THE FUGITIVE IN FLIGHT: LAW, FREEDOM, AND LIBERALISM IN A CLASSIC TV SHOW

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INTRODUCTION

The pilot episode of The Fugitive is titled Fear in a Desert City.¹ The city is Tucson, Arizona and the fear is equally distributed among the major characters. Monica Welles (played by Vera Miles) is afraid that her abusive husband will once again regain control over her life and the life of her young son. The husband, Edward Welles (played by a tightly-wound Brian Keith), is afraid of the mental and emotional instability that produces his aggressive behavior and drives his family away. The son, Mark, is afraid that any man who gets close to his mother will turn out to be just like his father, someone who will abuse her and intimidate him.

And the fugitive, Richard Kimble, played in the role of his life by veteran TV actor David Janssen, is afraid of everything and everyone. Wrongly convicted of his wife’s murder, Kimble escapes when the train taking him to the death house goes off the rails, and he begins to run. He runs from the police lieutenant who had him in custody (Philip Gerard, played by the great Barry Morse), and he runs after the one-armed man he saw in the vicinity of his house on the night of the murder. At every moment he is in danger of discovery (wanted posters bearing his image are everywhere). Every encounter, no matter how brief and seemingly casual, could be the one that returns him to prison and the prospect of execution.

The only characters who do not exude fear in this episode are the two policemen who produce it, not because they are overtly threatening, but because they are not. Edward Welles is a well known and influential businessman and he complains to the police that Kimble—who has befriended Monica Welles at the bar where they both work, she as a pianist, he as a bartender—is breaking up his marriage. Just as Kimble and Monica are getting into a cab, a police car glides up and a

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¹ The Fugitive: Fear in a Desert City (ABC television broadcast Sep. 17, 1963).
police Sergeant named Burden (is this an allegory?), played with quiet menace by the distinguished character actor Harry Townes, says to Kimble, “We’d be obliged if you’d get in the automobile.”

He does, and in the scene that follows no voices are raised, nothing remarkable is said, but the tension is wire-tight. The two policemen play a game of verbal tennis with Kimble as the ball. They hit soft lobs. “Is this your first visit to Tucson? You like it?” one asks, and Kimble answers that he hasn’t seen much of it, but likes what he sees. “How do you like your job?” asks the other (his name is Fairfield, a bad joke if there ever was one), and before Kimble can reply, Burden does it for him. “Hasn’t seen much of it, but he likes what he has, correct?” Discombobulated and nervous, Kimble rambles on about how even innocent men feel guilty in the presence of the law. After all, “there isn’t a man in the world who doesn’t have something he wants to hide, even you two.” “That remark was not calculated to gain favor,” is the quiet yet threatening response from Burden. But he adds, “I wouldn’t want you to think I was sadistic,” and we suddenly see that the car has pulled up to Kimble’s hotel.

Relieved, Kimble heads toward the hotel door only to hear Burden and Fairfield call out, “I . . . don’t know what’s the matter with us . . . . We’ll see you to your room.” Which they do, and finally Burden lets the shoe drop: “Edward Welles . . . claims that you’re breaking up his marriage.” “Have you talked to Mrs. Welles?” Kimble retorts with some spirit. “We’re not in the marriage counseling business. Nor are you.” (This judgment is literally true, but, as it turns out in the next four years, substantively false.) And then the words we have been expecting, all the more forceful because of the wait: “Leave Tucson tonight.”

Quinn Martin, the series’ producer, regarded this scene as one of the most important in the entire series. He felt, said critic David Thorburn, “that it established an assumption on which the rest of the series would be based.”2 That assumption, according to Thorburn, is that even innocent people may be misjudged and harmed by the forces of institutional authority.

But that is only half the story and not the important half. The important half concerns what innocent people do when this happens to them. Kimble’s situation in the car is a miniature version of the situation that frames the series. He is as innocent of the charge that he is breaking up a marriage as he is innocent of the charge that he murdered his wife. (Edward Welles is the potential wife-killer in this story.) But in both cases, the location of his innocence is entirely internal; it is something he knows, but the world denies, and denies for a

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very good reason: All the evidence is against him and the only pieces of counter evidence are the one-armed man, a specter only Kimble saw (or said he saw), and the testimony of Monica Welles, to whom the police will not listen because they do not recognize her as a party with standing. (She is a wife and she has her duties, doesn’t she?)

