

Film and the Law

The Cinema of Justice

Steve Greenfield
Guy Osborn
and
Peter Robson



• H A R T •
PUBLISHING

OXFORD AND PORTLAND, OREGON

2010

CONTENTS

<i>Preface</i>	v
1. Film and the Law: an Orientation	1
Law and Film Scholarship	1
Methodology	3
Language.....	8
Empirical Work and Causation	10
The Heterogeneous Goals of Law and Popular Culture	11
2. The Penetration of Law and Film	13
The Framework of Legal Education	13
Law and Context—the Role of the Socio-legal Imagination	15
Popular Culture and Law and Popular Culture	16
The Use(s) of Film.....	21
Film and Law Teaching.....	23
Law and Film Courses	27
3. Theoretical underpinnings and physical boundaries—defining the territory	32
The Dramatic Dimension of Law	34
Visuality and Image	36
The Cult of the Robe: Dress and Appearance in Film.....	38
Defining the Parameters of Law and Film: Academic Approaches	41
Inside the Courtroom.....	45
The Phases of Law	47
Conclusion	48
4. Strictly Courtroom? Law Film and Genre	51
Critical Aspects of the Courtroom Drama.....	52
Plot Conventions	53
Laughing at the Law	58
Genre Theory	61
5. The British Law Film: From Genre to Iconography	68
Britishness and Film: Protection and Representations.....	69
British Law Films	73
The Iconography of Law	76
Conclusion	78

Contents

6. Military Justice on Screen	80
Filming Military Justice	82
The Scapegoat	85
The Courtroom Drama in Uniform	88
Justice and Legality in the Military Context	90
Conclusion	92
7. Assessing Cinematic Lawyers (I): Heroes and Villains	94
The Heroic Lawyer: When Atticus Met Lincoln	95
Flawed Characters?	100
Assessing the Good/Bad Categories.....	102
8. Assessing Cinematic Lawyers (II): Alternative Categorisations	111
Introduction.....	111
Alternative Categorisations	117
Conclusion	121
9. Missing in Action (I): Judges	124
The Invisible Judge	125
The Corrupt Judge.....	128
The Troubled Judge	129
The Comic Judge	130
The Political Judge	131
Judges as Protagonists—the Judge under the Spotlight	133
10. Missing in Action (II): Juries	144
The Importance of the Jury	144
Jury Selection	146
Jury Deliberation	151
The Compensatory Jury	153
Conclusion	154
11. Fact, Fiction and the Cinema of Justice (I): Presumed Accurate?	157
Facts, Cases and Lawyers	164
Documentary Films.....	166
Developments in the 21st Century	168
Who Owns History?	170
Whose Story?.....	172
Conclusion	174
12. Fact, Fiction and the Cinema of Justice (II): Specificities	177
Common Themes	177
Let Him Have It (1991)	177
In the Name of the Father (1993).....	179
The Hurricane (1999).....	181
Amistad (1997)	183

Contents

A Civil Action (1998).....	185
Erin Brockovich (2000)	191
Evelyn (2002)	193
The Exorcism of Emily Rose (2005).....	194
13. Love Vigilantes: Private Eyes and Beyond.....	197
Vigilantes.....	198
Private Eyes.....	201
Defining the Private Eye.....	202
The Private Eye: Justice and Politics.....	204
The Private Eye in Film.....	206
The Existential Hero.....	209
Fighting Evil.....	211
The Stylites.....	212
The Return to the Politics of Everyday Life and Existential Angst.....	215
The Postmodern Investigator.....	216
Conclusion.....	220
14. Playing with a Different Sex.....	222
Gender in Film.....	223
Gender and the Law in the Cinema.....	224
The Visibility of Female Lawyers.....	227
Narrative Tropes and Female Lawyers.....	228
Subservience in Action.....	229
Emotional Dependence.....	230
The Repressed Daughter.....	233
Professional Inadequacy.....	235
The Changing Role of Female Lawyers.....	237
The Woman Lawyer as a Discreet Object of Desire?.....	239
Competent Counsel in US Films of the 1980s.....	240
The Woman Lawyer in the Supporting Cast.....	242
The Demise of the Political.....	242
Rebecka Martinsson: An Alternative Role for Women Lawyers?.....	244
The Politics of Gender in Legal Films.....	245
Gay, Lesbian and Bisexual Portrayals.....	249
15. Minority Report? Ethnicity in Film.....	254
Ethnic Minority Representation in Film.....	254
Race in British Film: The Imperialist Era.....	257
Foreignness on the Home Front.....	259
The Question of Integration.....	260
The Black and Asian British Experience.....	263
Ethnicity and the Law Film.....	268

Contents

Ethnic Minority Lawyers270
Conclusion274
16. Future Trajectories and Possibilities276
 Sometimes I, Fantasize: Celestial Justice277
 Cyber Justice.....282
 Safe European Home? Law and Film in Europe285
 France286
 Germany287
 Spain288
 Current Debates292
 Future Directions.....296

Bibliography300

Index329