

MUTATIS MUTANDIS

or,

A Philosopher, a Financier, a Fromager and a Formalist (ABD)  
Walk into a Bar..

---

A Play in One Act

by

Pedro "Gigante" Montaña

Carrera 74 A 64 F 73  
Bogota 111071  
Colombia  
+57 (310) 305-8931 (COL)  
pedro.gigante.montana@gmail.com

"MUTATIS MUTANDIS"

*Mutatis Mutandis*

*Things being changed that have to be changed –*

The phrase occurs in legal writing to indicate that some things have changed and necessarily other things must change as well.

*Formalist*

*Ethical formalism –*

A type of ethical theory which defines moral judgments in terms of their logical form rather than their content.

Immanuel Kant is the classic example of an ethical formalist.

(ABD)

*All but dissertation –*

Indicates that a graduate student has met all program requirements except for the writing of the dissertation and the final defense at the end of a PhD program.

"MUTATIS MUTANDIS"

CHARACTERS

Hutchinson "Hutch" Clarke Ward, IV: Male, 30's.

A philosopher (B.A., Brown), proprietor of The Ontology Ward —  
A navy veteran, Hutch has the All-American look of another century,  
when All-American could only be the look of a classic W.A.S.P.

Josephine "Jo" Rogers Ward: Female, 30's.

A financier, Heir Presumptive to the Ward Estate —  
Hutch's 5th cousin and also very much in appearance a W.A.S.P.  
Fit & trim, she can be a willowy blonde, an athletic redhead or a  
statuesque brunette. She is a transgender woman.

Carl Elsner: Male, 30's.

A fromager, Jo's fiancé —  
A mixed-race man of Caucasian and Asian or African American  
heritage. The former naval officer stands a trim six feet or more.

Amy Fayerweather: Female, late 20's.

A formalist of ethics, Hutch's live-in girlfriend —  
A mixed-race woman of Native American ancestry and an uncategorized  
All-American look of the Twenty-First Century. A PhD candidate.

AUTHORS NOTES:

Make all efforts to cast a transgender actress in the role of Jo.

A cisgender actress may be cast if a company has completely  
exhausted all avenues of outreach and finds itself truly  
constrained by the local talent pool.

Jo must always be portrayed by someone identifying as a woman and  
at no time may anyone who identifies as male be cast in the role,  
no matter how "talented" or "sensitive to the issues" they are.

Relating directly to the notion of privilege Hutch and Jo are  
classic W.A.S.P.s and the reference is made in dialogue. Deviating  
from this imperative negates the impact of the dramatic situation.

Amy refers to a colonial-era Native American ancestry in dialogue.  
While casting may reflect a more recent heritage she would not  
otherwise be listed on any tribal rolls.

There are no imperatives for casting the role of Carl other than  
those in the character description.

"MUTATIS MUTANDIS"

Setting:

The Ontology Ward  
A bar in the shadow of College Hill,  
Somewhere on Wickenden Street,  
Providence, Rhode Island

Time:

Just after closing, 1:10 a.m.  
On a Memorial Day in the recent past

----- THE STAGE -----

A hole-in-the-wall bar, where dark hued wood sucks what little light there is right out of the air.

At the rear of the barroom - opposite the street entrance - a dart board hangs near the door of a unisex bathroom.

Between bar and the bathroom stairs lead to an upstairs apartment.

A large photo hangs behind the bar, a blow up of a 1906 issue, porcelain, black & white, Rhode Island license plate, number 1876.

Beneath the photo, in pride-of-place between the liquor bottles, a leaf of old paper is framed under glass.

Ink fading, but clearly visible, is a cursive script written in a bold hand - The recipe for a Brandy Daisy cocktail, to wit:

3 or 4 dashes gum syrup  
2 or 3 dashes of Curaçao liqueur  
The juice of half a lemon  
1 small wineglass of brandy

Fill glass half full of shaved ice.  
Shake well and strain into a glass.  
Fill up with Seltzer water from a syphon.

**THE ONTOLOGY WARD**  
A BAR IN THE SHADOW OF COLLEGE HILL, PROVIDENCE RHODE ISLAND  
JUST AFTER CLOSING, 1:10 A.M.

*[Hutch pulls the down the shade on the half-glazed front door, throws the bolt and proceeds to clear the tables of empties.]*

*Moments later there's a rapping on the glass.*

*Hutch pulls aside the shade, glances outside, unlocks the door and resumes clearing tables as Jo enters]*

JO

Hutch?

HUTCH

Lock the door.

JO

Long time no see.

HUTCH

I've never seen you before in my life.

JO

C'mon, Cuz. Don't be like that.

HUTCH

Whatta ya want from me, Joseph?

JO

It's Josephine, but you can call me Jo. No E.

HUTCH

What - do - you - want - from - me?

JO

What in Hell did you think I wanted to talk about?

HUTCH

I'm challenging the will, Jo-no-e.

JO

It's an entail.

HUTCH

A very specific entail. Need I remind you of that particular piece of specificity?

JO

I'm the rightful heir.

HUTCH

The rightful heir was the first-born son of William Rogers Ward. Joseph Rogers Ward.

JO

And I was the first-born son.

HUTCH

Was. Exactly. Jo-no-e.

JO

If that's how you feel why agree to see me when I called?

HUTCH

You wanna drink?

JO

Sure.

HUTCH

What's your poison.

JO

You have a signature cocktail?

HUTCH

A Brandy Daisy. Old, family recipe.

JO

Old, family recipe, huh?

HUTCH

(taking framed recipe from wall)

From Clarke Rogers Ward own hand.

JO

The common ancestor. Seems apropos.

HUTCH

Handed down father-to-son for six generations.

JO

Maybe a beer.

HUTCH

Suit yourself. Something from the tap?

JO

A stout maybe. Something Imperial.

HUTCH

Why am I not surprised.

JO

You think I'm putting on airs?

