



**THE ENGLISH THEATRE
OF HAMBURG**

presents

BEN BUTLER

by

Richard Strand

STUDY GUIDE

Premiere on 7th September 2023

Preview performances at reduced prices on 4th, 5th, and 6th September 2023

Tuesday – Saturday

19:30

selected Sundays

14:30

Wednesday/Friday

11:30 (Matinee performances weekly alternating)

THE ENGLISH THEATRE OF HAMBURG

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TICKETS

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The English Theatre will premiere **BEN BUTLER** by Richard Strand on 7th September with the usual preview performances at reduced prices on 4th, 5th and 6th September. Bookings for this unique comedy drama have already started. See the cover of this study guide for dates and times of performances. Teachers who would like to preview the play before bringing a group of students should contact eth-bo@englishtheatre.de

About the play

BEN BUTLER is a historical drama with laughs. That may sound a bit odd, but that's exactly what this unique play is – funny as well as intensely dramatic. It uses comedy to touch on one of the darkest chapters in America's past, the American Civil War (1861–1865). It's a smart and witty discourse on race and our sense of humanity. The play premiered at New Jersey's Repertory Theatre before moving on to New York's Off-Broadway 59E59 Theaters, where it garnered high critical acclaim in 2016.

The play takes place in 1861, on the eve of the American Civil War between the Union (the North) and the Confederacy (the South). A runaway slave, Shepard Mallory, shows up at a Union-held fort in Virginia seeking asylum. But federal law compels the return of escaped slaves to their owners. This puts Major General Benjamin Butler, commanding officer of the fort, in the hot seat. What does he do when Major Cary of the Confederacy appears to collect Mallory? Butler is faced with an impossible moral dilemma. Does he follow the letter of the law and return Mallory to his owner, and possible death? Or does he make a game-changing move that could alter the course of American history? This critically acclaimed play is based on real historical characters and a real historical event.

About the author

Although based on a real historical event, the play **BEN BUTLER** is a product of American playwright Richard Strand's imagination. He is also the author of **THE BUG** and **THE DEATH OF ZUKASKY**, both of which premiered at Actors Theatre of Louisville's Humana Festival. Some of his other plays include **TEN PERCENT OF MOLLY SYNDER** which premiered at Chicago's Steppenwolf Theatre; **MY SIMPLE CITY** which premiered at Chicago's Rivendell Ensemble and was nominated for best new script by both the American Drama Critics Association and the Joseph Jefferson Committee; **CLOWN**, produced by Victory Gardens Theater; and **THE LINCOLN PARK ZOO** which premiered at Geva Theatre under the direction of Anthony Zerbe. **THE SECOND-STORY MAN** was developed at the Eugene O'Neill Theatre Center's National Playwrights Conference and premiered at the Cricket Theatre in Minneapolis. His works have been published by Samuel French, Dramatists Play Service, Heinemann Books and Applause Theatre Books. He lives in California with his wife Mary Lynn and has retired from Mt. San Antonio College where he was a professor, technical director and set designer, teaching classes in stagecraft, history of theatre and playwriting

Historical background (adapted from [encyclopedia.com](https://www.encyclopedia.com))

In May 1861, at the beginning of the American Civil War, three slaves who had been building Confederate fortifications slipped across Confederate lines to Major General Benjamin Butler's Union-held Fort Monroe in Virginia. The next day, a Confederate officer appeared demanding that the slaves be returned under authority of the fugitive slave law. Butler refused to return the slaves, citing the fact that Virginia's secession from the Union relieved him from any obligation to respect the law. He labelled the slaves "contraband of war" and set them to work for the Union Army.

By July of that year, Butler had amassed nine hundred contraband slaves and subsequently wrote to the Secretary of War defending his contraband policy. After some hesitation, the administration, realizing the need for workers within the Union Army, approved Butler's "contraband" reasoning – acting as much out of practical concerns as humanitarian motives. Nevertheless, the contraband policy did represent a significant step toward the emancipation of slaves and recognition that slavery was the central issue of the war.

