



University
of Glasgow

Selfe, M. (2011) '*Intolerable flippancy*': *the Arnot Robertson v. MGM libel case (1946-1950) and the evolution of BBC policy on broadcast film criticism*. *Historical Journal of Film, Radio and Television*, 31 (3). ISSN 0143-9685

<http://eprints.gla.ac.uk/51749>

Deposited on: 14 June 2011

‘Intolerable Flippancy’: The Arnot Robertson v. MGM libel case (1946-1950) and the evolution of BBC policy on broadcast film criticism

Melanie Selfe, University of Glasgow

Abstract

This article examines the ultimately unsuccessful libel case brought by the novelist and BBC film critic E. Arnot Robertson against Metro-Goldwyn-Mayer. The action followed a letter the film company sent to Robertson’s employer in 1946, asserting she was ‘out of touch’ with public taste, excluding her from their press screenings and requested the broadcaster’s assistance in preventing her from reviewing further MGM films on air. Robertson charged the film company with libelling her professional competence and imperilling her earnings. This article explores the origins and outcomes of the ensuing three-year legal dispute.

Drawing on trade journals, law reports, press coverage and BBC records, the article considers the contrasting models of the ‘audience’ underpinning the wider conflict between the film trade and the ‘quality’ critics. It explores the role of BBC policy and ‘broadcast style’ in making radio criticism a flashpoint and traces the specific circumstances that led the two parties into court. Finally, it considers the lasting legal and cultural consequences of the case. *Turner (Robertson) v. MGM* redefined the legal meaning of ‘fair comment,’ it reshaped BBC policy on broadcast criticism, and shifted the consensus on what constituted responsible and professional criticism – making wit a less respectable critical tool.

Introduction

On the 27 September 1946 Metro-Goldwyn-Mayer sent a strongly worded letter to the British Broadcasting Corporation's Director of Talks. In the course of outlining their objections to a negative review of their major new release, an adaptation of A.J. Cronin's Scottish coming of age tale *The Green Years* (Victor Saville, MGM; US, 1946), MGM asserted that one of the BBC's most regularly used film critics, E. Arnot Robertson, was 'completely out of touch with the tastes and entertainment requirements of the picture going millions who are also radio listeners.' They declared her reviews 'unnecessarily harmful to the film industry' and barred her from their press screenings, requesting the public service broadcaster's co-operation in ensuring that she did not review any more of the studio's films on air.¹

Trade resentment of British film criticism in general, and the BBC's output in particular, had been escalating throughout the 1940s, and MGM's letter was only the latest in a string of complaints levelled against the broadcaster's film critics by American and British companies alike. But when Robertson responded by charging MGM with libelling her professional competence and imperilling her earnings, the conflict turned into a three-year court battle (conducted under Robertson's married name, Turner). In the initial hearing, the jury found in Robertson's favour, awarding her £1500 damages in July 1947, but a year later, following a clarification of the legal meaning of 'fair comment', the Court of Appeal found for MGM.² The Critics' Circle immediately launched an appeal to cover her costs,³ giving Robertson the means to continue her fight to the House of Lords (the highest court in the English & Welsh legal system),⁴ but the revised verdict was upheld in February 1950.⁵

At present, Turner (Robertson) versus MGM is most notable as a contribution to defamation case law.⁶ Where the incident is mentioned within British film history, it

appears only cursorily, invoked as indicative of British critics' attitudes to mainstream American cinema and of Hollywood's ruthless attempts to dominate the UK market by silencing them.⁷ However, closer examination of the evidence reveals that this is only one aspect of the story. What had begun with Robertson's public assertion of the critic's right to criticise would, through MGM's line of defence, be transformed into a public debate about the substance, style and performance of film criticism itself.

The case turned the spotlight of the national press towards an ongoing dispute between the film industry and those whom the trade papers derisively termed the 'lay' press critics. This gave a public platform to questions normally confined to trade and specialist circles. What was the purpose of film criticism? What constituted its responsible and professional conduct? Who was its audience and how did that relate to the audience for cinema? And what were the particular responsibilities of the national broadcaster, in respect of film, the industry and critical freedom?

This article will draw on a range of archival and published sources in order to investigate the public and private layers surrounding the Robertson v. MGM conflict, illuminating both the wider context and the chain of events which led these two parties into court. It will demonstrate that the influence the trade exerted over criticism was more nebulous, complex and effective than the high profile but crude attempts at censorship by press show ban. To this end, I will reconstruct the models of 'the audience' implicit within the dispute and consider the ways in which the competing forces of industry demands and editorial practice began to reshape the tone and content of film criticism on the BBC. Through examination of the trade journal *Kinematograph Weekly*, I will outline the reasons for MGM's particularly confrontational position. Through the written records of the BBC Talks Department, I will demonstrate the ways in which the BBC's evolving policy on broadcast reviews worked to focus and magnify

the trade's more general concerns about film criticism and I will show how broadcaster's employment practices played a part in provoking the ultimately unsuccessful legal action taken by Robertson. Finally, I will consider the way in which the conduct and reporting of the case not only represented the existing debate but also reconstituted it, redefining what counted as responsible film criticism during a period that saw the fortunes of the trade decline and the ambitions of the specialist cinema movement grow. Specifically, I will posit that Robertson versus MGM helped to recast the use of wit in review practice, transforming it from a legitimate critical tool to a form of low comedy.

Putting the Conflict in Context

The film industry defined film criticism written for the general public (as opposed to other facets of the film trade) as 'lay' criticism. Relations between the film trade and the British 'lay' press critics had always been acrimonious, but in the mid 1940s tensions reached new heights. As John Ellis has argued, for the critics who wrote for the British quality press – and this was predominantly the sector from which the BBC drew its film critics – the 1940s was a period of collective optimism. Encouraged by a crop of realist British features in the early 1940s, they had begun to express the shared belief that by promoting the 'quality film' they could improve both mass taste and the future of British feature production.⁸ This aim to elevate the mainstream of film and filmgoers not only echoed the activities of the rapidly expanding provincial film society movement (a specialist market hungry for film writing),⁹ it also resonated with the BBC's understanding of the educational potential of film criticism.¹⁰

Unsurprisingly, the 'lay' press critics' attempts at cultural uplift and their repeated appeals to the 'quality' audience were deeply unpopular with the film trade. These concerns were regularly reflected in the reports and editorials of the trade press.¹¹

While *Kinematograph Weekly* could acknowledge that a cultured address might be appropriate to a highbrow readership, the same traits observed in the popular press were another matter.¹² Moreover, as complaints about Matthew Norgate, aired at a meeting of the Manchester and Salford Cinematograph Exhibitors Association, attested, any sign that BBC reviewers were addressing their criticism ‘to a small section of the West End audiences’ was a cause for serious concern.¹³

At the heart of the arguments about what constituted responsible ‘lay’ film criticism stood two very different models of professionalism. These, in turn, were predicated on different understandings of ‘the audience’. For the critics who wrote for the general public in newspapers and magazines, the job of the film reviewer was to evaluate the film and deliver an expert and personal judgement of its worth to the reader (or listener) – possibly quite curtly if the film was considered to be of little merit. Although, the critics’ hoped to guide and change the public’s approach to cinema, the address of this model of criticism emphasised their status as a more immediate audience: a cultured and selective reader (or listener), who was in tune with and amused by the critical sensibility of the reviewer. In contrast, the trade’s conception of good ‘lay’ criticism expected each review to convey a sense of the film’s substance to the potential cinema audience, thus enabling the reader (or listener) to come to the opinion that the film might be to their own taste, even if the reviewer had strongly disliked it. This model fore-grounded the deferred audience: an entertainment hungry cinemagoer who used reviews as a means to an end, seeking information to help them decide whether and what to view.

The aspect of the overly ‘highbrow’ approach to film criticism that provoked the sharpest response was the use of ‘supercilious’ wit, particularly when coupled with what the trade deemed inappropriate brevity.¹⁴ Where, as Ellis has explored, during this

period films that were considered worthwhile might be discussed in terms of their essential truth, beauty and poetry,¹⁵ in contrast, reviews of films that had not inspired respect often relied very heavily on humour. This emphasised the role of a film review as an entertainment in its own right. As prominent theatre critic Ivor Brown observed within the BBC's house publication:

[T]he most expert and favourite writers of film-criticism have always been notable mainly for their gay depreciations and witty dismissals of the nonsense which flows so copiously before them. Film-criticism is (and has to be) three parts 'knocking', and knocking nonsense is not a form of criticism which endures.¹⁶

For Brown, a fellow critic working in a more established and uncontroversially respectable field, film critics' use of humour was viewed as simultaneously appropriate to the material and problematic for the profession of criticism. However, as far as the film trade was concerned, this 'flippant' style of writing was evidence of film critics' indulgent and irresponsible self-promotion at the expense of the industry that ultimately supported them. Such complaints became a running theme in *Kinematograph Weekly's* editorial 'Longshots' and satirical 'Screencomber' columns throughout the 1940s,¹⁷ escalating significantly in response to a series of broadcasts made by Robertson in 1945. The Kinematograph Renters Society were particularly angered by Robertson's jokey suggestion that listeners could 'switch off until after the one o'clock news' following the first two reviews, as it implied that the week's other releases were not even worth knowing about.¹⁸ This incident followed a report, the previous month, that two UK based American film chiefs had brought Robertson's broadcasts to the attention their superiors during the visit of a fifteen-strong trade delegation from Hollywood. Although not named, the involvement of Samuel Eckman, Chairman and Managing Director of MGM's British operation, seems highly likely here. *Kinematograph Weekly's* editorial sympathised with the industry position:

This isn't by any means the first time of late that I've heard complaints at a high level at the rather cavalier way in which that exotic brand of geniuses known technically as "lay critics," has been treating this much punched business of ours.

