

BOOK REVIEW

Law and Justice on the Small Screen

Edited by Peter Robson and Jessica Silbey

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*Review by Kieran Tranter**

This is a substantial volume that seeks in its substantiveness to give form to ‘law and television’. The editors have done a good job accumulating both a diverse array of scholars and a diverse array of methods to investigate law and justice on television.

There is strength in this formalising, but there is a danger in formalism. First to the strengths: the overwhelming strength of this book is unity. This might seem like an excessive claim: the television considered ranges from mainstream US shows (*24*, *The Closer*, *Medium*, *Law & Order*, *Criminal Minds*), to ‘quality television’¹ (*The Wire*, *Deadwood*, *Dexter*), to reality television (*Judge Judy*, *To Catch a Predator*), to the Spanish’s lawyer series *Anillos de orro*. Further, the method of interrogating law and television spans a variety of humanities and social scientific methods. There are readings of specific television ‘texts’ that would be familiar to cultural studies audiences at work in the chapters by Carter and McCann, Lovell Banks, Bergman, Terzic and Ramshaw. Then there are more social scientific derived methods focused on the agents and network circulating within the filming of an episode (Lam) and audience studies (Sharp, Machura and Podlas). There is diversity here.

But read together, there is not. The title of this book might be *Law and Justice*, but its focus is lawyers, police and criminals. The obvious signifiers of traditional law and literature – of legal practitioners, judges, law enforcement and law-breakers – is what holds the immediate diversity of the chapters together. While the editors acknowledge that there has been almost 30 years of law and television since Macaulay and Friedman authorised the legal academy to think and write about its cultural consumption (p 2),² the editors present a field of study that seems strangely frozen in time. Many of the contributions, with their emphasis on lawyers, police and crime, would not be out of place alongside late-1980s law and television work. Steven Giller’s ‘Taking *LA Law* More Seriously’ from 1989 would fit seamlessly among the chapters in the volume.³ I do acknowledge that most, but not all, of the television examined is post-1990s, and that interrogating specific tropes (such as terrorism as in the contributions by Yin, ‘Lawyers in

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¹ A contested term, but *Deadwood* and *The Wire* are regular inclusions in such lists. See Cardwell (2011).

² Friedman (1989); Macaulay (1987, 1989).

³ Gillers (1989)

Terrorism Thrillers’ and Khan, ‘Bordering on Identity: How English Canadian Television Differentiates American and Canadian Styles of Justice’) or specific post-1990s television genres (like reality television) are, obviously, absent in earlier studies. I also acknowledge that the diffusion of feminist critiques into both cultural studies and law, along with the slow changes to gender representation on the small screen, makes chapters like Lovell Banks’ (‘Dark Justice: Women Legal Actors on Basic Cable’) a welcome rejoinder to the universal masculine of earlier studies. My observation is that there is a unity to *Law and Justice* in the shared emphasis throughout most of the chapters that if law on the small screen is to be studied, it is the familiar tropes of the legal and justice systems associated with law-*in*-literature that should be considered.

Something else that ties this volume together is the fact that the television under consideration is North American. Aside from Louis on *Anillos de orro* (‘Television Divorce in Post-Franco Spain: *Anillos de orro* (Wedding Rings)’) and Machura on German television judges (‘Television Judges in Germany’), the only diversity present is whether the broadcast law and justice under analysis were from the United States or Canada. For a book edited by UK-based scholars, published by a UK publisher, where was England and her Empire? Especially in a volume with seemingly a law-*in*-literature brief, the absence of consideration of iconic English crime/lawyer shows *The Bill*, *Rumpole of the Bailey* or *Midsomer Murders* and the like was noticeable. Further afield there was no consideration of law and justice television from Australia, India, Africa and Asia. The television genre of the police/lawyer show might have its origin with the transition of the US paperback detective to the small screen, but that does not mean that it remains a purely American phenomena. It has become a global genre, with regional television industries transmuting regional law and justice into entertainment product. This wealth of global stories provides a rich vein for the legal scholar to mine in exploring the diversities and unities of global law and culture. This global perspective was not a brief that the editors actively pursued. However, the absences suggested by the limited geographical scope of the television explored in the chapters represent a lost opportunity.

