Law's Moving Image

Leslie J Moran, Emma Sandon, Elena Loizidou, Ian Christie (eds)


Film offers expansive possibilities for the critical reflection on law. This is the message to be taken from this innovative volume. The editors (all of whom are based at various departments of Birkbeck College, University of London) have put together a remarkably diverse array of chapters exploring the intersection of film and law.

The guiding aim behind the volume is the desire to go beyond the ‘orthodox’ (p xiii) North American legal scholarship on film. It is the view of the editors that this orthodoxy has created a narrow and insular literature, overwhelmingly concerned with the ‘representation of representation’ — the prioritising of Hollywood trial films, and a narrow legal methodology replicating positivist preoccupations with a category that is not in dialogue with other disciplines. The editors have succeeded in this aim, although there are reservations. The contributing chapters are diverse in subject and method, demonstrating through their heterogeneity the expansive possibilities of a wider law and film (law/film) literature.

As a baseline observation, in terms of subject the volume discusses films outside of the usual suspects of the orthodox literature; To Kill a Mocking Bird (1962) and Devil’s Advocate (1997) are nowhere in sight. To give an insight into this diversity, Christie looks at some lesser known World War II trial films; Moran talks about the British Oscar Wilde films (Oscar Wilde (1960) and The Trials of Oscar Wilde (1960)); MacDonald looks at the late Weimar film M (1931); Young examines Derek Jarman’s reflection on AIDS and mortality, Blue (1993); and Douglas looks at the several documentaries of Adolf Eichmann’s trial in Jerusalem (Verdict for Tomorrow (1961), Witness to the Holocaust (1987), The Trial of Adolf Eichmann (1997) and The Specialist (1999)). This expansiveness in film subject is mirrored in the diversity of method. Reflecting that many contributors are not lawyers, a wider set of methods then appears in the orthodox literature are on display. Several chapters look at particular intersections of film and law as historical events (Grieveson, Madhava Prasad). There are chapters informed by psychoanalysis (MacNeil, Botting and Wilson) and critical legal studies (MacDonald, MacMillan). There are also chapters drawing upon a wider cultural studies/sociological frame (Christie, Slocum, Lury).

However, this expansive diversity hides some limitations. The volume is very much like a short film festival, with graphic, attention-grabbing shorts demonstrating the technical wizardry or production mastery of a director. Many chapters are brief summaries of an individual’s wider and deeper work. For example, David Seymour’s chapter ‘Film and Law: In Search of a Critical Method’ tantalisingly suggests that, in orthodox law and film literature, ‘scholars reduce film to a resource for specific legal issues ... As a consequence, the specificities of film, its particular properties as film, disappear[s]’ (p 107). In his chapter, he attempts to ‘point a way forward for a
critical methodology of the study of law and film’ (p 108) through a reading of three texts: Creed’s *Horror and the Monstrous Feminine — An Imaginary Abjection* (1986), Douzinas and Warrington’s *Justice Miscarried* (1994) and M Night Shyamalan’s *The Sixth Sense* (1999) (a popular film based around a young child’s ‘gift’ for communicating with ghosts). Seymour suggests that, at the level of method, film and law manifest a radical binary logic of opposition and negation. Formally, this manifests in the tame treatment of film by legal scholarship as exemplar (the dangerous alternative of film is neutralised and subsumed). Symbolically, it manifests as the durability of the status quo (the symbolic legal) through erasure of the ethical abject. Seymour stylishly shows how the durability of the status quo is maintained in *The Sixth Sense*, in that in the resolution of the film the disrupting abject (the ghosts) are brought into the symbolic through the child’s recognition and acceptance of his responsibilities to the dead. In conclusion, Seymour suggests that the study of film and law has been ‘undermined by co-joining concepts, each of which has the domination of the other residing at its core. It is a domination that will continue as long as radicalism is confused with critical engagement.’ (p 109) This is a significant realisation for the development of law/film literature. However, Seymour’s conclusion immediately suggests a sequel. If critical engagement is to transcend the inherent radicalism of the established thought, then guidance as to the production values of this new scholarship would have been instructive. In ending at critique, Seymour leaves the reader wanting more.

Seymour is not alone in this. Slocum, Young, Grantham, Macmillan and Lury’s chapters are all summaries of prior published work. While these provide a good overview of the authors’ projects and concerns, it would have greatly helped the serious reader if more substance and details were provided.

This is not to say that the volume is just an encyclopaedia of prior published non-orthodox work on film and law. Other chapters present original substantive thinking on film and law. The two standout chapters are in the first part of the book, subtitled a ‘Fantastic Jurisprudence’.

William MacNeil’s complex rereading of the popular Australian film *The Castle* (1997) provides a masterful demonstration of the potential of law/film literature to add to the critical study of law. MacNeil takes a film that directly attempted to generate mainstream sympathy for Australian Indigenous people after the High Court decision in *Mabo* and shows through successive rereadings that this express aim is undermined by a recurring symbolism of white Australian nationalism and the imperial designs of the common law. MacNeil shows that law/film literature can engage with politics and law, but remain uncolonised by either discourse. Indeed, in a remarkably short piece, MacNeil manages to capture the complex interconnections of culture and politics of the *Mabo* period, exposing through *The Castle* the bedrock of contemporary Australian nationalism and governance.

In a very different chapter to MacNeil’s, Fred Botting and Scott Wilson look at the essence of contemporary existence highlighted and made problematic by *Toy Story 2* (2000). Through recalling a psychoanalytic toy law of ‘demonic’ automatism, repetition and substitution (p 65), Botting and Wilson look not only at the self-referent corporate promotion within *Toy
Story 2, but the very production values that it and its predecessor embodied. In a film about toys and children, there is both a preoccupation with family and an absence of family. They glimpse through the ambivalent ‘toy law’ the contours of contemporary corporate existence; the traditional family is a nostalgic residual fading in an economy of exchangeability and repetition. Botting and Wilson make the greatest break with the orthodox literature, not only in terms of theory but also in their use of a film that does not immediately present itself as a film about law.

In summary, this volume does highlight the expansive possibilities for law/film scholarship. In its diversity, its challenge to the orthodoxy and its mapping of alternative disciplines and methods, it points to an exciting future for law/film scholarship. However, there is one remaining disappointment with the volume. Notwithstanding suggestions by the editors to go beyond the ‘representation of representation’, most of the films considered in the volume could be categorised as trial or crime films, films in which law and legal processes are obviously represented. Possibly this reluctance of law/film scholarship to go beyond the classic law film genres sets up the binary radicalism of law versus film that Seymour identified. In the alternative, it is hinted at by several contributors that film as technology is an avenue yet to be explored. On reading this volume, one possibility for future research is reflection on the technological — possibly through the big-budget Hollywood action/science fiction blockbuster film — and the critical engagement of law and techné through film.

— Kieran Tranter
Griffith Law School