions, rather than to their reason. His method of research, while seemingly thorough in his interviewing of prisoners in Dartmoor, Lewes and Chelmsford, as well as in a prison in Berlin, could hardly be described as empirical. Rather it had a more European basis in research methodology by starting with the hypothesis that ‘solitary’ confinement was wrong, detrimental to the prisoner’s physical, mental
The Victorian

and moral health and should be abolished, without deviating at all from this hypothesis in the conclusion, despite the interview results being more nuanced. Prior to the play and to Churchill’s appointment to the position of Home Secretary, Galsworthy published an open letter to the then Home Secretary William Gladstone (1809-1898) in May 1909, in two instalments in the Nation, ‘in the same month he visited Moabit prison in Berlin with Lord Northcliffe’ (Galsworthy, 1 and 8 May 1909). From 1907 until 1923 the Nation was edited by the radical journalist Henry William Massingham (1860-1924), who greatly encouraged Galsworthy’s interest in ‘correcting social evils’. In fact just prior to his open letter, was an ‘extensive notice in the Nation’ by William Archer (1856-1924) on 13 March 1909, entitled ‘Mr Galsworthy arrives’, which praised the writer’s earlier play Strife, ‘in the audience’ of which had been ‘three members of the Nation staff’ (Havighurst, 1974: 163-164). It would not be too far-fetched to suppose that Massingham had greatly encouraged Galsworthy’s letter—he and Galsworthy were later to become good friends; Galsworthy even took up residence in July 1913 ‘in a flat at 1A Adelphi Terrace, neighbouring the Nation office’ (Havighurst, 1974: 164). As an editor, too, Massingham might even have had a hand in some kind of editing of the open letter. In it, Galsworthy asks for ‘the complete abandonment of this closed-cell confinement, save where it is rendered necessary by the conduct of the convict or prisoner after his arrival in prison’. The Reverend William Douglas Morrison (1852-1943), ‘who acted as an unofficial adviser on prisons’, is also believed to have had some influence on Galsworthy’s desire for prison reform and the writing of his letter (Nellis, 1996: 65-66). The letter prompted an investigation as well as an interesting series of correspondence. In June of the same year, just after Galsworthy’s article, ‘The Prisoner’ in the Nation, Winston Churchill, ‘then at the Board of Trade’, decided to write to Galsworthy ‘of his great admiration for Strife and his sympathetic interest in the problem’, and there followed discussions ‘among Churchill, Lord Crewe (1858-1945) (Colonial Office), Richard Haldane (1856-1928) (War Office) along with Gladstone and Herbert Samuel (1870-1963) (Home Office) (Havighurst, 1974: 63). Even at this stage, then, Galsworthy had the encouragement of the radical press as well as the ear of key figures in government, including Churchill. Yet also in June of that year, Ruggles-Brise, Chairman of the Prison Commission, wrote a minute paper of eleven pages to Gladstone, setting out the problems in Galsworthy’s reasoning, while at the same time offering to make certain adjustments, seemingly in light of the criticisms but which Ruggles-Brise saw as simply part of the prison reforms which he had already undertaken.
He points out that Galsworthy does not precisely define ‘what is meant by separate confinement’ and calls it ‘indifferently, “separate”, “solitary”, and “closed-cell” confinement’. Galsworthy also applies the term ‘indifferently to what is known as the separate confinement stage for convicts, lasting from 3 to 9 months, and to separate confinement prescribed in sentences of hard labour in the case of local prisoners, which lasts for 28 days’. Star class prisoners were given 3 months, Intermediate 6 months and Recidivists, including ‘revokees’, 9 months. Ruggles-Brise speaks of Galsworthy’s open letter ‘as a very disingenuous attempt to mislead public opinion on an extremely difficult point of prison discipline’, as he has ‘wrought’ it ‘from its context’. Galsworthy had also cited the authority of Professor Adolphe Prins (1845-1919), the Inspector-General of Belgian Prisons, despite the Belgian prison system being ‘notorious’ for carrying ‘cellular confinement’ out ‘to a greater length than in any other country in the civilised world’. Ruggles-Brise comments that he himself had spoken to a convict in the Louvain prison in Belgium, ‘who had been for 33 years in strict cellular confinement, never leaving his cell, except for solitary exercise in a small yard about 4 yards square, attached to his cell’. Even when in chapel the convict had to be placed ‘in a solitary compartment with a mask over his face’. Yet Professor Prins, responsible for this very system, is quoted as an ‘adversary of the English System’, which ‘prescribes a maximum of 9 months’ separate confinement for an oft-convicted Recidivist to the 28 days prescribed by law for an ordinary offender’. Even then the confinement is ‘in every case relieved by exercise and chapel in common’ (Ruggles Brise, 10 June 1909: 1-2).