Kimble’s innocence, then, is a matter entirely hidden from view and empirical inspection. That is its weakness; there is nothing, apparently, that supports it. But that is also its strength. If Kimble’s innocence exists without support from anything external to it, nothing external to it can undo it. Milton made the point long ago in his masque Comus when his heroine says of her own innocence:

> These thoughts [of danger] may startle well, but not astound
> The virtuous mind, that ever walks attended
> By a strong siding champion Conscience.3

That is, virtue’s internal location does not protect its bearer from the buffets of fortune, but no matter how violent fortune’s ups and downs may be, virtue and its bearer remain always what they are. In the pilot and 119 subsequent episodes, the plot currents swirl around Kimble—he is arrested, convicted, reviled; members of his own family believe he’s guilty; Gerard hunts and haunts him; people he has just met assault and chase him; women alternately seduce and betray him; children accuse him of things he has not done—and through it all he remains essentially the same. The justice system has failed him; Burden and Fairfield push him around just to please someone who does not even live in their town (Edward Welles lives in Phoenix). None of this makes him happy, but none of it makes him change.

I. THE SEARCH FOR FREEDOM

But change is one of the two things plot usually produces. The other is surprise. In The Fugitive neither is central. Surprise is largely absent because the plot is set and known in advance: He is not guilty; Gerard is chasing him; he is chasing the one armed man who, he is certain, really did it. The audience expects Kimble to be recognized by somebody at any minute; and it also expects him to get away again. Both expectations are regularly met, and as a result, the “device” that is thought to be the signature fact of the series—the device of the double pursuit—is not the source either of its energy or urgency.

What is? The interplay between characters, usually in the form of

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a one-on-one confrontation between Kimble and someone who needs his help, wants to help him, or wants to harm him. But even when this last is the case, the focus is not on the danger (which does hover in the background), but on what the interchange reveals about the psychological demons that drive people to acts of aggression and self-destruction. In the scenes between Kimble and Edward Welles, Kimble behaves more like the physician he is (and remains no matter what the situation) than as a man in fear of discovery. He tells Welles, “Get yourself some help. See a psychiatrist,” and he asks him if he knows what he is doing to his wife and child. Diagnosing Welles is as much a concern as avoiding his rage. “What does he want?” Kimble asks Monica. “To possess me,” she answers; but he cannot possess her if he cannot possess himself, and it is clear in every scene that Edward Welles is a man out of control. (As we shall see, control of a certain kind is the chief virtue of the series.)

What Monica wants is what Kimble wants—to be free, not to be in anyone’s thrall. When her husband is killed in the final act, Kimble says, “You can go home now; it’s over.” Minutes ago, she had been about to get on a bus with Kimble and run with him. But now she is free from the fear of being smothered by another, and while we do not doubt her affection for Kimble, she really does not need him any longer. Their parting is heartfelt, as partings often are in The Fugitive, but deep down both are more than a little pleased.

Although neither Monica nor Kimble gets on the bus, this last scene returns us to the episode’s opening moments in which Kimble gets off a bus in the same station. Bus, bus-station, bar, hotel room, the back seat of a car—the action, such as it is, unfolds in a succession of small, usually dark, spaces that shut out the larger world and its concerns so that the focus can be exclusively on the choices confronting the characters—the choice of whether to believe, to trust, to befriend, to betray. As Kimble parries the thrusts of Burden and Fairfield, the viewer sees the busy city scene receding as the car moves forward. Indeed, the forward motion, the sense of going somewhere, itself recedes. Kimble, Burden, and Fairfield might just as well be in a locked room or an abandoned building (both the location of similar scenes in later episodes) as in a moving vehicle. Everything is narrowed to a point of stillness so that moral rather than social imperatives can be foregrounded.

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4 The Fugitive: Fear in a Desert City, supra note 1.
II. THE PRIMACY OF SELF-POSSESSION IN A WORLD OF DISTRACTIONS

The de-emphasis of plot (which exists largely to get Kimble in and out of towns), goes hand-in-hand with the de-emphasis of issues. Not that issues were not hanging around in the period from 1963 to 1967: Vietnam; racial strife; student rebellions; assassinations; inner city riots; the Civil Rights Act; presidential elections; the rebirth of conservatism; the Arab-Israeli conflict; the Cold War; and the space race. _The Fugitive_ will occasionally allude to these and other topics, which might serve as the backdrop for an episode, but as a rule these issues do not take center stage. The characters never function merely as spokespersons for some position on the ideological spectrum. The stylized oppositions that structure political debate never structure an episode or become the focus of its attention. Like its hero, the show always stays on message, and the message—the primacy of self-possession in a world of distractions—relegates to the background the social and political messages that dominate other shows. _The Fugitive_ almost always knows what it is about, and what it is about is moments of moral revelation and choice, moments the plot delivers, but does not—except as a momentary framing of an internal dilemma—produce.