HUTCH

Legions and fleets are not such bulwarks of imperial power as a numerous family.

JO

And yet we are the end of the line.

HUTCH

For the moment.

JO

Planning to propagate?

HUTCH

Just shoring up the bulwarks.

JO

Legions and fleets... Where'd you get that?

HUTCH

Why I thought that was the family motto.

JO

The family motto is, Non sans droit.

HUTCH

Truly?

JO

Thanks for the beer.

HUTCH

Yeah. I didn't think so.

JO

What did you have in mind, Hutch?

HUTCH

You're the one who thinks we can work this out.

JO

Don't contest the entail. We come to some kind of arrangement.

HUTCH

You think this is about money?

JO

Most wills are.

HUTCH

Not without right. You know that's not the motto, don't you?

JO

I'm the rightful heir. I can change the motto anytime I want.

HUTCH

Yeah. You're all about the change.

*[There's a rapping on the front door glass]*

HUTCH (CONT'D)

(calls)

Bar's closed.

CARL (O.S.)

Jo? Jo, you in there?

HUTCH

(louder)

Bar's closed.

JO

Did you hear? He's with me.

*[Hutch unbolts the door to let Carl enter]*

HUTCH

Since you're with Joe-no-e.

CARL

Thanks. Uh... Carl Elsner — Jo's fiancé.

HUTCH

Wow. That's... Wow — Why are you here?

CARL

Moral support.

HUTCH

Otherwise known as ganging up. Right?

CARL

No. No. I'm... Not even here.

HUTCH

But you are here.

CARL

Just for moral support. — How's uh... How's it going, Jo?

JO

About as expected.

CARL

Don't worry. It'll... You know. Work out. Oh hey, what's that?

JO

An imperial stout.

CARL

Ooooh... Can I get one?

HUTCH

Bar's closed.

JO

Oh, just pour the man a beer.

CARL

No. No. That's... I'm not here.

HUTCH

Great, 'cause Jo-no-e and I have concluded our little family reunion. So, have a nice trip back to wherever.

CARL

Vermont.

HUTCH

You called him down from Vermont for moral support?

JO

What? No. Staying in Providence. Met with the lawyer.

HUTCH

How'd that go.

JO

I have a very strong case.

HUTCH

Played a lot of poker in the navy, Jo-no-e.

CARL

Navy man. Me, too.

HUTCH (CONT'D)

That was a terrible bluff.

HUTCH (CONT'D)

You wouldn't be here if you were holding any cards.

CARL

What'd you rate?

HUTCH

What makes you think I wasn't an officer?

CARL

Oh. I, uh... It was... I mean...

JO

He wasn't an officer.

HUTCH

I was a petty officer.

JO

Petty. Seems fitting.

HUTCH

Hold on. My asserting my rights is just me being petty.

JO

You're not the rightful heir!

HUTCH

And you're not Joseph Rogers Ward!

CARL

C'mon, gang. This isn't about who can shout the loudest.

HUTCH

Hey, moral-support, why don't you clam up.

JO

Hey! Don't speak to Carl like that.

*[Amy, dressed for bed, enters from upstairs]*

JO

Take my offer, Hutch. I promise you, it'll be a generous settlement, but the estate is mine.

AMY

How generous?

HUTCH

Amy.

AMY

What? I hear yelling I come downstairs.

HUTCH

Sorry. There won't be any more yelling.

AMY

How generous?

JO

Who are you?

AMY

I'm Amy. I answered the phone, when you called.

JO

Go put some clothes on, Amy?

AMY

What? The female form bothers you?

*[Carl's cell phone rings. He takes the call]*

JO

I'm very comfortable with the female form. I just don't need you parading it around in front of my fiancé.

AMY

That guy? Don't worry. Pretty sure he's gay.

JO

Up yours, you little... Who do you think you are?

CARL

Jim says he won't be back from Newport 'til tomorrow. Wants us to... Meet... him... — Sorry. Did I miss something?

JO

You called Jim?

CARL

You take a walk around the block to clear your head. Ten minutes later you call to say you're going to meet your cousin to negotiate this thing on your own? Of course I called Jim.

HUTCH

Who in Hell's Jim?

CARL

McAuley? Esquire? Jo's lawyer?

AMY

Oh, that's it. I'm not missing this. Hutch, pour me a glass, will ya? I'm getting dressed.

*[Amy exits. Hutch moves to pour her wine. Jo pulls Carl aside]*

JO

I can't believe you called Jim. What kind of moral --

CARL

Actually, I could use a drink now, too.

HUTCH

Oh, for cryin' out... Whatta ya want?

CARL

Scotch. Little bit of water. Thanks.

JO

You had to call Jim. Couldn't let me handle this on my own.

CARL

Did you think you were going to just... Just. Show up and prevail upon him to do the right thing?

JO

You heard Jim today. Rather than risk losing I should try and settle this thing out of court.

CARL

I'm pretty sure this isn't what he had in mind.

JO

Well, when did he think I could settle this? Thirty-six hours from now we'll be in court.

HUTCH

Hey, moral support. You expect table service?

CARL

Tell me something, Hutch. Why be such an ass about this?

HUTCH

See? That's what I don't get. Why am I the ass and not the woman, who wants to have her cake and eat it, too.

CARL

It's not a matter of having her cake --

HUTCH

Is - Jo - no - e - a - woman?

JO

Yes! I am a woman.

HUTCH

We'll there's the cake.

JO

And I am the rightful heir.

HUTCH

And there she goes eatin' it.

JO

What's this truly about, Hutch?

HUTCH

Why's it gotta be about anything more than it is?

JO

'Cause you are an ass.

HUTCH

Yeah, well... I'm the ass with the legally enforceable claim. Why should I give that up, just because you never contemplated the vicissitudes of life as a woman, Jo-no-e?