The paper then acknowledges that a review of the prison system in 1897 had been ‘unanimous against the alleged inhumanity of the system’, so Ruggles-Brise ‘thought it well again to invite opinions from Governors, Chaplains, and Medical Officers’, not only ‘at the prisons where these convicts are collected’, but also ‘at the Public Works whither they go on the expiration of the period of separate confinement’. The opinions aired do not have ‘the same unanimity as in 1897’, for the ‘authorities’ of Dartmoor, Parkhurst and Portland’ are generally in favour of the present system’, although Ruggles-Brise admits that the personnel are different from those in 1897. He observes that much depends on ‘the temperament of the individual’ prisoners. Interestingly, it is here that the views of Ruggles-Brise coincide with the data gathered by Galsworthy, who fails to attach any significance to it in his conclusions. Ruggles-Brise tells Gladstone that the ‘more respectable prisoner, First Offender, and even “Intermediate”, would, in many cases, prefer separate confinement throughout his sentence, rather than undergo what he considers the ignominy of having ‘association on Public Works’. It is in fact the ‘old offender’ who ‘longs for the day when he can escape to association with his old companions’. Thus it is the Recidivist who ‘profoundly’ dislikes the ‘Separate System’ (Ruggles-Brise, 10 June 1909: 4-5).
Galsworthy emphasises that separate confinement does not seem to act as a deterrent, but Ruggles-Brise counters this by arguing that, for the Recidivist, ‘crime is a gamble, and the particular condition of a fresh sentence of imprisonment probably does not enter into consideration’, but that separate confinement ‘may deter others’. Nonetheless, he agrees with Galsworthy that it is wrong to justify a system that might have a ‘bad “physical, mental or moral effect”’, so canvassed the opinion of Dr Denkin, his chief medical officer. According to Dr Denkin, whom Ruggles-Brise quotes at some length, ‘there is no ground’ (underlining in the original) for Galsworthy to assume that ‘confinement in cells with closed doors’ is ‘absolutely opposed to mental, moral or physical health’. English prisons have ‘proper sanitary conditions’, so ‘physical health is well maintained’, and the evidence for this, among ‘other objective facts’, is ‘sound sleep and good appetite’. Nor did Dr Denkin who, like Galsworthy, insisted on using the term solitary confinement, believe that ‘there is any mental damage caused’ by ‘enforcing a period of “solitary” confinement at the beginning of sentences, whether in the case of convicts or ordinary prisoners’. He argues that ‘the immense majority of mentally affected prisoners’ had already been adversely affected ‘prior to their conviction’. Only ‘in a very few cases’ had imprisonment, or even solitary confinement’ exacerbated ‘their condition’. The doctor did concede that he ‘had no belief in any positively good moral effect of solitary confinement’, but nor did he ‘believe in any positively bad one’ (Ruggles-Brise, 10 June 1907: 6-7). Having stated that the above views constitute ‘the professional opinion of the medical men’ in his department, Ruggles-Brise reminds Gladstone that ‘the System is not maintained’ to act as deterrence, but ‘to give the necessary penal character to a sentence of penal servitude’. In other words, the System is designed as punishment, in contrast to other harsher methods used in the past. He adds that the separate system is also used for education. Those prisoners who have not passed Standard III are given ‘no less than an hour a day’ for this purpose. For those ‘guilty of grave crime, whose lives have been ‘turbulent, dangerous and badly harmed’, the separate system provides ‘a period of recovery’, for ‘it would be unwise to place such persons in association at Public Works’. He nonetheless does not like ‘the present system’ and does not regard it ‘as more than “make-shift”’ (Ruggles-Brise, 10 June 1909: 7-9).

Since he knows that significant reforms in accommodation would require a large injection of funds that could not be forthcoming, he advises, after consultation with his colleagues, a ‘slight modification’, although he understands that ‘even’ this modification will not ‘meet the views of the particular writer in the Press, who probably would not himself claim to be an authority on the subject’. The impetus for the modification is simply ‘because all Systems are properly the subject of review and revision at recurring internals’, and ‘cellular isolation’ had already ‘been in operation nearly 50 years’. His ‘proposition’, therefore, ‘is not because it is admitted that there are any proved evil results in the present
The Victorian system, physical, mental, or moral’. Rather, it is because of an ‘experiment’ at the collecting prison at Lewes that ‘has worked well’, with the added ‘advantage on sanitary grounds’. Even if the sanitary conditions are adequate, ‘it is not good for the physical state of a man to work and sleep in the same cell continuously for so long a period’ (underlining in the original). Ruggles-Brise proposes, then, that every prisoner, regardless of being of the Star, Intermediate or Recidivist Class, after 3 months ‘be brought out of his cell for labour during the day’, and work ‘under strict supervision, and in separation, i.e., in separate confinement’. He also advises that, during the initial 3 months of cellular seclusion, that ‘there shall be two periods of exercise’. Ruggles-Brise concludes by stating that the proposals he is making, which are an ‘extension of the Lewes plan’, will require more money and additional staff. He also recommends that the new procedures be subject to periodic review and that, even more stringently, medical officers be ‘directed to report at once any sign of mental weakness in a prisoner undergoing separate confinement’, and that at the end of the three months to provide ‘a report on every prisoner’ as to ‘his mental and his physical state’. Should there be doubt about ‘either of these points, steps would be taken to move the prisoner into association at a Public Works Prison’ (Ruggles-Brise, 10 June 1909: 9-12).

