

**"Law is an Odd Thing" - Liberalism and Law in the TV-series "The Good Wife"**

Machura, S.; Davies, L.

Kriminologisches Journal

Published: 01/04/2013

Publisher's PDF, also known as Version of record

[Cyswllt i'r cyhoeddiad / Link to publication](#)*Dyfyniad o'r fersiwn a gyhoeddwyd / Citation for published version (APA):*Machura, S., & Davies, L. (2013). "Law is an Odd Thing" - Liberalism and Law in the TV-series "The Good Wife". *Kriminologisches Journal*, 45(4), 279-294.**Hawliau Cyffredinol / General rights**

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal ?

Take down policy

With special permission from the publisher to use published version

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Stefan Machura and Llewelyn Davies

“Law is an Odd Thing” – Liberalism and Law in the TV-series “The Good Wife”

Auch populäre Unterhaltungssendungen versorgen das Publikum mit Informationen über Recht und die Rechtsberufe. Sie bilden einen festen Bestandteil alltäglicher Auseinandersetzung mit Kriminalität. Die amerikanische Hochglanz-Fernsehserie *The Good Wife* (gestartet 2009) dramatisiert nicht nur Berufstätigkeit und Privatleben von Anwälten sondern greift auch in ungewöhnlicher Dichte aktuelle Ereignisse und Streitfragen auf. Mit der Tendenz der Darstellung wird sie zu einer Stimme des liberalen Spektrums in der rechtspolitischen Debatte.

Schlüsselwörter: Populäre Rechtskultur, Liberalismus, Rechtsberufe, Juristinnen

The public also receives information on law and the legal professions from fictional entertainment, which has become part of every-day discourse on crime. The American high-gloss television series *The Good Wife* since 2009 not only dramatizes work and private lives of lawyers but also responds to recent events and debates. With its overall message, *The Good Wife* joins the liberal camp in the legal-political debate.

Keywords: Popular legal culture, liberalism, legal profession, female lawyers

Legal scholars and social scientists have increasingly turned to the depiction of law, legal institutions and legal personnel in popular culture. Studies of the legal world in novels and films today form an established area of scholarship. Media and law-themed modules are widely taught at US and British universities. And indeed, products of popular legal culture contribute to the daily public discourse on crime. The cultivation theory formulated by George Gerbner suggests that members of our societies grow up with television and that the excess of violence portrayed on TV contributes to wide-spread anxieties (Gerbner et al. 1980). A public in fear of crime is often susceptible to law and order politics. Frightened people are likely to turn to authoritarian ideologies. Media, political actors and the public end up in a cycle of fear, panic and draconian responses which do more social harm than good. Less attention is given to media portrays that may further liberal values, feeding into the daily discourse measured responses to crime and, probably above all, a balanced skepticism towards agents of law that does not descent into crippling despair.

Fictional TV series were identified as powerful storytellers about crime, the state of law, of legal personnel and indeed of society (e.g: Asimow 2009; Rob-

son/Silbey 2012). The audience will not be aware of the full extent of differences between on-screen portrays and the “reality”. Viewers may not be able to “source-discount” information from fictional formats (Asimov et al. 2005: 411). Members of the public are involved in legal action by numerous roles as participants in proceedings, or if only through reporting to agents of law, so that they may form their opinion based on direct and indirect information. Those who lack direct experience are left to figure things out from sources such as courtroom dramas, detective or judge shows, or lawyer series. In the extreme case, there is even the chance that entertainment products trump over direct experience. Fictional outputs of the culture industries can be more influential than documentary, or political-educational formats. Their content might creep into viewer conscience exactly because it is consumed as escape and if it does not offend the audience with too obvious a message.¹ A high-gloss TV series may just provide the right vehicle for political ideas to travel. The following will analyse the use of legal themes and the depiction of legal characters in the TV-Series *The Good Wife* (USA 2009-present). This CBS cable TV production has not only gained a respectable slice of the US audience and even enthusiastic support by TV critics (Golden Globe 2009 and Prime Time Emmy Award 2011 for lead actress Julianna Margulies), but has also been screened in European countries. With a short delay, each season is distributed widely on DVD and circulation is further supported by availability from websites.

The Good Wife is important not only as a flagship series of cable TV and because of its superb acting and writing. It would deserve the attention of academics alone for its strong depiction of female characters and of people from diverse ethnic background and orientations. Geared mainly to a female core audience, *The Good Wife* tells the story of a betrayed woman who has been brutally robbed of her private existence and re-joins the workforce to make ends meet. Only, that Alicia Florrick has been educated at an elite law school and finds her way into a prestigious law firm, Stern-Lockhart-Gardner. The most senior law firm partner, Jonas Stern, will soon become a victim of a vicious illness, so that the other “named partners”, Diane Lockhart and Will Gardner have to face the consequences of the upcoming economic crisis. Alicia’s arrival at the firm is helped by the fact that she knows Gardner from university where they almost became a couple. This would be the material of an average soap opera. Yet, additional dynamics are added by the nature of her husband’s work, the high-profile cases taken up by the law firm and by the fact that the events allude to recent history that at least the US audience shares. The unfaithful husband is an elected State Attorney General accused of corruption and attacked by right-wing opponents. After eventually clearing his name and re-election, he campaigns to become a Senator. The story is staged in Chicago, the home of President Barack Obama, and the legal cases involve some of the most divisive issues of our time.

¹ For in-depth discussion of media and other influences, combining cultivation and uses-and-gratification approach, see Machura 2011.