JO

How did you think we could work this out, if that's --

HUTCH

Easy. I inherit and give you a generous settlement.

AMY

(entering)

What? No. You don't owe her a thing.

JO

Oh, my God. You again. How does this even involve you?

HUTCH

Remember that thing about propagating?

AMY

Oh, Hutch. You're such a romantic - Is that my wine?

HUTCH

You and your Merlot.

JO

So, just how long after Hutch said he was in line to inherit a multi-million Dollar estate did you sign up for baby mamma?

AMY

Did you just call me a gold digger?

HUTCH

I think she did.

AMY

I think she did, too.

CARL

All right, no one called anyone --

HUTCH

Hey, moral support, just drink your scotch.

JO

So, how long?

AMY

How about you? When'd you know he was the one?

CARL

He thinks we're getting a little far-of-field here. This is supposed to be about working things out.

HUTCH

In that case, how much ya want, Jo-no-e? What's the price of your reality?

AMY

That's not a property of objects.

HUTCH

That view's been losing ground for decades.

AMY

Call me an old-fashioned girl.

JO

What in Hell?

CARL

Oh, my God.

JO

What?

CARL

The bar. The name?

JO

It's a sick -- Oh, that's a bad way to put it. Distasteful. A distasteful joke. A cancer ward? The Oncology Ward?

HUTCH

On-tol-ogy. The Ontology Ward.

JO

Oh. Yeah. -- Totally misread that on the door. I just figured... Oncology. On account of how you were always a bit malignant.

AMY

Back to the name calling.

JO

In the classical sense. You know. From the Latin for male and -gnatus, badly born.

HUTCH

Always was your side of the family's view, with your noses up in the air and all. Just couldn't help looking down them.

JO

Is that what this is about?

HUTCH

It's about reality.

AMY

Which is not a property of objects.

CARL

The Ontology Ward. Get it? The philosophical inquiry. The whole metaphysical thing. The nature of being. -- That's it, right? Ontology?

HUTCH

You're very pleased with yourself at the moment, aren't you?

JO

Much too pleased with himself. So, this place is what, some kind of philosophical salon?

HUTCH

It's a barroom. A saloon. A public house.

JO

With a very pretentious name.

AMY

I told you.

HUTCH

You said you liked it.

AMY

I was falling in love.

CARL

To love.

(drains his glass)

Hit me again, will ya, barkeep?

JO

Carl.

CARL

Just one more. — Promise.

JO

One more and that's it.

HUTCH

What's your reality worth to you, Jo-no-e?

JO

You don't buy me off. I'm the rightful heir. I buy you off. Just to make this... This nuisance suit go away.

HUTCH

You can't buy me off.

AMY

Hear her out, Hutch.

JO

Listen to your baby momma, who - despite her protests - seems to be all about the money.

AMY

Not the baby momma yet.

JO

Waiting to see how this goes?

AMY

And still not a gold digger.

JO

Oh, that's right. You were falling in love.

AMY

Falling in love. Fell in love. In love now. That's why I want Hutch to be able to put all of this behind him. Because, from what I know, your whole, fucked-up family's been nothing but a constant source of fucked-up fucked-up-ed-ness in his life.

HUTCH

Okay, Amy.

AMY

Let's just say I was your baby momma, Hutch. Just for the sake of argument.

HUTCH

What argument.

AMY

You know how I feel. I support you in this, but I don't get it. Why would I want to put my child through this? Everything you ever told me about them. About this one.

JO

Oh? Just what did he tell you?

AMY

Enough to know that you've always been a real bully and a genuine son-of-a-bitch.

CARL

Okay. Okay. We're devolving again. Let's... You know. Let's just take a breath and... I dunno. Get to know one another.

HUTCH

What in Hell?

CARL

Sure. I mean... Maybe if we all took a step back and... You know. Like... How'd you guys meet?

JO

Not why we're here. How'd they meet? Who gives a rat's ass?

CARL

I'd like to know.

JO

You're here for moral support. Try showing some.

HUTCH

Yeah, moral support, drink your scotch and do just what Jo-no-e tells ya to do. Not for nothin' though, Amy was the T.A. in a class I took.

JO

And just who doesn't love some college T-an'-A? You're the philosopher, Hutch. That ethical?

AMY

Oh, don't you worry your pretty, little head over our moral excellence. We were still just doing that flirty thing in class.

CARL

Don't you just love that flirty stage of a relationship.

JO

That's it. You're cut off.

AMY

How'bout you guys? Where'd you meet?

CARL

Oh, we met in college, too.

AMY

Ohhh... So... So, you knew Jo, when she went by --

CARL

Joseph, yes.

JO

Enough! This isn't why we're here. We're going to settle this.

CARL

Fine, but let's do it in Jim's office. I mean... If we're not even going to try and... You know. Be civil. Let's just go.

JO

Not until this is sorted out for good. Hutch, another stout.

HUTCH

Bar's closed.

AMY

I could use a little more, too.

HUTCH

Sip the wine, Amy.

AMY

Tell ya what. Just refresh it and maybe tomorrow I'll uh... I'll take the pledge.

HUTCH

The wagon? That's always been a bit of a bumpy ride for you.

AMY

Just top-me-off, will ya?

JO

So, that's one more imperial stout and top off your T-an'-A.

HUTCH

Enough of that.

JO

I'm sure you're a fine academic.

AMY

I'm an excellent academic. Scholarly and not the least bit pedantic.

JO

Where're you from, Amy?

AMY

Kingston. Born and bred.

JO

Don't get around much, do you?

AMY

If you don't count those two years at Oxford.

JO

What's your family do?

AMY

I come from a long line of blacksmiths.

JO

How long?

AMY

Well, before the family got into smithing, some of them were here to greet Roger Williams and his twelve loving friends, when they came over the hill from Salem. Later they named a beer after us.

CARL

See? Getting to know one another.

HUTCH

Your imperial, Your Majesty.