A letter from Galsworthy to Ruggles-Brise about six weeks after the above minute paper attempts to flatter him by referring to him as ‘a great reforming administrator’ and making mention of his ‘splendid Borstal system’, while at the same time rehearsing the same arguments already stated in his open letter to Gladstone, and relating to him anecdotal comments by the individual prisoners he had interviewed—anecdotes with a strong emotional appeal to the heartstrings. He did concede, however, that if the ‘shed’ system at Lewes could be extended ‘to all convicts there would be comparatively little to be said against the separate system’. The shed system facilitated employment for prisoners in limited association with each other. In criticism, however, Galsworthy commented that the medical aspect of the system ‘depends too much on the doctor’, and concluded his letter by hoping that his words will convince his addressee ‘that this particular feature of our prison system, closed-cell confinement, requires immediate mitigation and ultimate elimination, except in individual cases’ (Galsworthy, 24 July 1909: 1-9).

Clearly Ruggles-Brise thought highly enough of Dr Denkin to ignore Galsworthy’s negative view of medical opinion. A detailed handwritten set of notes by Dr Denkin addressing each of Galsworthy’s points and pointing out the inadequacy of his argument is dated 5 days after Galsworthy’s letter. Once again, it is the emotive element that the doctor criticises and Galsworthy’s dearth of factual evidence. Galsworthy’s apportioning of blame for criminal behaviour to social conditions following in the tradition of Charles Dickens’ own polemical writing in the previous century also fails to impress the medical practitioner whose commitment to ensuring a safe environment for prisoners does not cloud his judgement as to Galsworthy’s total inexperience of a ‘parturient monster’ who
could corrupt his fellow prisoners if permitted free association with them. He thus advises only giving way to the writer if ‘all the cloudy socialistic thinkers agree with G. as to this vital point’ (Denchin, 28 July 1909: 1-5). A brief thank-you letter from Galsworthy to Ruggles-Brise a day later, stating that he would anxiously wait for ‘the fulfilment’ of the latter’s ‘kind promise’ to let him know ‘what, if anything, it is proposed to do’, would seem to indicate that the Chairman of the Prison Commission had decided to proceed with caution (Galsworthy, 29 July 1909: 1), neither quoting directly again from Dr Denkin but not ignoring his judgement either.

A minute paper on 22 September in the same year from Galsworthy, outlining his observations made from 60 interviews with prisoners, facilitated by Ruggles-Brise and conducted in Lewes and Chelmsford prisons, is no less emotive in tone and delivery than in his open letter back in May. Every comment relates to the emotional effect on Galsworthy. For the writer, ‘a word or two was sufficient to bring a rush of emotion’, and ‘several men were in tears throughout the interview’. Even ‘formal answers’ were later ‘reversed by some sudden revelation of feeling evoked’. Yet half of the Star Class interviewed ‘preferred separate confinement to working in association, and were not conscious of harmful effect’. Just under half of the Intermediate Class interviewed had either ‘got more or less’ used to separate confinement, ‘or were suffering, but thought it was good for them’. The others in this class, Galsworthy admitted, were ‘so incapable of expressing their experiences that no definite answer could be got from them’. It was the Recidivists who ‘preferred association’ and believed that they ‘were harmed, and some driven crazy’. This observation entirely coincides with the view of Ruggles-Brise, described above, and judged entirely differently. Nor did the fact that half of those in the Star Class who preferred separate confinement were educated men and even expressed a ‘natural preference for their own society, in or out of prison, elicit any additional inference from Galsworthy (Galsworthy, 22 September 1909: 1-5). He himself was an educated man who spent ‘a clandestine decade’ in happy seclusion and splendid isolation at Wingstone Manor Farm in Devon not very far from Dartmoor Prison, albeit because he did not want his cohabitation with his cousin’s wife to be widely known as it would devastate ‘his traditionalist father’, an upright member of the Church of England (Durey, 2014: 176). Ironically, it is from this isolated farm, which his cousin’s wife disliked for its damp remoteness, that Galsworthy writes his minute paper, towards the end of which he lists a number of quotations from interviewed prisoners designed to appeal to the emotions, including ‘I thought I should go mad’, ‘I’ve never felt right since’, ‘I’d sooner be dead than here’ and ‘I had a cold lonely feeling’. Galsworthy then concludes by stating that ‘an immense amount of harmful and unnecessary suffering is inflicted by closed-cell confinement’, and that, if ‘the Authorities’ were able to get ‘at the real state of the case, the system would not remain unaltered for a single day’ (Galsworthy, 22 September 1909, 5-8). Despite having learned to discern between solitary and closed-cell confinement, Galsworthy had not gleaned from his earlier foray with
the prison authorities that he needed to be more objective in his approach and 
deductions, if he was to convince them.