Following examples of series like *The Wire* (2002-2008), *The Good Wife* does not just show how the main characters solve a few isolated cases per sequel. Lead script writers Robert and Michelle King have created a main story which is developed permanently. Traditional TV lawyer series, like the German *Liebling Kreuzberg* (1985-1998), just depict their hero engaging with new cases from sequel to sequel. The Alicia Florrick figure is changing. Robert King (cited in Lacob 2012) explains: “We always thought of the show as kind of an education of Alicia Florrick. ... She’s someone who started with an ethical understanding of right and wrong, black and white, good and bad, and she had very defined categories of that.” At the outset, her stance “was probably pure but also a little naïve.” The law firm job “requires of her compromising some moral understanding”, she now is “surrounded by people who have accommodated that.”

With its principle layout, *The Good Wife* varies main conventions of the law film genre. Typically, law films depict a legal system that would work, it may have shortcomings and may be misguided or abused by corrupt actors, but righteous professionals could mend it. *To Kill a Mockingbird* (1962) forms a classic example. The famous film never questions the US legal system as institution but attacks racist abuse and prejudice by officials and the jury representing a Southern white community. Lawyer Atticus Finch in the end tragically loses his innocent black defendant Tom Robinson, but what an example of zealous defence he sets! Audiences relish an intelligent variation of genre conventions. Therefore, numerous films succeeded by depicting a lawyer overcoming initial hurdles. Film plots akin to the travails of Alicia Florrick include e.g. the inexperienced lawyer handling his first murder case (*Young Mr Lincoln*, 1939), or a female public defender in personal crisis nevertheless solving a challenging case (*Suspect*, 1987). *The Good Wife* clearly profits from the treasure of traditional US courtroom dramas.

Yet, with *The Good Wife*, there is more at stake. The series reacts to current political events and weaves stories around the most controversial and topical legal and political issues in the US. Viewing the series, criminologists could sense that *The Good Wife* challenges conservative American legal thought and legal folklore and advocates a “liberal” legal philosophy. The liberal model of justice, according to Lenz² advocates among other aspects due process, rehabilitation, individual rights, legal autonomy, and professional administration of the legal system. Films in this tradition will show the system abused by political and economic power and the dangers of a – widely popular – “war on crime” policy that sacrifices legal complexity and civil rights³.

² Lenz (2003: 31), referring to Herbert Packer’s juxtaposition of “due process model” and “crime control model” (Packer 1968: 161-173).

³ The terms “liberal” and “conservative” take on different meanings depending on political and historic context. In this essay, they are used as terms of the field. *The Good Wife* refers to 21st century US interpretations of liberalism and conservatism. While European readers will find it easier to recognise the liberal position, conservatism in the United States has gone through a marked period of political radicalisation and has become synonymous with pro-death penalty and mass incarceration policies as well as with endorsing heavy-handed policing.

The following analysis will test the hypothesis that *The Good Wife* could work as a vehicle for liberal ideals. As guidance, Machura's (2007) Analysis Scheme for Law Films will be used. Following the analysis scheme, the discussion will be divided into three parts. At first, a general characterization will be sought. Second, the portrayal of the main characters and their counterparts, which is so important for mainstream culture products, will be investigated. The final part will turn to the narrative of *The Good Wife*.

Basic characterisation of the series

The running time of an episode of *The Good Wife* is approximately 45 minutes. CBS broadcasts the series at the 10 pm slot when the contents of broadcasts may include adult topics and explicit language. Though, the depiction of sexual behaviour is still restricted. The audience at this time of the day may consist of a slightly more mature cohort. A clue to the targeted viewers is not only given by the age of most series figures, professional men and women between 35 and close to retirement. TV advertisement – at least on the British More4 channel – addresses the middle-aged, affluent female consumer. In a telling coincidence, in one of the interruptions, Julianna Margulies, playing Alicia Florrick, appeared in an advert for hair colorant, waiving her iconic long hair and repeats the words “‘cause I'm worth it”. In a further blurring of boundaries between on-screen story and viewer's life, another advert (on 4 March 2012, More4), introduces the services of “Quality Solicitors” offering advice how to find lawyers in more than a hundred countries.

The Good Wife “is a thinly disguised interpretation of the Eliot Spitzer Scandal” (Ridley 2009). In March 2008, Eliot Spitzer quit as Governor of New York after being caught with a prostitute in a hotel room in Washington, D.C. Similarly, *The Good Wife*'s Peter Florrick is forced out of his office as State's Attorney of Cook County after tapes leak of him sleeping with a prostitute. However, the most obvious parallel is the way in which Eliot Spitzer's wife, Silda Spitzer, and Peter Florrick's wife, Alicia Florrick, are forced to become the main breadwinners in the wake of their husbands' sexual indiscretions. *The Good Wife* also draws from other high profile cases, such as Bill and Hillary Clinton and John and Elizabeth Edwards (Ridley 2009).

The story takes place in 2009 to present, in Chicago, Illinois. The city is not only prominent as the home base of the first black president elected. Barack Obama turned out to polarise political opinion, disappointed some of his most ardent liberal supporters and became a hated figure for the reactionary right. Chicago also has earned a reputation for its climate of notorious corruption which was only reinforced by the fact that State of Illinois Governor Rod Blagojevich lost his post after trying to sell Obama's vacated seat in the US Senate. A series, like *The Good Wife* dealing with political and legal machinations will thus be poised to attract US viewers interest.

