

Judging British Justice: David Hare's *Murmuring Judges*

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I

The work of David Hare (1947-), which has earned him the leading position in the post-war generation of British political dramatists, is preoccupied with tracing and identifying the roots of the oppression and corruption, which he sees in contemporary England. British institutions have always been one of his main concerns. The institutions from a school, Parliament, local government, Cambridge University and press to Church of England, provided various but consistent symbols of a closed, paralysed nation. The individual travails of the Criminal Justice system, which is Hare's main target in the 1991 play, *Murmuring Judges*, indeed, mirror the way in which the similar middle-class institutions, the liberal institutions called "the Great and the Good,"¹⁾ were headed throughout the 1980s in Britain. The play concerns the crisis of these cultural institutions which have laid claim

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to embody national identity. In the context of the entrenched capitalist ethics of Thatcherism, Hare explores these agencies' ineffectual opposition to the radical New Right's challenge. What characterises the British legal system is an absence of faith and conviction, the ideological vacuum.

Murmuring Judges follows the fate of a young Irishman who is sent to prison for his minor involvement in a robbery. His imprisonment is investigated within the context of the entire legal process in all its magisterial chaos. When the play was first produced at the Olivier in October 1991, it was not greeted warmly. Insisting upon its conspicuous dramatic inferiority to his earlier plays in which the similar issues were balanced with a compelling plot and believable, empathetic characters, the critics complained that Hare's didactic, two-dimensional lecture resulted from an overabundance of research. Shulman suggested that the play occasionally seemed more akin to agit-prop drama than Hare's usual brand of contemporary realism: "while one finds oneself nodding in agreement with most of these sentiments, it is disconcerting that Hare has written a play about cardboard stereotypes who speak as if they were voice-overs in a TV documentary."²⁾

Some of the critics ascribed the play's alleged lack of dramatic urgency not only to Hare's dependence on placid stereotypes but also to the subject itself. They simply insisted that the target which Hare had chosen (the flawed legal system) was too old (or too well-known, still too competitive piece of landscape) from which to get any fresh illumination.³⁾ Edwards,

1) Robert Hewison, *Culture and Consensus: England, Art and Politics since 1940*, London: Methuen, 1995, p. 75.

2) Milton Shulman, *Evening Standard*, 11 Oct. 1991.

3) Hirschhorn argued that the play presented some valid but 'aged observations on our legal system' (Clive Hirschhorn, *The Sunday Express*, 13 Oct. 1991),

recalling that the police and the legal process had become so much the common currency of TV drama; *Hill Street Blues*, *Blind Justice*, *Rumpole of the Baily*, *The Sweeney*, *Porridge* and *The Bill* — claimed: “What David Hare has to say about the criminal justice system is probably true, but it is also already part of popular belief.”⁴⁾ Further, according to Morley, the subject’s triteness leads inexorably to the play’s pathetic lack of new critical insight, and thus the audience is provided with “a vast semi-documentary tapestry that unfortunately then unravels to reveal at its heart little more than the average plot of a TV crime series.”⁵⁾

Lawyers and judges in *Murmuring Judges*, the real-life models for the play, packed the stalls. They were debating how accurate Hare’s description of the English bar was, and the case of a young barrister who insisted that Hare’s portrayal was “altogether too complacent and not up with current trends,” summed up, to some degree, the general response from these

and Paton considered that the play was a sketchy, stereotyped drama which just reinforces prejudices without saying anything new (Maureen Paton, *The Daily Express*, 14 Oct. 1991).

4) Christopher Edwards, *The Spectator*, 12 Oct. 1991.

