

Changing Images of Law in Film & Television Crime Stories

By Timothy O. Lenz

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Introduction

My second-year Evidence Professor, although not completely “tech” savvy, used technology to integrate attention-grabbing images into what may otherwise have been a just another everyday classroom experience. She would run short clips of popular crime stories on the overhead projector to set up various evidentiary scenarios and questions and to stimulate discussion about the legal issues therein. For every situation we studied there was a relevant film clip; Tom Cruise interrogating Jack Nicholson in *A Few Good Men*; Harrison Ford denying guilt in *Presumed Innocent*; Jimmy Stewart proselytizing in various court room dramas; and Tom Hanks on the stand in *Philadelphia*. The use of these images enlivened the class and sparked conversation.

She is hardly alone in this method of education. Images from television and film are pervasive in today’s classroom, just as they are in society at large. These images shape, and are shaped by, current societal views and values. As such, they provide what can often be a valuable tool in educating and informing the public. This is the premise of Timothy Lenz’ book: *Changing Images of Law in Film and Television*, a part of the *Politics Media & Popular Culture Series*.

Much like my Evidence professor’s effort to create an interesting and entertaining starting point for more substantial discussion of the law, Lenz’s book offers the same kind of spring board. He does not give substantive black letter law or detailed accounts

of political and legal policies of the various eras. Instead, his book offers the reader insight as to how popular images in legal fiction lend can be viewed as capturing on celluloid the current pulse of criminal justice. Lenz also opines that these images, by their sheer omnipresence, can shape and affect viewers' opinions of criminal justice. Just as my professor found these images to be helpful in prompting discussion, she would find this novel to be equally stimulating.

Background

Timothy Lenz is an associate professor of political science at Florida Atlantic University. According to Lenz, he wrote this book as a non-legal view of the role of law in American society. More accurately, this book uses images of law, depicted in popular Hollywood movies and television shows, as a means of understanding the shift from liberal to conservative policies in criminal justice. Anticipating the obvious question about the value of studying legal fiction, Lenz aims to demonstrate how legal fiction is both a mirror of cultural views of the legal system and molder of those views at the same time. He supports the mirror analogy by pointing out the increasingly conservative depiction of the legal system in these films, which coincides with the equally conservative views of society today. The molder theory, according to Lenz, is supported by the fact that many jurors base their views of the legal system on the many realistic crime dramas they can watch on television today.

Analysis

Based on this foundation, Lenz traces the shift in the treatment of crime through three eras; from the liberal period of law in 1930's through the 1950's, to the transitional years of the 1960's and 1970's, to current conservative treatment. He follows this

pendulum swing through popular crime stories over the past seventy years, discussing the changing depictions of local police, FBI agents and the criminals at the heart of the stories in such settings as gangster stories, prison movies, cop shows and trial films. For each era, Lenz chooses a popular film or television show which epitomizes the thinking at the time. He discusses the story and moral of each and relates the fiction to the truth of its time.

Lenz characterizes the commonly held beliefs of liberal era as the belief that crime has social causes (such as poverty and racism) and the belief that the primary goal of sentencing is rehabilitation of the convicted criminal. To this end, Lenz relies on the films *12 Angry Men* and *To Kill A Mockingbird* as primary examples of liberal policy and thinking about criminal law. Lenz does a good job of explaining the plot lines of the films, highlighting issues that reveal the liberal moral of the story and reflecting the attitude of the time. He then goes on to demonstrate how these liberal films affect viewers, and ultimately play a role in changing the attitudes towards the era's policies. The film, *12 Angry Men*, portrays the message that the adversarial system of justice works within our democratic society and affirms the liberal faith in the due process model of American justice by showcasing the inner workings of the jury system. Even as this film represents the popular beliefs of its time, it also exposes the flaws in the trial by jury system by revealing the uncertainty and skepticism associated with a verdict as a calculated guess on the part of the jurors.