The Good Wife is often based on actual events. One among many examples of this is the season one episode *Doubt*, which is obviously inspired by the high profile case of Amanda Knox, the American student convicted in Italy of murdering her British roommate in 2007. (However, this conviction was overturned in 2011). True stories and real characters appeal to audiences (Asimow/Mader 2004: 115). Fictional shows can gain attention when they allude to them.

A typical sequel of *The Good Wife* deals with more than one legal case. There is a wide spectrum of both civil and criminal cases, even labour disputes, usually about severe crimes or high sums of money. In the series one episode *Crash*, for instance, Alicia Florrick fights a railroad company to salvage pensions of three widows, whose engineer-husbands were blamed for a freight train derailment.

Accordingly, legal procedures shown in the TV-series *The Good Wife* vary considerably. This might make the series an effective tool to introduce US legal procedure to students, especially in European countries. There are even two episodes, *Ham Sandwich* and *Another Ham Sandwich*, in front of a grand jury, an institution which is otherwise hard to find in film material. Most civil and criminal cases are resolved through settlement offer, or plea bargaining. The lawyers always try to settle cases before and during trial. This is an accurate depiction of US legal procedures, contrary to other television series and films, which suggest that most cases are decided in jury trials (Asimow/Mader 2004: 60). In *The Good Wife*, the settlement offer (again, a legal procedure decided by lawyers) almost always achieves what is called substantive justice (the article shall elaborate this term later).

Other legal procedures shown in *The Good Wife* are not portrayed as favourable as the settlement offer. Mediation, for example, is shown very negatively in the series two episode *Ham Sandwich*. The procedure involving a drug baron and his wife asking for divorce and child custody begins with Fredrick Medkliff, the agreed upon mediator, assuring both sides that “I'm here to help you reach a yes”. What actually transpires is his, and mediation's, complete failure (both sides argue, are unwilling to compromise and culminates in them going to court). The mediation ends with Fredrick Medkliff expressing to Lemond Bishop, the client of Alicia's firm, his apologies that mediation had failed him, that he hopes that it had not soured his need for compromise, and saying to him that “I always tell myself ‘say ‘yes’ for every time you say ‘no’, and you'll be a happier person”. Do you understand what I mean?” to which Bishop replies “No”. The next thing that transpires is the suspicious death of his wife.

The settlement offer in *The Good Wife* is treated much more favourably than other legal procedures. One might argue that this glorifies the adversarial system. That is to say, the best way to find out the truth would be a duel between two lawyers (Asimow/Mader 2004: 26).

Nicole Rafter (2000: 136) pointed out that a justice figure and an injustice figure can be pitted against each other in law films. In *The Good Wife* Alicia

Florrick fights against the corrupt new State Attorney General, Glenn Childs, the main antagonist in the earlier sequels. In further episodes, the role of the injustice figure moves on to different people, but tellingly, often overzealous state prosecutors striving to gain more power. Lawyers representing ruthless corporate clients form another set of injustice figures in *The Good Wife*. Negative portrayals of state prosecutors and of lawyers serving big corporations are a main feature of “liberal” US law fiction (e.g. *Young Mr Lincoln*, 1939, or *Philadelphia*, 1993).

Legal procedures in *The Good Wife* involve a whole range of courts. Even military courts occur, as in the series two episode *Double Jeopardy*, but rather as places with a different, if not alien regime. This again would count as evidence for a “liberal” stance of the series. With regard to the level of courts, courts of first instance form the bulk of the series. This is followed by courts of appeal, such as in the season one episode *Conjugal*. The courts appearance and atmosphere are orderly and calm in almost every episode.

The architecture of the law firm offices of Lockhart-Gardner is deliberately tidy and transparent. Offices have glass windows which allow protagonists and audiences a commanding gaze on the scenes. Office intrigue and rancour become visible, adding to the understanding of both, the audience and the lawyer figures battling their way up the firm’s pecking order.

Lawyers, law firms and ethics

With these observations, the scene is set for a description of the series main characters. And character is most important in conventional US films. *The Good Wife* has been described by Smith (2012: 1) as hybridizing the legal procedural and serialized fiction. TV series have to glue viewers regularly to the screen. This task is made easier if the main figures are at least on balance likeable to the audience (Asimow 2000). In law fiction, too, justice heavily depends on righteous legal professionals. The analysis starts with the appearance of lawyers, beginning with their class and lifestyle.

Using Chicago as an example, sociologists of the legal profession have observed that law practice is divided into two completely different worlds or hemispheres (Heinz et al. 1998). One hemisphere is represented by Ryan Alprin in the series one episode *Unorthodox*. Lawyers in this hemisphere practice solo or in very small partnerships. Their clients belong to the lower or middle classes at best, or what would classify as small businesses. The other hemisphere is represented by Alicia Florrick and her law firm Lockhart-Gardner. This second hemisphere mainly consists of larger law firms. Their clients are wealthy individuals or corporations, but also administrations and large non-profits (Asimow/Mader 2004: 61). According to Pfau et al. (1995: 326) the portrayal of American lawyers in fiction and their prestige with the public are on the one hand favourable for their front stage appearance, but negative for their

backstage life. In the open light of the court and legal proceedings, they typically act competently to the benefit of their clients. On the private backstage, they are seen as unsympathetic rich people. Legal fiction as mentioned above, very much draws on figures who have a troubled private life but excel in their profession.