5) Sheridan Morley, *Herald Tribune*, 16 Oct. 1991. Taylor also complained about the over-simple, sometimes even hollow vision in the play: “The play has a fair share of good jokes that point up the ironies in our criminal justice system and its depiction of the legal profession is often enjoyable. But a great deal of it is too pat and it never deepens your thinking” (Paul Taylor, *The Independent*, 12 Oct. 1991). Morgan, who labelled the play as an undramatic, boring and out-of-date cliché, insisted: “Torn between an emotional desire to be anti-establishment and a commercial need to be funny, David Hare has fallen into John Mortimer’s old tricks: set up a ten-year-old Aunt Sally and make some old jokes while you knock her down” (Gwyn Morgan, *Plays & Players*, Dec. 91/Jan. 92, p. 26).

gathered legal professionals.⁶⁾ According to Helena Kennedy, one of the QCs who saw the 1993 revival in the Olivier, “They [lawyers and judges] laughed at this portrayal of their world with masochistic enthusiasm. The mirth was also anaesthetic.”⁷⁾ If Kennedy’s response was that of a liberal lawyer being calmly self-critical, Lord Rawlinson’s comment represented the more common, entrenched view from the legal profession. Concentrating on the sloppiness of legal details and dialogue in the play, he simply dismissed “the bar invented and peopled by Hare” as “a mistake,” “all theatrical nonsense” because “Judges and barristers just do not talk and certainly do not act like Mr Hare’s preposterous caricatures,” who are merely puppets (“some absurd Aunt Sallies”) put up and made to deliver Hare’s public sermon and immediately knocked down.⁸⁾ According to him, what might have been a serious dramatic contribution to the debate on a matter of contemporary public interest becomes “nothing more than a conventional essay in one man’s crusade to *epater la bourgeoisie*”:⁹⁾

That is the sad level at which Mr Hare addresses the serious problem of what the judges must do with offenders at a time of mounting rates of

6) Malcolm Rutherford, *The Financial Times*, 12 Oct. 1991.

7) Helena Kennedy, *The Sunday Times*, 10 Oct. 1993.

8) Lord Rawlinson, *The Daily Telegraph*, 17 Oct. 1991.

9) Morgan also thought that Hare’s play avoided more serious questions: “At last, we have an issue in the debate to which a National Theatre should be making a contribution. The criminal justice system is in a mess and barristers are an endangered species. Should we protect an institution which is capable of having a radical wing? Should we transform the whole antediluvian system into an inefficient monolith such as the Crown Prosecution Service? I wish Hare had addressed these questions instead of wheeling out his prejudices for chortling approval” (Gwyn Morgan, *Plays & Players*, Dec. 1991/Jan. 1992).

crime, when society, which provides the victims, shows no mood for leniency and pillories those who do [. . .] The play provides no contribution to the debate, save sneer and caricature, at a time when a Royal Commission is making a welcome root-and-branch examination of the whole of the criminal justice system — something which a Lord Chancellor worth his salt should have made the Government do years ago, and at a time when many with experience of a real, not fictional, system have called for greater application of resources to the penal system even at the expense of other needy causes or tax cuts.¹⁰⁾

For him, Hare is a left-wing romantic, and the play is another unsafe conviction. The sympathy for the infantry of police and prison officers who have to make a collapsing system work is the evidence of Hare's prejudice. Rawlinson accuses Hare of 'murmuring judges' — an 18th century Scottish offence of scandalising the court by criticising the judiciary — and mockingly sentences him: "He then might understand the dilemma of the judges he has so caricatured and he might even have to encounter the public, whose homes have been ransacked, elderly relatives assaulted and young relatives raped." The public sentiment which Rawlinson believed that he represented, indeed, reflects exclusively middle-class concerns. Furthermore, absorbed in his own self-justification, he never realised that it was the legal system itself which the complaints of victims have continuously called into question: the system, infamous for monumental miscarriages of justice and which, for too long, has escaped scrutiny and resisted criticism because of its mystical position at the centre of social order. Rawlinson's comment mirrors the typical sentiment of this legal establishment which stubbornly remains unwilling to take any serious

10) Rawlinson, *The Daily Telegraph*.

corrective measures or engage in real self-analysis.