Major General Benjamin Butler (adapted from *Encyclopaedia Britannica*)

Benjamin Franklin Butler (1818–1893) was a prominent attorney in Lowell, Massachusetts, where he served two terms in the state legislature and distinguished himself by vigorously supporting the cause of labour and naturalized citizens. Although he was affiliated with the Southern wing of the Democratic Party in the 1860 elections, he strongly supported the Union after the American Civil War broke out. He was appointed a Union officer for political reasons, and his military career was mercurial and controversial. In May 1861, with the rank of major general, he was placed in command of Fort Monroe, Virginia. There he refused to return fugitive slaves to the Confederacy, using the logic that they constituted "contraband of war" – an interpretation later upheld by his government.

SUMMARY

Characters

MAJOR GENERAL BENJAMIN BUTLER of the Union Army

LIEUTENANT KELLY of the Union Army

SHEPARD MALLORY, a runaway slave

MAJOR CARY of the Confederate Army

Scene One

It is 1861, during the first week of the American Civil War. Major General Benjamin Butler of the Union Army (the North) has only recently been placed in command of Fort Monroe in the southern state of Virginia. He is now sitting in his office reading a telegram which informs him that Virginia seceded from the Union last night and joined the Confederacy (the South). As if that problem were not enough, his young adjutant, Lieutenant Kelly, enters the office and informs him that three Negro slaves have escaped from their owners and are seeking asylum in the fort. One of the slaves, Kelly says, is especially arrogant and obnoxious, and is demanding to speak to the officer in charge. Butler is irritated by Kelly's use of the word "demand." Nobody, he asserts, makes demands of him except President Lincoln, officers who out rank him, and his wife. He reminds Kelly that the law explicitly requires that runaway slaves be returned to their owners.

KELLY. I tried to explain that to him. He won't listen to me, sir.

BUTLER. I see.

KELLY. Do you want me to explain to him about not making demands?

BUTLER. Yes, Lieutenant.

(Pause)

Lieutenant?

KELLY. Yes, sir?

BUTLER. Do you dislike all Negroes?

KELLY. If all Negroes are like this Negro, then the answer to your question is yes. Sir.

(The lights fade.)

Scene Two

A few minutes later. Lieutenant Kelly returns to General

Butler's office.

BUTLER. Lieutenant?

KELLY. Sir, there is a Negro slave outside who is "requesting" to speak to you.

BUTLER. Thank you, Lieutenant. Request denied.

After some amusing verbal sparring with Kelly, Butler reluctantly agrees to speak to the slave, whose name is Shepard Mallory. Butler offers Mallory a glass of sherry, which Mallory accepts but doesn't like. The General then explains to Mallory that, while sympathizing with his situation, he cannot grant him asylum because it is against the law.

BUTLER. Until a few months ago, before I was a major general, I was a lawyer. I understand the law. And I'm sworn to uphold the law. I cannot break the law, even if I disagree with the law.

MALLORY. Sure, you can. You're a lawyer. You can twist the law. You can make the law be anything you want it to be. You can make the law mean the opposite of what it's supposed to mean. That's what lawyers do, isn't it?

Butler, offended by Mallory's view of the legal profession, insists that is not what lawyers do. He is astonished, however, that the slave is a very intelligent and articulate individual. He has an extensive vocabulary, including such words as "convoluted" and "loophole." And, despite his life being in peril, is able to maintain a sense of humor. But when the General suspects that Mallory can read (something for which a slave can be severely punished), Mallory vehemently denies it by shouting and slamming his hand on Butler's desk. Lieutenant Kelly, alarmed by the noise, quickly enters from the outside room, his hand on his revolver.

KELLY. Is there a problem, sir?

BUTLER. No, Lieutenant. Mr. Mallory will not shout like that again. Will you, Mr. Mallory?

MALLORY. No, sir. I'm sorry. I'm sorry I yelled.



BUTLER. Thank you, Lieutenant. You are dismissed.

Kelly gives a warning glare to Mallory, then leaves the office. Butler asks Mallory if all Negroes are like him.

MALLORY. No, sir. There is not another person in the world, white or black, who is in any way like me. Okay?

BUTLER. Thank you. Thank you for answering my question.

MALLORY. You find me interesting, don't you?

BUTLER. I do.

MALLORY. And you think I'm kind of funny too, don't you?

BUTLER. A little bit, yes.

MALLORY. Well, sir, let me tell you that most people do not find me interesting or funny. Most people are like Lieutenant Kelly. Most people hardly know me at all before they hate me.

BUTLER. How do you know that?

MALLORY. Because they told me. They told me often enough.