In *The Good Wife*, Alicia Florrick is depicted much more favourably than her filmic female counterparts. In film, the backstage scenes, or personal lives, of female lawyers are usually “a complete disaster” (Asimow/Mader 2004: 187). Women lawyers who are trying to be successful in a law firm environment have to work long, unsociable hours. Therefore, they are depicted as either living alone involuntarily, as poor spouses or lovers, or as an inadequate parent (Asimow/Mader 2004: 187-188). The crucial difference between Alicia Florrick and other filmic female lawyers is that her husband’s infidelity caused the marriage to fail (he hired a prostitute, and slept with Alicia Florrick’s best friend at Lockhart-Gardner, Kalinda Sharma). Furthermore, she is able to make it as a successful lawyer and raise her two children without the help of her husband.

Alicia Florrick’s professional ethic is also portrayed far better than many female lawyers in film. In *The Verdict* (1982), for example, a female lawyer in a similar situation as Alicia Florrick is prepared to start an intimate relationship with the opposing lawyer to fish for information that could be useful for her new employer. Alicia Florrick, in contrast, is portrayed as a decent, competent, justice figure (more shall be said about her portrayal as a justice figure later).

The two hemispheres also apply to the educational background of lawyers. Lawyers in the first group studied at non-prestigious schools (Asimow/Mader 2004: 61). For instance in *The Good Wife*, Ryan Alprin went to Samford University, ranked in the top 133 of law schools. The lawyers in the second hemisphere attended one of the leading law schools. Alicia Florrick graduated top of her class at Georgetown University in 1994, the fourteenth top law school at the time (Lomio et al. 2008: 2). The story has it that Alicia Florrick initially worked at a prestigious law firm for two years, before she left and became a housewife “for the kids and Peter’s career”. Thirteen years later, she pursues her original career as a defence attorney. In September 2009, she works for the firm Lockhart-Gardner as a first-year associate, a ‘rookie’. At the end of series two Alicia Florrick is a second-year associate at the firm.

Two competing models of law practice have developed in the US: the professionalism model and the business model (Asimow/Mader 2004: 213). In the business model, “law is a profit making business, no different from any other service business” (Asimow/Mader 2004: 213). Lawyers and their firms compete for clients. Practitioners in this model will seek profit by any means, limited only by breaking the law or the ethics code (Asimow/Mader 2004: 212). The firm Lockhart-Gardner while following the business model, has a few positive sides. To start with, following the recent economic crisis, the firm is

under financial difficulties; but more importantly they take pro bono cases; and they typically represent the victim. The first point avoids the firm from looking greedy; the other two points make them morally praiseworthy, especially working for victims (Asimow/Mader 2004: 35).

Social psychologists, Tom Tyler and E. Allan Lind (1992), argue that fairness is important in interpersonal relations; institutions and their representatives are judged according to universal fairness criteria. Fair procedures are designated by⁴, in the case of lawyers, two factors especially. First, lawyers should carefully gather relevant information. Following typical film conventions, Alicia Florrick goes a step further, investigating cases herself, often like a detective, collaborating with Lockhart-Gardner's in-house investigator, Kalinda Sharma. Second, TV-series lawyers have to be specially engaged in their case. Alicia Florrick feels with many of her clients. In the Pilot episode, for example, Kalinda Sharma warns Alicia Florrick that "If you identify with too many clients you'll burn out". Almost unwaveringly, Alicia Florrick as the "good wife" is unbiased and benevolent towards anyone until they transgress into illicit tactics. Her prejudices and reservations – against serious criminals – will certainly be shared by average US viewers.

Alicia Florrick adheres to the law. There are occasions where she walks a thin ethical line. However, it always transpires that she acted well within the law. For example, in the series one episode *Conjugal*, Alicia Florrick resorts to a conjugal prison visit to get her husband's inside knowledge on a case. Her husband points her to evidence, and then Alicia Florrick finds the evidence herself. This is breach of the legal ethic confidentiality, but on the part of her husband, not her. As Will Gardner explains in a later episode "It's a passive breach. He [Peter] broke confidentiality, not you [Alicia]."

The political orientation of Alicia Florrick is not specified in *The Good Wife*. However, there are some indicators that might suggest she is leaning towards a liberal position in American terms. For example, she is married to Peter Florrick, a State Attorney General who is a Democrat, a liberal who has gained the acclaim of ethnic minorities. In a display of a positive attitude to people "the good wife" harbours no racial prejudice or dislike of certain groups. In addition, Alicia Florrick is at ease with her gay brother. She also typically assumes that her clients are innocent. This might suggest her orientation as liberal. Yet, she does not come across as someone who has fully signed up to the liberal legal agenda. In the third sequel, Alicia Florrick is depicted as not in principal opposition to the death penalty when she has to represent a sex murderer in his final appeal's stage. As mother of a teenage daughter of the age as the victim and confronted with a seemingly unrepentant killer, she seems

4 Gerald S. Leventhal (1980: 39-46) identified six criteria that are routinely used by people to assess the fairness of procedures: accuracy, bias suppression, consistency, correctness, representativeness and ethicality. They can be frequently identified in law movies and law-related TV-series.

to condone the execution. Many US viewers might share such a stance. But, before being walked into the execution chamber, the delinquent changes his appearance twice. Thus, the sequel leaves open the possibility that a certainly psychotic, but perhaps innocent individual has been deprived of his life.