This returns us to unity. The volume does hang together because the chapters do not stray much from the crime/lawyer show from North America. But this immediately suggests another, perhaps more telling, absence: the television considered belongs almost exclusively to this genre or to what can be seen as a quite related genre of reality television. This flows from the law-*in*-literature focus, a predication for the obvious law trope texts. Both the crime/lawyer show and reality television shoot for ‘drama’, for adult audiences and for seriousness. But the cultural working through of legality is not siloed within these narrow genres. Global television consumers do watch lawyers, police and criminals being dramatic and serious, but they also experience legality in less obvious televisual moments. Comedy repeatedly has television audiences laughing with, and at, these figures. Staying within North America shows like *Boston Legal* and

even *The Simpsons* provides a set of parallel narratives about law and justice. More significantly, their comedic orientation possibly tells more about the everyday living with law than any number of *CSI* episodes.

There are two chapters that stand out because their texts of choice are not crime/lawyer dramas. Carter and McCann focus on an episode from the science fiction *Star Trek: The Next Generation*, while Johnstone explores the Western *Deadwood*. Carter's and McCann's chapter ('Measuring Humanity: Rights in the 24th Century') has a retro feel. Not only was its text, the 'Measure of Man' episode from season 2 of the show, screened in 1989, but Carter's and McCann's focus remains solidly within a law trope emphasis 1980s approach. 'Measure of Man' has the distinction of being one of the most analysed science fiction stories by cultural legal studies.⁴ Its heavy law emphasis – of a judge, advocacy, court room, legal argument and judgment – makes it obviously about law. Carter's and McCann's chapter does little to advance the critical scholarship around this episode, or consideration of the cultural legality of science fiction more generally. They do a good job dissecting the legality represented within the episode, showing the slippages within the legal rhetoric from doctrinal statements to philosophical incursions to political polemics, and how this alchemy is generative of rights recognition. However, their insights run out of time. Both science fiction and theorising post-human justice have blasted away from liberal frameworks of the eye and the same – of privileged communities allowing entry to the jurisphere based on recognition of self in the other – to much more complex and contested networks of embodiment and affect. Television's reimagined *Battlestar Galactica* seriously frakked up the human-machine, self-other, subject-object, nature-culture positions of *Star Trek*, and with it the liberal attempts to assimilate the post-human that Carter's and McCann's chapter represents.⁵ And I will not even attempt to jump the pond and talk about what post-human cultures of legality might be suggested or desired by the BBC's regenerated and resurgent time-travelling demonic über-alien, The Doctor ...

However, the stand-out chapter of the volume is Johnstone on *Deadwood*. Johnstone's chapter ('Television, Pleasure and the Empire of Force: Interrogating Law and Affect in *Deadwood*') moves with the energy of a rollicking stagecoach. Johnstone shows the fundamental strength of serial television for legal thinking: its serial nature. The continual return by audiences to the fictional world mirrors, to a much greater extent than the stand-alone narratives of film or the novel, everyday life. With television – or at least with the sort of 'quality television' of the *Deadwood* variety – we live with the characters through their travails, and in so doing much more sophisticated accounts of law and legality can be threaded. Johnstone does exactly this. She reads through the layers of *Deadwood* from the complexity of the characters, the twists in the macro-narratives down to the violence of a specific scene, and in so doing convincingly connects *Deadwood* to the

⁴ Nesteruk (1999); Joseph (1998); Joseph and Carton (1992); Joseph and Carton (1995).

⁵ Tranter (2007).

legality of post-colonialism. Where Carter's and McCann's reading of the 'Measure of Man' highlights an attempt to make different the same through juridified talk; *Deadwood* via Johnstone shows the instability of these categories. Instead, the 'law' is revealed as nomadic, shifting and embodied, connected to the visceral of violence and bodies and, because of this primal location, capable of both the horrors of colonialism and providing the possibilities for understanding and respect.

So how many stars? The chapters do provide an illuminating read through law and justice as represented on North American television. In limiting the chapters to law *in* literature – to predominately shows, especially the crime/lawyer drama, where the 'law' is immediately on the surface and to an analytical framework that focuses on this surface – there is a formal unity to the volume. This unity, the establishing of a mainstream core, is perhaps the true strength of the book. It shows the significant work still needing to be done. First, it suggests a volume that does law and justice as it is practised in this book for global television; that examines in a much more substantive way the televised law and justice from the Europe, Asia, Africa and the Antipodes. Second, there is the need for a volume that has fast-forwarded its texts and method; that brings together chapters of the calibre of Johnstone's to delve deep into the cultural legalities of the television. For this delineation this volume is three and a half stars.

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