|  |  |  |
| --- | --- | --- |
|  | | |
| **FEATURE ARTICLE** | | |
| ***Michael*** [***Asimow***](mailto:asimow@law.ucla.edu), of UCLA Law School, is co-author with Paul Bergman of [Reel Justice: The Courtroom Goes to the Movies (1996)](http://www.law.ucla.edu/faculty/asimow/book), available at local bookstores or through [amazon.com](http://www.amazon.com).                **"**  This is a **classic film** that has undeservedly fallen into obscurity. It is one of the best treatments of divorce and family law that has **ever** appeared on film.    **"**                            **"**  The great movie *One More River* was **the first** Code-era film to tackle family law issues in a **serious way** and it was also the last.    **"** |  | **COMING TO THE RESCUE OF A FORGOTTEN CLASSIC--*ONE MORE RIVER***  by Michael Asimow    If you want to see *One More River* (1934), you probably can't. I was fortunate to have access to the copy in the UCLA Film Archives, but unless Universal can be persuaded to release the film on video, or you catch an infrequent showing on an old movie cable channel, you'll have to take my word for it: this is a classic film that has undeservedly fallen into obscurity. It is one of the best treatments of divorce and family law that has ever appeared on film.  *One More River* was directed by the great James Whale, the subject of *Gods and Monsters* (1998). It is adapted from (and quite closely follows) the last novel of John Galsworthy. The acting and the production values are just terrific. The film is an all-out attack on the puritanical British divorce law of the 1930's. In those years, both in Britain and in some states such as New York, divorce was allowed only in cases of adultery. When adultery was disputed, the issue was resolved in a jury trial at which damages could be sought from the co-respondent (the defendant's partner in adultery).  Claire Corven (Diana Wynyard) is a young woman from a distinguished family who married the older Sir Gerald Corven (Colin Clive). Gerald, who had a high government post in Ceylon, turns out to be a sadist who physically abused Claire and struck her with his riding whip. She walks out on him and returns to England. On the boat, she meets Tony Croom (Frank Lawton), a charming but penniless expatriate who lost his job in Ceylon and must somehow make a living back in England. Tony falls madly in love with Claire but she is far too bruised by her disastrous marriage to make any sort of emotional commitment to him.  Claire and Tony return to the England of the early years of the Depression. There are no jobs. Even famous families like Claire's have fallen onto hard times. Claire tries to make her own way as assistant to a newly elected member of Parliament, who is madly in love with Claire's sister Dinny (Jane Wyatt).  Claire stubbornly refuses to return to Ceylon with Gerald, although her friends and family are baffled by her decision. Gerald returns to England and tries to persuade her to return, arguing that marriage is made up of desire and mutual interest; as desire fades, mutual interest becomes far more important. Claire again refuses; Gerald comes to her apartment and rapes her. Claire would dearly love to divorce Gerald but she has no legal grounds; her honor prevents her from engaging detectives to shadow him in Ceylon to establish adultery. Unencumbered by such scruples, Gerald sets detectives on Claire. The detectives soon find that she and Tony have engaged in various kinds of indiscreet behavior. Despite the appearances, however, the relationship of Claire and Tony is strictly platonic (an exquisite form of torture to Tony).  Soon the Corven divorce case comes to court. Gerald sues Claire, claiming adultery. He names Tony as co-respondent, seeking heavy damages that Tony is wholly unable to pay. What follows is a crackling divorce trial, the best, I believe, of any film. The trial underlines the exquisitely ironic elements of divorce law: Claire is desperate for a divorce from Gerald--so why does she contest the suit? If she wins, she would remain married to Gerald--the last thing she wants. She is desperate to avoid exposing her very private family and herself to harsh publicity, so again, why not just default? Yet she fights the case--a miserable experience--out of concern for protecting her honor.  Moreover, Claire fights with one hand tied behind her back. She refuses to reveal in court the reason why she left Gerald. Not a word is spoken of the physical abuse she suffered. Moreover, Gerald testifies that he wanted Claire to return to him and that he had even visited her apartment and had sex with her after the separation. Claire cannot bring herself to testify that what happened was a brutal rape. She is protecting her own dignity and her family's honor, but her strategy insures that she cannot win. We see the judge's biased summing up of the evidence and we get to look in on the jury; needless to say, Tony and Claire's denials of adultery just don't ring true to the ordinary folks in the jury room.  All this exposes and critiques the British class system, the changing sexual mores of the time, the shifting views of marriage, the idiotic and hypocritical divorce law, and the folly of trying to find the truth about such private matters as sexual behavior in a jury trial.  Aside from its aesthetic and political virtues, *One More River* is a film of considerable historic importance. Recall that the motion picture industry adopted the Hays Code in 1930; it was administered by the Studio Relations Committee (SRC) which had no effective sanctions and was quite ineffective. By 1934, the movie industry was in terrible trouble. Ticket sales plunged calamitously. Several studies were in bankruptcy. Films became steadily more sleazy, as producers frantically tried to lure the public to turn off their radios and buy movie tickets.  