To determine how Alicia Florrick is portrayed as a justice figure, the two main dimensions of justice, as discussed in socio-legal studies, have to be introduced. Substantive or outcome justice means an evaluation of the case result. Procedural justice refers to how a decision has been reached (Röhl/Machura 1997: xv; Asimow/Mader 2004: 25). Alicia Florrick is portrayed as a substantive justice figure and procedural justice figure. She is portrayed as a substantive justice figure because she, on the whole, achieves the correct result (such as in the series one episode *Home*, where the innocent client goes free in a criminal case). She is portrayed as a procedural justice figure because she is a competent, fair lawyer and does everything ethically possible to the client's support. With these qualities, viewers are invited to identify with the Alicia Florrick figure.

Conventionally, the film, or series hero must have antagonists and frequently also is painted better than fellows. In this vein, not all lawyers in *The Good Wife* are portrayed as justice figures. For example, Jonas Stern, who had founded Alicia Florrick's law firm, practices law with dementia. This greatly harms his clients, breaching the lawyer's obligation of loyalty to the client (Asimow/Mader 2004: 60). Cary Argos, who starts at the same time as Alicia Florrick at the firm, too, breaches his obligation. In the series one episode *Hi*, he practices law while he is high on hallucinogenic mushrooms. As mentioned earlier, lawyers who practice in the second sphere attended the most prestigious law schools. Cary Argos initially represents this sphere, graduating from Harvard University. In later sequels he joins the state attorney's office as if to take revenge on Alicia Florrick and the firm who finally decided against him. Towards the end of series three, the relation between Alicia and Cary improves and he rejoins Lockhart-Gardner.

State attorneys and judges

How are the representatives of the state, public prosecutors and judges portrayed? First, *The Good Wife*'s justice figure and moderate liberal, Alicia Florrick, is pitted against the injustice figure of the new State Attorney General: Glenn Childs is a Republican and in his zealous attempt to bring his predecessor behind bars, he does not shy away of mobilising the media. Childs is very clearly portrayed as an injustice figure. In the series two episode *Breaking Fast*, for example, under pressure to find swift accountability and justice for the 'sniper killer' Glenn Childs cuts corners (meaning that he is not portrayed as a procedural justice figure) in order to have someone sentenced. This unprofessionalism leads to the wrong man being convicted (which also means he is not a substantive justice figure). To hide the fact he cut corners

he issues a cover up. After Glenn Child's demise, other ruthless state attorneys step forward in *The Good Wife*. This negative portrayal of state attorneys adds to the liberal stance of the series.

Asimow and Mader (2004: 160) describe the typical appearance of judges on screen as: "Normally the judge sits on an elevated bench, rules on evidentiary objections, and threatens to clear the courtroom if the spectators will not behave. Perhaps the judge is allowed to deliver some good lines ... but usually little more than that"⁵. The judges in *The Good Wife* are no different. Consequently, there is little to no backstage scenes of them shown. The viewer knows little to nothing of things such as their class and lifestyle, and educational background. The series depicts a number of judges in different career phases. They range from rookie, such as Judge Graham Shickel, who somewhat arrogantly reiterates to the court that he is "the youngest justice on the bench in the state of Illinois", to the corrupt Chief Justice Victoria Adler, who practices the black arts of Chicago politics.

In *The Good Wife*, judges can have an unprofessional attitude. In the series two episode *Two Courts*, for example, Judge Edward Weldon 'taxes', or decides against, Will Gardner because of a basketball grudge (Will Gardner fouled the Judge). This, of course, deprives the client of a fair trial. Again, fairness is important in interpersonal relations and institutions and their representatives are evaluated according to fairness. In order to appear fair, a judge has to be benevolent; have an interest in the case, has to respect the full rights of parties, and be neutral (Tyler 1984, 1990; Machura 2001). In *The Good Wife*, judges are often not depicted as benevolent. In the series one episode *Lifeguard*, Judge Henry Baxter sentences a black juvenile, Terrance Ramsey, to nine months detention under the guise of benevolence: "Mr. Ramsey, I am sentencing you to nine months detention. You will receive the guidance to become a productive citizen and come to understand that actions have consequences. This will be the best thing for you, I promise". However, far from having Terrance Ramsey's best interest at heart, it transpires that he sends juveniles to prison to make money (something which shall be elaborated later). Furthermore, judges in *The Good Wife* are sometimes shown to be lacking interest in the case, as exemplified by a judge falling to sleep repeatedly.

The judges in *The Good Wife* are often openly politically orientated. Judge Robert Parks, for example, is decidedly pro-business. Judge Charles Abernathy, a liberal, rules on a conservative basis. Diane Lockhart, the other law firm named partner, explains this as an example of when a "Liberal judge gets on the bench doesn't want to rule from his bias, so he beds the other way [conservative]".

Some judges in *The Good Wife* are clearly corrupt. In the series one episode *Life Guard*, for instance, Judge Henry Baxter is corrupt in relation to money.

Alicia Florrick initially suspects him of racism and bias sentencing. This is because he sentences black juveniles more harshly than white juveniles. It actually transpires that Judge Henry Baxter sent juveniles to detention in exchange for money from the private juvenile facility. Palgrave Academy receives a stipend for every juvenile they house behind bars.

Over the last decades, Hollywood films have shown judges in a negative light (Asimow/Mader 2004: 160). As seen, judges do not escape this harsh scrutiny in *The Good Wife*. Numerous episodes have involved crooked, arrogant, lazy, or biased judges, and some judges have been criminals themselves. Consequently, judges are unsurprisingly often portrayed as injustice figures in the series. If state authorities cannot be trusted⁶, a liberal legal position insisting on the control of power becomes more attractive.