JO

Enough of that, too.

AMY

(waving glass)

Hutch?

HUTCH

(proffering bottle)

Sip the wine, Amy. Okay?

AMY

Okay. Okay.

JO

C'mon, Hutch. Let's resolve this.

CARL

Without the... You know. Casting of aspersions.

*[Carl surreptitiously has Hutch refresh his drink]*

AMY

He may be gay, but he's much too good for you.

CARL

You think I'm... I'm not gay.

AMY

Whatever, man.

JO

I've thought about this, Hutch. I've thought long-and-hard.

HUTCH

I'm listening.

JO

Drop this ridiculous claim and I will provide a perpetuity to you-and-yours in the amount of two per cent of the estate as well as granting you use of the Bellevue Ave house in Newport for one month out of the year.

HUTCH

Is that two per cent based on current valuation or tied to the per annum?

AMY

Which month?

JO

Current valuation - Your choice.

AMY

Thirty consecutive days?

HUTCH

What're ya thinkin'?

AMY

Two weeks in Summer, two at Christmas. That might be nice for the kids.

JO

C'mon, Hutch. That's half-a-million a year and two vacations apparently.

AMY

Wait. So you're agreeing to the nonconsecutive days?

CARL

Are you sure you want it to be current valuation.

JO

Yes.

CARL

Like Oh-Eight never happened.

JO

I've reversed most of those losses.

HUTCH

Losses?

JO

The estate's only worth seventy per cent of it's pre-Oh-Eight valuation. Covid and the Twenty-twenty recession didn't help.

HUTCH

That's a big hit.

CARL

Jo near single-handedly stopped the slide and saved the Ward family bacon. Point-in-fact: there might not even be a Ward family estate anymore if not for the Herculean effort of your cousin. Oh, and not to mention that... You know. She managed to do this at what can only best be described as otherwise demanding time in her life. And damn it, I'm not gay! Why would you... I mean... Why?

JO

Carl.

CARL

I'm not.

HUTCH

You're not gay and she's not Joseph Rogers Ward.

JO

And you're not even a Ward! Not one drop of Ward blood flows through your veins.

HUTCH

There it is. I mean... Seven generations of my family's had to listen to that crap.

JO

Seven generations that begin with an adopted, second son. Second son! Adopted! Your heritage is nothing but a bunch of Swamp Yankees.

HUTCH

Seven generations that are all Wards in the eyes of the law.

JO

I'm the last of the Wards. Me. My DNA.

HUTCH

What's the Ward family motto, Jo-no-e? You know what it is. Just say it.

JO

I am the rightful heir.

HUTCH

Joseph was the rightful heir.

JO

We were breaking the entail. My dad was deeding the estate to me. To Josephine.

HUTCH

But he didn't, did he? Not before the accident.

JO

I am the rightful heir.

CARL

I'm not gay.

(off turns at his non sequitur)

I'm not.

JO

Take my offer, Hutch.

HUTCH

You haven't even heard my counter.

AMY

(topping off her wine)

Hutch. I've heard your counter.

HUTCH

Sip - the - wine, - Amy.

AMY

It's... How do I put it?

HUTCH

Put what? You don't know what... We've never discussed this.

AMY

Oh, sure we have. In class. After class. I've read it in your papers. Hell, last night even.

HUTCH

What?

AMY

Your counter. It's bad faith. You live-and-die by it.

HUTCH

You gave me a B on that paper.

AMY

Don't deceive yourself. It was a B-minus. It's a fair offer, Hutch. It's only your own bad faith that keeps you from seeing it. You don't need to be a Ward to be Hutchinson Clarke Ward the Fourth.

JO

What in Hell's all this about? Do you have a counter offer or don't you?

CARL

Of course he does. A bona fide, Sartre-fiable offer. Hey, Amy - While you're back there.

JO

Carl. You promised.

CARL

Right. Never mind.

AMY

That did deserve a taste.

CARL

I'm not gay, Amy.

AMY

We'll see.

CARL

I'm not.

AMY

Kinda depends on what happens next.

JO

So, what's this counter offer?

HUTCH

I'll renounce any-and-all claims to the estate.

JO

I'm listening.

CARL

Jo, maybe you shouldn't... You know. Maybe don't respond until you've conferred with Jim, but... Yeah. Hear the man out.

HUTCH

Okay. So, we go into court.

CARL

I thought this was about avoiding court.

HUTCH

What happened to - Hear the man out?

JO

Where ya goin' with this, Hutch?

HUTCH

We go into court. You take the stand.

JO

Yeah. I'm not taking the stand.

HUTCH

Hear me out. This could all go away right now.

JO

Okay. So, I'm on the stand. Then what?

HUTCH

I will concede then-and-there that you are the rightful heir, if in open court and for the record you admit that you are not a woman.

JO

You can't be serious!

AMY

I knew it! I knew it!

CARL

Oh, I get now. If she's not... I... I... I must be... Is that it?

AMY

I told ya. Let's see how this goes.

JO

I am a woman. I will not let you or anyone dictate my identity.

HUTCH

Then I am the rightful heir and I won't let anyone dictate my identity as a true and legitimate Ward, of the Rhode Island Wards. In the eyes of the law.

JO

This isn't about the law. It's about... It's about being fair. It's about justice.

HUTCH

As I recall a wise man once opined that it was not a court of justice. It was a court of law.

JO

That kind of thinking also led him to opine – Opine? Where'd you get that? – which led him to opine that three generations of imbeciles was enough, so it's okay to sterilize them.

HUTCH

If you are Jo-no-e Ward, then the first-born son, Joseph, no longer exists. Just as if he had died without issue. I mean... C'mon. Whatta ya call it? Deadnaming? Right? Joeseph's dead. That's just... It's common-sense wisdom.

AMY

Despite his academic pursuit of philosophy, Hutch can't help falling back on sagacity.