II

It could be suggested that the issues explored in the play are ones that have already been frequently raised before, and the play is crammed with information and statistics, which is clearly the result of Hare's painstaking research. But the critics who dismissed Hare's moral fervor as a simple black-and-white vision or a total lack of new analysis, were also unsubtle. As Billington, one of the play's few sympathetic critics, commented, "Hare can be awkward and unsubtle when he argues his thesis: that starting at the top, British justice is a cruel, foolish, destructive mess. But against that must be counted his energy, his passion, and the questions he intrudes."¹¹⁾ Indeed, Hare's main target is not just the legal professions, but also, more significantly, the whole process of the British criminal justice system: the prisons, the bar and bench and the police. Again, to cite Billington, "his new play is no simple Cade-like crack at the law. It is, in fact, an immensely rich, subtle and complex play about the rigid compartmentalisation of the judiciary, the police and the prison system."¹²⁾ When Smith criticised the play as "a sprawling melodrama in which too many subjects are tackled,"¹³⁾ and Morley saw the series of snapshots formed by Richard Eye's production as unfocused and lacking "a point of view,"¹⁴⁾ their argument that the play's split focus between the judiciary, the police and the prison service

11) Michael Billington, *The Guardian*, 12 Oct. 1991.

12) *Ibid.*

13) Neil Smith, *What's On*, 6 Oct. 1993.

14) Sheridan Morley, *Herald Tribune*, 16 Oct. 1991.

underestimates Hare's depth of insight, misses Hare's point that the three inter-locking institutions are divided and antipathetic, and the complete disconnection and disunity invite if not incite injustice. As Wardle puts it:

There is no institutional continuum between the criminal court, the police charge room, and the prison cell. The subject is not the judiciary but the administration of justice. Hare's main point is that its officers live in separate compartments, each disclaiming responsibility for whatever happens off their patch. It is the world of brutal simultaneity where, as Auden wrote, the torturer's horse scratches its innocent behind on a tree.¹⁵⁾

Hare's attempt to prove the futility of the system is encapsulated in an ironic statement: only 3 percent of the crimes in Britain lead to a conviction, but if the police were more efficient there would be nowhere to put the convicts anyway. As one character in the play says, "The system is already strained to breaking point by a force which is catching scarcely anyone at all" (58).¹⁶⁾ In 1993, Hare, recollecting his background research, explained that the intertwining dramatic structure was a visual reflection of the three institutions of the law as a shambles, propped up by their own special interests:

Three years ago, while researching the play, I realised that our criminal justice system was divided quite sharply into three. At the top are the lawyers, the professionals who, in Ogden Nash's famous couplet, 'have

15) Irving Wardle, *The Independent on Sunday*, 13 Oct. 1991.

16) The text quotations will be taken from *Murmuring Judges*, London: Faber and Faber, 1993 (reprinted and revised).

no cares/Whatever happens they get theirs.' In the middle are the police, who are constantly aggrieved at the amount of stick they get from both sides. And at the bottom are the prisoners and the prison service, a group which is basically ignored except when, as in the Strangeways riots of 1990, they make trouble.¹⁷⁾

Whilst the judiciary is seen as a clandestine freemasonry, which is run in its own interests, the overworked police, as another exclusive club, follows its own rules of the game. Even the prison is governed by its own cruel laws. Some critics complained about the absence of the small illuminating human details in the play. But the play was performed by a cast of 25 on the vast open stage of the Olivier.¹⁸⁾ Its dramatic message and emotional power came from an ambitious social canvas and bold statements based on the sharp visual contrast between the three respective worlds. Richard Eyre's epic staging with a film-like fluency, took the audience to all forms of legal life. Eyre's production was greatly helped by Bob Crowley's utilisation of a minimum of furniture and above all, the huge, rotating triple-screens onto which the close-up images of the old Bailey, the police station and the

17) Hare, "Your fears are exaggerated: The playwright David Hare wanted to understand the causes of crime," *The Independent on Sunday*, 10 Oct. 1993.