It is not that Kimble’s plight plays no role in the drama, just that it does not drive the drama. That is why the most extended account of the “back-story” occurs in a flashback that is disconnected from the episode in which it appears. The episode is called _The Girl from Little Egypt_. Kimble has been accidentally hit by a car driven by a stewardess (played by Pamela Tiffin), and while he is unconscious he dreams of the night his wife was murdered. He and she quarrel about adoption; he is for, she is against. He storms out of the house and drives aimlessly, stopping at a point above a lake. He sees a boy in a boat, fishing. The stillness and isolation of the image—bathed in light even though it seems to be dusk—are almost portrait-like. The strong impression is of a self-contained world, safe from external demands and intrusions. It is just the boy, the boat, and the fishing pole. No significance attaches to the activity (if sitting silently in a boat is an activity); it does not invite interpretation; it does not invite anything; its self-completeness not so much repelling the observer’s gaze (that would be too active) as remaining oblivious to it. In this case the observer is Kimble who smiles, perhaps because the boy represents the child he now may never have (after a still-born birth, Helen Kimble can not have children) or

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because he recognizes in the still tableau the self sufficiency and integrity he prizes above everything.

There is a plot consequence to this plot-less moment: The boy never sees Kimble (of course he doesn’t; he’s not looking outward) and the one piece of evidence that might have placed him elsewhere than in his house is lost to him. At the trial (which Kimble revisits in another flashback), the prosecutor points out that, “As a matter of fact, you’ve heard him sitting right there testify that he didn’t see you.” “As a matter of fact.” Here as elsewhere, all the facts point in one direction: The truth is, quite literally, out of sight.

As powerful as the flashback scenes in *The Girl from Little Egypt* are, they play no role in the story, and, in fact, are discounted early on when Ruth Norton (the girl of the title) overhears Kimble’s hallucinatory ravings. When he awakes, she calls him “Dr. Kimble.” “I was innocent,” he says. But she has already come to that conclusion: “People usually don’t lie when they are delirious.” (End of that question.) There are policemen all over the episode, questioning Kimble (going by the name George Browning), standing next to him at a party during a discussion of capital punishment. The villain of the piece—Paul Clements (played by Ed Nelson), the cad who seduced Ruth Norton and hid from her the fact that he is married and has two children—finds out that George Browning is not Kimble’s real name. But all of this goes nowhere. The viewer is being told, look, we know that in other episodes the danger of discovery supplies much of the suspense; but in this one, you do not have to worry; you are free to attend elsewhere.

Elsewhere in this case is the drama of Ruth Norton’s coming to terms with the betrayal she has suffered and letting go of the obsession that still ties her emotionally to Paul Clements. In the final act Kimble forces the issue by contriving a confrontation between her and her illusions. As usual, the place of confrontation is an enclosed place, in this case Clements’s living room where a nice suburban gathering is in full swing. Kimble has told Ruth that they’re going to a party (hardly something he would arrange if he were concerned about discovery), but is vague about its host, who is appropriately shocked when he opens the door and has to introduce his occasional fling to his very permanent wife. In the course of the next few moments Ruth is brought to her senses, and as she leaves she says to Clements, “You have a lovely home Paul . . . next week I’m going to move somewhere. I won’t be in the phone book.”

Later she and Kimble have a farewell drink in the same restaurant to which Clements used to take her. He predicts that she will one day have her own comfortable suburban life. She is free of the entanglement that possessed her and prevented her from being herself.
Now that she is possessed by no one—always the desired state in *The Fugitive*—Kimble can leave, not as the pursued fugitive, but as the restorer of order to a world gone momentarily astray.

### III. CHARACTER AS ENFORCER OF VALUES

That is Kimble’s real role in the series and its great irony: Kimble is the chief enforcer of the values of the establishment that has condemned him. Indeed, he takes its values more seriously than do the law officers who pursue him, for he does not limit himself, as they do, to legal infractions of good order. He is alert to *any* infraction of good order and he moves immediately (and instinctively) to correct it. Edward Welles is not breaking any laws when he sits at a bar and stares fixedly at his estranged wife. Paul Clements is not breaking any laws when he sweet-talks and deceives a vulnerable young girl. Yet they draw Kimble’s disapproving attention as much as if they had robbed a bank, and he will not leave town until their disruptive and deviant behavior has been stopped, one way or another.