HUTCH

Joseph can't inherit. That's just... Understood.

CARL

Ya know who was a sage, when it came to matters of the law?

JO

Carl, we don't need this... Whatever. Right now.

CARL

No, No. Just... I mean it... It goes to what you guys are... To what Hutch just said. See?

JO

What. What is it?

CARL

You ever see, Cool Hand Luke?

JO

Oh, for cryin'-out-loud, Carl.

AMY

Paul Newman, right?

CARL

And George Kennedy. George Kennedy got the Oscar for his good-ol'-boy portrayal of bull gang leader, Drag Line.

JO

I don't believe this.

CARL

Drag line was a sage when it came to a matter of the law.

(MORE)

CARL (CONT'D)

See, in resolving a dispute - over - you know - who was or was not officially peeling some eggs? Drag Line schooled Fixer about his ah... His assertion that there was some understanding requiring Cool Hand Luke to peel his own damn eggs and ah... See, Drag Line, though a country boy, he was not entirely ignorant. You know? See, even Drag line knew:

(his best good-ol'-boy)

When it comes to the law nothin's understood.

HUTCH

Oh, that's just... That's just brilliant. You gonna have your lawyer cite, Cool Hand Luke in your brief.

JO

Whatever I hafta do.

HUTCH

Yeah, well, I don't think that the Drag Line precedent has been established in court. What has been established and understood - lo, these many generations - are the final wishes of Rogers Clarke Ward, when, in 1799, he established the entail. The estate passes from first-born-son to first-born-son. If that line dies out it passes to the nearest collateral male heir. His intentions were clear.

JO

Intentions?

CARL

Jo, maybe you shouldn't --

JO

Shouldn't what? Shouldn't tell him about the letter?

HUTCH

What's the letter?

CARL

You know. It's... An old movie.

AMY

Bette Davis!

CARL

Right!

AMY

(her best Bette)

Peter - Give me the letter!

CARL

She never actually says... You know. In the movie. Like, ah...  
(his best Grant & Cagney)  
Cary Grant and, Judy-Judy-Judy or Cagney and You-dirty-rat.

AMY

I'm beginnin' to like you, Carl.

CARL

I'm beginning to like you, too, Amy.

HUTCH

Are you two through?

AMY

Got any more impressions, Carl?

CARL

Nah.

AMY

Yeah. We're through.

HUTCH

Terrific. Now - just to be clear - what's this letter, to which you're referring?

JO

Sorry. I misspoke.

HUTCH

C'mon, Jo-no-e. You seem to think you're holding cards now. You got an ace up your sleeve?

JO

Nothing up my sleeve - Presto! You lose.

HUTCH

Would you be here - making an offer - if you thought you couldn't lose? - This letter? I'm sure it don't mean squat.

JO

Right. Unless intention don't mean squat.

CARL

Jo, let Jim handle this.

HUTCH

She's just dyin' ta show her hand. Isn't she?

JO

Take my offer, Hutch. It's fair. You know. Considering?

HUTCH

What? This letter? This magical letter that somehow makes a nonexistent heir able to inherit? What's it say? First son to the manor born, except in cases of bad faith?

JO

Just what in Hell? I mean... I'm not even sure I know just what in Hell bad faith means. Legally. What is that?

CARL

C'mon, Jo. What... What in Hell's this place called again? Anybody? Bueller? Bueller? No? What's it called, Amy?

AMY

The Ontology Ward.

CARL

Ohhh. Riiight. That's it. See? There's bad faith, Jo, and then there's bad faith.

JO

Oh, my God! Carl! What the... Do you hear yourself? Do you even know what you're talking about three drinks - Yeah, don't think I didn't notice that third one Hutch slipped you. - Do you even know what in Hell you're talking about three scotches into the evening?

AMY

Course he knows. Made that Sartre-fiable joke, didn't he? Carl gets it.

CARL

This isn't about... None of this is about the... The legality of it all. Hutch is bein' all philosophical an' such, when he speaks of your bad faith. See?

JO

Fine. He's being philosophical. What's it mean?

HUTCH

Bad faith, Jo-no-e, is self-deception.

AMY

See? That's why it was a B-minus paper. Your focus was much too narrow.

JO

So, I'm not deceiving myself.

AMY

Well...

JO

All this... Bad faith. Self-de... I know who I am. What I am.

AMY

Uh-oh.

JO

What now?

CARL

Ahh... They laid a trap for you.

(his best Admiral Ackbar)

It's a trap!

AMY

And you said you had no more impressions.

CARL

I don't like where this is going, Jo.

AMY

Yeah, tell us more about this letter.

CARL

He's maneuvering you into some admission.

AMY

So... This letter?

CARL

All in due course, Amy.

JO

Oh, just... Let's just tell'em. It might make Hutch consider my offer with the deliberation due it.

CARL

Or, just let Jim introduce it in court and win outright.

HUTCH

Jo wouldn't have come to settle, you wouldn't want us to get to know each other, if you truly thought --

CARL

Jo reached out to avoid --

HUTCH

To avoid losing.

CARL

To avoid any more unpleasantness between --

HUTCH

Losing isn't pleasant. What about this letter?

JO

It demonstrates that there was no intent in the mind of Joseph Clark Ward to adopt into his family the orphaned son of his employee to the prejudice of any claims by natural born heirs. The whole arrangement was nothing more than a tacit agreement to see to the boy's education and welfare, should anything befall his father while acting as a correspondent to the Providence Weekly Standard while covering the Great Sioux War of Eighteen Seventy-six.

HUTCH

Whether he intended to or not, Joseph Clarke Ward completed the formalities of adoption.

JO

Did he? I will argue that it was not an adoption. It was a guardianship. There was no transfer of filiation. The child in question was a ward - with a lower-case w - and it was never meant that he be a Ward.

HUTCH

This is a Hail Mary and you know it.