18) According to Richard Eyre, "The production has to have a bit of muscularity to it. Its got to be robust. [The Olivier] can't take fragile writing — you have to make bold statements. They can be complex but they have to be bold — visually and in their acting as well. And, of course, it's got to have a public face to it. A theatre where people are sat in a 130 degree arc — the acting has to turn out, not in. Plays with direct address work better in there" (Eyre, quoted in an interview with Lane A. Glenn, 22 Sept. 1993, Lane A. Glenn, "Playwright of Popular Dissent: David Hare and the Trilogy," *David Hare: A Casebook*, p. 226).

barrister's chambers are projected. Overall, the production, which focused and thrived on stark juxtapositions, searing contrasts and jolting scenic switches, created a bleak sense of mutually uncomprehending worlds, thus matching Hares intention in displaying the gulfs between the antagonistic social camps, divided as much by class and canteen politics as they are by tradition.

III

The spectacular court of law, facing the auditorium, surrounds the defendants, and the audience immediately takes the role of the jury for the case. The harsh court sentence and the subsequent imprisonment of Gerard McKinnon, a young Ulsterman is the pretext for a wide-angle survey of the blindness and compromises of the law. Hare does not justify Gerard's larcenous act. The focus is rather on the fact that the five-year sentence to the first-time-offender does not tally with his mitigating domestic circumstances. Being so desperate to support his handicapped child and as an essentially innocuous type pushed by poverty, Gerard is a product of hard times. There is even a lingering suggestion that he was badly treated presumably because he was mistaken as Irish, and, as revealed later on, he is a victim of an unsafe, framed conviction by a sardonic CID sergeant. Unlike the stage jury, the audience is forced to investigate Gerard's internal feelings through his soliloquy. While Gerard waits for the court's judgement and sentence, his fragmented, muddled monologue comes simultaneously with the final reading of the verdict: "And *I* . . . the stuff of their profession" (2). In this manner, Gerard's case is put within the context of an unsympathetic system where justice comes a poor second to politics. His

fate is the direct result of a system where everyone is guilty, whether of turning a blind eye, manufacturing false evidence or preserving the clubby status quo.

In the 1991 production, the mutual incomprehension that separates the law-makers and the vast majority of the people they sentence was reinforced through a visual image of the legal chambers in the Middle Temple, “a demi-haven of polished mahogany, booklined walls and leafy gardens seen through Georgian windows.”¹⁹⁾ This is the smug, complacent and arcane world which is immune to squalid prisons and the savagery of overburdened police work. If, to Gerard, the lost case means 5 years out of his life, to Sir Peter Edgecombe QC, a leading advocate who only took Gerard’s criminal case “as a favour” (3), it only means a slip in his bowling average. Sir Peter, whose latest public appearance on *Desert Island Discs* has exposed his sexually complicated private life against his wish to show the lawyer’s more “human” and “fallible” character, is ridiculed by Cuddeford, a silkily aloof, self-satisfied career judge. Their legal fencing, in sharp contrast to Gerard’s perplexed, frustrated language, is full of self-righteous tones and disguised intentions in the world where battering one’s rivals matters more than any pathetic client. The judicial world is a self-enclosed, exclusive club with its own rules and rituals which should be observed by its privileged members. The successful campaign against the government’s imminent legislation to “merge the functions of barrister and solicitor” (7), which has surprisingly raised one million pounds in just four days, demonstrates the law circle as a seriously powerful, political pressure group, operated and guided by its entrenched self-interest. Sir Peter’s protest only exposes the world of law as a business company, which

19) Graham Hassell, *What's On*, 16 Oct. 1991.

operates within a capitalist market and completely lacks any philosophy of justice and fairness. The professional life cares little for the truth. Sir Peter prefers high-paying and exciting civil court cases to the lowly appeals of impoverished legal-aid victims or standard-fare, run-of-the-mill criminal cases. The human stuff is not his concern: "I . . . like libel cases. Because so often they're a matter of opinion. You're arguing about things which no one can prove. You're juggling with air, pure and simple" (85). This image of the judicial circle as a ruling-class club is clearly reinforced in a formal dinner party in Lincoln's Inn, which not only provides "a context for any important policy debate" (52), but also is an important traditional ceremony among the judiciary. The significance of the dining customs of the Inns of Court, "a system whereby law students have to eat dinners to qualify" (53), is pointed out by Cuddeford, who entertains the Home Secretary:

The law is a college. We meet. We talk. A judge perhaps has a word with a barrister. He says nothing overt. Nothing critical. Maybe only a look, a chance remark. And yet all the time . . . there are hints. Thanks to these a barrister is learning. The social is the professional. (*He smiles.*) How do you put a true price on that? . . . It adds to richness of culture, a depth, a breadth of vision you only find in an Inn . . . What would you call it? The slow *silting* of tradition, this centuries-long building-up, this accumulation of strata, which makes the great rock on which we now do things. Its infinitely precious (54).

Fraternity or closeness, Cuddeford suggests, serves the public interest in a speedy and efficient manner and is deeply rooted in the legal culture, is much more than a reassuring, benign cosiness. This initiation ceremony, reminiscent of the secret societies of immature boyhood, reflects the

judiciary's own sense of having been sanctified by history. What this self-regarding ritual does in the name of tradition and deference is rein into line any expression of dissent, causing it to atrophy. The mystifying regalia and archaic customs surrounding the law are the means to guard, produce and reproduce the entrenched judicial power. Cuddeford's totally unconcerned, even cynical attitude to the public is an indication of the law as a hidebound and remote creature, shackled by complacency and fatally out of touch with ordinary life.

If judges and lawyers bicker over status, defending their position against politicians, the police fight a losing war against paperwork. They are described as limited people doing the impossible job their betters demand, the front line taking all the blame for administering a system that stinks. The hurly-burly of the charge room in a local police station with coppers coping with the day's petty offenders, is captured through a long-suffering front-desk sergeant, inundated with minor criminals and form-filling duties, and the mundane, venal reality of everyday policing defined as "the fine art of getting through biros" (17). It is DC Barry Hopper, an unscrupulous, cynical detective, who represents the constabulary in the play. It emerges that Gerard is a recent victim of Barry's elaborate ruse when he tricked the team of robbers into informing on a forthcoming armed robbery by another gang by pretending to have discovered heroin which would have resulted in an increased sentence. Barry is not, however, depicted simply as a rotten copper who represents police partiality. Barry does not subscribe to a sense of mission, a central feature of cop culture. He pours scorn on the old movies he saw as a child when Gary Cooper hero of principle triumphed in the end. Frustrated at the amount of paperwork necessary to charge someone with abstracting electricity, he articulates the sense of contradiction in the police world where they deal with routine, confused

clients drawn from the bottom layers of the social scale while doing little about systematic corruption. The compromise of principle and the bureaucratic inefficiency of police work, if not a consciousness of class differences, create Barry's hard skin of bitterness and his cynical outlook. In a world where efficiency is only a basic motivation, Barry becomes a thief to catch a thief. When he is confronted by his girlfriend Sandra, a high flying WPC who finds out what has happened, he bluntly dismisses her compassion for Gerard, because in his game, there is no point getting emotionally involved: "Just lock 'em up, Sandra. We're not playing God" (33). For the overburdened police force who have still got the patience and nerve to actually turn up for duty, so-called solidarity is more important and expedience than integrity. Barry's suspicious method of investigation and arrest, a "professional skill" (26), is even secretly appreciated and celebrated.