Three days later, obviously in response to a reply from Ruggles-Brise, 
Galsworthy writes again to suggest some practical ways in which his 
recommendations can be carried out. Towards the end of his letter, however, he 
makes a point of informing the Chairman of the Prison Commission that he has 
been in touch with ‘several Cabinet Ministers’, who ‘have expressed to [him] 
their personal interest in this matter of Solitary Confinement’. Evidently 
Galsworthy believed he had succeeded with his lobbying as he ventured that he 
thought ‘that a definite request for the necessary funds for this purpose would 
only require pressing home’, and appealed once more to any vanity his 
adressee might have by saying that he thought the idea had ‘really’ been 
‘suggested’ by Ruggles-Brise himself (Galsworthy, 25 September 1909: 1-3). 
Regardless of Galsworthy’s ‘pressing’ at this point, the decision was made in 
December 1909 to carry out the modified reforms advised by Ruggles-Brise, 
since Gladstone had no wish to go against the advice of both Ruggles-Brise and of 
Sir Edward Troup, the Permanent Under-Secretary of State in the Home Office, 
both of whom advocated that all prisoners should be given 3 months separate 
confinement in the ‘prison of commitment’ and ‘be subject to “special 
supervision, medical, moral and educational”’ and, where practicable, employed 
in ‘special industries’ as well as being given ‘a second period of exercise’ on 
medical advice. If any prisoner should show signs of ‘suffering from separate 
confinement’, he should be transferred ‘to a convict prison’ (Gladstone, 14 
December 1909: 1-3). Thus Galsworthy’s earlier optimism about carrying out 
further reforms had been short lived at this point.

Realising this, Galsworthy began devising a further plan to achieve his goal, while 
between December 1909 and late February 1910 Gladstone and various 
personnel in the Prison Commission set about carrying out the prison reforms 
they were prepared to make at this stage. The correspondence reveals just how 
detailed and complicated this was. Certain changes could be made ‘per saltum’ 
(immediately), while others had to done gradually. The new scheme was 
scheduled to begin in April of the same year. One week after the first staging of 
Galsworthy’s coup de foudre, Justice, and in the very same month that Churchill 
had succeeded Gladstone as Home Secretary (Havighurst, 1974: 163), the 
committee appointed to implement the prison reforms wrote a letter outlining 
some of the logistical problems they were encountering, and included a 
recommendation ‘to set apart a prison to accommodate 450 convicts equipped 
with proper workshops and manned by a convict staff’ (Wilmot et al, 28 
February 2010: 1-3). However complex the logistics of these reforms that 
Gladstone had been prepared to make, Galsworthy was not satisfied and had 
pursued his own agenda, fuelled by the determination that the strong emotions 
stirred within his own being at the very thought of living in a separate cell for 
any length of time. His nephew once recalled Galsworthy’s outrage on coming
across ‘a little African wildcat in the grounds of an hotel in Constantine’ and subsequently wrote a poem, ‘Never Get Out’, the last stanza of which ‘transforms’ his outrage for the animal ‘into a symbol of all that captivity stood for in his mind, thereby recalling the “silent scene” in Justice (Sauter, 1967: 126). Towards the end of his life Galsworthy himself explained the origins of his ‘abiding aversion to being shut up or in any way controlled’, recalling that ‘at the age of five I was held down on the floor on my back by my nurse, which caused me acute terror.’ The post-traumatic scars of this incident have been said to be the reason for Justice having ‘an emotional power and resonance almost singular among his dramatic works’ (Gindin, 1987: 204-5).

Galsworthy would have been aware of the effect of live theatre on the emotions, since he was well read, having been introduced to ‘ancient Greek, and to Greek drama in particular’ by Gilbert Murray (1866-1957), the classical scholar. He not only ‘loved the Greek and great 19th century Russian classics’, but also knew French literature, albeit from ‘only a short period’ as well as English literature (Fréchet, trans. Mahaffey, 1982 [1979]: 18). Mimesis – defined as the perfect imitation of action – in ancient Greek drama thus spurred him to put flesh on his ideas about prison reform through actors in a play depicting a kind of situation ethics—committing a crime to help someone. Justice and prison reform held a fascination for Galsworthy, particularly at the beginning of his writing career, to the extent that ‘nearly half of the plays, novels, and articles of his first period deal either wholly or partially with justice and with the treatment of prisoners (Ahlgren, 1947: 25).’ While Galsworthy always claimed that he wanted his play to be aesthetically pleasing as a work of art, its polemical nature was what was the most striking for the community when Justice was first staged on 21 February 1910 in both London and Glasgow before the last drop of ink implementing the very reforms already achieved by him had even been used.

