

## Of Legal Roulette and Eccentric Clients: Contemporary TV Legal Drama as (Post-)Postmodern Public Sphere

**Abstract:** This article explores the specific capacity of TV courtroom drama to dramatize civic issues and to seduce viewers to an active engagement with such issues. I argue that television series of this genre exploit the apparent theatricality of their subject matter—trials—to invite their audiences to the deliberation of social or political issues, issues that they negotiate in their courtroom plots. Contemporary courtroom dramas amend this issue orientation with a self-reflexive dimension in which they encourage viewers to also reflect on how the dramatic construction of ‘issues’ shapes their civic debate. I unfold this argument through a reading of episodes from two very different legal dramas, *Boston Legal* (2004-2008) and *The Good Wife* (2009-).

### Introduction

On *TV.com*'s discussion board for the legal drama series *Boston Legal*, one of the longest and most intense discussions concerns the ideas reflected in the recurrent lawsuits against the US government that the series imagines, a discussion that ultimately revolves around questions of US politics and national identity (“Alan vs. the U.S.”);<sup>1</sup> legal scholars, in a special issue of *The Yale Law Journal*, applaud the way in which popular legal dramas engage with ethical questions;<sup>2</sup> among the past winners of the Humanitas Prize, an award dedicated to honoring TV programs that raise ‘humanitarian awareness,’<sup>3</sup> are a notable number of legal drama series, including *The*

1 Of course, the discussion of characters and story lines typical of such fan forums takes up most space, but the thread “Alan vs. the U.S.” illustrates the way in which such discussions can be laminated with discussions of politics and society.

2 See, e.g., Stephen Gillers’s assertion that “[*L.A. Law*] is the closest a commercial television series has come to respectable presentation of issues of law and legal ethics” (1607).

3 The award’s mission statement declares that the Humanitas Prize is meant “to honor film and television writers whose work explores the human condition in a nuanced,

*Practice* and *The Good Wife*; and journalist Ed Martin, in a 2008 piece for the *Huffington Post*, praises the legal drama series *Boston Legal* for the way in which it “dares to repeatedly address and force people to think about politics” (n. pag.).

In a variety of contexts, audiences seem to view TV legal dramas as platforms that educate about political, social, or ethical issues—platforms whose special merit rests in seducing viewers to an active engagement with such issues. The genre does certainly not monopolize this ability—as issue-oriented discussions of other genres on *TV.com* or Humanitas Prizes for other series illustrate<sup>4</sup>—but the legal drama seems to have a particular ability to inspire civic debates.<sup>5</sup> By what textual mechanisms does the genre invite such uses as a catalyst of civic debate? What, possibly genre-specific, means does it have at its disposal to set its civic agendas and to ‘activate’ its audiences? And do legal drama series only encourage reflection on social or ethical issues or do they also engage with the media and ‘texts’ that invite and guide these civic debates; do they also encourage media or textual literacy? In other words, does the genre in any way reflect on itself, on the textual means by which it performs its cultural work?

These are the questions I want to explore in the following by discussing two contemporary TV legal dramas: *Boston Legal* (2004-2008) and *The Good Wife* (2009-). The two series are markedly different in the ways they utilize the genre’s conventions and hence give a sense of the broad scope of contemporary legal dramas in which this cultural work is done: *Boston Legal* extends the genre’s conventions by blending its characteristically serious, ‘dramatic’ mode with elements of comedy, but, at the same time, it sets its political agenda and addresses its audiences in ways very typical of the legal drama. *The Good Wife*, by contrast, seems rather conventional in its serious,

meaningful way. A signature HUMANITAS story challenges us to use our freedom to grow and develop, confronts us with our individual responsibility and examines the consequences of our choices. Lastly, the Prize honors work which explores the hopes and fears of human beings who are very different in culture, race, lifestyle, political loyalties and religious beliefs in order to break down the walls of ignorance which separate us” (“Humanitas Prize”).

- 4 Cf. Henderson for a discussion of how different genres of TV fiction negotiate social issues. For an exploration of how media like television operate as venues of public sphere(s), see the volume edited by Livingston.
- 5 To my knowledge, the specific abilities of TV legal drama to encourage civic debate have received little scholarly attention. An exception is Shelley Manis’s analysis of *Law & Order*, where she compellingly argues that the series “not only performs a plurality of social discourses—a complex of ideas about society, cultural values, justice, etc. It also opens up a space for viewers to engage meaningfully with those discourses—to consider what it means to be a citizen in this complicated democracy that our justice system struggles to maintain” (194).

dramatic narratives, but both its interpellation of the audience and the kind of civic debate to which it invites them push the genre's conventions. I begin with a brief discussion of the conventions of the TV legal drama, in which I suggest that the genre typically exploits the theatricality of the law to invite its audiences to civic debates. This reliance of legal-dramatic narratives on the law's dramatic narrativity imbues the legal drama with a self-reflexive dimension, which most traditional TV dramas control and conceal by way of a realist aesthetic. Against this background, I read an exemplary episode of each series, *Boston Legal* and *The Good Wife*, to trace how these contemporary legal dramas exploit the law's theatricality to 'activate' their audiences and set civic agendas but, at the same time, how they 'untame' and explore the genre's self-reflexive dimension.