After all, it is a little galling for a man whose company has risked a fortune on a film to hear it dismissed as tripe in two or three sentences – studded by pearls of wit as those sentences may (or may not) be.¹⁹

Quality, Prestige and The Lion's Roar

E. Arnot Robertson was not the first recipient of an MGM press-screening ban; that honour had gone to Dilys Powell, the critic of the *Sunday Times*, in 1941. In both incidents, Eckman's anger was fuelled by the fact that MGM prided itself on the high standards of its films. In the complaint against Powell, the main issue was not the mocking attack on the RAF drama *Flight Command* (Frank Borzage, MGM; US, 1940) that had directly prompted the letter, but Eckman's lingering resentment over Powell's 'insulting' treatment of the studio's most 'important' film, *Gone With the Wind* (Victor Fleming, MGM; US, 1939), one year previously.²⁰ As Ellis examines, the lay critics' conception of a 'quality film' stood in striking opposition to the trade's equivalent, the 'prestige film'. Above all else, British 'lay' press critics valued realism. This meant they prized the emotional and aesthetic restraint of films such as *Brief Encounter* (David Lean, Cineguild; UK, 1945) and *Millions Like Us* (Sidney Gilliat and Frank Launder, Gainsborough Pictures; UK, 1943), and they attacked the inflated budgets and tear-jerking manipulations of the films that the trade widely regarded as its highest quality offerings: American 'prestige' pictures and those British films that aspired to compete with them.²¹

As Chris Cagle has argued, during the 1940s Hollywood was beginning to reconfigure its understanding of the prestige picture. A series of ambitious and critically acclaimed social problem films, including *Lost Weekend* (Billy Wilder, Paramount; US,

1945) and *Crossfire* (Edward Dmytryk, RKO; US, 1947) mark the transition between the 1930s and 1950s models of 'prestige.' In the earlier definition, 'prestige' was essentially a production category, turning pre-sold properties (such as successful novels and plays) into respectable 'A' pictures with high production values and starry casts. By the 1950s, 'prestige' was increasingly about a film's visible reception, with lower budget dramas, such as *Twelve Angry Men* (Sidney Lumet, Orion-Nova Productions; US, 1957), actively courting critical acclaim.²² However, during the 1940s, MGM's prestige releases, including *The Green Years*, still followed the 1930s production category model.

The Green Years was also an example of what Mark Glancy has termed the Hollywood 'British' film. These utilised a British narrative and a mixture of British and American talent, and became something of an MGM speciality during the war.²³ Examples such as *Mrs Miniver* (William Wyler, MGM; US, 1942) were hugely popular with British audiences and widely recognised for promoting a positive, if patrician, image of British life to an American population still unsure of the case for war.²⁴ However, any film the UK critics judged to be inauthentic in its representation of a British source or setting faced particularly harsh treatment. Therefore, these films received mixed UK reviews, at best.

By September 1946, the exasperation of British MGM had reached a new pitch. When *The Green Years* was 'slammed' by the 'usual section' of the 'lay press critics', British MGM's Publicity Director, Mervyn McPherson, used 'The Lion's Roar', their regular advertorial page in *Kinematograph Weekly*, to rail against this attempt to 'mould public taste into something much higher and nobler than it is now!'²⁵ Writing as 'Leo', he charged that if the critics had their way, the 'public's annual quota of film entertainment' would consist of 'Three American Films (the sort that sizzle with

wisecracks, and have no love interest); Three British Films; Four Foreign Language Films' and 'Unlimited Documentaries'. Moreover, the piece went on to assert that good notices from 'this coterie' were actually something to be feared: an indication that a film lacked love, romance and such old fashioned values as religion, and would consequently have no box-office potential. Notably, the advertorial cited three highly successful, sentimental pictures, tailored to the female audience, as evidence that a critical drubbing did a film no harm at all: *Random Harvest* (Mervyn LeRoy, MGM; US, 1942), [*The Song of*] *Bernadette* (Henry King, Twentieth Century Fox; US, 1943) and *The Bells of St Mary's* (Leo McCarey, Rainbow Productions; US, 1945).²⁶

The fact that MGM felt the need to spend their trade advertising space on berating and discrediting critics demonstrated that, whatever their protestations, the film company still desired good critical opinion and feared the sway it held with others. Moreover, the attack on the reception of *The Green Years* was an attempt to manage an expectation largely of MGM's own making. Throughout the mid 1940s, MGM was by far the biggest advertising presence on the pages of *Kinematograph Weekly*. In the normal pattern of their trade-to-trade advertising within the publication, the company liked to make extensive use of review quotes. Awareness of major releases was built up over a number of weeks through full-page internal adverts and frequent issue covers. Within the UK, MGM sold its films on a percentage booking basis,²⁷ and in promoting a film to British exhibitors, pre-release trade advertisements would boast glowing stateside reviews and big US box-office. These ads would ideally be followed up in subsequent issues with the UK equivalents, demonstrating British critical acclaim and then one or more successful weeks at the Empire, MGM's flagship theatre in the West End of London.

US critics shared many of the preferences of British reviewers,²⁸ but they also had a higher tolerance for sentiment and an understandably lower sensitivity to matters of British cultural authenticity. This meant that while *The Green Years* would prove capable of excellent box office in both countries (a fact MGM was not shy to boast as the 1947 hearing approached),²⁹ there was considerable difference between the British and American reviews.³⁰ MGM had already quoted US reviews that emphasised the film's fidelity to its Scottish source,³¹ thus drawing attention to a core area of disagreement. Consequently, by highlighting the discrepancy between popular and critical British reception, 'The Lion's Roar' aimed to quash the potential inference that the film might be to American tastes but less suited to the UK market.

In their 26 September 'The Lion's Roar' attack (which would be presented in court by Robertson's Counsel as evidence of the film company's malice), MGM had grouped the offending 'lay' critics together. However, Robertson alone was singled out for a press show ban. In order to understand MGM's particular frustration with Robertson's broadcasts, it is necessary to consider the use that the film company had hoped to make of the BBC's film coverage throughout the war and the ways in which this had been thwarted by the broadcaster's policy. As MGM had explained to British exhibitors in May 1941:

With newspaper and other periodicals cut down to a minimum in space because of paper restrictions, the radio, with its enormous public, is becoming an increasingly valuable medium of publicity for the films – the catch being that the B.B.C. give anything that savours of obvious advertising a very wide berth.³²

As Su Holmes has explored, feature slots were the film trade's preferred type of broadcast exposure.³³ However, before the post-war stratification of radio and the resumption of television broadcasts, there were very few spaces on the BBC for such uncritical and populist presentation of film.³⁴ This meant that reviews remained the

most important type of BBC film related broadcasts throughout the war, during which time the Corporation had an effective monopoly on the British airwaves.³⁵

Despite the acknowledgement that airtime could not be nakedly bought, in 1941 MGM had asserted that the studio could expect continued favourable BBC coverage, due to the outstanding ‘intrinsic entertainment quality’ of their films.³⁶ By 1943, however, an unusual letter to the Director of Talks from the BBC’s New York office hinted that there might be some acknowledgement and discussion of contrasting British and American ‘traditions of sentimentality’ in the US – and that MGM publicity staff were making diplomatic attempts to manage the problem. The letter requested special treatment of an MGM film, *The Human Comedy* (Clarence Brown, MGM; US, 1943), for the sake of the war effort,³⁷ but while the film did not receive a special advance broadcast review,³⁸ the fact that senior BBC staff in the US had advocated it may have encouraged the London MGM office to feel entitled to more sympathetic treatment from the broadcaster.

Film Criticism on the Air

The BBC’s patrician tastes and remarkable reach clearly concerned the trade, but they were not the only reasons that the organisation’s film criticism drew so many complaints. Once again, at the heart of the matter lay a particular understanding of ‘the audience.’ In their letter barring Robertson from their press screenings, MGM had invoked a single ‘mass’ culture, readily conflating the film going and radio listening ‘millions’.³⁹ However, with the development of its Listener Research Unit in 1937, the BBC had become increasingly sensitive to the range of its audiences.⁴⁰ In relation to the Talks Department, Paddy Scannell and David Cardiff argue that this created deep anxieties about how to address different kinds of talks to different kinds of listeners. Under the leadership of Sir Richard Maconachie, who they depict as presiding over an

unhappy culture of anxious diplomacy,⁴¹ Talks producers began to move away from the didactic style of delivery, which had marked the early 1930s, and became increasingly concerned with defining and perfecting an approachable ‘broadcast style.’ The quest for this contradictory combination of carefully scripted informality and a delivery that enabled the ‘real’ personality of the speaker to ‘shine through their words’ resulted in a heavy editorial hand.⁴² It also meant that the casting and production practices applied to film talks tended to emphasise the aspects of ‘lay’ film criticism that most concerned the film trade.

The drive for a populist address was further magnified by the way in which the BBC reconceptualised the nature of audience attention during the war. As Siân Nicholas has outlined, the old ideal of the individual or family ‘listening in’ at home was replaced by the need to cater to the more casual, background listening that was taking place in the busy communal spaces created by war, such as barracks and mess halls.⁴³ This resulted in the development of a ‘light entertainment’ style of programming on the new Forces Service, which was designed to be dipped in and out of and which quickly proved popular, not just with its intended audience but also with the civilian population.⁴⁴ When the main fifteen minute film review show, *The Fortnight’s Films*, went weekly and was moved across to the Forces Service in July 1942 (In February 1944 it was returned to the Home Service retaining the new, ten minute, *The Week’s Films* format.), the importance of achieving the right address for collective listening was pressed upon C.A. Lejeune, the popular *Observer* and broadcast critic selected to head the move.⁴⁵

Film talks, which achieved a conversational ‘broadcast style’, were necessarily chatty and anecdotal. As well as the inappropriate use of wit, this led to accusations of irrelevance and digressions. By 1944 the problem was giving rise to internal debate.

One staff member argued that Matthew Norgate ‘wasted a good deal of time on being Matthew Norgate, and on being intimate, and on apologising for the fact that he hadn’t got very much time to talk about the films’ instead of ‘telling us which films to see and which films are released.’⁴⁶ However, the programme’s producer, Godfrey James, disagreed, defending Norgate’s anecdotal and personal broadcast style: ‘doesn’t it all help to emphasis the fact that he is just Matthew Norgate – one amongst the many who go to see the films?’⁴⁷

Although James invoked the critic as everyman, BBC broadcasting practices clearly fostered the promotion of critics as entertainment personalities, and in the case of some film reviewers, including C.A. Lejeune and E. Arnot Robertson, celebrity status could be further reinforced by their appearances on the Corporation’s popular entertainment shows, such as *The Brains Trust* (also known as *Any Questions*). The BBC’s use of Robertson, however, was particularly prone to attract charges of personality over professionalism. Unlike the other major contributors to *The Week’s Films*, she was not an established print critic when she joined the BBC’s roster of reviewers. This outsider status made her more vulnerable to attack from the trade than the experienced critics, such as Lejeune, Norgate and Powell, whose tastes the industry also judged too high-brow for the national radio audience.