The play, for which Murray was Galsworthy’s ‘chief consultant’ (Barker, 1963: 149), has four acts, the first and last of which are set in a lawyer’s office, ‘each act having one particular duty to perform’ (Lynn Sheller, 1931: 90). The second Act takes place in the court trying William Falder, the legal clerk convicted of forgery and embezzlement, and the third Act, by far the most emotive, has each of its three scenes depicting a different aspect of ‘penal punishment’, in which the audience is interested: ‘the attitude of the prison officials’, ‘the condition of Falder’, and ‘the conditions of the other prisoners’ in order to compare Falder’s own disposition (Lynn Sheller, 1931: 90). Nearing production, ‘Galsworthy engaged in long correspondence and discussions with Murray and [Harley] Granville Barker [1877-1946] about making the prison scenes both scrupulously accurate and emotionally compelling’ (Gindin, 1987: 203). Each one of the three scenes is set in a different part of the prison where Falder serves his sentence: the Governor’s office, the ground corridor of the prison, and Falder’s cell, in which not a word is spoken, and described as endowing the play with ‘a novel and authentic quality, almost unknown in the theatre of the day’ (Sauter, 1967:
Seemingly, the climax occurs in this scene, except that in *Justice* the final climax occurs right at the end. The apparent climax in the wordless, but noisy third scene of Act Three turns out to be a preliminary crisis, foreshadowing the final climax. The same location used in Acts One and Four would suggest some kind of cyclical action, with the final act as the dénouement, but *Justice* has no dénouement, demonstrating Galsworthy's desire 'to avoid the false theatricality of the “well-made” play' (McDonald, 1986: 7), while at the same time injecting more emotion into the ending to drive home his point to the audience. In simple terms the play could be said to be a kind of Dostoevskian crime and punishment. Yet there are two punishments, the first meted out by the law, the second, self-inflicted. Or is the second self-inflicted? Galsworthy's use of emotional exposition, not only in the very detailed stage directions, but also in dialogue and paralanguage, together with its lack of dénouement in its open ending, is calculated to elicit from the audience the inference that the System has also inflicted the second punishment and must take responsibility for Falder's suicide. Galsworthy once told his friend Edward Garnett (1868-1937) that 'the physical emotional thrill is all the really counts in a play' (Galsworthy, cited in Smith II, 1969, 75). *Justice* certainly exemplifies Galsworthy's theory.

The first act, by far the least emotive, reveals the crime. Through a series of conversations and questions in the lawyer's office, Galsworthy outlines Falder's forgery of his employer's cheque to help him escape with the married mother of three whom he loves and wishes to save from her violent husband. Already, therefore, the crime is mitigated in a kind of situation ethics. Falder is the 'hero' trying to rescue the woman he loves, except that his beloved is married and the money that he will use is not his, but his employer's. Despite the audience being witness, prior to his confession, to Falder's initial prevaricating and lying to his employer to cover up his crime, its attention is shifted by Galsworthy through the tussle between the younger generation of lawyers and the older. Walter tries to persuade his father 'to give him a chance', rather than 'to brand him', or subject him to 'penal servitude'. The seriousness of his crime is thus almost justified by the younger lawyer because of Falder's motive and the awkward situation in which he finds himself. His father James, belonging to the older generation of lawyers, refuses to accept the 'extenuating circumstances', as their managing clerk describes them, and points out that Falder has 'gone to work in the most cold-blooded way to defraud his employers and cast blame on an innocent man' (*Justice*, Act 1), the latter being, according to Falder—already a proven liar—something that just happened by chance and coincidence. In handing him over to the detective Wister, James begins the process of the law following the concept of 'blind' justice—the neutrality of the law that does not take circumstances, extenuating or otherwise, into account.