(Mallory takes off his shirt. He turns his back to Butler, revealing the scars of many whippings.)

Scene Three

Late that night, General Butler is alone in his office. Lieutenant Kelly enters with Mallory in handcuffs. Butler orders Kelly to remove the handcuffs and leave the office. He then tells Mallory that Major John Cary of the Confederate Army will arrive at the fort tomorrow to retrieve Mallory and his two runaway companions.

MALLORY. Sir, please, do not send me back. It will go very badly, for all three of us.

Butler is trying to decide if he should help Mallory, and therefore wants to know why he was whipped. "Different reasons, different times," Mallory replies. Butler is annoyed that Mallory will not give him a straight answer.

MALLORY. You feel like whipping me yourself, don't you?

BUTLER. Don't think for a moment that I won't.

Mallory claims he was whipped simply because he and the man with the whip saw things differently. That makes no sense to Butler. He doesn't believe men behave that way. That is exactly how men behave, Mallory argues. That is why Butler is fighting a war, he claims—because some men see things differently from other men. Mallory reveals that he and his two companions want to help Butler and the Union Army win the war by doing what they were forced to do for the Confederate Army – build military fortifications. Butler is astonished that the Confederacy allowed Negroes to do this.

BUTLER. You were performing military functions?

MALLORY. It's the Confederate Army, General. What did you think we were doing? Planting cotton?

BUTLER. It just didn't occur to me.

MALLORY. That didn't occur to you? Lord in heaven, how can the Union Army win this war if the generals are as ignorant as you are?

There is an awkward silence. Mallory realizes that he has gone too far by insulting the General's intelligence. He sincerely apologizes.

MALLORY. That's the sort of thing that got me whipped.

BUTLER. I don't wonder.

The General reveals that he has decided to let Mallory escape to the North where he will be safe. He has already prepared for him a small satchel with food, water and a change of clothes. But Mallory refuses to leave the fort for fear of being captured. He asks Butler to think of another plan, such as allowing him to join the Union Army. The General explains that what Mallory is asking of him is impossible and that he will therefore have to be returned to his owner. Mallory claims that Butler will regret sending him back, and that the General likes him because they are similar in many ways.

MALLORY. I believe, if I was white, I would be a major general too.

BUTLER. You would make a terrible major general.

MALLORY. Well, you're not exactly Alexander the Great, are you?

BUTLER. That's enough, Mr. Mallory.



Butler is running out of patience with Mallory and orders him to report to Lieutenant Kelly who will return him to his cell in the fort's jail. Mallory refuses to leave. This infuriates Butler. He grabs Mallory, intending to take him back to his cell himself. Mallory breaks the hold and slaps Butler across the face, causing the General to stumble and fall to the floor. In response to the commotion, Lieutenant Kelly enters the room, his revolver drawn. Butler tells Kelly that he accidentally tripped on his desk and directs him to leave the office. The General then angrily throws the satchel to Mallory and orders him to take it and go north. Mallory defiantly drops the satchel on the floor. He calls out for Lieutenant Kelly, who quickly re-enters the office. "The General would like me returned to my cell," Mallory says to Kelly. Before leaving the office, however, Mallory warns Butler about the Confederate officer, Major Cary, who will come tomorrow to collect him and his two companions. The Major, Mallory points out, was likely chosen for this mission because he is an expert in artillery and should therefore be prevented from seeing where the cannons and other weaponry are placed within the fort. "Make him wear a blindfold," Mallory suggests. He then picks up the satchel, hands it to Butler and says, "This satchel is not my last hope, sir. You are."

Scene Four

The following day, late morning. Lieutenant Kelly enters Butler's office to inform him that Major Cary of the Confederacy has arrived to collect Mallory. It appears that Kelly has had a change of heart regarding Mallory. He fears that the slave will almost certainly be killed if turned over to Cary and urges Butler to find a way to prevent that.

BUTLER. And will you be the one to explain to President Lincoln just why it is we have decided to ignore our orders.

KELLY. Sir, if there was a way...

BUTLER. (exploding with anger) There was a way! I offered him a way! He wouldn't take it. A drowning man who won't take your hand can't be saved, Lieutenant.

KELLY. Yes, sir.

Kelly then shows a blindfolded Major Cary into Butler's office. After the blindfold is removed, Cary expresses

his anger and humiliation at being blindfolded. Butler explains that it was necessary since Cary is an expert artilleryman.