Robertson’s reputation was as a novelist and general radio broadcaster, and her unconventional entry into film criticism arose as a combined consequence of the ‘broadcast style’ agenda and the BBC’s nervous attempts to placate the trade through a policy of critic rotation. In the remainder of this section I will examine in detail how the presence and absence of explicit BBC policy about the casting and content of film talks can be seen to shape and fuel the conflict.

*'A Film Critic is a Difficult Fish to Catch'*⁴⁸

As noted, during the mid 1940s the BBC did not employ a single staff reviewer. Instead they contracted a selection of critics to broadcast for between four and twelve consecutive Sunday shows.⁴⁹ The critic rotation policy had its roots in the late 1930s, when Talks Department staff used a series of 'guest critics' during the summer period, primarily as a means to train, audience test and select the next regular BBC reviewer. The use of a range of guest speakers was also tentatively envisaged as a means to meet the needs of different kinds of film talk listeners.⁵⁰ However, as trouble with the trade escalated in the early 1940s, it was increasingly seen as a diplomatic tool in the Corporation's relationship with the industry. In late 1942 the Governors began to insist upon the more regular rotation of 'several' critics, proposing that the maximum consecutive run for any speaker should be five broadcasts.⁵¹

What had begun as an aid to editorial control now became a major logistical problem for *The Week's Films* production staff. Following arguments about the length of time required to develop a broadcaster properly and build up an audience for them, the Governors conceded to the use of six and twelve week runs.⁵² Nonetheless, throughout the war the Talks Department struggled to find enough reviewers they considered to be both knowledgeable, intelligent critics *and* engaging appealing broadcasters, with many of the best male critics deemed to have particularly dull or pompous voices.⁵³

These recruitment difficulties were further exacerbated by the limited attractiveness of what the BBC could offer. They required someone with the flexibility to attend press shows on up to four days per week,⁵⁴ but the intermittent short contracts and poor pay meant that no one could earn a living from BBC reviewing alone.⁵⁵ When the usual channels failed,⁵⁶ and a period of ill health removed Lejeune from the rota,⁵⁷

they began to reach beyond professional film critics in search of flexible, regular contributors.⁵⁸

As a freelance writer and experienced broadcaster who had worked for the Ministry of Information Films Division during the war, Robertson fitted the bill very well.⁵⁹ She had already undertaken a variety of work for the BBC as a scriptwriter (including for the Talks Department, the Schools Department and on *The Robinsons* – the UK's first soap opera), and she also had considerable microphone experience, having both delivered her own scripted material (book reviews, short stories and talks on topics of general interest) and taken part in unscripted debates.⁶⁰ Therefore, although there were some concerns that she was a novice film critic, her 'quick and lively imagination' and proven track record as a broadcaster won the day.⁶¹ After a few trial talks and positive Listener Reports, she was confirmed as a better option than the far more expert *News Chronicle* film critic, Richard Winnington, whose broadcasting skills were deemed lacking.⁶² By 1946, Robertson had become one of the BBC's more frequently used reviewers, and the prestigious role had also enabled her to secure the job of film critic for the *Daily Mail*.⁶³ This afforded her the opportunity to write occasional pieces for more specialist film publications and develop her profile as a public speaker about film.⁶⁴

As a means of tempering the trade's charge that the BBC critic wielded disproportionate power,⁶⁵ critic rotation was not a success.⁶⁶ There was still only one voice pronouncing on each film, and avoidance of the 'evil consequences' of longer speaker runs required careful editorial attention.⁶⁷ Moreover, while the rotation policy does not appear to have been clearly perceived as such by the industry, probably as a result of its continuous mutation and imperfect execution, film companies and the trade press were keenly aware that there was a turnover of BBC critics that they might be able

to influence. Through letters of direct complaint and trade press commentary, industry voices not only attacked the offending critics, they also explicitly praised others, urging the broadcaster to make more use of the reviewers considered to be fair and professional in their treatment of entertainment films. Lillian Duff was admired for her work on the Forces Programme's *Weekly Newsletter*.⁶⁸ Ewart Hodgeson of the *News of the World* and Jympson Harman of the *Evening News* were both considered to be in tune with popular taste in their print reviewing, and their radio appearances were therefore warmly welcomed.⁶⁹

From the contributing critic's perspective, rotation, and its predecessor, the deployment of 'guest critics', was perceived as a means by which the BBC exerted control. Securing further batches of talks was dependent on a mixture of the production team's perception of the work and the Listener Research responses, which were carefully monitored.⁷⁰ These explicitly asked panel members to rate the film reviewers' broadcasts against each other.⁷¹ However, even with good audience figures and listener comments behind them, those who had drawn industry criticism felt particularly vulnerable.

The BBC was routinely robust in defence of its critics but also liked to handle trade complaints with the minimum of publicity. Moreover, while in its attempts to avoid excessive aggravation of the industry, the broadcaster might strategically 'rest' controversial critics, it certainly could not be seen to do so. Critics were aware of this tension and, if necessary, willing to exploit it, as demonstrated by a letter from Matthew Norgate in November 1941. Feeling that he had been 'threatened' with a 'spell of guest critics', Norgate wrote to the Assistant Director of Talks, Norman Luker, highlighting the fact the BBC's confidential response to a complaint from the CEA had been published in the trade press.⁷² Norgate framed an early changeover of critic as a

potential threat to own professional reputation;⁷³ however, in drawing the press report to the attention of his employers, he was clearly aware of the BBC's need to protect their reputation as an upholder of critical freedom. The latter was probably the larger factor in the Talks Department's decision to delay the start of the guest critics' talks and create a sufficient 'lapse of time after the dispute with the Exhibitors [...] to prevent any misunderstandings'⁷⁴

'Nothing Good'

Another factor aggravating tensions between the BBC and the trade was the contradictory guidance given to film critics in the early 1940s – and its eventual revision in 1945. The move away from the didactic talks style of the early 1930s saw a greater emphasis placed on 'ordinary man' new release guides over the more 'intellectual' and topical talks about the cinema.⁷⁵ By the early 1940s, film reviewing dominated the department's film talks output. However, there were still only two core rules guiding the content of film reviews: firstly, 'no film should be singled out for treatment merely to give the critic an opportunity to be clever'; secondly, 'if nothing good could be said of a film it should be ignored unless it were one that a listener might reasonably expect to hear about.'⁷⁶ As critics struggled to create entertaining, approachable talks that managed the tension inherent in the second rule, they often fell foul of the first.

Critics were given freedom to select the films they wished to discuss and were expected to give their honest judgement. However, where a minor or less respectable film could be completely ignored, a critic's dislike of a major entertainment or 'prestige' picture was much more problematic as this fell into the category that a BBC listener might reasonably expect to hear about. Attempts not to dwell on the bad resulted in cursory mentions of very major features. At their least offensive, these

merely noted the title and stars of a film, but these accounts were somewhat flat and interrupted the chatty flow of the talk. Another way of dealing with the situation was to use the film to critique a wider trend in cinema. This harked back to the more general film talks of the 1930s and satisfied the BBC's pedagogic impulse.⁷⁷ However, such general criticisms not only attracted complaints about the treatment of the example film, they also worked to unite the trade in the view that 'the trend of criticism by B.B.C. speakers was not an examination of films and their entertainment value so much as sarcastic sneers at the industry as a whole'.⁷⁸

When an attempt to enliven the brief dismissal of the '£500, 000' release, *Cover Girl* (Charles Vidor, Columbia; US, 1944) resulted in Norgate receiving a press ban from Columbia,⁷⁹ the BBC were prompted to clarify the legal position on critics reviewing films without an invitation.⁸⁰ The conclusion of the Corporation's lawyer was that a critic's status as the invited the guest of a film company at a press screening did not confer any additional freedom to criticise or protection against possible libel action. Thus, the absence of a press show invite made no legal difference.⁸¹

In their response to Columbia, the BBC backed Norgate's review as 'fair comment'.⁸² Norgate finished his run of talks, and following a glowing print review that he gave to another of Columbia's titles, his press show invitation was soon reinstated.⁸³ However, the fact that Norgate had omitted factual details in his broadcast and made a significant alteration to his approved script was nonetheless considered problematic. Before using him again in the winter of 1944, incoming producer, Trevor Blewitt, made it clear that Norgate's re-employment on the series was expressly dependent upon avoiding 'flippant and clever' writing and accepting a firmer editorial hand.⁸⁴

Blewitt also began to advocate the more regular use of Dilys Powell, who (having tempered her own use of wit since her MGM ban) had expressed a willingness

to work within the new editorial direction.⁸⁵ While Powell was widely acknowledged as an excellent critic with a ‘flair for detail’ and an ability to ‘recreate a scene’,⁸⁶ this move over-rode producer reservations, expressed just a few months earlier, that her microphone performance lacked the spontaneous ‘warm’ and ‘friendly’ qualities judged necessary for audience ‘appeal.’⁸⁷ As such, it demonstrated the beginning of a shift in the relative importance accorded to the technical quality of criticism versus approachable broadcast style.

Crucially, the Columbia incident also led Blewitt to develop a more explicit set of guidelines, which were issued to new critic, Robertson, in August 1944. These expanded the existing rules to a five-point list. Point three detailed what to do in the event of a ‘bad’ film which was too big to be ignored: ‘if it is a film that a film company has spent a significant amount of money on, the critic must be assured in his or her mind that it really is bad from start to finish and be prepared to argue the case with the film company.’ Point four proposed that reviewers must not let their own dislikes of particular types of films influence their reviews: ‘in the case of a musical, the standard of criticism should be that of a musical “fan”. Of course if it is bad from that point of view, the critic must say so.’ The final point cautioned against making film selections which might be considered esoteric or repertory focused: ‘the critic should select the most important new films and general new releases, generally speaking according to his or her own interest and taste, but not to the extent of ignoring a film which the public should and ought to hear about.’⁸⁸ In combination, these did not resolve the contradiction between the ‘nothing good’ rule and the coverage of films that the listener might expect to hear of. If anything, by limiting the critic’s freedom to talk about something else, they heightened it.