At the beginning of Act Two, Galsworthy takes advantage of the audience's probable knowledge of Charles Dickens in his intertextual borrowing from *Bleak House*’s (1852-3) first mammoth paragraph depicting Chancery on a foggy day, in
his stage directions showing ‘a Court of Justice, on a foggy October afternoon’. He then contrasts this with the description of the Crown Prosecutor being ‘a dried, yellowish man of more than middle age’, wearing a wig ‘almost to the colour of his face’ and then reiterates the generation comparison of the first act by having ‘a young, tall man, clean shaved, in a very white wig’ as ‘the counsel for the defence’. The main line of defence offered is that Falder is ‘not compos [mentis]’, although this itself is as fudged and ‘foggy’ as the atmosphere outside the courtroom. Galsworthy utilises the semiotics of dress to underline the suggestion, for the managing clerk notes that Falder’s ‘collar was unbuttoned’, and that Falder ‘stared’ at him after he had committed the crime, whereas ‘he was always clean and quiet’. Galsworthy takes care to show Falder being remorseful, regretting that he ‘can’t have it all again to do differently!’ as well as highly emotional. Galsworthy uses Falder’s dramatic account of his lover’s appearance on the day of his crime to underscore to the audience the extenuating circumstances leading to the man’s fall from grace. Falder records that Ruth Honeywill’s ‘dress was all torn, and she was gasping and couldn’t seem to get her breath’. Around her throat ‘were the marks of his fingers’. Not only ‘her arm was bruised’, but ‘the blood had got into her eyes dreadfully’. Thus Falder was shown to claim that the sight of her ‘frightened’ him and, once he had heard why she was in such a state, ‘it was too much’ for him. Galsworthy thereby tries to demonstrate some kind of provocation through the third party—Falder’s lover—for the crime ever having taken place. While in the third act Galsworthy attempts to even the balance between the facts of the case—Falder had even altered ‘the “ty” and the nought’ to resemble ‘the rest of the handwriting—and the unhappy set of circumstances leading up to the forgery, the overwhelming feeling for the audience once the three-year sentence has been passed is one of regret that the clerk could not be given ‘another chance’, as his defence lawyer had pleaded (Justice, Act 2).

The division of the third act by Galsworthy into three scenes was devised to show his knowledge of the prison system from his research and interviews. In practice this act only reiterates the writer’s initial hypothesis that separate confinement cannot be tolerated by any prisoner, regardless of whether he belongs to the Star, Intermediate or Recidivist Class. Moaney, O’Cleary and Falder represent, respectively, the Recidivist, Intermediate and Star Classes. From the discussion between the Governor and some of his staff in the first scene, it seems that none of these fictional characters can cope with separation, yet a significant proportion of the prisoners whom Galsworthy interviewed from the Intermediate and Star Classes appeared to be unscathed by the experience and some even preferred it. The Chaplain in this act is described in the stage directions as ‘ascetic’, ‘with a peculiarly steady, tight-lipped face and slow, cultured speech’ and is depicted as hard-hearted, believing that there’s ‘Nothing to be done’ with Moaney ‘til it’s broken’. According to a chief warder, too, when referring to O’Cleary, who had been banging without apparent reason on his cell door, such prisoners are ‘just like dumb animals at times’, with which the
fictional Governor appears to agree. In contrast to the Intermediate and Recidivist representatives, the fictional Governor discusses the representative of the Star Class—Falder—with a member of the public, Cokeson, the managing clerk from the legal firm that had employed Falder. Cokeson's concern for Falder, following his revelation that Ruth Honeywill had felt compelled to leave her violent husband, derives from his observation that his former colleague had 'tears trickling through his fingers'. His plea to the Governor 'to let [Falder] run about with the others', because 'he's quite downhearted' as well as his subsequent arguments in favour of leniency elicit a promise from the Governor that, although he cannot treat the man differently from the others, he 'will make a point of seeing him today'. If the first scene is intended as a documentary through fictional scenarios, the second is fictional mimesis of Galsworthy's interviews with prisoners, with the Governor standing in his stead but not relinquishing the fictional persona the writer has ascribed to him, nor deviating from his hypothesis in terms of the fictional class representatives. The Recidivist Moaney just wants to escape, the irony of his having made a saw for this purpose during a period of work passed over to focus on his utter boredom in separate confinement. The Intermediate O' Cleary's banging is attributed to his frustration at the silence surrounding him in separate confinement. The Star Class Falder's inability to settle down to his separate confinement is so extreme that he tells the Governor he feels he will 'never get out as long as [he] live[s]', which somewhat melodramatically foreshadows the ending of the play. To each of these prison class representatives, Galsworthy's fictional Governor reacts reasonably kindly but does not enact any change on the prisoner's behalf. The Governor does, however, conduct follow-up interviews with the chief warder and the doctor to discuss Falder in more detail, but concludes that, since he cannot be treated differently, 'the poor devil must just stick it then' (Justice, Act 3: Scenes 1 and 1).

After all the dialogue and documentary-type minutiae of scenes one and two, the third scene of Act 3 comes as a shock to the audience. Anyone who had read Havelock Ellis's The Criminal (1890), which Galsworthy most assuredly had, given his citing of it in his earlier open letter of Professor Prins, previously quoted by Ellis, would have understood this scene as a kind of embodiment of the view that 'the solitary cell does not provide even a wooden substitute for the harmonising influences of honest society', and 'can scarcely be without demoralising effect' (Ellis, 1890: 263), the erroneous assumption being, according to Ellis, 'the normality of the criminal' who will respond rationally and intelligently to his deprivation of liberty (Ellis, 1890: 233). Galsworthy has already demonstrated that Falder is of a weak, nervous disposition. Without a word uttered in Scene 3, Falder is shown to be motionless, standing in his stockings and listening, apparently straining his ears to hear the slightest sound, then 'springs suddenly upright', and then 'remains motionless' once more. After sighing and trying a stitch or two of his assigned piece of work, he paces around his cell, 'like an animal pacing its cage'. There follows more oscillation between motionlessness and movement by Falder. Then Galsworthy introduces darkness,
The Victorian