The Detective

Paralegals are another regular feature of law films and series. The most significant paralegal in *The Good Wife* would be Kalinda Sharma, Lockhart-Gardner's in-house investigator and fact finder. She is somewhat reminiscent of Dirty Harry's (1971) Inspector Harry Callahan. Sharma, like Harry Callahan, is a conservative character. This is because, firstly, both hold the pessimistic view that people are basically bad, a main aspect of conservative philosophy (Lenz 2003: 118-122). Secondly, Kalinda Sharma and Harry Callahan believe in *Realpolitik*. That is to say, they are "realists who believe that the world is a dangerous place that force and violence are sometimes the only effective way in responding to threats" (Lenz 2003: 118). The series one episode *Bad* is a good example of Kalinda Sharma's advocacy of *Realpolitik*. Diane Lockhart, a liberal who has an extreme dislike of violence and guns, considers buying a gun for protection against an ex-convict who has threatened to kill her. However, Kalinda Sharma reminds her that "You spoke at a killer's parole hearing and he saw you speak against his release. That's what I'd call a volatile situation". She asserts that the only way to respond effectively to this 'volatile situation' is with violence – "you need a gun". This convinces Diane Lockhart to buy one. Later in the episode, she almost shoots her pet dog, aptly called "Justice", when she mistakes him for an intruder in her house. The circumstances leave the viewer with the lingering thought that Diane Lockhart could have shot and killed her dog by mistake. This of course depicts guns, and the use of violence in general, negatively. The issue of gun ownership forms a political dividing line between conservatives and liberals in the US. Notably, in *The Good Wife* Diane Lockhart has a love affair with the conservative gun expert Kurt McVeigh. It not only serves to shed light on the female lawyer's

5 Notably, US TV-judges like *Judge Judy* (1996-present) form an exception to this rule (e.g. Porsdam 1999; Podlas 2001).

6 In a survey with third year law students at Bangor University, the more frequently *The Good Wife* was watched, the lower the trust in courts by the respondents turned out to be (Machura et al. 2012, Table 6).

personality and provides a spectacle of courtship with ironic phrases but also alerts the viewer to the rift between the two world views as symbolized in the issue of gun ownership.

While “traditional conservatism” (Lenz 2003: 122) is based on a more pessimistic view of human nature, liberalism is based on a more optimistic assumption. In *The Good Wife*, Alicia Florrick holds the latter view while Kalinda Sharma holds the former one. The liberal stance is pitted against the conservative in several episodes, especially at the beginning of the first series. For example, in the *Pilot*, Kalinda Sharma is sure that a woman accused of killing her husband had indeed committed the crime. Contrary to her, Alicia Florrick does not think she is guilty. The episode concludes with Alicia Florrick being correct. Similarly, in the series one episode *Stripped*, a stripper claims she was raped at a bachelor party. Again, Kalinda Sharma thinks the client is lying, only out to make money, while Alicia Florrick keeps an open mind. It again transpires that the client was telling the truth. Both elements of American conservative ideas, that violence could be the way to respond to threats and that people are basically bad are depicted negatively in *The Good Wife* and the Kalinda Sharma character may be instrumental in sending this message.

Clients

No analysis of popular law fiction would be complete without the portrayal of lay people. Parties to a trial, jurors and the general public can be depicted in different ways. In *The Good Wife* clients are often rather passive and have less money and power than the party on the other side. The following analysis describes several episodes of *The Good Wife*: „In most legal films the role of the hero is split into two characters: the passive victim (typically the plaintiff in a civil trial or the defendant in a criminal trial) and the active lawyer who represents the victim. The client’s status as a victim makes the lawyer’s cause morally praiseworthy.” (Asimow/Mader 2004: 35) This pattern works well for the Alicia Florrick character. However, some of the clients of Lockhart-Gardner appear more than a match to their lawyers and the justice system.

In the series one episode *Bad*, Alicia Florrick takes on a seemingly guilty business tycoon, Colin Sweeney, cleared of killing his wife (but later, in the series one episode *Hybristophilia*, Alicia Florrick and the viewer are made to believe that he very likely killed his wife). In making the client the victimizer, Alicia Florrick’s virtue is called into question. However, under legal ethics, the defence of a guilty person is “perfectly appropriate” (Asimow/Mader 2004: 129). Finally, the man ends up in prison for a murder he did not commit. In a later “totally riveting” (Blake 2011) episode, *Marthas and Caitlins*, the same client, while in prison musters the courage to act as a wire trap and provokes a neo-Nazi inmate to confess to murder. In the series three episode *Long Way Home*, he manages to collude secretly with the only witness of the opposing

party, in a fight over the control of his former companies. The script does not allow the viewer to fully come to terms with this truly unsympathetic character and it would be the clear cut which may prompt a conservative audience member to fall back on a pervert-deserves-death stance. Reasonable doubt is the criteria for juries to convict and doubt in the faultlessness of the legal system forms a cornerstone of liberal thought.

Voters, media audience and jurors

People of all ethnic, racial, economic and political background appear in *The Good Wife*. The portrayal of the Americans is not glorified or simplified by any means. This suggests that there won’t be a one-size-fits all political solution available for the country. In *The Good Wife*, Chicago voters re-elect Peter Florrick to the office of State Attorney General who as candidate promises a liberal policy of respect for diversity. Though, at one crucial point, faces of black supporters disappear from his website on purpose to appeal to white working-class voters. The public, or significant proportions, can be misled into hatred and excluding the perceived “other”, a point stressed during the early sequels when Alicia Florrick and her children suffer from media and peer abuse. People who are prone to betray their own values and which need to be reminded by the example of lawyer heroes formed a pattern already in the Golden Age of legal drama. In movies like *Young Mr Lincoln* (1939), *Inherit the Wind* (1960), or *To Kill a Mockingbird* (1962), to name but a few, the lawyer hero embodies the (liberal American) legal ideals.