Kimble is vigilant even when the situation is purely domestic. In *Fun and Games and Party Favors*, he is the chauffeur and general factotum for a wealthy family that includes a weak father (always a figure of danger because he fails in his responsibility to keep things in their proper place), a domineering mother (emblematic of the forces that must be kept in check if civilized society is to be protected), and a pampered daughter (who threatens to carry the seeds of disorder into a second generation).

One night the parents return from a social evening to find a teenage party out of control (fast and loud music is always a sign of danger in *The Fugitive*). Indignant, they ask Kimble, “Where were you?” and he replies with stinging scorn: “Where were you?” Earlier in the evening he had confronted the daughter and her pool-boy beau as they were about to elope. “People wait, animals don’t,” he barks. *Self*-restraint, not the restraint imposed from the outside by legal or governmental structures, is what Kimble preaches; it is what distinguishes us both from the lower orders and from those human beings who are without self-control.

In the end, tutored by the moralizing chauffeur, the father takes command, the mother bridles her will, and the daughter agrees to wait until her boyfriend (who turns out to be middle class despite his blue collar job) finishes medical school; after which he will be just like

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Kimble was before “fate” (named as the villain in the famous voice-over introduction to each episode) misidentified him as a lawbreaker, when, in fact, he is the very embodiment of the law and of good, middle class values.

He is also the embodiment of the desire to be independent, a desire that is consonant with, and indeed follows from, those same values. In the short-lived revival of *The Fugitive,* a hunted and hungry Richard Kimble (portrayed by Tim Dailey) sits at a lunch counter. When the person next to him gets up and leaves half a sandwich, Kimble reaches for it. The “real” Kimble would never have done that. Instead he would have offered to work for food or just walked away, not simply because he prizes his moral dignity (although that, certainly, is part of it), but because he abhors having to depend on anyone, even on someone who leaves a sandwich he could not finish. It is not only that Kimble does not want to be captured by Girard; he does not want to be captured by anything. Clearing his name is his immediate goal, but his long term, life-project goal is to be independent, to be without obligations burdening him, to be without entanglements he cannot step away from, to be without attachments—persons, things, vocations—he cannot leave behind.

In *The Other Side of The Mountain,* Kimble encounters one of the many men and women (this one played by Sandy Dennis) who want to possess him because they are not in possession of themselves and believe that it is only in someone else that they can find security. Kimble tells her, “You can get down from this mountain. You don’t need me; you don’t need anybody. It’s all in yourself.” Or it is not, and if it is not, no amount of money, number of friends, or record of achievements will be enough. If it is, no amount of deprivation or loss will diminish the treasure that lives within. This is the lesson *The Fugitive* repeatedly teaches, and is the lesson its hero always embodies, except in those moments when the writers and producers forget who he is. He is the fugitive who never moves, even when he is hopping a freight or hitching a ride. Like Ben Jonson’s Sir John Roe, he may often experience a “change of clime,” but “not of mind,” and that mind, that self, remains unaffected by everything by which it is buffeted and assaulted.

In *Landscape with Running Figures,* a policeman says to Girard, “You put a man like Kimble down far enough, strip enough away from him, all you have left is a tired sick animal.” Kimble is stripped of

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10 *The Fugitive: Landscape with Running Figures* (ABC television broadcast Nov. 16, 1965).
nothing at the same time that he is apparently stripped of everything—name, reputation, family, honor, profession, possessions. In the course of 120 episodes, he is beaten, lied to, imprisoned, kidnapped, robbed, hunted and betrayed, but whatever happens to him, his conviction of his innocence and his unwillingness to compromise his integrity sustains him.

