THE UNIVERSITY OF CHICAGO LAW SCHOOL AND
THE SCHERER CENTER PRESENT

MANHOOD IN AMERICAN LAW AND LITERATURE
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Scenes from
THE LITTLE FOXES &
THE CAINE MUTINY COURT-MARTIAL

CAST AND SYNOPSISES

With a musical interlude featuring songs by Aaron Copeland, Rodgers and Hart, and Jerome Kern.
THE LITTLEFOXES
by LILLIAN HELLMAN (1939)

Regina Hubbard Giddens: Professor Martha Nussbaum
Horace Giddens: Professor Douglas Baird
Violin Prologue: Composed by Dane DeSutter and Performed by
Nathan Tanner (2L)

Take us the foxes, the little foxes, that spoil the vines; for our vines have
tender grapes.

–Song of Solomon, Chapter 2, Verse 15

Set in a small town in Alabama in 1900, the play focuses on Southern
aristocrat Regina Hubbard Giddens, and her struggle for wealth and
freedom, as told through a greater inclusion in her family’s growing
business concern. In an early 20th-century society where a father
considered only sons as legal heirs, Regina’s rapacious brothers, Benjamin
and Oscar, become independently wealthy as a birthright and through
marriage. Regina, on the other hand, must rely upon her sickly, wheelchair-
bound husband, Horace, for financial support. When her brothers plan to
construct a cotton mill, they approach Regina with their need for an
additional $75,000 to invest in the project. Oscar initially proposes
marriage between his son, Leo, and Regina’s daughter, Alexandra
first cousins - as a means of getting Horace’s money, but Horace and Alexandra
are repulsed by the suggestion. When Regina asks Horace outright for
the money, he refuses, so Leo, a bank teller, is pressured into stealing his uncle
Horace’s railroad bonds from the bank’s safety deposit box.

In this excerpt, Horace announces to Regina that the bonds, which are a
major source of financial security for her, have been stolen by Leo.
Although he has known of the theft for several days, he intends to do
nothing about it, and simply to say that he gave Leo the bonds as a loan.
Thwarted in her attempt at financial control, Regina lashes out at Horace
and tells him that she has always been disgusted by his lack of manliness.
Horace, stung by her attack, has a heart attack, and Regina stands
watching, refusing to help him.

THE CAINE MUTINY COURT-MARTIAL
by HERMAN WOUK (1953)

Lt. Commander Queeg: Judge Richard Posner
Captain Blakeley: Judge Diane Wood
Lt. Barney Greenwald: Professor Jonathan Masur
Lt. Stephen Maryk: Professor Daniel Abebe
Lt. John Challee: Paxton Williams (2L)
Stenographer: Christopher Skene (3L)

As a foreword to his 1952 Pulitzer Prize-winning novel, The Caine Mutiny,
Herman Wouk includes the following information:

From the Navy Regulations:
Article 184.
It is conceivable that most unusual and extraordinary circumstances may
arise in which the relief from duty of a commanding officer by a
subordinate becomes necessary, either by placing him under arrest or on
the sick list; but such action shall never be taken without the approval of
the Navy Department or other appropriate higher authority, except when
reference to such higher authority is undoubtedly impracticable because of
the delay involved...

Article 185.
In order that a subordinate officer, acting upon his own initiative, may be
vindicated for relieving a commanding officer from duty, the situation must
be obvious and clear, and must admit of the single conclusion that the
retention of command by such commanding officer will seriously and
irretrievably prejudice the public interests. The subordinate officer so
acting must...have made such exhaustive investigation of all the
circumstances as may be practicable; and finally must be thoroughly
convinced that the conclusion to relieve his commanding officer is one
which a reasonable, prudent, and experienced officer would regard as a
necessary consequence...

Article 186.
Intelligently fearless initiative is an important trait of military character,
and it is not the purpose to discourage its employment in cases of this
nature. However, as the action of relieving a superior from command
involve most serious possibilities, a decision so to do...should be based
upon facts established by substantial evidence...An officer relieving his
commanding officer...must bear the legitimate responsibility for, and must be prepared to justify, such action.

Adapted from his novel, The Caine Mutiny Court-Martial concerns the exposition of what may have happened during a fictional mutiny aboard the U.S.S. Caine. Lieutenant Stephen Maryk is on trial for mutiny because he relieved the Caine’s captain, Lt. Commander Philip Francis Queeg, of duty during a typhoon on December 18, 1944. Maryk insists that Queeg was insane, and that his paranoid delusions were putting the ship in danger. After Maryk takes charge and steers the vessel into the storm—in direct contradiction to Queeg’s orders—the Caine and her entire crew survives, proving to Maryk that his actions were appropriate.

In this excerpt, Maryk takes the stand and explains how he came to believe that Queeg was mentally ill, and the actions he took to confirm that belief. Maryk provides countless examples of Queeg’s idiosyncrasies and foibles. Queeg then takes the stand. Although he has been found sane by three psychiatrists, once on the stand, Queeg is maneuvered by Maryk’s lawyer, Lieutenant Barney Greenwald, to reveal his peculiar behaviors to the court. Audience members are left to ponder whether it was truly necessary for Maryk to relieve Queeg, and who among the crew may have acted honorably, or who may have acted dishonorably. And like jurors at a trial, the audience only has the perceptions of the witnesses to guide their findings.

The Caine Mutiny Court-Martial, and Queeg, in particular, have become figures in popular culture and legal parlance. Supreme Court Justice Anthony Kennedy explained his difficulty in coming to a decision in Planned Parenthood v Casey as follows: ”Sometimes you don’t know if you’re Caesar about to cross the Rubicon or Captain Queeg cutting your own tow line.” The Caine Mutiny Court-Martial offers many conceptualizations of manhood for the audience to ponder.

**Musical Interlude:**

*Martha Nussbaum and Jajah Wu (J.D. 2011) singers
Gary DeTurck (3L), piano*

"The Dodger"
*Aaron Copland (1900-1990)*
Performed by Martha Nussbaum and Jajah Wu

This song, from Copland’s suite of OLD AMERICAN SONGS, is based on a campaign song from Grover Cleveland’s campaign. It examines the character of three well-known types of American men: the candidate, the preacher, and the lover, and finds that all are "dodgers" or con men—but, as the singers concede, they are con (wo)men too.

"To Keep My Love Alive"
*Richard Rodgers (1902-1979) and Lorenz Hart (1895-1943)*
Performed by Jajah Wu

When a husband's irritating ways erodes the bloom of matrimonial bliss, what can a wife do to keep her love alive? In this song from the musical A CONNECTICUT YANKEE (1927), one woman finds a novel answer to this question.

"Can’t Help Lovin’ That Man of Mine," from SHOWBOAT
*Jerome Kern (1885-1945)*
Performed by Martha Nussbaum

After all of our criticisms of men, we end on a note of generosity and delight.

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