later contrasted with light, in a kind of artistic chiaroscuro, leaving Falder ‘gasping for breath’. At the same time and utilising the power of poetic synaesthesia to assail the senses, Galsworthy contrasts silence with sound, first of all with a lid falling to the floor, then with a ‘banging sound, travelling from cell to cell’, and getting nearer and nearer after Falder is seen ‘creeping inch by inch nearer to the door’. Finally with ‘clenched fists’ and ‘panting violently, he flings himself at his door, and beats on it’ (*Justice*, Act 3, Scene 3). The complete wordlessness of this scene, the chiaroscuro, and the synaesthesia, juxtaposed with the animal imagery, the thread of which has already been trickling through the play, emphasises Galsworthy’s emotional point: the utter degradation of the human being in isolated captivity. The powerfully emotive scene did not fail to impress the audience, whether in London, the provinces, New York, Berlin or Vienna. So successful was it in its potent message that ‘it shocked and moved people’, as well as becoming ‘a talking point’ (Nellis, 1996: 70).

After such a crisis scene, the mundanity of the legal office two years later in the final act gives the initial impression of an anti-climax until the audience learns the new status of Ruth Honeywill as a single mother, having left her husband and become a prostitute to support her three children. The possibility of the re-hiring of Falder even looks almost probable, provided that Ruth Honeywill does not re-attach herself to the clerk before her divorce, that is until the re-appearance of Wister, the original detective on the forgery case. The relatively minor misdemeanour of Falder failing to ‘report himself’ for four weeks while on ‘ticket-of-leave’ is eclipsed by his having forged a reference, thereby returning, as it were, to the same criminal activity that had put him in jail. It is then, from this mundane legal office, that the ‘sounds of footsteps descending on the stone stairs’ are sharply interrupted by ‘a dull thud’ and ‘a faint “My God!”’ in Wister’s voice (*Justice*, Act 4). The play thus ends abruptly and sensationaly with Falder’s suicide, the full implications of which are left to the audience to ponder as the final curtain comes down in the theatre. No wonder emotions ran high in the theatre on that night, for the emphasis was on feeling, not on reason.

The attendance of Churchill and Ruggles-Brise on the first night of the play and their reactions have been well documented. Churchill, like many other people of note, including other writers, admitted being swayed by the power of the play to enact further prison reforms. Ruggles-Brise was understandably dismayed by the emotional pull of the play, given his commitment to reform and the care and thoroughness with which he had conducted his own investigation on the effects of separate confinement. Apparently, despite Galsworthy’s continued politeness towards Ruggles-Brise, the writer took ‘uncharacteristic pleasure in his ‘discomfit during the performance of *Justice*’ (Marrot, cited in Nellis, 1996: 79), although he himself had been absent. His old friend Harold Vincent Marrott (d. 1954), however, commented admiringly on Galsworthy being ‘quite unflustered by the success of his play, and did not even care to talk about it’ (Marrot, 1935: 66-67). For Galsworthy, first nights were such ‘agony’ that he stayed away.
Indeed ‘his non-appearance before the rapturous audience of *Justice* caused considerable embarrassment’ to Granville Barker, the director and to the management of the theatre (McDonald, 1986: 105). After the first performance the ‘audience began to chant “We want Galsworthy” and “We won’t go home till we get him”, long after the curtain was lowered, the band departed and the lights turned off’. They did finally leave, once Granville Barker ‘appeared on stage’ to confirm that Galsworthy was not there (Gindin, 1987: 207). It was thus not surprising that the power of emotion and the power of public opinion carried far more weight than any individual reaction. Helping to fan support for the play was a review on 26 February in the *Nation* by Archer, which praised ‘the “dynamic” three-minute scene in the solitary cell—daring, unforgettable’. At a lunch, ‘almost certainly the *Nation* Lunch’ on 1 April, Charles Masterman (1873-1927), now Under Secretary at the Home Office, told Galsworthy “he had turned the Home Office upside down with *Justice*” (Archer, cited in Havighurst, 1974: 163).