Having inherited the series in the midst of controversy, Blewitt applied a cautious and firm editorial hand, insisting under the ‘nothing good’ logic that Robertson cut her entire review of *Cobra Woman* (Richard Siodmak, Universal Pictures; US, 1944), despite the fact that she had tried to address the film on its own level and consider its intended audience.⁸⁹ The new editorial climate prompted Norgate and Robertson to complain internally about the restriction of their critical freedom. The BBC also risked the loss of a popular and useful critic, Lejeune, who did not really need the work and became reluctant to give any further film talks unless she could be ‘really free.’⁹⁰ Both Robertson and Lejeune’s complaints were thought to be ‘seriously intended’, whereas Norgate’s was considered ‘the outcome of temporary irritation.’⁹¹ Most problematically, however, the cries of censorship spread beyond the BBC and resulted in the Director General receiving a letter of complaint from the Screenwriters’ Association regarding industry influence and the ‘toning down’ of radio criticism.⁹² Blewitt’s reported suspicion was that this more formal complaint had originated with Robertson.⁹³ As she also wrote for the screen, and her background as a novelist meant she tended to expect a greater level of autonomy than the newspaper critic Norgate,⁹⁴ this seems highly plausible. Regardless of whether it was well-founded, this suspicion may have helped to chill the relationship between the BBC and Robertson.

The Screenwriters’ complaint led to a high level re-examination of film talk policy. Following an account of the status quo from the Home Controller, Maconachie,⁹⁵ the Director General, William Haley, made his recommendations. He stressed that while libel and blasphemy laws meant that no one could say ‘exactly as they pleased’ over the air, listeners were entitled to honest opinion and the BBC should ensure that criticism remained ‘free to the fullest extent possible.’⁹⁶ Noting that new film releases were a small and ‘well-defined body of material’,⁹⁷ which the public could

readily list, Haley argued that both the original ‘nothing good’ rule and Blewitt’s reworking of it were untenable.⁹⁸ He asserted that ‘the critic must deal with all the films the ordinary film-going public would expect him deal with, whatever he feels he can say about them’.⁹⁹

New guidance for critics was agreed and issued in February 1945, and as well as declaring the freedom to make negative criticisms (subject to editorial responsibility and normal legal restrictions), the introduction stressed that the purpose of the programme was to provide a guide to new releases for ‘the large number of listeners of differing tastes who are interested in films and film-going’. This formalised the shift away from the 1930s style of topical film talk, adopting something closer to the trade’s understanding of the appropriate scope for a film review show. In the four ‘guides to practice’, the emphasis on current content was reinforced by placing Blewitt’s fifth rule, regarding film selection, first. His fourth point, that critics should not be unduly influenced by personal predilections and should evaluate any film by the standards of its own category, was elevated to second place. The longstanding instruction that ‘no film should be singled out for treatment merely to give the critic an opportunity to be clever’ became the third rule, further specified to exclude such treatment of even just a ‘part of a film’. One final piece of guidance was added, addressing an issue which always provoked the trade: ‘Adverse criticism should not take the form of direct advice not to go to see a particular film, since this seems to be a matter on which the listener should be able to make up his own mind after hearing the critic’s comments.’¹⁰⁰

Towards Court

In her 22 September 1946 broadcast, Robertson did not advise filmgoers to stay away from *The Green Years*, but her full-length review (just over a fifth of the script) would not have been permitted under the old, ‘nothing good’ rule. The story was inherently

sentimental: an Irish Catholic orphan is sent live in to Scotland, and with the aid of his disreputable grandfather and an inspiring schoolmaster, he struggles to gain a scholarship to study medicine, overcoming many obstructions from his uncle and official guardian, a dour penny pinching Presbyterian, and finding love along the way. This provided particular provocation to Robertson, who identified herself as Scottish and found the mixture of kilts, caber tossing and ‘California sunshine’ amounted to ‘pseudo-Scottish whimsy.’¹⁰¹

‘The Lion’s Roar’ had positioned ‘religion’ as a universal value, but Robertson was sensitive to the film’s handling of Scottish sectarianism and thus cautioned that it had a ‘strongly Catholic theme.’ The film coupled young talent with a well-established supporting cast, but where MGM had run US press quotes heralding ‘one of the most satisfactorily balanced sets of characterisation ever assembled in one movie’ and a possible Oscar for Charles Coburn as the drunken Grandpa Gow,¹⁰² Robertson saw only crude caricature, considering good actors, Coburn and Gladys Cooper, wasted. Similarly, where MGM’s use of American reviews had framed the film as an ‘important’ and ‘distinguished’ product of the studio system, creating ‘deep sincerity’ and ‘a humanness that warms the heart’,¹⁰³ Robertson saw only formula and artifice, devoid of any trace of realism or emotional authenticity:

There isn’t one episode in this long film, running over 2 hours, which doesn’t strike a familiar note. A familiar note of cinema-going, I mean, not of human experience [...] when will Hollywood learn that to make everything larger, louder and lumpier than life is simply to diminish its effect?¹⁰⁴

Within days of McPherson’s letter to the BBC, journalists had heard about the ban, and Robertson, MGM and the broadcaster were all sought for comment. In the brief initial reports, published on the 2 October 1946, Robertson expressed her shock and concern, but *The Times* also noted that she intended to leave the matter for the BBC

to deal with.¹⁰⁵ In the *Daily Express*, MGM denied that the ban was a reprisal for a particular review and asserted that other film companies shared their opinion that Robertson was consistently negative and ‘anti-film.’¹⁰⁶ In a *News Chronicle* report published on the 3 October, Robertson attempted to make light of the situation, claiming it would save her from ‘seeing some of the silliest American films’ but stressed ‘the serious aspect’ of the ban: that ‘box-office consideration’ was ‘attempting to interfere with freedom of speech and opinion.’¹⁰⁷ The BBC offered no soundbites.

Where, facing a similar ban in 1941, Dilys Powell had been secure in her position and confident of her *Sunday Times* employer’s support,¹⁰⁸ in 1946, the BBC’s slow response and freelance employment practices placed Robertson in a more difficult position. By all accounts, she did not receive her copy of the original letter until the 3 October, as it had been sent to her c/o the broadcaster.¹⁰⁹ At this point she attempted to take control of the situation and began to embrace the role of champion of critical freedom in earnest. She wrote a letter to *The Times* (which was published on the 4 October), citing the concern of her ‘fellow-critics’ and reproduced McPherson’s letter in full.¹¹⁰ She also had her solicitors contact MGM directly to demand a public apology and reasonable compensation.¹¹¹ During this period the BBC still were working out their official position.¹¹² While they initially hoped to minimise publicity,¹¹³ it rapidly became apparent that this would not be possible and a press statement was released on 7 October, publically restating the sentiments of a private letter to MGM dated 4 October.¹¹⁴ The broadcaster expressed their continued ‘confidence in her ability and integrity as a critic’; they refused to comply with MGM’s request to “co-operate” by restraining her freedom to select films; and they noted that Robertson’s season of *This Week’s Films* would be completed as planned.¹¹⁵ However, by now, Robertson’s course of action was very publicly set. When MGM refused to withdraw the allegations,

Robertson instructed her solicitors to issue the writ,¹¹⁶ creating a situation in which the BBC would be unable to avoid further public controversy.

Film Criticism in The Dock

Having set out the professional interests and industry contexts surrounding the conflict, in this final section, I will explore the relationship between the legal outcome of the case and the presence of the dispute about critical practice in the wider public sphere.¹¹⁷

As the sequence of events leading to Robertson's writ demonstrates, national press attention was not ancillary to the dispute; it was a catalyst in the process. The news agenda had publically crystallised the principled stubbornness of both Robertson and Eckman, turning the situation from yet another critic/industry spat into a full-blown legal battle. Through the reporting of the case at each stage, it continued to play an active role, fore-grounding key personalities and positions, and helping to mark out the boundaries of a new consensus on critical practice.

Prior to the opening of the first hearing, before a special jury on 15 July 1947, the defence had scrutinised the scripts for all of Robertson's BBC criticism.¹¹⁸ Through cross-examination of the critic, coupled with Eckman and McPherson's defence testimony, both the style and substance of her broadcasts came under fire. While Norgate's radio reviews had drawn very similar trade complaints throughout the 1940s, in court, MGM's attacks on Robertson began to take on a personal quality, revealing the film company's gendered expectations of the performance of critique. In addition to the charge of 'intolerable flippancy', which might have been levelled a critic of either sex, Robertson was berated for deploying a 'charming but extremely cynical little laugh which she used to emphasis points.' The MGM testimony made good copy and was widely reported in the press, providing the quotes and keywords that were used to headline and subhead the story. These reports gave greater visual prominence to

MGM's increasingly sexist complaints about the tone and content of critical performance than to Robertson's concerns about undue corporate influence.¹¹⁹

Although Robertson's review of *The Green Years* had only given the romance a brief and neutral mention, in court, McPherson drew on evidence from her other broadcast reviews in support of his wider assertion that she disliked all 'sentiment and love in films.'¹²⁰ In doing so, he accused Robertson of a generic prejudice that potentially conflicted with the BBC's new rule about the need to consider a film by the standards of its category. McPherson claimed that while Robertson was capable of being a fully competent film critic, she did not allow herself to become one because she gave way instead to a rather intellectual form of self-exhibitionism. In this way, he attempted to establish an opposition between the artifice of witty, clever intellect and a more natural (and womanly) emotional response, aligning critical competence with the latter. This position should perhaps be understood in relation to the type of female audience that MGM sought with its prestige product, and their hope that female critics might be well placed to speak to these filmgoers. However, as Melanie Bell has observed, many female reviewers of this period, including Robertson, were keen to distance themselves from the image of the romance struck feminine fan. Instead they cultivated an emotionally reserved upper-middleclass professionalism, which made them even more critical of sentimentality than their male counterparts.¹²¹ MGM's defence was in many respects a direct attack on this concerted professional stance.