CONCLUSION

But while words like “innocence,” “integrity,” and “independence” accurately describe Kimble, they also point to a darker side of his character, which is the darker side of the mid twentieth-century liberalism he represents and repeatedly affirms. The precise definition of liberalism is a matter of controversy, but few would disagree that at its heart is a free-standing individual who bends the knee to no one, nominates his or her own values, and avoids obsessive, enslaving attachments either to persons or causes. What is important about the self in this picture is its capacity to choose rather than any of the choices made in the course of its independent way. In A Theory of Justice, John Rawls observes, “the self is prior to the ends which are affirmed by it” and remains what it is when one end is replaced by another.\footnote{John Rawls, A Theory of Justice 560 (1971).} Michael Sandel glosses (without approving) Rawls’s statement: “The priority of the self over its ends means I am never defined by my aims and attachments, but always capable of standing back to survey and assess and possibly to revise them.”\footnote{Liberalism and Its Critics 5 (Michael Sandel ed., 1984).}

The freedom of such a self, then, is negative, in the terms made famous by Isaiah Berlin’s essay Two Concepts of Liberty: “I am normally said to be free to the degree to which no man or body of men interferes with my activity. . . . The wider the area of non-interference the wider my freedom.”\footnote{Isaiah Berlin, Two Concepts of Liberty, in Liberalism and Its Critics, supra note 12, at 15-16.} Liberty in this sense, Berlin continues, “means liberty from”;\footnote{Id. at 19.} and it is his view that “[t]he desire not to be impinged upon, to be left to oneself, has been a mark of high civilization.”\footnote{Id. at 21.}

The list of things that might impinge on the self is very long and includes anything that impedes the self’s mobility and holds it hostage. That would include, as Berlin notes, unpaid debts, which, because they exert a continuing claim on the self, a lien against its estate, prevent it

\footnote{John Rawls, A Theory of Justice 560 (1971).} \footnote{Liberalism and Its Critics 5 (Michael Sandel ed., 1984).} \footnote{Isaiah Berlin, Two Concepts of Liberty, in Liberalism and Its Critics, supra note 12, at 15-16.} \footnote{Id. at 19.} \footnote{Id. at 21.}
from getting up and moving on freely. That is why Kimble can never leave a town until the obligations he has incurred—sometimes by choice, more often by accident—have been discharged; not primarily because of his concern with those whose lives he has touched (although that is certainly part of it), but because he cannot bear to be encumbered by anything.

In *Ballad for a Ghost* (written by George Eckstein), Kimble encounters someone even more determined to be free of attachments and obligations than he is. Hallie Martin (played by Janis Paige) is a well known singer who has come to make a record at the small night club of her ex-husband Johnny (played by Mark Richman), who is still carrying a torch for her. She arrives accompanied by her father and her sister Nora who resents the attention everyone pays to her celebrity sibling. Kimble is working as an assistant to Johnny. His primary responsibility is to man the lights and coordinate the lighting sequence with the performers. Hallie and Kimble (calling himself Pete Glenn) meet and quickly tumble to each other’s secrets: Her resemblance to Helen Kimble has often been pointed out to her and she recognizes Kimble immediately. Kimble in turn observes that she is injecting herself with morphine, and putting this together with a few other things, concludes, correctly, that she is suffering from an inoperable and fatal brain tumor. Because all of this is revealed fairly early, certain possibilities of suspense are forfeited (there is a minor sub-plot involving a sheriff, but it does not amount to much), and the focus can be squarely on Hallie and her way of dealing with the hand fate has dealt her.

What she does, at least on the surface, is make life miserable for everyone, especially Nora and Johnny. When Kimble asks, “Why do you want such hate from everybody?” she replies, “Only from the people I mean the most to.” Kimble immediately understands (they share an ethic): “You’re going to cushion the blow for Nora and Johnny.” That is the nice way of putting it. She wants to leave the world owing no debts, and were her death to generate grief and longing, those emotions would constitute a claim on her that she could not discharge from the grave. Hence the plan to so alienate those she loves that they will feel no loss and perhaps feel relief at her passing. There would be no loose emotional ends that had not already been tied up. As Kimble observes in a later scene, everyone dies but “at least you can do it the way you want—everything paid.” That is the way he wants, everything paid and he completely free. And before the episode ends he is able to impart the lesson to another. Johnny has found out about Hallie’s condition and has figured out what she is trying to do. He

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wants to go to her and say he understands and still loves her. But Kimble stops him: “You’re always saying, don’t do me any favors, maybe she feels the same way too.” Johnny then does her the favor of letting her think that he no longer has any feelings for her and they part coldly. So we have what passes in *The Fugitive* for a happy ending; not everyone reconciled in loving harmony, but everyone left alone to savor an integrity that demands the destruction of entangling relationships. It is brilliant and, at a deep level, chilling.

It is that brilliance, embedded in the darkest of landscapes, which led Stephen King to call *The Fugitive* “absolutely the best series done on American Television.”

17 Stephen King, *Introduction* to ROBERTSON, supra note 2.