By contrast a minute paper by Ruggles-Brise, as Chairman of the committee of three, mentioned above, in response to *Justice*, and sent to the Secretary of State on 21 March 1910 was marked at the top, ‘Not to be sent to prisons’. It reflects the irritation of the three men towards Galsworthy’s fictional depiction of the prison system. The memorandum asserts that the play is ‘unfair’ as it features ‘an abnormal case’, and comments that ‘no political system is made for the individual’, which would be ‘impossible’. Ruggles-Brise reminds the Secretary of State that prisons are ‘primarily’ for ‘the protection of the community’. He deplores the lack of realism in *Justice*, for ‘in practice no Governor would allow a miserable specimen like Falder to stay for 24 hours in separate confinement’. He adds that, ‘even if the medical officer disagreed’, the Governor ‘would take him out on his own responsibility and report to the Commissioners’. He adds that, within the Prison System there is plenty of scope for ‘elasticity’ while still retaining ‘consistency’, and that ‘prison administration is a long continual exercise of discretion, variation and differentiation on the part of Governors, Chaplains, Medical Officers’ and so on. In mitigation of his criticism of Galsworthy, he recognises ‘the great moderation of Mr Galsworthy in his presentation of the play and his intense desire to be fair’, but observes that ‘the exigencies of the drama almost compel that the case presented shall be abnormal’, and that ‘for this reason’ he considers ‘that any dramatic presentation of a Prison scene must be unfair’. He concludes by noting that ‘it would not be difficult to present a play which would turn the whole system into ridicule as being too lenient’, since ‘Pathe’s Kinematograph now in Piccadilly’ is showing the ‘Convict’s Dream’, coincidently ‘caricaturing the comforts of Prison life’ (Ruggles-Brise, 21 March 2010: 1-4). Despite this spirited defence by Ruggles-Brise of the prison system, further reforms were enacted.

Churchill was careful not to criticise Ruggles-Brise, although he agreed with the main purport of Galsworthy’s aims and believed it was in his own political
interests to enact further prison reforms. He nonetheless outlined diplomatically to Galsworthy in a letter on 11 March 1910, the huge debt the country owed Ruggles-Brise for his prison reforms over a period of ‘10 or 12 years’, at one time at the possible risk of terminating his own career. Churchill believed that Ruggles-Brise ‘realises the value to all the movement with which your thought and actions provide’, but that ‘laboriously dealing with untractable facts and small resources may be pardoned a temporary feeling of irritation when he is overtaken and surrounded on all sides by the airy and tenuous clouds of sentiment and opinion’ (Churchill, cited in Marrot, 1935: 680-681). Churchill, in a circumlocutionary way, therefore, was letting Galsworthy know that he was well aware of Galsworthy’s heavy use of emotion to endorse his point, even if he agreed in principle with the point itself.

Having ‘met at a dinner party arranged by [his] mother’, Churchill ‘continued to correspond on penal reform throughout the spring and summer of 1910’ with Galsworthy, at the same time as seeking ‘advice from various “experts”’ elsewhere (Nellis, 1996: 71). Five months later, on 20 July 1910, eight days after ‘Galsworthy [had] called on Churchill and Masterman’ (Havighurst, 1974: 163), Churchill introduced a number of penal reforms, including the reducing of separate confinement ‘from three months to one month for all classes of prisoners except recidivists’, saying that he ‘attributed [this] partly to the “efforts of” various able writers in the press and by exponents of the drama, who have brought home to the general public the pangs which a convict may suffer during long months of solitude’ (Hansard, cited in Nellis, 1996: 74). Ten days later, Churchill even wrote to Galsworthy to tell him that ‘there can be no question that your admirable play bore a most important part in creating that atmosphere of sympathy and interest’ concerning prison reform. Significantly, Churchill prefaced this with his admission that ‘I am very much obliged to you…for the excellent valuable support you have given me in the public Press’ (Havighurst, 1974: 162). Churchill, too, ‘made other much-needed reforms’, which he outlined to Galsworthy ‘at a personal interview in July 1910’, a few days before announcing them in Parliament. These reforms included ‘modification of the ticket-on-leave system, lectures and concerts for convicts, and certain suggested improvements for dealing with boy offenders and imprisonment for debt’, all of which resulted ‘more or less’ from the play and ‘were considerably more than the author ever expected’ (Marrot, 1935: 261-262). Galsworthy always insisted that he would prefer his work to be judged on artistic merits rather than its power as propaganda, even once claiming that, if he were given a choice that *Justice* ‘should transform the prison system and be forgotten, or have no practical effect whatever and be a classic a hundred years hence’, he would opt ‘for the classic a hundred years hence’ (Dupré, 1976: 154), so he would have been disappointed with his play having fallen into obscurity a century later. In 1910 *Justice* had an almost instantaneous success as a work of social reform, for ‘rarely has a piece of dramatic writing had such an immediate and positive result’ (McDonald, 1986: 134). If his claim had been genuine, Galsworthy would,
however, have been mollified and ‘would lodge no appeal’ over the general view [now] that he was ‘a dramatist first and a social reformer afterwards’ (McDonald, 1986: 147). Yet separate confinement in his lifetime was not eliminated, as Galsworthy had hoped, but he was sufficiently pleased with Churchill’s further reforms and his own part in helping to bring them about to write a public letter in praise of them which was published three days later in *The Times* (Nellis, 1996: 75). For reasons not apparent, Galsworthy then let the whole issue drop and proceeded to the next one of his many social causes. Yet none was ever to prove to be as effective and as passionately pursued by him as the closed-cell confinement in *Justice*.

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