Although Robertson's protests that critics should not be 'box-office tipsters' gained some coverage, the aspect of her testimony that received the highest press profile (mostly within the more liberal papers) was her suggestion that, following MGM's letter, she had been 'completely dropped' by the BBC.¹²² The broadcaster had ensured that her 1946 season of *The Week's Films* was completed as planned, but by the point of

the July 1947 hearing she had received no further BBC work. Given how regularly Robertson had previously broadcast, across a range of programmes and wavelengths, Talks Controller Richard Anthony Rendall's testimony that this was 'just a coincidence' seems disingenuous.¹²³ Nonetheless, Justice Hilbery's direction to the jury (regarding damages for loss of earnings), that there was no evidence that Robertson had been dropped because of the MGM letter, was probably still fair.¹²⁴ In light of the Talks Department's earlier treatment of Norgate over the Columbia ban, Robertson's lack of broadcasts should properly be interpreted as the Corporation's nervous response to her *Times* letter and subsequent legal action, rather than a direct reaction to the MGM ban itself. Certainly, a BBC legal file and editorial correspondence regarding the wording of Robertson's remaining 1946 broadcasts demonstrate how uncomfortable the Corporation was about being involved in the case or having it referred to on air.¹²⁵

True to form, the BBC's handling of the issue remained driven by the need to avoid negative press. Following a suggestion from the Director of Talks in September 1947,¹²⁶ Robertson was invited to appear on the replacement for *The Week's Films*, a new multi-arts review show called *The Critics*. A variety of BBC work followed, and before the final hearing the Corporation could confirm that she had made a further nineteen assorted broadcasts.¹²⁷

Rendall's court appearance was reluctant, the result of a subpoena from MGM's defence.¹²⁸ Robertson's lawyers had sought to persuade the relevant film talks producer, Michael Bell,¹²⁹ to testify regarding the volume of supportive letters she had received from listeners.¹³⁰ However, although he was willing to take the stand,¹³¹ a combination of personal circumstances and managerial pressure conspired to prevent him from doing so.¹³² Following a subpoena, the head of Listener Research, Robert Silvey, prepared testimony for Robertson's side. This addressed the critic's general popularity with

listeners and Silvey's interpretation of a detailed Listener Report about one of her early *The Week's Films* broadcasts.¹³³

Although, Silvey was not ultimately called, the copy of the report held in the BBC legal file suggests that in 1944 the Talks Department had been very alert to a small number of suggestions that Robertson's delivery was perceived as hard, unemotional and insufficiently intimate. However, most comments were positive. Just as many respondents noted that her voice was clear and pleasant and many more praised her 'sound', 'shrewd', 'intelligent' and 'confident' style of criticism. 72% of the reporting listeners said that she gave them the kind of film criticism they looked for, and quotes illustrated that some middle-class listeners actively felt she shared their values. At least within the limits of their own research practices, this suggests that BBC had the measure of their audience for *The Week's Films* (who appear to have gone to the cinema rather less often than the average British person of the time). Robertson received a listener approval rating of 83%, equalled by only one other critic during the sample time period – the similarly controversial Matthew Norgate.¹³⁴

Although never aired in court or discussed the press,¹³⁵ this document highlights the way in which Robertson was caught between two conflicting populist agendas, in pursuit of two idealised audiences. Both the BBC and MGM required warmth and empathy from the critic, but where MGM hoped this would be directed towards the film, her employer needed her to use her critique of the film to generate a sympathetic rapport with the Talks listeners.

Outcomes and Conclusions

Ultimately, Robertson versus MGM was a misplaced fight that everyone lost. Its scope was far too narrow to address the real issues. Did a film company have the moral right to bar a critic from screenings for giving bad notices, thus forcing a choice between

professional honesty and the access they required to do the job? Should a responsible critic review entirely on the basis of their own elite taste, ignoring the box-office and the large audience it implied? The case could not begin to resolve these matters, but the process of airing them through the reporting of personal attacks associated with a particular legal conflict began to colour their wider public representation. Moreover, through the creation and framing of legal-precedent, Turner versus MGM would have lasting, if conflicting, consequences for film criticism.

Although MGM won the court battle, the legal clarification that their appeal had forced gave permanent ground to the film critics. The change in verdict hung on a point of law. All parties were agreed that MGM had the *legal* right to withdraw their press invitation, and because MGM needed to inform the BBC of the decision to un-invite Robertson, this created a situation of ‘qualified privilege’ where they were entitled to write to the broadcaster giving a reason for doing so. ‘Qualified privilege’ meant that it fell to Robertson to prove that, through the particular wording of the letter and their related actions, the film company had implied that she was an incompetent film critic and had demonstrated their malicious intention of damaging her reputation and career. In 1947, the jury had not considered McPherson’s letter to be ‘fair comment’, finding evidence of malice to support Robertson’s claim. However, both the 1948 appeal and the Lords hearing judged that the jury had received insufficient guidance and had erroneously interpreted ‘fair’ in its vernacular sense. To correct this, the Lords put on record that ‘fair’ did not imply that a comment must be considered ‘reasonable’, only that it should represent an honestly held opinion.¹³⁶ This meant an opinion could be passionately prejudiced, but as long as it was judged to be the writer’s true opinion and did not make false factual claims, then legally it was considered fair and without malice.¹³⁷ However, this logic would apply as equally to film reviews as to letters of complaint. This point

did not escape the attention of journalists once tensions between critics and trade began to escalate again in 1951.¹³⁸

Although clearly a personal loss for Robertson, the case was not an unequivocal win for her fellow critics either. The legal technicalities played out against the rapidly changing fortunes of the film industry, from boom in 1946 to decline in 1950.¹³⁹ While this background did not change the legal outcome, a growing sympathy for the industry was clearly discernable in the repeated judicial framings of the case, reinforcing the priorities of the judgements. This set the tone for the way in which the issue of critical style and responsibility was represented in the press at subsequent stages.

In his 1947 summing up, Justice Hilbery had questioned the degree to which the public chose the films ‘shovelled up at it’ for profit,¹⁴⁰ and presented wit as a legitimate tool of the professional critic, working in the public interest:

There is no reason, is there, why criticisms should be flat-footed and dull? May they not sparkle with wit? Does not wit sometimes point criticism in a way that nothing else can?¹⁴¹

By 1950, in contrast, there was considerably more sympathy for the film company’s right to take reasonable steps to defend its products and protect its financial interests. Drawing directly on the MGM testimony, Lord Porter noted that Robertson’s general approach consisted of ‘poking a good deal of fun at the films’ and considered it understandable that producers might think ‘such criticism was not only flippant, but failed to convey the substance of the film.’¹⁴² In Hilbery’s account, critical wit had been a literary rapier, expertly wielded against greedy profiteers; however, in Porter’s, it facilitated an infantile and unwarranted attack on a respectable industry. Thus, despite the fact that the wider legacy of Turner versus MGM would be to create a legal distinction between ‘fair’ and ‘reasonable’, through the language of Lord Porter’s 1950

exposition of the case, reasonableness was subtly but effectively inscribed onto MGM's position.

As the case drew to a close, national press reports wondered if the critics had enjoyed 'too free a run'.¹⁴³ A more general article on criticism in *The Listener* charged that wit made it 'fatally easy' for the critic to turn attention away from the artist's work and toward 'his own personality and skill.'¹⁴⁴ As the film society movement continued to grow, specialist film publications pondered the purpose and responsible practice of criticism at length, building new frameworks for increasingly 'cinematic' critical practice.¹⁴⁵ This created a positive 'pull' towards a more serious and expansive style of criticism, which complimented the judgemental 'push' away from flippancy.

While massive changes at the BBC in the late 1940s make it hard to delineate the impact of the case on the broadcaster, it is clear that both the litigious climate and Lord Porter's specific comments had an influence. Following the Lords ruling, the Corporation's solicitor noted that 'grossly exaggerated language' might be considered evidence of malice.¹⁴⁶ This consolidated existing concerns about the tone and delivery of criticism liable to anger the film and theatre trades. By September 1946, BBC radio broadcasting had been reconfigured,¹⁴⁷ and in the years that followed, the Light, Home and the overtly cultural Third Programme would offer increasingly stratified cultural coverage. Although it may have been a politically astute move to invite Robertson to contribute to *The Critics* following the 1947 hearing, her style was later judged 'not quite the weight' for the new Home Service review show.¹⁴⁸ Even in advance of Lord Porter's comments, guidance for contributors to the show (finalised in April 1948) addressed defamation law and expressly cautioned against the 'witty remark.'¹⁴⁹ In the context of *The Critics*, a nervous BBC increasingly came to regard critical wit as a particular type of 'grossly exaggerated language.' This left earnest criticism to be, by

default, the Corporation's working definition of 'honest' criticism. Dilys Powell's measured tones and meticulous approach were well suited to this more cautious mood, and she became a *Critics* regular.

A further comparison of the presence of these two critics across the BBC spectrum is illuminating. Both found work on radio and television entertainment shows, and following Robertson's death in 1961,¹⁵⁰ Powell was chosen to replace her as Frank Muir's team mate on *My Word!* However, it was Powell's approach to film criticism, focused on visual aesthetics, which found a place on the Third Programme. Robertson's recurrent concerns were with characterization, including the realistic representation of women, and during the 1950s she found regular BBC work on the Light Programme, including *Woman's Hour*. Notably, as Su Holmes observes, when the Corporation developed television shows about cinema in the 1950s, they only used male presenters, eschewing both female broadcasters and anything approaching film criticism.¹⁵¹

Although MGM's legal victory was somewhat Pyrrhic, through the press coverage of the case the consensus on responsible critical practice nonetheless began to shift in the industry's favour, and the doubts seeded by Eckman and McPherson's testimony had played a part in the shape this took. The charge that MGM had levelled at the critics' creative output was particularly cutting because it was the mirror image of the 'quality' critics' own common refrain against Hollywood: underneath the superficial celebrity and entertaining surface, the product lacked substance and quality. While the witty review continued in the mainstream press, provoking MGM to an advertising boycott in 1953,¹⁵² for the BBC and those film critics with highbrow aspirations, the conflict had made wit a less respectable critical tool.

Acknowledgements

This research was supported by an RCUK Fellowship and a Carnegie Universities Trust small grant. I am indebted to the expert assistance of staff in the following organisations: British Film Institute Library, the BBC Written Archive, The British Library Manuscripts Department, the Jerwood Theatre Library and the Margaret Herrick Library. Particular thanks go to Trish Hayes of the BBC WAC, for helping me to navigate the key sources, and my colleagues Christine Geraghty and Raymond Boyle, for their comments and support.