Discussing the transitional period of the 60's and 70's, Lenz relies on the classic television police drama *Dagnet*, and two films from the 1970's, *The French Connection* and *Serpico*, to demonstrate the mixed messages in legal fiction, as the nation shifted

from its liberal policies to tougher, more conservative criminal law policies. These stories depict crime as a growing problem, violence as an acceptable and sometimes necessary means to combat crime, and a general decline in public confidence in the government. In this context, the crime stories of the time gave rise to such notable characters Bonnie and Clyde as sympathetic bad-guys; the Corleone family of organized crime as ruthless killers with codes of honor and strong family loyalty; and “Cool Hand Luke” Jackson as a good-hearted military veteran with a history of trouble with authority. The moral of all of the crime stories of this era is the continuing struggle between law and order and crime. The uncertain outcome of this struggle is what draws viewers to these stories; the difficulty of being an honest man in a corrupt system reflects the political climate and tension of the 60’s and 70’s and is a recurrent theme in the films of the time.

Lenz gives the conservative era images of law a greater amount of attention. Lenz characterizes this era as a reaction to the liberal policies of criminal law. Lenz looks at such films as *Dirty Harry* and *Death Wish* and the gritty cop drama *Hill Street Blues* for images that accurately reflect the conservative swing in policy and criminal justice. Here such characters as Charles Bronson’s Paul Kersey in *Death Wish*, take up vigilantism with a vengeance. Bronson’s character in *Death Wish* is an exceptional example of the liberal to conservative swing. Kersey, the stereotypical “bleeding heart liberal,” goes through the liberal to conservative shift personally, and ultimately resorts to vigilantism as a reaction to lacking response and justice for the brutal beating of his wife and daughter.

Lenz also gives a greater amount of attention to the concept of the “bad good cop” epitomized by Clint Eastwood’s portrayal of “Dirty Harry” Callahan. In the *Dirty Harry*

movies, issues such as Fourth Amendment rights to due process are technicalities that criminals hide behind to avoid punishment. These rights are thorns in the side of old-school cops like Callahan whose reasons and actions resonate with an audience that wants to see criminals brought to justice. The frustration of an obviously guilty person being legally saved from prosecution is an injustice that requires Callahan to disobey orders; the audience is inclined to agree with his action. This blatant disobedience culminates in a stand-off between Callahan and the criminal, with Callahan pointing his gun at the wounded criminal and uttering the famous catch phrase, "Do you feel lucky? Well do you, punk?" The not too subtle moral of the *Dirty Harry* films, and other films of this era, is that Constitutional rights have been so unreasonably interpreted by liberal idealists that they are not protecting those who deserve protection and, in fact, function to let criminals literally get away with murder.

Finally Lenz concedes that just as pendulums do not swing only one way, the shift in criminal justice is not continuing in a single direction. He points to current television shows, such as the popular *Law & Order* series, which are neither conservative nor liberal and may be good indication of a swing back into transitional period of criminal law policy. He considers *Law & Order* a transitional era story line because it neither takes a typically conservative crime control stance, nor endorses a liberal due process model of justice. Instead the series depicts the segmented criminal justice system; the police and detectives who investigate the crimes trying to walk the narrow line of protecting everyone's rights, and the prosecutors striving to maintain egos and keep overzealous advocacy in check.

Law & Order makes two points not concretely addressed in the previous eras of legal fiction; first, individual rights are not absolute and second, the legal process is meant to protect substantive rights, under the black letter of the law. The fact that these two points overlap extensively is the tension that drives this show. The investigators need to know when and why they need a search warrant, yet in their pursuit of justice the officers often infringe individual rights without necessarily intending to do so. The prosecutors must then deal with the legal consequences and argue that the police action was legally reasonable.

Lenz's goal in writing this book was to help explain the relationship between public opinion and current legal policy by using popular legal fiction to represent the popular thinking of crime at the time. The book itself is an easy and somewhat entertaining read. Recalling famous characters from popular films and stories creates a familiarity for the reader, making the book feel more like a story and less like a text book. Lenz does a fairly good, albeit occasionally superficial, job of setting the background and context of his theory, familiarizing the reader with the basic differences between law and politics, and between liberal and conservative criminal policies. He also takes care in the beginning to explain some of the changes in the culture and times throughout the decades.

Conclusion

Lenz' novel is not dense with information, so it is not overwhelming for the reader to absorb. Consequently, it is not completely encompassing of the very complex subject of criminal justice policy. In an area which is full of commentary and

commentators, Lenz takes a unique approach and shows the reader a view of criminal law through a non-legal lens.