Each area of the law subscribes to the team ethic: the Judiciary with its arcane collegiate rituals and the police with their own private code of loyalty and their ways of "beating the system," are both seen as exclusive, self-serving, mainly masculine clubs. Even the prison, where jailers have to find room for yet another prisoner in crowded cells and Gerard is savagely beaten up for betraying the criminal freemasonry, has its own code of conduct. Throughout the play, the mutual remoteness and indifference among these three institutions is reinforced via rapid transitions and switches between various locations: from the peaceful elegance of Leading Counsel's chambers, the audience shift to the noisy activity of a South London Police station with its traffic of shouting, drunken and pathetic offenders. We are also taken inside one of Her Majesty's prisons to witness not just the solitary despair of a prisoner but also a brutal beating up. At one point, prison suppers coincide with legal dinners. "The instantaneous

transitions of Crowley's stage from upholstered comfort to metallic desolation hit you like a physical blow."²⁰⁾ The visual juxtaposition of the isolated institutions is most obviously highlighted at the end of Act One when the stage is split into three separate, alternating scenes. In the tremendous triptych that encircles the stage and projects quickly changing pictures, the audience simultaneously see three different worlds: Gerard cowering and languishing in his cold steel prison cell, Barry, whose result will promote him, leaving for a celebratory drink with his colleague at the end of a long day, and whilst Sir Peter enjoying the opera in the Royal Opera House. All disparate points of view are orchestrated into the overture of Mozart's *The Magic Flute* (which, ironically, deals with trials, freemasonry and the final triumph of light over darkness), with one scene continuously dissolving into another scene. As Coveney argues, "It is all argument. Every line works to make a point, each situation illustrates a problem. The key duologues are superbly engineered in a classical, antithetical form."²¹⁾ The violently contradictory images are a vivid signification of the judicial system on the brink of collapse.

As Billington argues, "What is fascinating is the way Hare gradually breaks down the barriers separating these three worlds."²²⁾ But the audience's critical viewpoint is created not only through visual juxtaposition and rapid transition of scenes, but also through the sense of moral indignation granted to two female professionals. Separately Irina, a liberal black lawyer, and Sandra work on Gerard's behalf: Sandra by investigating Barry's rotten conscience, and Irina, who believes that Gerard has been

20) Irving Wardle, *The Independent on Sunday*, 13 Oct. 1991.

21) Michael Coveney, *The Observer*, 10 Oct. 1993.

22) Michael Billington, *The Guardian*, 12 Oct. 1991.

inadequately defended by Sir Peter, by fighting for his release. In a sense, it is no accident that it is women, excluded from clannish male values, who act as the unremitting seekers after truth. As an outsider to her profession in terms of both gender and race, Irina's perspective is utilised by Hare to establish a critique of the slow, clubby, unjust institution under review. She is the only person who experiences the entire range of judicial locations through the police cells, the courts, and into the prisons. The play reaches its emotional climax when Irina confronts Sir Peter who has refused to lodge an appeal for Gerard. His description of half of humanity as "sub-average" and his reference to Gerard's Downs Syndrome baby as "imperfect" finally lead her to challenge the certainty (or validity) of his so called professional judgement: "These judgements, these judgements you make all the time, these judgements which seem to be graven in stone, they have only the status of prejudice" (90). Her following statement epitomises the play's central thesis: "All this behaviour, the honours, the huge sums of money, the buildings, the absurd dressing-up. They do have a purpose. It's anaesthetic. It's to render you incapable of imagining life the other way round" (91). Irina's critical view is forcefully echoed in Sandra's warning to Barry, who argues that he faked evidence but it helped to stop another big crime: "You were really smart. Until your main interest got to be in beating the system. Working out your grievance. And that's when you began to get really dumb. Because you lose sight of things. You're so concerned to do it your way, to prove you're the guy who's got it over everyone else, you lose sight of what the point is" (77).