NOTES

¹ Mervyn McPherson to Director of Talks (DT), 27 September 1946. At this point, DT was Harman Grisewood, who had recently taken over from George R. Barnes. BBC Written Archive Centre, Caversham (hereafter WAC), R22/228.

² £1000 was for the libel in the original letter sent to the BBC and £500 was for the slanderous repetition of its contents, over the telephone, to a *News Chronicle* reporter. *Turner (otherwise Robertson) v Metro–Goldwyn–Mayer Pictures Ltd.* [1950] 1 All ER 449.

³ For an account of the internal conflict which lay behind the Critics' Circle's public support, see Melanie Selfe, 'Circles, Columns and Screenings: Mapping the Institutional, Discursive and Physical Spaces of Film Criticism in 1940s London', *Journal of British Cinema and Television*, forthcoming 2012.

⁴ *The Times*, 27 July 1948, p. 3. This announcement of the fundraising appeal appeared directly beneath the Law Report announcing the outcome, and estimated costs at £5000. By 1950, Robertson's husband Henry Turner thought the costs would fall between £8000 and £9000. *Daily Mail*, 7 February 1950, no page number. Clipping held in British Film Institute Library, Criticism Subject File (hereafter BFI Criticism SF). The Critics' Circle put the cost at £9,322. *Critics' Circular*, May 1950, held within the Elizabeth Dilys Powell Papers (hereafter DPC BL), British Library, Add. 87691.

⁵ The original Kings Bench court records have not been preserved, but the case can be followed through daily coverage within the Times Law Reports. The final House of Lords ruling includes detailed accounts and evaluations of the earlier stages of the case. *Turner (otherwise Robertson) v Metro–Goldwyn–Mayer Pictures Ltd*, Annotated version at [1950] 1 All ER 449. Accessed online at United Settlement on 23 April 2009, <<http://www.uniset.ca/other/cs3/19501AER449.html>>

⁶ Paul Mitchell, *The Making of the Modern Law of Defamation*, (Oxford, 2005), p. 181.

⁷ Ernest Betts, *Inside Pictures* (London, 1960), pp. 78-79. John Ellis, *Visible Fictions: cinema: television: video*, revised edition (London, 1992), p. 36. Audrey Field, *Picture*

Palace: a social history of the cinema (London, 1974), pp. 145-146. Neville March Hunnings, *Film Censors and the Law* (London, 1967), p. 147. Vincent Porter, *On Cinema* (London, 1985), p. 33. A recent exception takes an alternative approach, framing the case as an example of the sexism experienced by female critics: Melanie Bell, Film Criticism as 'Women's Work': the gendered economy of film criticism in Britain, 1945-65, *Historical Journal of Film Radio and Television*, 31:2 (2011), *insert page run*.

⁸ The Quality Film Adventure: British critics and the cinema 1942-1948, revised edition in *Dissolving Views: Key Writings on British Cinema*, ed. by Andrew Higson (London, 1996), pp. 66-93.

⁹ Melanie Selfe, The Role of Film Societies in the Presentation and Mediation of 'Cultural' Film in Post-war Nottingham (unpublished PhD thesis, University of East Anglia, 2007), p. 48. Although not comprehensive, BFI figures suggest that the number of film societies rose from 20 in 1944 to 203 in 1949.

¹⁰ Su Holmes, *British TV & Film Culture in the 1950s: coming to a TV near you* (Bristol, 2005), p. 53.

¹¹ *Kinematograph Weekly*, 1 January 1945, p. 4.

¹² *Kinematograph Weekly*, 23 November 1944, p. 4

¹³ *Kinematograph Weekly*, 3 August 1944, p. 13. This judgement on the address appropriate to different readerships echoes the way *Kinematograph Weekly* stratified cinema audience tastes in their assessment of the audience potential of films for different types of house. Robert James, *Kinematograph Weekly* in the 1930s: Trade Attitudes Towards Audience Taste, *Journal of British Cinema and Television*, 3:2 (2006), pp. 229-243.

¹⁴ How Should They Criticise, *Kinematograph Weekly*, 27 September, 1945, p. 15.

¹⁵ Ellis, The Quality Film Adventure.

¹⁶ Ivor Brown, In Search of the Critic, *B.B.C. Quarterly*, 1:2 (1946), pp. 42-46, p. 46.

¹⁷ See, for example, the editorial responding to the reviews of *Song of Bernadette* (Henry King, Twentieth Century Fox; US, 1943), *Kinematograph Weekly*, 23 November 1944, p. 4.

¹⁸ *Kinematograph Weekly*, 26 July 1945, pp. 4, 14.

¹⁹ *Kinematograph Weekly*, 28 June 1945, p. 4.

²⁰ McPherson to Powell, 2 April 1941, DPC BL, Add Ms. 87615.3.

²¹ Ellis focuses on the critics' evaluations of British releases, but the attitudes he outlines were the same ones that defined responses to films from elsewhere.

²² Chris Cagle, Two Modes of Prestige Film, *Screen*, 48 (2007), pp. 291-311. Robertson was a fan of *Twelve Angry Men*, and analysed the feature in a short film in the BFI's The Critic and the Film series: *The Critic and Twelve Angry Men* (Hazel Wilkinson, BFI Compilation Unit; UK, 1959).

²³ H. Mark Glancy, *When Hollywood Loved Britain: the Hollywood 'British' film 1939-1945* (Manchester, 1999).

²⁴ Glancy, *When Hollywood Loved Britain*, p. 156.

²⁵ Although unsigned, the authorship of this piece was clarified in court. *Turner v MGM* [1950] 1 All ER 449.

²⁶ The Lion's Roar, *Kinematograph Weekly*, 26 September 1946, p. 20.

²⁷ Samuel Eckman, 'Percentage Booking System has helped to Improve the Standard of Films' *Kinematograph Weekly*, 16 August 1945, p. 9.

²⁸ Janet Staiger, *Interpreting Films: Studies in the Historical Reception of American Cinema* (New Jersey, 1992), pp. 178-195; Barbara Wilinsky, *Sure Seaters: The Emergence of Art House Cinema* (Minneapolis, 2001); Cagle, Two Modes of Prestige Film.

²⁹ 'The Evergreen Years', *The Lion's Roar*, *Kinematograph Weekly*, 3 July 1947, p. 14. It would become MGM's most profitable film of the 1945-46 season and their highest grossing release in foreign markets (of which the UK was the most important territory). Mark Glancy, *MGM Film Grosses, 1924-1948: the Eddie Mannix ledger*, 'Appendix', *Historical Journal of Film Radio and Television*, 12 (1992), pp. 1-20.

³⁰ In the US, the film made the *New York Times* list of the *best* films of 1946 as well as the *Variety* list of top US grossing movies. Cagle, *Two Modes of Prestige Film*, p. 306.

³¹ *The Lion's Roar*, *Kinematograph Weekly*, 12 September 1946, p. 23. Covers for the 19 and 26 September emphasised the literary source and exhibition success at the Radio City Music Hall, respectively. Page 15 of the 26 September issue also carried a full-page ad quoting more glowing reviews from the US.

³² *The Lion's Roar*, UK edition, XVI: 18, 2 May 1941, p. 2. Margaret Herrick Library. This version of the *The Lion's Roar*, was a stand-alone publication, produced in-house by MGM to advertise its forthcoming releases, favourable press coverage and publicity muscle to British exhibitors. While the US equivalent was well-established and continuous, the Margaret Herrick Library holdings of the UK edition stop in summer 1941, resuming in a different format and on lower grade paper in 1946. This could just be an issue of transatlantic archiving during wartime, but the dates would support a cessation due to paper rationing.

³³ *British TV & Film Culture in the 1950s*, p. 52.

³⁴ See also, memo from N. Luker to DT (Barnes), 'Pinocchio', 8 March 1940, for explanation of why some 'incidental advertisements' might be acceptable in *Variety* and *Outside Broadcasts* versus the much stricter line taken on film talks. BBCWAC: R51/173/2.

³⁵ In July 1947, just two weeks after Eckman gave evidence in court, *The Lion's Roar* happily announced that Radio Luxembourg was about to begin broadcasting the first commercial radio show about film since the war. *Kinematograph Weekly*, 17 July 1947, p. 20.

³⁶ *The Lion's Roar*, UK edition, XVI: 18, 2 May 1941, p. 2. Margaret Herrick Library

³⁷ The letter did not originate with MGM itself. It was written by a stateside BBC employee, Stephen Fry, at the request of the Director of the BBC's American Division, Lindsay Wellington (soon to be Controller of the BBC Home Service). However, someone at MGM must have decided to invite the senior US based BBC personnel to the preview event. Fry to DT (G. R. Barnes), 3 March 1943, WAC, R51/173/3.

³⁸ Bucknall to DT, 18 March 1943, WAC, R51/173/3.

³⁹ McPherson to DT, 27 September 1946. WAC, R22/228.

⁴⁰ Asa Briggs, *The History of British Broadcasting, Vol.2: the golden age of wireless* (Oxford, 1995) pp. 235-260. Robert Silvey, *Who's Listening: the story of BBC audience research* (London, 1974).

⁴¹ *A Social History of British Broadcasting, Vol. 1, 1922-1939*, (Oxford, 1991), p. 161.