I will argue that the episodes' simultaneous reliance on and exposure of legal-dramatic theatricality do not work against but rather amend and inform each other. On a more general level, this creates an effect characteristic of contemporary television series in general: an integration of the realism typical of TV fictions with moments of self-reflexivity, which come together in offering the audience a more complex and, as some scholars suggest, more active viewing experience. On a level specific to the genre of legal drama, the episodes' simultaneous reliance on and exposure of legal-dramatic theatricality injects the mediatization and narrativization of social issues into their civic debate, insisting that the constructedness and construction of 'issues' need to be as much part of their public discussion as their social or political contents. Contemporary legal dramas like the series I discuss thereby provide what we can think of as a (post-)postmodern public sphere unfolding in popular culture: a site of civic debate that is informed by an awareness of the constructed nature of the debate's terms; a site of debate that seeks to productively and responsibly navigate the ground between issue-oriented positivism and postmodern cynicism. Thanks to their conceptual differences, the two series I discuss implement this (post-)postmodern public sphere in different ways: The episode of *The Good Wife* invites its viewers to deliberations on how to be a responsible citizen in a postmodern world seemingly ruled by free-floating systems of signification, a world that the episode figures by casting the law as a metonym of the world and the lawyer as a metonymic citizen. The episode of *Boston Legal* uses a hyperbolic, sensational theatricality to encourage debates about social justice for people on the margins of society, while concomitantly raising critical awareness of the seductive power of such theatrics.

## Legal-Dramatic Theatricality, Civic Audiences, and Contemporary TV Narratives

The genre conventions of the legal drama—or, more specifically, the courtroom drama<sup>6</sup>—fundamentally revolve around the construction of an active audience. As several scholars have observed, the genre generates much of its popular appeal out of its ability to invite its audiences to participate in the deliberations of ethical, social, or political issues that the genre stages in its courtroom narratives. The courtroom drama conventionally relies on the theatricality of its subject matter to thus activate its audience: It uses the apparent theatricality of trials—the ways in which the courtroom seems to operate analogously to the theater—as a blueprint for its own narratives. Julie Peters, among other legal scholars,<sup>7</sup> has outlined this theatrical undercurrent of the law:

If law generally has a secondary textual half-life, the central events of law—trials—[...] are normally performed before live audiences by those specially trained to shed their own identities and ‘represent’ others. Trials are the re-enactment of a conflict [...] whose essential narrative form is dialogue. They exploit iconic props as crucial clues to the unfolding of the narrative, and often rely on space, staging, costume, and spectacle in an attempt to bring back to life the dramatic event they are attempting to recount. (180-81)

Film scholar Carol Clover<sup>8</sup> argues that courtroom dramas exploit this apparent theatricality of trials for their own dramaturgy, that they “enact the structure and narrative procedures of real trials” (“God Bless” 270). The dramaturgical structure of courtroom dramas, she suggests, typically replicates the structure of trials: “[p]oint, counterpoint; direct examination, cross examination” (“God Bless” 269), and, eventually, a verdict. And the narrative that unfolds within this dramaturgical structure coincides with the diegetic evidence that the diegetic judge or jury gets to hear: The

6 Several genre terms are in circulation to designate the type of texts I want to discuss. ‘Legal drama’ is often the broadest term for ‘serious,’ i.e., non-comedic, fictional narratives whose plot, to some significant extent, revolves around questions of the law and litigation. ‘Courtroom drama’ designates a particular type of legal drama—a type with which I will be concerned here—whose plot focuses on trials and which use the courtroom as a central setting. For a discussion of this genre terminology, cf. Levi xiii-xvii; Greenfield, Osborn, and Robson 14-24; Kuzina 79-81.

7 For similar arguments, cf, e.g., Harbinger or Meyer.

8 Courtroom drama is a genre that spans several media. Clover and other scholars I will discuss specifically address courtroom drama in the medium film (which Clover calls ‘trial films’), but those of their points that I attend to can be transferred to television courtroom drama. For a discussion of courtroom drama in the medium television—with a focus on its historical development—cf. Rapping 21-47.

courtroom drama tends to frame its narration as “the sole iteration of the evidence” (“God Bless” 258).

This ostentatious orientation of the genre’s narrative conventions toward the narrative conventions of actual trials has two seemingly oppositional effects or implications. On the one hand, it makes courtroom dramas inherently self-reflexive. As David A. Black observes, because “[l]egal processes, to a large degree, involve and revolve around processes of narration and storytelling” and because “[f]ilms about the law are [...] narratives or instances of storytelling[,] [...] films about law are stories about the process of storytelling, or narratives about narrative” (55). Most courtroom dramas refrain from developing this self-reflexivity. Instead, as I outline below, they use techniques of realism to direct the viewer’s attention to the storyworld they construct rather than to the process of its construction.