IV

Many critics were not happy with the idealistic rhetoric given to these two female professionals who are so determined to break the rules of the club. Glenn considered Irina's "unceasing idealism and wholesomeness" as "somewhat naive,"²³⁾ and Nightingale claimed that Irina is, "pretty evidently, Hare in drag" and her severe condemnation of Sir Peter's lack of conscience and compassion was "plain didactic intentions" as well as "a redundant task."²⁴⁾ Billington also argued that the morally superior women "grate badly on the nerves" because "for all its verve, the play is too obviously didactic."²⁵⁾ Insisting that the legal crises we encounter are rarely obvious black-and-white ones, Peter said, "The situation is resolved by a brave young policewoman who decides to speak up. But alas, in the days of the Guildford Four, the Birmingham Six and the Maguires, we know that it is not as simple as that."²⁶⁾ Edwards also complained about the sloppy ending: "this play is pretty conventional both in its narrative and in its celebration of the Gary Cooper principle. A crusading black barrister battling for a wronged, uneducated Irish prisoner has a certain predictable right on flavour familiar from TV and American films."²⁷⁾ *Murmuring Judges* is unresolved. It does not end with any new resolution and fresh start. The QC smacks his lips over a highly lucrative Chancery brief, and Gerard,

23) Lane A. Glenn, "Playwright of Popular Dissent: David Hare and the Trilogy," p. 222.

24) Benedict Nightingale, *The Times*, 11 Oct. 1991.

25) Michael Billington, *The Guardian*, 12 Oct. 1991.

26) John Peter, *The Sunday Times*, 13 Oct. 1991.

27) Christopher Edwards, *The Spectator*, 12 Oct. 1991.

whose 5 years sentence has been reduced to four-and-a-half, deduces that he may as well assume the role he has been assigned and takes up a book of Irish history. Barry still thinks about playing the system, whereas the audience last sees Irina addressing the John Wilkes Society for penal reform. The play actually closes on Sandra's decision to act as though there were an "alternative" police. Breaking the powerful code which enjoins police officers to reinforce each other, she steps towards the centre of the stage, saying, "I want the Chief Superintendent. (*She waits.*) I wonder. Could I have a word?" (109). The disunity among the three institutions is reinforced once again when the overlapping, protesting voices are all drowned by the ironic music of the Magic Flute. Hare's play is not a simple satire on the law. The complex, inefficient punitive apparatus that will break a human spirit, is visually delineated through the total separation of the three institutions.

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ABSTRACT

데이빗 헤어의 『중얼대는 판사들』에 나타난 영국의 정의에 대한 심판

김 유

이 논문은, 1968년의 전세계적 정치화, 좌익화 흐름 속에서 극작 활동을 시작했던 영국의 이른바 “제2세대 정치극작가” 그룹에 속하는 데이빗 헤어(David Hare 1947-)의 1991년 작품을 분석한 글이다. 원래 영국 제도에 대한 3부작 중 하나로 기획되었던 것인데, 영국 성공회와 노동당에 대한 작가의 비판에 비해 상대적으로 주목을 덜 받은 작품으로 남아있다. 극의 메시지는 상대적으로 명확하다. 1970년대의 선전 선동극(agit-prop)에서 다루어져 왔던 법의 형평성에 대한 극심한 회의와 이에 대한 폭력적 대응은 1980년대의 마가렛 대처(Margaret Thatcher)의 신보수주의 정권을 거치는 10여년 동안 희석되었고, 자본주의적 경제체제의 강화는 법의 상품화와, 법 집행의 유기적 체제를 붕괴시켰다. 경제적 효율성과 도덕적/법적 정의에 대한 갈등이 이 작품의 균형을 유지하고 있으며, 극이 다루고 있는 한 아일랜드인 초범의 투옥 사건의 배후에서는, 국가의 정치 근간을 이루어 왔던 비 국가적 통치기구(“The Great and the Good” 혹은 “The Establishment”)의 자유주의적 이데올로기의 붕괴가 시장 경제의 강력한 도전과 맞물려 있다. 헤어는 자신의 극이 새로운 주제를 다루고 있다고 강조하지 않을뿐더러, 연극 공간의 시각적 배분이 눈에 띄는 특별한 형식적 실험이 이루어지는 것은 아니다. 그러나 이 작품이 지니는 의의는

당대 만연하는 상업적, 보수적 법적 담화에 대한 도전이며, 갈수록 보수화 되어 가는 정치 풍토 속에서 인본주의적, 자유주의적 정치 기구에 대한 의식적인 재고일 듯 싶다.