-
- ⁴² Scannel and Cardiff (1991), pp. 162- 163.
- ⁴³ Siân Nicholas, *The BBC and its Audience*, in Nick Hayes and Jeff Hill, eds, *'Millions Like Us'? British culture in the Second World War* (Liverpool, 1999), pp. 62-92.
- ⁴⁴ Nicholas, p. 71.
- ⁴⁵ DT to Bucknall, 'Miss C.A. Lejeune', 11 June 1942, WAC, R51/173/3.
- ⁴⁶ Grigson, Talks Department, Bristol, to DT, 12 June 1944, WAC, R51/173/3.
- ⁴⁷ James to DT, 'Matthew Norgate: Films', 13 June 1944, WAC, R51/173/3. James was the custodian producer covering a period of absence for Margaret Bucknall.
- ⁴⁸ Luker to Assistant DT, 21 August 1939, WAC, CONTI1 Talks: Matthew Norgate Personal file 1.
- ⁴⁹ DT to Home Controller (hereafter HC) Maconachie, 'Film Criticism', 22 July 1943, WAC, R51/173/3. Copy of Board Minute: 'The Week's Films' 20 January 1944, WAC, R51/173/3.
- ⁵⁰ Memo from Norman Luker to DT, 'The Cinema', 9 September 1937, WAC, R51/173/1. Pre-war critic casting practice is summarised in a memo from DT to HC 'Film and Book Talks', 28 September 1942, WAC, R51/173/3.
- ⁵¹ Memo from Assistant HC (Armfelt) to DT, 'Book and Film Critics, Programme Policy Meeting 2nd October 1942', 7 October, 1942, WAC, R51/173/3.
- ⁵² Memo from Assistant DT to DT, 'The Week's Films', 10 November, 1942, WAC, R51/173/3. Memo from HC to DT, 'The Week's Films' 24 December 1943, WAC, R51/173/3. Copy of Board Minute: 20 January 1944, 'The Week's Films', WAC, R51/173/3.
- ⁵³ See, for example, memo from Luker to D.T., 'Film Critic', 13 April 1938, WAC, R51/173/2. Memo from Assistant DT to DT, 'The Week's Films', 10 November, 1942, WAC, R51/173/3. Bucknall to DT, 'Position of the Week's Films', 8 July 1943, WAC R51/173/3. Blewitt to DT 'The Week's Films: Speakers in April/June', 2 March 1945, WAC, R51/173/4.
- ⁵⁴ Director of Publicity (K. Adam) to DT, 'New Film Critic', 11 June 1942, WAC, R51/173/3. Blewitt to DT 'The Week's Films: Speakers in April/June', 2 March 1945, WAC, R51/173/4.
- ⁵⁵ Luker to Assistant DT, 21 August 1939, WAC, CONTI1 Talks: Matthew Norgate Personal File 1, 1939-1940.
- ⁵⁶ Report summarising the situation from DT to HC (Maconnachie), 'Film Criticism', 22 July 1943, WAC, R51/173/3.
- ⁵⁷ Memo from James to Blewitt, 'The Week's Film's', 1 August 1944, WAC, R51/173/3.
- ⁵⁸ Speakers considered as possible film critics included Joyce Grenfell and John Betjeman. See handwritten and typed lists and notes dated 31 July 1944, WAC, R51/173/3.
- ⁵⁹ Blewitt to DT, 'Film Critics', 9 August 1944, WAC, R51/173/3.
- ⁶⁰ WAC, CONTI1 E. Arnot Robertson files.
- ⁶¹ Blewitt to DT, 'Film Critics', 9 August 1944, WAC, R51/173/3.
- ⁶² Blewitt to Assistant DT, 'Film Talks', 5 September 1944, WAC, R51/173/3.

⁶³ Press Critic Changes: Robertson Succeeds Harcourt Smith, *Kinematograph Weekly*, 13 September, 1945, 6. Blewitt to Assistant HC, 'BBC Film Criticism', 13 November 1945, WAC, R51/173/4.

⁶⁴ E. Arnot Robertson, *Woman and the Film*, *Penguin Film Review*, 3 (August 1947), pp. 31-35.

⁶⁵ Assistant DT to DT, 'The Week's Films', 10 November, 1942, WAC, R51/173/3.

⁶⁶ See for example, HC to DT and reply on reverse, 'Attached Letter from Arthur Askey: Criticism of "Miss London Ltd." by C.A. Lejeune on 9/5/43', 12 May 1943, WAC, R51/173/3.

⁶⁷ HC to DT, 'The Week's Films' 24 December 1943, WAC, R51/173/3.

⁶⁸ Fuller (CEA) to BBC HC Sir Richard Maconachie, 24 November 1941, WAC, R51/173/2. *The Lion's Roar*, 16 May 1941, XVI: 20; p. 4, Margaret Herrick Library. Duff had a varied career as broadcaster, but at this stage she was connected to the film industry through her work for Alexander Korda. She was also married to Campbell Dixon, the film critic of the *Telegraph*.

⁶⁹ See also *Kinematograph Weekly*, 30 August 1945, p. 4; 13 September 1945, pp. 4, 6; 'B.B.C. Adopts a New Attitude Towards Film Criticism', 13 September 1945, p. 6; 13 December 1945, p. 4; 21 March 1946, p. 4.

⁷⁰ See, for example, report from Bucknall to Assistant DT, 'Listener Research on "The Week's Films"', 25 August 1943, WAC, R51/173/3.

⁷¹ See for example, blank questionnaire from for Oliver Bell's *The Weeks Films* broadcast, 1 November 1942, WAC, R51/173/3.

⁷² Norgate to Luker, 1 January 1942, WAC, R51/173/3. The surrounding BBC letters and memos do suggest that while in their response to the CEA his employers backed him unequivocally, internally the incident spurred the Talks Director, Barnes, to begin the process of seeking new broadcast critics earlier in the year than usual. G.R. Barnes (DT) to Fuller (of the CEA), 27 November 1941, WAC, R51/173/2. DT, 'Film Critics'. 27 November 1941, WAC, R51/173/2. The article reporting the dispute correspondence was titled Exhibitors Complain about Picture Reviews to BBC, *Today's Cinema*, 12 December 1941, p. 1.

⁷³ Norgate to Luker, 1 January 1942, WAC, R51/173/3.

⁷⁴ Luker to Pringle, 'The Fortnight's Films', 28 January 1942, WAC, R51/173/3. It also seems likely that that this incident was a key factor driving the move from having a main critic with summer guests to the more regular rotation policy initiated the following year.

⁷⁵ Luker to DT, 'The Cinema', 9 September 1937, WAC, R51/173/1.

⁷⁶ Luker (Assistant Director of Talks) to Director of Talks (G.R. Barnes) 'Complaint from Cinematograph Exhibitors' Association of Gt. Britain & Ireland Re Matthew Norgate', 26 November 1941, WAC, R51/173/2. The 'nothing good' rule had its roots in the rules agreed in 1929, between the BBC and their theatre critic James Agate, following a run in with the theatre trade. D.F. Boyd, 'Criticism (Abstracts from the Confidential files chiefly of dramatic and film criticism)' July 1949, WAC, R51/126.

⁷⁷ See internal discussion 'nothing good' rule and defense of Lejeune's approach in relation to a complaint: HC to DT 'Attached letter from Arthur Askey: Criticism of "Miss London Ltd." by C.A. Lejeune on 9/5/43', 12 May 1943, and typed reply on same document, 13 May 1943, WAC, R51/173/3.

⁷⁸ *Kinematograph Weekly*, 26 July 1945, 14.

⁷⁹ Allighan to Barnes, 12 June 1944 and 4 July 1944, WAC, R51/173/3. Norgate had made a joke at the film's expense but had forgotten to mention the name of the film.

⁸⁰ If a picture opened on a Friday, this was still technically possible, due to the fact that *The Week's Film's* went out on the Sunday. However, it was editorially problematic, as script deadlines were usually Friday morning. Memo from James, (Home Talks), to Blewitt, 'The Week's Films' 1 August 1944, WAC, R51/173/3.

⁸¹ Memo from James to Brown, 'Film Pre-views' with annotated response on same date, 7 July 1944, WAC, R51/173/3.

⁸² Barnes to Allighan, 7 July 1944, WAC, R51/173/3.

⁸³ The film company notified the BBC of this, mentioning the other review. Allighan to Barnes, 22 August 1944, WAC, R51/173/3.

⁸⁴ Blewitt to DT, 20 October, 1944, WAC, R51/173/3. Draft letter from Blewitt to Norgate, 1 November 1944, WAC, R51/173/3.

⁸⁵ Blewitt to DT, 'The Week's Films', 23 January 1945, WAC, R51/173/4.

⁸⁶ Bucknall to DT, 'Report on First Series of Twelve – "The Week's films" Dilys Powell; 27th February – 14th May, 1944', 25 May 1944, WAC, R51/173/3.

⁸⁷ *ibid.*

⁸⁸ Blewitt, Ref 04/Home Talks/TB, 'Notes', 22 August 1944, WAC, RCONT1 E Arnot Robertson, file 3. Copy also located in WAC, R51/173/4.

⁸⁹ Robertson, Script Draft, 'The Week's Films' Sunday 3 September 1944: 12.50-1.00pm: Home Service: London, Blewitt to Robertson, 1 September 1944, both RCONT1 E Arnot Robertson, file 3. Although the default justification of cuts was time constraints, examination of further scripts from this period suggests that other decisions may also have owed something to industry sensitivities or political caution.

⁹⁰ HC to Director General (DG) 'Film Criticism', 2 February 1945, WAC, R51/173/4. This report cites a letter from Lejeune dated 21 August 1944.

⁹¹ HC to DG, 'Film Criticism', 2 February 1945, WAC, R51/173/4.

⁹² Launder to DG, BBC 12 January 1945, WAC, R51/173/4.

⁹³ It is not clear whether the organisation also served radio writers. HC to DG, 'Attached Letter from the Screenwriters' Association re Film Criticism', 23 January 1945, WAC, R51/173/4.

⁹⁴ Their different attitudes to editorial intervention can be observed through extended comparison of their BBC Contributor files.

⁹⁵ HC to DG, 'Film Criticism', 2 February 1945, WAC, R51/173/4.

⁹⁶ DG to HC, 'Screenwriters' Association', 23 January 1945, WAC, R51/173/4.

⁹⁷ DG to HC, 'Screenwriters' Association', 23 January 1945, WAC, R51/173/4.

⁹⁸ DG to HC, 'Film Criticism', 5 February 1945, WAC, R51/173/4.

⁹⁹ DG to HC, 'Screenwriters' Association', 23 January 1945, WAC, R51/173/4.

¹⁰⁰ G.R. Barnes (DT), 'Home Service Talks: The Weeks Films', 16 February 1945, WAC, R51/173/4.

¹⁰¹ WAC Scripts, microfilmed alphabetically under contributor name (Robertson, E. Arnot), and then in order of broadcast date.

