

LEARNING LAW from LA

David McKie and Sonia Walker

Media representations and feminist critiques: images of law and lawyers in Murder One and Picket Fences.

One LA Law episode opened with the firm's divorce lawyer, Arnie, advising an aggrieved wife. The wife had brought footage of her husband, who hosted a children's television show, Uncle Willard's Animal Farm, with a huge sow and an attractive hostess. Arnie assumes the cause of the wife's complaint to be her husband's adultery with the young woman but the wife claims to have caught him in bed with the sow. After recovering from the shock Arnie advises his client that the incident is not central to her case. Outraged, the woman says, 'My husband commits an inconceivable act of perversion with a barnyard animal and it's not central to my case'. Arnie replies, 'Not in California, not under the No Fault Statute'.

The example is extreme but representations of law emanating from Hollywood and the Californian-based US television industry remain a significant source of the Australian public's perception of legal processes, issues, personnel, politics and ethics. From *Perry Mason* to *Murder One*, US legal dramas have occupied Australian screens. In this article, we examine some of the textual features of recent television law emanating from LA. In line with the title, which plays off the famous postmodern architecture book, *Learning from Las Vegas*,¹ we explore what might be learnt from the popular television texts generated by the Los Angeles television industry. Down playing the relevance (whether or not they legislate against bestiality) of actual Californian laws, we look instead at some of the representational possibilities raised by two recent legal series, *Murder One* and *Picket Fences*, which have completed seasons on Australian television. In doing so we adapt Anthony Chase's American perspective that:

investigation into popular culture formats reveal mass media/mass society attitudes or 'structures of feeling' regarding American law and the legal profession which can certainly help us to develop a sharper focus.²

In particular, we examine how certain representational strategies and generic features open possibilities for less sexist legal practices and for dramatising alternative perspectives. At the same time our analyses confirm Kathleen Rowe's perception that not all is progressive in these screen courtrooms:

L.A. LAW ... tends to sanitize the contradictions it deals with and wrap them up neatly. It touches on such current 'hot' issues as missing children, yuppie kids dealing drugs, sex discrimination cases and so on — but with a vision and tone that diffuse their intensity. Hotshot lawyers offer our best chance at protecting this best of all worlds, after all.³

Casting roles: academic feminism and the symbolic annihilation of women

As long ago as 1978, Gaye Tuchman⁴ charted 'the symbolic annihilation of women by the mass media': how women were systematically excluded, or their roles minimised, across the whole range of television. That symbolic annihilation has an equivalent representational annihilation when they do appear in mainstream media as rape and

David McKie teaches media studies and public relations at Edith Cowan University, Perth, and Sonia Walker teaches law at Murdoch University, Perth.

murder victims who are predominantly attractive, young and female. Carol Clover's *Men, Women, and Chainsaws: Gender in the Modern Horror Film* has observed the cast list of victims in schlock horror films, which slaughter without regard to age, race and gender, is much less discriminatory than prime time television.⁵ Discriminating along conventional lines, *Murder One's* first case, 'The Goldilocks Murder', has a victim who is an attractive, young (although at 15 she is slightly younger than usual) female who has been sexually assaulted and a main legal hero who is male. So where is the interest for feminist questions?

For a start the show's innovative decision to hang the majority of the first series around one case ensured a more sustained close-up examination of the everyday politics of a law practice. The potential opened by the additional length is enhanced by *Murder One's* self-reflexive engagement with representational matters. Self-reflexivity describes the process whereby the media text itself refers to how the media texts construct reality (and therefore draws attention to its own status as an artificial construct). For example, the male accused is a film star and viewers frequently see Ted Hoffman, the main character — a leading defence attorney who owns the practice — and his case through the screens of the pseudo-documentary program 'Law TV', complete with a trial law expert commentator, as well as Hoffman pre-recording his sequence for a pseudo-tabloid television show 'Deadline America'.

This self-reflexivity extends to images of women. In objecting to a potential juror (because her job in a women's health centre had involved counselling rape victims), a male member of Hoffman's firm sets up the following debate:

Male: She's a card-carrying feminist.