JO

Well, your legal opinion notwithstanding, I have made a very generous offer to settle - overly generous - and I'm going to withdraw my offer if it's not accepted within the next ten minutes, so... How 'bout it, Hutch?

HUTCH

How 'bout what? I'm not really a Ward. Not like I haven't heard that one before. You're dancin' the same dance. Just a different tune now. How about my offer? You take the stand in open court and swear you're not really a woman.

JO

Listen. That... That is just never gonna happen.

HUTCH

'Cause you know what you are.

CARL

He's baiting the trap, Jo.

AMY

What do you think, Carl? There any authenticity there? All she does - it seems to me - is define herself through the social categorization of her formal identity.

CARL

I'm not gonna help you. Oh, and ah... That... That was a tad pedantic, Professor.

AMY

Maybe a tad.

CARL

It's not about what you are, Jo. It's about what you are not. To escape your lack of authenticity - your bad faith - you can't equate your... Your social role with your existence. L'existence précède l'essence.

JO

I took four years of Mandarin, but I'm gonna go with, uh... What? Existence precedes essence?

CARL

Exactly. There's no predetermination going on. We do not come into existence with any kind of essence. We decide what we are fundamentally, but only by recognizing what we are not.

AMY

Not bad, Carl.

CARL

That's what he's trying to get you to say. Oh, sure. He tells you you have to swear you're not a woman and then you can be the heir, but that's still bad faith, a lack of authenticity.

AMY

So far so good.

CARL

If you want to have any authenticity as far as he's concerned, then you have to recognize what you're not. You - are - not - a man. So, you are not the heir. Only then will you have any authenticity in his eyes. As if that even matters to us.

AMY

That's very good, Carl.

CARL

I love you, Jo. Did I love you, when you went by Joseph? I don't know. It doesn't matter, so... Do it. Do like Hutch says and make all this go away. Get up on that stand and in open court swear that you are not a woman. I won't love you any less. If that makes me gay in Amy's eyes - in anybody's eyes... I know what I'm not and I'm not gay.

AMY

See, Hutch? Now that's an A paper.

CARL

Ah... The existential seal of approval. How 'bout you, Jo?

JO

I love you, too, Carl, but... I... I can't say what I'm not. Unless it's I'm... Not not the heir.

AMY

The essence of the woman right there. 'Cause that was the take away. Straight or gay - an' I don't think you're gay - he's much too good for you.

(amused by his thought)

Existential seal of a... That's funny. I'm no existentialist, Carl. I just teach this crap.

CARL

Really? You think it's all crap?

AMY

I kinda haft-ta. Bein' an ethicist an' all.

CARL

Oh, my God. You're... You're the poster child for bad faith.

AMY

That I am. Keeps the relationship lively.

CARL

I'll bet, but... Mixed marriages can be tough. I mean... How'll you raise the kids?

HUTCH

On the Ward family estate.

JO

That's not gonna happen, Hutch.

AMY

Looks like that'll be left up to the court to decide. It seems we're still at an impasse.

JO

No. Hutch still has roughly seven and-a-half minutes to accept my offer.

HUTCH

Oh. Just... Just surrender my legal right. For what? Two per cent and thirty days?

JO

Hell, a minute ago you were willing to surrender it all on philosophical grounds. Why not at least get some consolation cash-and-prizes and a hearty, Thanks for playing our game!

HUTCH

This isn't, Wheel-of-Fortune.

JO

Don't kid yourself, Hutch. You can practically hear the - Tic/tic/tic/tic-tic--tic---tic----tic. Aww! Lose a turn!

HUTCH

Yeah, well. Seems all you've done is buy all the vowels, but still can't figure out the phrase, Male Heir.

CARL

All right. Let's... Let's go back a bit. I mean... This started off... You know. We were gettin' to know each other. Right? How'd we all meet and... Philosophical views. And I... I'd like ta get a little philosophical here, myself. See? It seems ta me you guys might not be able to win-for-losin'. Ya know?

AMY

Thesis stated. Defend your argument.

CARL

Well, it seems to me that a judge just might buy Hutch's argument - save Jo goin' into court an'... You know. All that stuff he was talkin' about. Right? An' that same judge just might take a look at that letter an I've... I've seen that letter. Read it. Read it in Jim's office and it's... It's a compelling document for their argument. So... Then what? What happens to the Ward family estate then? If this judge decides there's no legitimate heir? Nobody wins. Everybody loses.

*[A moment as the reality sets in]*

AMY

What do you do, Carl? Back where you come from?

CARL

Vermont?

AMY

Yeah.

CARL

I make cheese.

*[The notion appeals to Amy and brings a smile to her face]*

AMY

You always made cheese?

CARL

Nah. I, ah... I was in the navy for a while.

AMY

Hutch was in the navy.

CARL

Yeah, we were... We talked about it a bit. What did you rate?

HUTCH

Oh, for cryin'... Corpsman. Hospital Corpsman.

CARL

Did you... Were you over there?

HUTCH

Four tours in eight years.

CARL

Eight years. Then you just...

HUTCH

Yeah. Yeah, I just... Decided what I really wanted to do was...  
Be a philosopher.

CARL

Yeah. I just... Wanted to make cheese.

HUTCH

Why cheese?

CARL

You know. One day I'm in R.O.T.C., next I'm givin' the order to launch a cruise missile and knowin' I just sent a thousand-pound high explosive to some target that's... Well... you know. Just a couple of coordinates to me, but... Anyway. I don't know. I just stood there thinkin'... I think I'd rather make cheese.

(drains his drink)

What about you, philosopher?

HUTCH

You know. One day I'm cradling a dying man in my lap and all he can keep askin' me is... I'm... I'm a good marine, right?

CARL

Right.

HUTCH

I sat their thinkin'... I think I'd rather be a philosopher.