The media is not portrayed as neutral in the TV-series of *The Good Wife*. They are typically biased against the ‘good’ side of the story. For example, in the series one episode *Conjugal*, a media circus puts the wrong suspect on death row. Sensationalism is what they seek. In the series one episode *Infamy*, for instance, the political commentator Duke Roscoe (a parody of the conservative commentator, Glenn Beck) slanders a mother in a kidnapping case. Similarly, social media appear as vehicles of vicious gossip and unethical campaigning.

Typically in US popular fiction, the jurors stand in for the people and – crucially – the audience (Machura/Ulbrich 2001: 126-127). *The Good Wife* depicts jurors in interesting ways. The members of the Grand Jury in the episode *Another Ham Sandwich* are simply too confused by the witness statements and have become suspicious as to hidden motifs of the prosecutorial strategy. They do the right thing and refuse to let the indictment pass. This way, they tell Alicia Florrick’s view lies: “A Chicago Grand Jury would indict a ham sandwich.” The episode *Doubt*, remotely reminiscent of the film classic *12 Angry Men* (1957), may even be the masterpiece from all the sequels, at least from a socio-legal scholar’s view. *Doubt* has been successfully used by one of the authors in class as an example of juries in popular fiction and as an example for the dangers of plea bargaining. Opponents of this legal device are warning that a

(possibly even innocent) defendant under pressure may accept a sentence only to escape a more dreadful outcome (e.g. Darbyshire 1991: 752; Schulhofer 1992: 2009). This happens in *Doubt*. A young student against the advice of Cary Argos and Alicia Florrick follows her mother's decision to take the prosecution's offer of a lower prison sentence. The mother acts selfishly, wanting to have her daughter returned to her in foreseeable future, an opportunity possibly denied if the plea is rejected and the legal team fails to convince the jury. Yet, the ethnically diverse jury is seen passionately deliberating and weighing up the evidence scrupulously. When the camera finally cuts in the jury room and the viewer just learns that they have reached an unanimous verdict, but without hearing the content, the presiding judge enters the room. He announces that the defendant had plead guilty, thanks the jury for its effort and with a cynical undertone expresses his hope that they have not lost their enthusiasm for the court system as they will be summoned sooner or later again. As everyone leaves the deliberation room, the camera focuses on the ballot papers in the bin. "Not guilty" they read.

Conclusion

There is a saying, "Thoughts travel lightly on a smile". Political ideas, similarly, can spread under the pretext of daily entertainment. The high-gloss TV-series *The Good Wife* creates an atmosphere conducive to thinking about pressing legal problems of our time. Controversial issues are introduced as legal cases to be dealt with by the main characters. Their treatment as well as the portrayal of key figures of the series suggest a specific political view to the audience.

We have argued that *The Good Wife* is a liberal TV-series. This is because, the justice figure, Alicia Florrick seems to be liberal. It is also because injustice figures are almost always conservative: Glenn Childs, Judge Charles Abernathy (when he rules on a conservative basis because he did not want to appear liberal), Duke Roscoe, and so forth. In addition, *The Good Wife* backs up the liberal model of justice, which advocates due process, individual rights, legal autonomy, professional administration of legal institutions and so forth (Lenz 2003: 31).

In the TV-series *The Good Wife*, the law is portrayed as ultimately being in the hands of lawyers. There are two reasons for this. First, it depicts the settlement offer as the most common and best means of achieving substantive justice. Second, as has been mentioned earlier, justice depends on righteous legal professionals. Judges and state prosecutors are shown as having their own political or personal agenda. Therefore, the justice figures in the TV-series are lawyers. The message might even be that the best way to achieve substantive justice is by the adversary system – "to have two skilled committed lawyers battle it out" (Asimow/Mader 2004: 26).

Notwithstanding the cases that go awfully wrong and might exactly because of this support a liberal point of view, on the whole, substantive justice for cases is often achieved by the end of the show. *The Good Wife* portrays it is a good idea to count on law in a conflict. This is despite legal procedures such as "stupid mediation", crooked State Attorneys, and biased judges. *The Good Wife* does not leave the viewer with the self-defeating impression that the system is broke, nothing can be done, people are basically bad and therefore, draconian policies need to be introduced. The series forms the antidote to media products, like the yellow press, which are simultaneously emphasizing the horrors of life and the complete failing of the institutions. In *The Good Wife* too, the capacities of legal proceedings and lawyers have their limitations. This may start the viewer to understand the virtues of a liberal system offering checks and balances. Things can go wrong. To preserve individual liberties will require relentless effort, the audience is told. Sometimes, bewildering legal rules have to be mastered. In the series three sequel *Long Way Home*, Alicia Florrick consults Will Gardner on how to continue the defence of a client who committed perjury under oath. After all, the client deserves the best possible defence even under such circumstances. When Alicia Florrick has been advised on the correct behaviour under the code of legal ethics, both lawyers agree: "Law is an odd thing."