Female: So.

Male: Our client is male, he's an admittedly heterosexual male. He represents the motion picture and television industry which, according to a strictly feminist perspective, has systematically both glamorised and demonised the image of women. Accordingly I think she'd hurt us.

Female: There is that risk. There is also the likelihood that feminist identification comes accompanied by a greater suspicion of authority and a less judgmental attitude towards both promiscuity and so-called underage sexual relations, particularly when the age of consent differential between male and female is consistent with what they view as an oppressively patriarchal system.

There is also a clearly negative side to *Murder One's* casting. Indeed, since Hoffman's two main female support lawyers are played by young attractive women and the majority of other women play stereotypical support roles, it invites Tuchman's critique 'that either condemnation, trivialization, or "absence means symbolic annihilation"'.⁶ More positively it foregrounds an able middle-aged female prosecutor, has a female judge presiding over the case, makes Ted Hoffman's secretary male and has Hoffman's wife, who initially appears as a stereotypically good 'stay at home' wife, leave him later in the series. *Murder One* therefore does invite both a critique of its stereotypical images of women and limited credit for providing some alternative, and possibly more accurate, accounts of the range of gendered roles.

In taking lessons from this highly naturalistic genre, Australian TV law could learn how to fill the bench, and legal offices, with a range of women of different ages and backgrounds modelling how the law, and law firms, should naturally operate (interestingly the Australian rural based series, *The Law of the Land*, did position women in some positions

of power). By taking these options, program makers would not only contribute to reducing the number of stereotypical images of women in these programs but would also place more women in senior legal positions than the profession itself. For example, a recent report on gender bias and judiciary recommended that 'all jurisdictions should strive to increase the diversity of appointees to judicial office' and noted that at present 90% of federal judicial offices are held by men of Anglo-Saxon or Celtic background.⁷ Presenting less stereotypical accounts of women begins to redress, in symbolic terms with material force, the gender hierarchy of the profession and the barriers to advancement which face women and minorities.⁸

Classical divides and legal realism

Murder One also brings into question aspects of the classic public-private divide: a divide which traditionally associates the private with the emotional and with women, and the rational with the public and with men. Theories of western knowledge have been structured around a system of opposites which tends to divide concepts into contrasting spheres. In the interlinked set of binary oppositions male tends to be placed opposite female as public is opposed to private, rational is opposed to emotional, and objective is opposed to subjective.

Three important characteristics underpin the system. First, each of the concepts is considered to be either masculine or feminine: all the first-named concepts (public, rational and objective) are considered masculine; all the second named concepts (private, emotional and subjective) are considered to be feminine. Second, the male side is considered to contain the superior attributes so that 'the culture, the values and the areas of life associated with the dualised [female] other are systematically and pervasively constructed and depicted as inferior'.⁹

Law is associated with the male side of the divide. Thus law is supposed to be 'rational, objective and principled like men; it is not supposed to be irrational, subjective and personalised, like women'.¹⁰ Feminist critics¹¹ have drawn attention to how the public-private dichotomy has been constructed and supported by the legal system so that the:

public sphere is that sphere in which 'history' is made. But the public sphere is the sphere of male activity. Domestic activity becomes relegated to the private sphere and is mediated to the public sphere by men who move between both. Women have only a place in the private sphere.¹²

The more sustained television examination of the law in action authorised by *Murder One's* lengthy focus on the one case tests such suppositions. Women in *Murder One* have a place in both the public and private sphere but it is only men in general, and Ted Hoffman in particular, who move between the two spheres: the women are either professionals, and therefore portrayed at work; or are homemakers, and portrayed in domestic scenes. It is salutary, in this context, to look back at 1970s work summarising the regressive roles of women who appear on television adverts including a concentration on women segregated as homemakers rather than as active members of the public workplace.¹³ On this small legal screen it still seems impossible for women to combine the two worlds in the ways that men are shown to do. Only on very few occasions do the professional women appear in circumstances where the public and the private merge.¹⁴