JO

Well, then. I uh... Thank you for your service, Hutch. Truly. I just want to acknowledge that, before... Before I'm compelled to remind you... Well... Tic-toc-tic-toc, Hutch. You heard me. Offer's expiring. What's it gonna be?

HUTCH

What's the Ward family motto, Jo-no-e? Huh? 'Cause - in my book - both of us losin' is just about as good as me winnin'.

JO

Nobody has to lose. Take my offer.

HUTCH

Why? 'Cause in your eyes I'm not really a Ward?

JO

I am the last of the Wards.

HUTCH

And if you prevail you always will be. 'Cause, I gotta figure - if you're the woman you say you are - you an' Carl will be adopting. So, I just gotta ask myself, are folks gonna hold down that kid, too, while someone pisses - on - his - head - at the family gathering, 'cause his line aren't really Wards.

JO

Jesus, Hutch. Is that... We were nine.

HUTCH

Yeah, well. You drank a lotta lemonade that day.

CARL

Jo?

JO

It wasn't... I mean... You think a nine-year-old comes up with that? I was just doing what I was told. By the grown-ups. You and your mom, you kept showing up to these gatherings like...

HUTCH

Like we belonged there?

JO

Yes! Your father got it. His father got it. Everyone got it, except you and your mother. All of a sudden. Out of the blue. You start showing up like you were... One year. Two. Until that summer, when the ladies took your mother aside to explain it to her and they told me to explain it to you. In no uncertain terms and those were the terms. Get'im on the ground and piss on his head and then, maybe - just maybe - he'll get it, too.

CARL

Oh, my God. Jo.

JO

We thought we got through to you, too. Didn't see you around for a while. Then, come freshman year, there you are again. Oh, sure. Never stuck around long. Just put in an appearance. Just to tweak our noses. Well, fine the grown-ups figured. Let'im pretend. Let'im think he's one of us. 'Cause, you know. One of'em did make a good marriage way-back-when. Married a Hutchinson, right? Oh, yeah. Son of an adopted second son, grandson of a Swamp Yankee married a Hutchinson and when you were gone we all had a good laugh about it.

CARL

My God, Jo. It's like I don't even... Oh, my God. Who are you?

AMY

That. That is the legacy you want to tie yourself to, Hutch? Seriously? That's what you want to bequeath our children.

HUTCH

Yes! I want to take it. Own it. Make it my own. I want every God damned Ward of Rhode Island rolling over in their graves. In their crypts and under their monuments. I want to bring it all down and raise up this seventh generation of a no-good Swamp Yankee. And an eighth! And a ninth! And it'll be Hutchinson blood without a drop of Ward in it. And it'll be our monuments that flourish, while theirs crumble back into the dust from the neglect. I'll see you in court.

AMY

Fine. You do that. Hang onto the nothingness for all you're worth. You think it's some kind of God'amn life preserver, but I'm telling you, Hutch, it's nothing but a fucking anchor that keeps you from moving on. Me? I hafta be going somewhere. Anywhere. I won't spend the rest of my life tied up alongside you. I don't care how comfortable the berth is.

*[Amy moves for the stairs]*

HUTCH

Amy, wait.

AMY

Let it go, Hutch.

HUTCH

You're just gonna walk out? Now?

AMY

I'm not walking out. I'm just... I just decided that this is the most opportune time for me to go pee in the comfort and privacy of our own bathroom. Okay?

*[Amy exits upstairs]*

HUTCH

We're done here. You're leaving right now. C'mon. I meant it. Both of you. Out.

JO

I tried to be nice about this, Hutch. Tried to... You know where this is going, don't you? You know what I'm prepared to do.

HUTCH

Piss all over me one more time?

JO

After a fashion.

CARL

Jo?

JO

Sure, we're all thankful for Hutch's service, but it wasn't any love for mother and country that moved him to enlist. Well... Maybe mother.

HUTCH

That's enough.

JO

It was your mom talked you into it. Wasn't it? Missus Hutchinson Clarke Ward the Third.

HUTCH

All right, Joseph. I said enough.

JO

Know why Hutch joined the navy? Because their recruiting station opened first that morning.

HUTCH

It wasn't - my - kid.

JO

Yeah, you'd been sayin' that for weeks. Hadn't you?

HUTCH

I know I wasn't the only guy she --

JO

She said it was yours. She knew it was yours.

HUTCH

Women are wrong all the time.

JO

You knew, too. That's why you skipped town just as soon as you heard the words, paternity test. That's what sparked your patriotic fervor. She was going to make you take the test.

HUTCH

You're wrong, Jo-no-e. You got it all wrong. I felt the call. Genuinely. In my heart.

JO

That's just what your mom said, too. Wasn't it? When she got your picture in the paper? Made you a hometown hero. Hutchinson Clarke Ward the Fourth, carrying on the great Ward tradition of service. Hung that blue star in her window. Then, Missus Hutchinson Clarke Ward the Third sicced some shyster on that poor kid. Calling her a shakedown artist. Threatening to make her life a living Hell if she didn't cease-and-desist her harassment of the patriotic, shit-don't-stink, off to fight the good fight, Hutchinson Clarke Ward the Fourth. Why? Because she was just some Snyder girl. Who in Hell are they, huh? The Snyders? Good enough to bed, but not to wed, when a scared little girl begs a guy to do the right thing. Which side of the Wards were looking down their noses then, Hutch?

HUTCH

You plan to dredge it all up again? Run me down all over town. Put the Snyder's through it all over again?

*[Amy enters]*

JO

She tried to get rid of it herself. It was too late. She was too far along by the time you skipped town and you knew - You knew - just how fragile she was. She did it herself. Bled right out. Got any idea what a mess that is?

AMY

Jeez, Hutch.

HUTCH

Jeez, Hutch what? What do you want me to say? That she was a sweet kid and wanted to be an artist. Go to Riz-dee? That she was fragile and I broke her. I... I know what fucking bloody mess is. I been in'em up to my elbows and I... I know just what... I know... It wasn't my kid, but I know... I... I...