References

- Asimow, M. (2000): Bad Lawyers in the Movies, in: *Nova Law Review* 24: 533-591.
- Asimow, M. (Hg.) (2009): *Lawyers in Your Living Room! Law on Television*, Chicago.
- Asimow, M. et al. (2005): Perceptions of Lawyers – A Transnational Study of Student Views on the Image of Law and Lawyers, in: *International Journal of the Legal Profession* 15, 407-436.
- Asimow, M./Mader, S. (2004): *Law and Popular Culture: A Course Book*, New York.
- Blake, M. (2011): 'The Good Wife' Recap: Who you callin' Caitlin?, <<http://latimesblogs.latimes.com/showtracker/2011/10/the-good-wife-recap-who-you-callin-caitlin.html>> [15.05.2012].
- Darbyshire, P. (1991): The Lamp That Shows That Freedom Lives – Is it Worth the Candle?, in: *The Criminal Law Review*, 740-752.
- Gerbner, G. et al. (1980): The "Mainstreaming" of America: Violence Profile No. 11, in: *Journal of Communication*, 15 (3), 10-29.
- Heinz, J. P. et al. (1998): The Changing Character of Lawyers' Work: Chicago in 1975 and 1995, in: *Law and Society Review* 32, 751-775.
- Lacob, J. (2012): The Good Wife: Season Three, <<http://tv.uk.msn.com/drama/the-good-wife-season-three>> [04.05.2012].
- Lenz, T. (2003): *Changing Images of Law in Film and Television Crime Stories*, New York.
- Leventhal, G. S. (1980): What Should Be Done With Equity Theory?, in: Gergen, K. J. et al. (Hg.), *Social Exchange: Advances in Theory and Research*, Vol. 9, New York, 27-55.
- Lomio, J. P. et al. (2008): Ranking of Top Law Schools 1987-2009 By US & World Report, Stanford, <http://www.law.stanford.edu/publications/projects/lrps/pdf/lomio_et_al_rp20.pdf> [13.05.2012].
- Machura, S. (2001): *Faireß und Legitimität*, Baden-Baden.
- Machura, S. (2007): An Analysis Scheme for Law Films, in: *Baltimore Law Review* 36, 329-345.

- Machura, S. (2011): Media Influence on the Perception of the Legal System, in: Papendorf, K. et al. (Hg.). *Understanding Law in Society*, Zürich/Berlin, 239-283.
- Machura, S. et al. (2012): How Studies, Media and Experience Form Law Students' Trust in the Courts and the Police, Manuscript.
- Machura, S./Ulbrich, S. (2001): Globalizing the Hollywood Courtroom Drama, in: *Journal of Law and Society* 28, 117-132.
- Packer, H. (1968): *The Limits of the Criminal Sanction*, Stanford.
- Pfau, M. et al. (1995): Television Viewing and Public Perceptions of Attorneys, *Human Communications Research* 21, 307- 330.
- Podlas, K. (2001): Please Adjust Your Signal: How Television's Syndicated Courtrooms Bias Our Juror Citizenry, in: *American Business Law Journal* 39, 1-24.
- Porsdam, H. (1999): *Legally Speaking: Contemporary American Culture and the Law*, Amherst.
- Rafter, N. (2000): *Shots in the Mirror. Crime Films and Society*, Oxford.
- Ridley, J. (2009): Pain of Eliot Spitzer Scandal for Ex-governor's Wife Silda Recalled in New CBS Show 'The Good Wife', <http://articles.nydailynews.com/2009-09-02/entertainment/17930973_1_silda-elizabeth-edwards-eliot-spitzer> [08.05.2012].
- Robson, P./Silbey, J. (Hg.) (2012): *Law and Justice on the Small Screen*, Oxford.
- Röhl, K. F./Machura, S. (1997): Preface, in: Röhl, K. F./Machura, S. (Hg.): *Procedural Justice*, Aldershot, IX-XV.
- Schulhofer, S. J. (1992): Plea Bargaining as Disaster, in: *Yale Law Review* 101, 1979-2009.
- Smith, P. J. (2012): 10 O'clock Staying Power, in: *Film Quarterly* 64, 10-12.
- Tyler, T. R. (1984): The Role of Perceived Injustice in Defendants' Evaluations of their Courtroom Experience, in: *Law and Society Review* 18, 51-74.
- Tyler, T. R. (1990): *Why People Obey the Law*, New Haven.
- Tyler, T. R./Lind, E. A. (1992): A Relational Model of Authority in Groups, in: Zanna, M. (Hg.): *Advances in Experimental Social Psychology*, Vol. 25, New York, 115-191.

Filmography

- 12 Angry Men*, Sidney Lumet, director: USA 1957.
- Dirty Harry*, director: Don Siegel, USA 1971.
- Inherit the Wind*, director: Stanley Kramer, USA 1960.
- Judge Judy*, TV series, USA 1996-present.
- Liebling Kreuzberg*, TV series, Germany 1985-1998.
- Philadelphia*, director: Jonathan Demme, USA 1993.
- Suspect*, director: Peter Yates, USA 1987.
- The Good Wife*, TV series, USA 2009-present.
- The Verdict*, director: Sidney Lumet, USA 1982.
- The Wire*, TV series, USA 2002-2008.
- To Kill a Mockingbird*, director: Robert Mulligan, USA 1962.
- Young Mr. Lincoln*, director: John Ford, USA 1939.

Dr. Dr. habil. Stefan Machura
 School of Social Sciences
 Bangor University
 Bangor
 Gwynedd LL57 2DG
 United Kingdom