-
- ¹⁰² *N.Y. World Telegram and Esquire in Kinematograph Weekly*, 26 September 1946, p. 15.
- ¹⁰³ *N.Y. Daily Mirror, Film Daily, N.Y. Journal American and N.Y. Daily News*, in *Kinematograph Weekly*, 26 September 1946, p. 15.
- ¹⁰⁴ WAC Scripts, *The Week's Films*, Robertson, E. Arnot, 22 September 1946.
- ¹⁰⁵ *The Times*, 2 October 1946, p. 2. *Evening News*, 2 October 1946, BFI Criticism SF.
- ¹⁰⁶ *Daily Express* 2 October 1946, BFI Criticism SF.
- ¹⁰⁷ *News Chronicle*, 3 October 1946, BFI Criticism SF.
- ¹⁰⁸ For details of *The Sunday Times* support over the original incident, see copy of letter sent by Powell to Kingsley Martin of the *New Statesman*, 21 December 1947, BL DP Add MS 87615. This history made Powell a particularly staunch advocate of Robertson throughout the case. She testified for Robertson in court and used her considerable influence within the Critic's Circle Film Section to marshal support and raise funds to cover the costs. In a separate article, 'Circles, Columns and Screenings', I explore the impact of these ongoing disputes on the working relationships between press critics and film publicity workers.
- ¹⁰⁹ *Turner v MGM* [1950] 1 All ER 449.
- ¹¹⁰ *The Times*, 4 October 1946, p. 5. While this action would be used against her in court, Robertson's Counsel would argue that the press speculation had left her no other option. *The Times*, 16 July 1947, p. 2.
- ¹¹¹ *The Times*, 5 October 1946, p. 2.
- ¹¹² DT (now Grisewood) to Talks Controller (now Rendall), 'Broadcast Film Reviews by E. Arnot Robertson', 2 October 1946, WAC, RCONT1 Talks: E. Arnot Robertson file 4.
- ¹¹³ See letter from Grisewood to Robertson, 5 October 1946, WAC, R22/228. This accompanied a copy of the reply to MGM which he requested she treat as confidential, while also requesting a meeting to discuss certain 'points' on interest with regard to further publicity.
- ¹¹⁴ Draft 'From the BBC', 7 October 1946; copy of letter from DT to MGM, dated 4 October 1946, WAC, R22/228.
- ¹¹⁵ *The Times*, 8 October 1946, p. 2. *Manchester Guardian*, 8 October 1946, BFI Criticism SF.
- ¹¹⁶ *The Times*, 11 October 1946, p. 6. *Manchester Guardian*, 11 October 1946, BFI Criticism SF.
- ¹¹⁷ Both the BFI and by Dilys Powell collected extensive clippings of popular and specialist news coverage of the case (along with related articles concerned with debates about film criticism). These various reports offer different emphasis and some variations in the wording of quoted speech from the case.
- ¹¹⁸ Recordings were also requested but were not available. Slaughter and May (for MGM) to DT, 20 December 1946; Robbins (Director, BBC Legal Department) to Slaughter and May, 1 January 1946, WAC R22/228.
- ¹¹⁹ The extensive *Daily Express* report from the 17 July exemplifies this focus. It accompanied an image of Robertson walking purposefully to court in a smart tailored suit with the headline, Witness in Film Critic Lawsuit says [small bold] – "Miss Robertson was flippant"[large bold], and the subheads "Witticisms" and "Untrue". The article continued in the same vein elsewhere in the issue: Critic Case Witness Says: [small bold] "She dislikes film love" [large bold]. Also see, subhead "Wisecracks",

Daily Herald, 16 July 1947; headline; “Cynical laugh” Says Witness, *Daily Telegraph*, 17 July 1946; B.B.C. Film Critic Had Cynical Laugh, *News Chronicle*, 17 July 1946; subhead, “Charming but cynical laugh”, *Manchester Guardian*, 17 July 1946, all BFI Criticism SF. Also see story titled, Film Company say Woman Critic had a Dislike of Romance with subhead ‘Charge of “flippancy and wisecracks”’, *Evening Standard*, n.d., but presumably 17 July 1946; BL DPC Add. 87615.3.

¹²⁰ *Turner v MGM* [1950] 1 All ER 449.

¹²¹ ‘Quality’, cinema and the ‘superior woman’ persona: understanding women’s film criticism in post-war Britain (1945–59), *Women’s History Review*, 19 (2010), pp. 703-719.

¹²² Film Critic’s Lack of Broadcasts “just coincidence”, *Daily Worker*, 17 July 1947; “Completely dropped” by BBC After Letter from MGM, *The Manchester Guardian*, 16 July 1947, both BFI Criticism SF.

¹²³ According to a list collated by the BBC at Robertson’s request and supplied to her prior to the first trial, between 1 January 1944 and 27 October 1946 Robertson made thirty-two broadcasts for *The Week’s Films* and fifty-eight broadcasts on other BBC shows. List with accompanying letter from Ronald Boswell, 10 July 1947, WAC, RCONT1 Talks: E. Arnot Robertson, file 4.

¹²⁴ ‘Extract from summing-up and Judgement in the case of *Turner v. Metro-Goldwyn-Mayer Pictures Limited* 17th July 1949’ [sic] Typed manuscript, WAC, R22/228. The date on this document is clearly incorrect, and it is filed between correspondence of 15 July 1947 and 21 July 1947. In combination with the content, this strongly suggests a true date of 17 July 1947.

¹²⁵ Various letters, memos and annotated script pages between 4 October and 23 October 1946, held within WAC, R22/228 and RCONT1 Talks: E. Arnot Robertson file 4.

¹²⁶ Radley to Bell, 15 September 1947, WAC, RCONT1 Talks: E. Arnot Robertson file 4.

¹²⁷ Record of telephone conversation between Roche (assistant BBC solicitor) and Walton (Slaughter and May, for MGM), 25 October 1949, WAC, R22/228.

¹²⁸ MGM seem to have initially sought Harman Grisewood. It is not clear how Rendall came to take the stand instead. Slaughter and May to Director of BBC Legal Department (Robbins), 23 June 1947, WAC, R22/228.

¹²⁹ Bell took over responsibility for producing the film talks from Blewitt in summer of 1946. WAC, R51/173/4.

¹³⁰ Before her final show in the series, Robertson suggested she had received between 150 and 200 letters (forwarded from BBC) and as she would be unable to reply to them all, requested permission to thank the authors collectively on air. Robertson to Grisewood, 17 October 1946. WAC, RCONT1 Talks: E. Arnot Robertson file 4.

¹³¹ Bell to Robbins, 20 June 1947, WAC, R22/228.

¹³² Various correspondence, 9 June 1947 to 9 July 1947, WAC, R22/228.

¹³³ Woodham, Smith, Borradaile and Martin (acting for Robertson) to BBC Legal Department, 12 July 1947, accompanying a two page ‘Proof’ copy of Silvey’s undated proposed evidence and a copy of a two page Listener Research Report (no 2909), on the subject of 239 questionnaires relating to Robertson’s *The Week’s Films*, Sunday, 10 September 1944, WAC, R22/228.

¹³⁴ Listener Research Report (no 2909), E. Arnot Robertson, *The Week’s Films* Sunday, 10 September 1944, WAC, R22/228.

¹³⁵ It is possible that Silvey was not called by the prosecution because the mention of an ‘unemotional’ tone in Listener Research Report (no 2909) had the potential to reinforce MGM’s complaint that Robertson disliked sentiment.

¹³⁶ David Roberts’ work on theatre criticism libel cases illustrates the lasting impact of the ‘honesty’ defence for criticism in general, although he does not recognise Turner v MGM as the source of the ‘honest’ clarification within the ‘fair comment’ defence. As Rude as You Like – Honest: Theatre Criticism and the Law, *New Theatre Quarterly*, 19 (2003), pp. 265-277.

¹³⁷ Turner v MGM [1950] 1 All ER 449.

¹³⁸ Denis Myers, *The People*, 5 August 1951, BFI Criticism SF.

¹³⁹ *The British Film Industry: A report on its history and present organisation, with special reference to the economic problems of British feature film production* (London, 1952); Paul Swann, *The Hollywood Feature Film in Postwar Britain* (London & New York, 1987)

¹⁴⁰ The Judge and the Witty Critic, *Daily Herald*, 18 July 1947, BFI Criticism SF.

¹⁴¹ The Critic on the Hearth Says: “I was frightened, but it was worth it”, *News Chronicle*, 18 July 1947, BFI Criticism SF.

¹⁴² *Evening News*, 6 February 1950; *Graphic*, 7 February 1950; *World’s Press News*, 9 February 1950, BFI Criticism SF.

¹⁴³ The Critics’ Responsibility, *The Times*, 7 February 1950, p. 7.

¹⁴⁴ Nigel Balchin, The Uses of Criticism, *The Listener*, 6 October 1949, pp. 577-578.

¹⁴⁵ For instance, Crawford Robb, Form and Criticism, *Film Forum*, 8:2 (1953), pp. 11-12.

¹⁴⁶ Robbins to Barnes (now Director of Spoken Word), 23 February 1950, WAC, R22/228.

¹⁴⁷ Briggs, *The History of British Broadcasting v.4: sound and vision* (Oxford, 1995).

¹⁴⁸ Radley to Chief Producer, 31 May 1950, WAC, RCONT1 Talks: E. Arnot Robertson file 4.

¹⁴⁹ ‘Broadcast Criticism of the Arts, Talks Division’, BBC April 1948, WAC R51/103/1.

¹⁵⁰ The coroner ruled her barbiturate overdose to be accidental, but as it came a mere five months after the loss of her husband in a boating accident, there was widespread speculation of suicide. E. Arnot Robertson Found Dead in Attic, *Daily Mail*, 23 September 1961; E. Arnot Robertson Craved for Sleep, *Daily Mail*, 27 September 1961; Novelist Pills Death Accidental, *Daily Telegraph*, 27 September 1961. All from BFI clippings, microfiche: Robertson, E. Arnot.

¹⁵¹ Holmes, *British TV & Film Culture in the 1950s*, pp. 60-61.

¹⁵² Ernest Betts, *Inside Pictures*, pp. 79-84.

Melanie Selfe is an RCUK Research Fellow in Cultural Policy at the University of Glasgow. Her research explores the framing, mediation and reception of cultural texts, with a particular focus on film pedagogy and the relationship between professional and amateur film cultures. She has published on the film society movement, Regional Film Theatres, and the British reception of foreign films. Her forthcoming article ‘Circles, Columns and Screenings: Mapping the Institutional, Discursive and Physical Spaces of Film Criticism in 1940s London’ will be published in the *Journal of British Cinema and Television* in 2012.