One of these occasions illustrates how, even then, the split continues to operate. The script sets up Hoffman as success-



fully compartmentalising his life to the extent that personal situations do not affect his work. His wife's announcement that she is leaving him, although he is clearly upset by the news, does not, for example, seem to impact on his professional-public life. By contrast, when the husband of the prosecutor, Miriam Grasso, dies during the trial, she is presented as allowing her private feelings to affect her professional decision making. The episode confirms that interpretation when a deputy prosecutor, during the time when Miriam is away from court attending to the funeral requirements, cross-examines a witness in such a way that the jury members begin to see the accused, Neil Avedon, in a more favourable light.

Miriam, when she returns, is aware that the cross-examination has damaged the prosecution's case and so invites Hoffman to her office to offer a deal. Although reasonable in itself, her discussion of her husband's death at this meeting positions the audience to question whether she still has the energy or inclination for the trial. The script further reinforces such doubts through Hoffman's comments that the decision to offer a deal at this stage is uncharacteristic of her. The contrast with Hoffman is explicit. Simultaneously seeing his wife and daughter intermittently, attending marriage counselling, and continuing to conduct the Avedon case in exactly the same way he has always done, Hoffman exemplifies how to compartmentalise the public and private aspects of life.

This process is repeated with rationality and emotion through other *Murder One* representational strategies. Throughout the series, Hoffman's, and other, character behaviours and feelings are repeatedly foregrounded through a particular camera style. This style, of extreme close-ups, often held for a significant time (in the manner of soap opera shots designed to indicate character feelings), works to emphasise emotional reactions particularly. These combine with sequences which are shot, despite being in colour, in deep shadow akin to a film noir style of black and white extremes — early exchanges between Hoffman and his enemy Richard Cross, for example, are heavily backlit in a manner which foregrounds an emotionally grounded battle between good and evil.

At times the narrative incidents parallel the visual strategies. *Murder One's* coverage of jury selection procedure, for example, demonstrates that the case's ultimate decision is likely to depend on the views of jury members who may decide, not on the basis of evidence, but on their own preconceived notions and biases. While this may be common knowledge among law practitioners, such knowledge is less prevalent on LA's television screens. *Murder One* is rare among popular law programs, at least prior to the O.J. Simpson trial, in devoting an entire episode to jury selection and so foregrounding the deliberations which counsel have about the relative merits of jurors.

It has also to be borne in mind that the jury challenging process depicted in *Murder One* belongs to the US, and not the Australian legal system. While US law programs provide opportunities for Australian audiences to view representations of law, lawyers and courtroom practices, they may also distort the audience's understanding of their own legal procedures.

Significantly, in representational terms, *Murder One* depicts the US system itself as unable to protect the accused. Despite his innocence, Avedon is found guilty, incarcerated and attacked by another prison inmate. Justice in *Murder One* prevails almost entirely because Hoffman behaves as 'hotshot' lawyer par excellence. His work included illegal breaking and entering, negotiating with the mob, continuing to work without fees and only just stopping short of paying a \$100,000 bribe to a superior court judge. This far exceeds any reasonable expectation of any legal practitioner. Since, even after all this, the DA still termed Hoffman's successful appeal the equivalent of a 'miracle from Lourdes', the Herculean strain in gaining justice left cause for concern in a series with such a heavy investment in realism. Viewers must also be left pondering what justice is available to those without the sizeable financial resources required to hire hotshot lawyers of Hoffman's calibre.