CARL

No. No you didn't, Hutch. I do know. I've killed people. Lots of people. Gave the order and... You didn't kill that girl.

HUTCH

To Hell with this. I meant it. Everybody out.

JO

We go into court tomorrow, Hutch. C'mon, let's settle this. Here-and-now. Once-and-for-all.

AMY

Do it, Hutch. Don't drag this out any longer. Otherwise... Well... Just end this. Now.

HUTCH

It ends when it ends. I can't just... Not after all a... Not after that. No. Not after that. — What's the Ward family motto, Jo-no-e?

JO

Oh, for Cri'sake — Fine. You know what it is as well as I. Comme je fus. As - I - was. You happy now? It doesn't apply to me and it sure as Hell doesn't apply to you. Maybe you got some girl pregnant. Maybe you didn't. It doesn't change - nothing changes - not one damn thing changes anything about what's going on here between you and me.

AMY

That's not true. — This changes everything, Hutch.

HUTCH

What's that?

AMY

Oh, you know what it is and it's positive. I'm pregnant and believe-you-me, when I say, you are the father.

HUTCH

Of course I believe you. It's just... Why'd you wait 'til now to take... Why didn't you tell me?

AMY

'Cause I wasn't that late and I had this crazy idea it was a kinda private moment. Thought I'd tell you in the morning, when... You know. You could be there when I peed on the stick. Rootin' for me or somethin'.

HUTCH

Of course I'd be rootin' for ya. This is... This is great. Absolutely fantastic.

AMY

It changes everything.

JO

Just how in Hell does it do that? Even if... Say Hutch has an heir - a male heir - just how does that change anything?

AMY

That's up to Hutch.

HUTCH

If anything it's just more of a reason to --

AMY

To settle this. To come to some kind of understanding. To... To agree-to-agree. That's a legal thing, right?

CARL

Yeah, that's... I mean, sounds like a legal thing. Doesn't it?

AMY

Think of it as a kinda pre-nup, Hutch.

HUTCH

Okay.

AMY

Agree-to-agree with your cousin and together you and I will raise a new generation of Wards. If it's a boy we'll name him Hutchinson Calrke Ward the Fifth and you two can agree that... What? That he retains all the rights-and-privileges that come with being the first-born-son of a first-born-son, et cetera, et cetera. Otherwise...

HUTCH

Otherwise what? Just what are you saying, Amy?

AMY

I'm saying that either you agree-to-agree with Jo and we get married and we raise us a passel of Wards or we don't get married and I raise my child as a Fayerweather - Hutchinson Clarke Ward Fayerweather the First - of the Kingston Fayerweathers. Now, do you agree to the terms of the pre-nup?

HUTCH

This is ridiculous. Of course I don't agree.

CARL

But there's no guarantee that Jo will agree-to-agree. You're not risking anything. Just being asked to make the effort.

AMY

Just show me that you're willing to let go the anchor. To move on. With me. If Jo won't - if she just can't - bring herself to agree-to-agree that your child, our child, is and always will be a Ward and we end up going into court to let some judge decide whether you are a Ward or that she is the rightful heir or that neither one of you are the person that you think you are, well... At least I'd know that being with me - being a family with me and our child - is more important to you than being part of a family that treated you like shit.

HUTCH

Even if... Say I agree-to-agree. Say Jo agrees to it, too. All Jo has to do is turn around and adopt a male heir and our son is shit-out-of-luck like I am.

CARL

You're not shit-out-of-luck and if you can't see that... I mean... If your own hubris makes you so damned stubborn... Listen. I don't know if this will help you make your decision, but... There won't be any adopting going on.

JO

Carl, that's none of their --

CARL

Hey, I'm not giving away any secrets. I'm just sayin'. I can father a child, too, and it will be our child, Jo. Maybe a boy, but... Maybe they'll be girls and someday a Hutchinson Clark Ward the Fifth will be the heir apparent. It's just a chance we have to take, because... Well, I won't be any part of adopting a boy just to perpetuate a line of succession.

HUTCH

Jo can just go ahead and do it alone.

CARL

Then that's how she'll hafta do it. Alone.

JO

Carl.

CARL

Sorry, Jo. That's part of my pre-nup.

JO

I don't truly need --

CARL

Me? You don't need me?

JO

Not to perpetuate a line of succession. I do have access to my own DNA on ice.

CARL

Right, but still... Swirl-or-no-swirl, there's no guarantee any of our swimmers will be packin' Y chromosomes in their trunks. So, if the two of you can just... Agree-to-agree, well... Maybe the next generation of Wards won't be so totally and near inexorably fucked up about it as the two of you are.

AMY

Hutch?

CARL

Jo?

*[Off their too long silence]*

AMY

I don't know, Carl. Seems like we been choppin' for a while and no chips are flyin' and... Well... I just can't chop anymore. Let's go upstairs. Put on some coffee. Watch old movies.

CARL

Coffee, huh?

AMY

You can Irish it up if you want, but I'm sans drink for the foreseeable future.

CARL

A Paul Newman movie?

AMY

Whatever you want.

CARL

Let's go.

*[Amy and Carl exit.]*

*Hutch watches Jo for her next move.*

*Jo takes in the bar, then pulls a flight of darts from the board]*

JO

So, what's it gonna be?

HUTCH

Ladies' choice.

JO

Three-oh-one. Double-in-double-double out.

HUTCH

Closest to bull goes first. You, uh... You wanna another beer?

JO

Tell you what, Hutch. You go first. I'll make the drinks.

*[Hutch takes the flight and moves to the oche. Jo takes the Brandy Daisy recipe from the wall and sets it on the bar.]*

*Hutch watches Jo consulting the recipe and begin to mix their drinks. His first of the night.*

*He turns and throws the flight of darts - One-Two-Three]*

END SCENE

END PLAY