The industry was beset on all sides by threats of boycotts and state and local censorship schemes (the movies did not receive First Amendment protection until 1953). In utter desperation, the industry caved in. All the studios agreed that no film would be released without a certificate from the newly formed Production Code Administration (PCA). Rigid PCA censorship began in July, 1934. It survived until 1968 and was extremely effective until the mid-1950's.  Looking at the censorship era from today's perspective, we are astounded at the intensity of the process. Literally every word of every script was scrutinized by the censors. If problems arose, each line of dialogue was the subject of negotiations between irate producers and the moral guardians of the PCA. Double entendres were ruthlessly pruned, encounters between men and women moved from bedroom to patio. Every costume or song lyric was carefully vetted. Anyone guilty of having sex out of marriage had to suffer some form of ghastly retribution (the so-called theory of "compensating values"). Often, the PCA would prohibit a producer from even attempting to adapt a book or stage play that the PCA found morally objectionable.  The Hays Code was written by Martin Quigley and Daniel Lord, the former a prominent Catholic layman, the latter a priest. Among the reasons the industry bought into the PCA scheme was to head off threatened boycotts by the National Legion of Decency, an arm of the Catholic church. The PCA was headed by the very able Joseph Breen, himself a Catholic layman with solid connections to the Catholic hierarchy. So it's no surprise that the Code, and its administration by the PCA, was closely attuned to Catholic moral dogma. One of those teachings was firm opposition to divorce. As a result, the PCA banished realistic treatment of divorce issues from the screen for the middle third of the twentieth century. With few exceptions, the only divorce films of that era were romantic comedies like *The Awful Truth* (1937) in which a couple divorced at the beginning of the film *but remarried at the end*.  The PCA's archives are available at the Margaret Herrick Library of the Motion Picture Academy in Beverly Hills. The files indicate that negotiations between the SRC and the producers of *One More River* began in April, 1934, before the PCA came into existence. Breen was concerned with the depiction of sadism in the film, and apparently that element was toned down. When Breen was satisfied that the sadism element had been properly downplayed, the PCA issued a certificate on July 27, 1934, just a few weeks after the PCA came into existence. But Breen did not focus on the fact that the film was really all about divorce.  Shortly thereafter, the Catholic Legion of Decency gave the film a forbidden rating. This was exactly the sort of result that the PCA was created to prevent. The idea was that the League could trust the PCA to prevent objectionable films from being released, thus avoiding the need for the League to issue any forbidden ratings. In a letter to Carl Laemmle on August 17, 1934, Breen apologized for this unfortunate situation, and he never repeated his mistake.  Because of the fiasco with *One More River*, the PCA never again approved a film containing candid treatment of divorce issues or attacks on the perverse family law doctrines of the time. Numerous adaptation projects that raised these issues were aborted by the PCA (the choice of words here is deliberate--abortion could not even be mentioned, let alone dealt with). The great movie *One More River* was the first Code-era film to tackle family law issues in a serious way and it was also the last.  ---------    ***Michael*** [***Asimow***](mailto:asimow@law.ucla.edu), of UCLA Law School, is co-author with Paul Bergman of [Reel Justice: The Courtroom Goes to the Movies (1996)](http://www.law.ucla.edu/faculty/asimow/book), available at local bookstores or through [amazon.com](http://www.amazon.com). Asimow's article *Divorce in the Movies: From the Hays Code to* Kramer vs. Kramer is forthcoming in Legal Studies Forum. Michael Asimow's email address is [asimow@law.ucla.edu](mailto:asimow@law.ucla.edu).     |  | | --- | | **Other Picturing Justice Articles by Michael Asimow** |  |  |  | | --- | --- | |  | * [**The Winslow Boy**](http://docs.google.com/winslow_boy.htm) * [**The Practice**](http://docs.google.com/articles/ThePractice.htm) * [**Real Court Television**](http://docs.google.com/articles/realcourt.htm) * [**A Civil Action**](http://docs.google.com/articles/Civil_Action-Asimow.htm) * [**Return to Paradise**](http://docs.google.com/articles/ReturntoParadise.htm) * [**Anatomy of a Murder**](http://docs.google.com/articles/anatomy.htm) * [**The Practice II**](http://docs.google.com/articles/ThePractice2.htm) * [**Roxie Hart and The Big Hangover**](http://docs.google.com/articles/RoxieHart.htm) * [**The Gingerbread Man**](http://docs.google.com/articles/gingerbreadman.htm) * [**Knock on Any Door**](http://docs.google.com/articles/KnockonAnyDoor.htm) * [**A Free Soul**](http://docs.google.com/articles/FreeSoul.htm) * [**Body Heat**](http://docs.google.com/articles/BodyHeat.htm) * [**Lynch Mobs in Trial Movies**](http://docs.google.com/articles/LynchMobs.htm) * [**Judgment at Nuremberg**](http://docs.google.com/articles/Nuremberg.htm) * [**Dangerous Beauty**](http://docs.google.com/articles/dangerousbeauty.htm) * [**The Practice**](http://docs.google.com/articles/thepractice1.htm) | |  |  | |  |  | |  |  | |  |  | |  |  | |  |  |  |  | | --- | |  | |

|  |
| --- |
|  |