Beyond the pale: Picket Fences as abject television

If *Murder One's* representations tend to confirm that good law is the preserve of the rich and powerful, *Picket Fences* destabilises the centre and shifts power to the social periphery. Without stretching the parallel too far, we see some, differently contextualised, overlap with Kristeva's¹⁵ project of desiring 'society to come to terms with the abject (with what has been marginalised or repressed by culture)' and to 'release' into 'language' the 'revolutionary powers' of 'marginalised discourses found in madness, the irrational, the maternal, and the sexual'.¹⁶ *Picket Fences* encircles the cast of core characters who epitomise US small town sources of law, order and moral righteousness (male sheriff, his doctor wife, elderly white judge, catholic priest and Protestant minister) with an array of unusual characters. In ranging from murderous women who kill their husbands (one for interfering in her relationship with her masseur) by sticking them in the freezer or by crushing them to death with a steamroller, through an angry animal-liberationist dwarf, to a pro-euthanasia African American nun who breaks the law by mercy-killing the incurably ill, they echo Kristeva's discursive marginals. Two features are particularly unusual for main-

stream television: all of them act to some degree to stretch subjectivity and visualise the conventionally deviant as unconventionally justified in moral, if not always legal, terms; and, if the mayors, businessmen, schoolteachers and other pillars of society do not turn out to be criminals, then they are shown to have distinctive kinks (for example, the priest is a woman's shoe fetishist and one mayor with Alzheimer's runs the town riding a rocking horse and wearing a nappy).

Aligning with these tendencies, Douglas Wambaugh is *Picket Fences*' hotshot lawyer par excellence. Wambaugh, whom his friend the judge rightly accuses of reducing the court to a farce, is played predominantly as a clownish 'character' who, despite being Jewish, cracks crude anti-Semitic jokes. Perhaps the level of grossness can be gauged by his introductory words to the judge on several cases: Wambaugh for the vegetable (a life support case); Wambaugh for the potato man (a homeless Vietnam vet living rough); and Wambaugh for the bodysnatcher (a doctor who has kidnapped his brain dead wife to bring her baby to term). Similarly, when cross-examining the Pope, he opened with the following preamble: 'I hope you understand our system is adversary in nature, so I must be adversary so, if I do or say anything despicable, it's not because I'm anti-catholic but because I'm a lawyer'.

In a remarkable parallel with *Murder One*, an ongoing storyline in the final series expands on the hotshot lawyer's feet of domestic clay by having Wambaugh's wife leave him. His verbally abusive treatment of the long suffering wife, Miriam, sits uneasily between comedy and viciousness — he regularly announces to the town that he only chose her because of her ugliness because that would be the only way to make a woman stay loyal to him (of course, it being *Picket Fences*, she has an affair). Nevertheless Wambaugh is shown as unable to maintain his sanity, let alone his courtroom practice, without her. So while *Picket Fences* may cast few women in positions of legal power, it deconstructs the ability of a hotshot lawyer to compartmentalise public-private divides as Hoffman did in *Murder One*.

As some of the character and narrative descriptions above suggest, *Picket Fences* is closer to magic realism than social realism. The series is nevertheless grounded in a kind of formal realism with high production values which make it indistinguishable from surrounding 'quality television' texts such as *Murder One* and *ER*. As a result, in a similar manner to *The X-Files*' promotion of UFOology as worthy of credibility, *Picket Fences* credits an impressive range of debates as worthy of serious consideration (including gay male adoption, a transsexual schoolteacher facing the sack unfairly, and protection against sexual harassment of women by Internet morphing). These cover 'ethico-legal' conundrums such as debates on tainted evidence, euthanasia; rights in relation to surrogate mothering; protection of defamation by Internet morphing; and employment protection for transsexual teachers.

As well as setting standards for diversity and breadth of issue coverage, *Picket Fences* offers fascinating material on such unlikely areas as the construction of the body. In considering the ethics and politics of birth, for example, one episode has the female mayor's fertilised ova being brought to term inside a cow. The resultant child is part of a whole 'baby farm' setup and the episode explores the practicality, science, ethics and law of such developments.

Crudely paralleling some of Kristeva's project, the series thus transforms marginalising discourses into television rather than language. *Picket Fences*' televisual version of the other side of realism frequently visualises what are, for mainstream shows, esoteric feminist debates concerning the natural in relation to bodies, limits, motherhood and human identity. In conclusion, therefore, we suggest that there are useful lessons to learn from LA. Moreover, while some seem more bizarre than others, US texts like these two series might usefully inspire a greater diversity of more egalitarian, both realistic and magically realist, Australian law representations.

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