CARY. Who told you I was an artilleryman, General Butler?

BUTLER. Who told you I was an idiot, Major Cary?

Cary declines to drink a glass of sherry with Butler, insisting they get down to business without socializing. He demands that Butler release the three runaway slaves into his custody immediately, which is required by law under the Fugitive Slave Act. Butler is stung by the forbidden word "demand" and irritated by Cary's condescension and arrogance. He realizes that he will have to resort to his lawyerly skills if the three slaves are to be rescued. He argues that he is no longer obligated to apply the law to Cary's state of Virginia because Virginia has seceded from the Union and is therefore no longer part of the United States. "You, sir," he tells Cary, "are an ambassador, representing the foreign nation of Virginia and I am under no obligation to apply the laws of the United States to Virginia or France or Mexico or Liberia or any other foreign nation."

Cary asserts that even if the Fugitive Slave Act no longer applies here, keeping the three slaves would be considered theft of property under the Articles of War. Butler again has to fall back on his lawyerly skills. He hits upon the notion that because the three slaves were being used by the Confederacy to build military fortifications, they are therefore contraband of war. As such, he has the legal right to impound the slaves just as he would have the right to impound cannons or muskets should these items fall into his hands.

CARY. Contraband?

BUTLER. Materials used for prosecuting the war. It's quite clearly defined in the Articles of War.

Cary is outraged, claiming that Butler is twisting the law, which never intended for slaves to be regarded as contraband. He demands that Butler negotiate in good faith, as a gentleman.

BUTLER. A gentleman? Do you have any idea what it even means to be a gentleman?

CARY. Indeed, a gentleman...

BUTLER. I know how that word is used in the South. I am familiar with the concept of the "Gentleman Farmer." As



far as I can tell, a Southern gentleman is a man who is too lazy to work.

CARY. You try my patience, sir.

BUTLER. I don't believe I care about trying the patience of a hornswoggling jackanapes!

CARY. A gentleman would not resort to petty insults!

Butler promises to negotiate in good faith if Cary will now be sociable and drink a glass of sherry with him. Cary accepts Butler's offer this time. However, when Butler raises his glass and makes a toast to the United States of America, Cary realizes he is being trapped into showing loyalty to the Union. He furiously throws his glass against the wall. Whereupon Butler directs Lieutenant Kelly to blindfold the Major and show him out.

Scene Five

A day later. General Butler has been struggling to write an official report to the Secretary of War justifying his legal theory about contraband. Until he can successfully do that or come up with a better theory to explain why he is keeping three slaves in his fort, he realizes that he must contain the situation. He therefore calls Mallory and Lieutenant Kelly to his office and orders them to keep their mouths shut about what happened yesterday with Major Cary. And, above all, they are not to use the word "contraband," which he fears could get him into serious trouble with the government.

Mallory is confused. He wants to know why he isn't in the custody of Major Cary now. Does that mean he is a free man? Butler quickly points out that Mallory is not a free man. For the time being he will simply be working for the Union Army, doing the same thing he did for the Confederate Army -- building fortifications.

MALLORY. So, who owns me now? You?

BUTLER. No!

MALLORY. Well, if I'm not a free man, somebody owns me.

BUTLER. The Union Army.

MALLORY. The Union Army owns slaves now? You sure Mr. Lincoln is going to be all right with that?

BUTLER. No, sir. Not slaves but... (To Kelly) For God's sake, Lieutenant, help me. With all that West Point training can you not explain this to him?

KELLY. Well, I believe I could, sir, only...

BUTLER. Only what?

KELLY. Permission to use the word "contraband," sir!

Butler, frustrated, permits Kelly to use the word, but only for a maximum of three minutes. The Lieutenant explains to Mallory that because he was used by the Confederate Army to build military installations, he is therefore considered an implement of war. The Union Army, under the Articles of War, can therefore lawfully impound him as war material, declaring him contraband.

MALLORY. (Tests the word.) Contraband. (To Butler) I'm contraband?

BUTLER. Well, that is the legal theory, yes...

MALLORY. So, I am not a slave and I'm not a free man and I can't say that I am contraband. What should I say I am?

BUTLER. Why do you have to say you are anything? I don't walk around telling people I'm a Presbyterian. Just keep your mouth shut.

They hear a ruckus going on outside in the yard, so Lieutenant Kelly leaves the office to see what the problem is. Mallory reveals to Butler that he is married and warns the General that his wife Fanny, as soon as she hears that he is contraband, will come to the fort wanting to be contraband too.

BUTLER. Do you have any other relatives I should know about?

MALLORY. No, sir. Only, that doesn't matter. Because once the word gets out that I'm contraband...

Lieutenant Kelly bursts into the office. He informs the General that there are eight Negro slaves out in the yard, all claiming to be contraband. Butler is shocked that the word has gotten out so soon. He looks accusingly at Mallory.

BUTLER. Eight Negro slaves?

MALLORY. Are you accusing me of something? I didn't tell anybody! I was in your jail.

Mallory believes the word was spread by Major Cary. Butler goes angrily to the window and looks out into the yard. Mallory follows him, crowding the General at the window, hoping to see his wife Fanny outside.



BUTLER. Don't stand so close to me. Stand over there.
Your wife is not out there.

MALLORY. How do you know? You've never even seen her.

BUTLER. Is your wife six feet tall?

MALLORY. No.

BUTLER. Does she have a beard?

MALLORY. No, sir.

BUTLER. Is she ugly?

MALLORY. No, sir!

BUTLER. Well then, she's not there!

Mallory steps aside as Butler continues to gaze out the window. The General can't believe that eight slaves have already shown up at his fort.

BUTLER. Eight.

MALLORY. See. This is what I was trying to tell you.

Eight today. Twenty tomorrow. After that, who knows? This thing, well, it's not going to be a secret. Kelly wants to know what he should tell the slaves outside. Butler replies that the Lieutenant will not tell them anything yet. The General would like to drink a glass of sherry first and invites Kelly and Mallory to join him. He goes to the drinks table and pours three glasses of sherry.

MALLORY. General.

BUTLER. Yes, Mr. Mallory?

MALLORY. I would like to propose a toast.
(He raises his glass.)

Gentlemen...
(Kelly and Butler raise their glasses.)

MALLORY. To contraband.

KELLY. Hear, hear.
(The three men clink their glasses as the lights fade.)

Selected Vocabulary

obnoxious – unausstehlich

Lieutenant Kelly finds Mallory arrogant and obnoxious.

convoluted – verworren

General Butler is astonished that Mallory can use words like "convoluted."

loophole – Schlupfloch

Mallory believes lawyers can always use convoluted reasoning to find loopholes in the law.

humiliation – Demütigung

Major Cary expresses his anger and humiliation at being blindfolded.

condescension – Herablassung

General Butler is irritated by Major Cary's condescension and arrogance.

impound – beschlagnahmen

General Butler claims he can impound slaves as contraband (Kontrabande) under the Articles of War.

Hornswoggling jackanapes – unverschämte Person

General Butler calls Major Cary a hornswoggling jackanapes.

ruckus – Krawall

There is a ruckus going on outside in the yard of the fort.

Study Questions

1. When and where does the play take place?
2. What is the slave Shepard Mallory seeking at Fort Monroe?
3. Who is the commanding officer at Fort Monroe?
4. Why doesn't Lieutenant Kelly like Shepard Mallory?
5. Why can't General Butler grant Mallory asylum?
6. What was Butler's profession in civilian life?
7. Why does Mallory refuse Butler's offer to let him escape to the North?
8. Why does Major Cary come to Fort Monroe?
9. How does Butler justify granting asylum to Mallory and his two companions?
10. Why doesn't Butler want Kelly and Mallory to use the word "contraband"?

For Discussion or Written Work

1. Describe the moral dilemma facing General Butler.
2. Discuss the author's use of humor in the play. Do you think humor is appropriate when dealing with serious subjects?
3. How does the author debunk stereotypes about Negro slaves in creating the character of Shepard Mallory?

Answer Key

1. At the beginning of the American Civil War at Fort Monroe in Virginia. 2. He is seeking asylum. 3. Major General Benjamin Butler. 4. He finds Mallory arrogant and obnoxious. 5. Because it is against the law. 6. He was a lawyer. 7. He fears he will be captured. 8. To collect Mallory and his two companions and return them to their owners. 9. He claims that they are contraband of war. 10. He fears that if the word gets out, he could get into trouble with the government, and that additional slaves could show up at the fort claiming to be contraband.