The other effect of the genre’s structural orientation toward the narrative conventions of trials concerns the way in which it addresses its audience, precisely to draw it into its storyworlds. The courtroom drama aligns its viewers with its judge or jury figures, minimizing the distinction between the intradiegetic audience of the courtroom performances it narrates and its own extratextual audience. Courtroom dramas encourage this alignment not only through their adoption of the law’s theatricality as their own dramaturgical blueprint, as Clover notes elsewhere, but also—quite concretely—through their strategies of focalization, i.e., through the perspectives their narrations encode by, above all, their camera work and editing (Clover, “Movie Juries” 389-90): They typically show the jury in sequences of establishing shots and reaction shots, or rather, shot/countershot—shots of the jury listening alternated with shots of the lawyer or judge addressing them, seemingly filmed from within or behind the jury box. The camera seems to ‘look’ from the perspective of the jury. Along similar lines, legal scholar Jessica Silbey suggests that, in courtroom dramas, “the camera positions the viewer-subject as an actor in the courtroom—in the jury box, on the witness stand, behind the judge’s bench, over the shoulder of the trial attorney—and often in a position which, at that moment, is potent with critical decision-making duties” (106).

This positioning has a distinctly ‘activating’ effect on the audience as it invites them to vicariously rule in the narrated trial. When courtroom scenes are focalized through the jury or the judge, lawyer characters regularly speak almost directly into the camera, each side trying to convince the audience of their version of the facts of the

case, and asking them to rule in their favor. The dramaturgy of courtroom dramas typically refrains from privileging either one of these versions as the 'true' or 'just' one before its narrative's concluding verdict, leaving it to the audience to deliberate the conflicting claims and stories of the opposing parties—just as the diegetic jury or judge. Clover hence argues that courtroom dramas “position us not as passive spectators, but as active ones, viewers with a job to do” (“God Bless” 257).

Other scholars have discussed the uses to which courtroom dramas have put this activating potential. Silbey, among others, argues that courtroom dramas enlist their viewers in the perpetual (re)validation of the legal system. She suggests that the legal institution of the trial, around which courtroom dramas revolve, “is a ritualistic aspect of the law [...] that is crucial to the law’s binding of its practice with its ideals in culture” (97). Accordingly, “the discursive practice of the trial film (of film form and legal practice) effects a viewer-subject who both sanctions the trial film’s and the law’s final word (the narrative finale and the legal judgment) and helps perpetuate the notion of legality that promises justice to those who participate in its process” (115). While Silbey’s findings seem to pertain to the genre in general, Matthias Kuzina discerns a trend in recent courtroom drama to imagine cases that address contemporary social or political issues. He uses the term ‘social issue courtroom drama’ to denote films that are thus “characterized by an integration of judicial and socio-political issues” (80). Mary Beth Haralovich makes a similar observation, adding that such issue-oriented courtroom dramas address their audiences as a ‘civic audience,’ as citizens whom they educate about issues of common concern and whom they invite to join in their public deliberation. Such courtroom dramas, Haralovich concludes, “interpolate [...] the civic audience not as powerless onlookers but with invitations to think” (n. pag.).

The two contemporary series that I will discuss, *Boston Legal* and *The Good Wife*, can both be placed in this context of issue-oriented courtroom dramas that address their audiences as citizens and invite them to join in the deliberation of the social issues negotiated in their plots. However, there is one aspect in which these series—and other recent TV courtroom dramas, I would hypothesize—differ from, or rather change, the generic conventions discussed so far. Conventional courtroom drama subjects its reenactment of the law’s theatricality to a realist aesthetic: It ‘tames’ the law’s theatricality as much as it conceals the theatricality of its own fictionalization and reenactment of the law, cloaking its self-reflexive dimension in the process. In doing so, conventional courtroom drama works like most conventional TV fiction, which, as John Fiske argues in his classic study of television culture, characteristically conceals the

mechanics of its own narrative construction (21). This kind of TV realism seems to particularly resonate with the project of the courtroom drama as it channels audience attention toward the issues involved in the diegetic court case and away from the narrative and performative constructedness of these issues. However, the two recent series under consideration here play with this conventional taming of the law's theatricality. Without abandoning their genre's issue orientation, they engage—in a variety of ways—with the 'theatrical' procedures and dynamics by which these issues are constructed.

As noted above, it is my objective, in the following readings of exemplary episodes, to trace the particular ways in which the series thus combine a conventional reliance on legal-dramatic theatricality with moments of self-reflection, and to explore how this affects the civic debate to which they invite their viewers. For now, let me note that the dynamics I identify in recent TV courtroom drama resonate with observations scholars have made about contemporary TV narratives in general. Jason Mittell, in his discussion of what he terms the early-twenty-first-century trend toward "narratively complex" television,<sup>9</sup> identifies a "self-conscious mode of storytelling" (34) as one element of this new narrative complexity. He suggests that several "narratively complex" series infuse their conventional realism with a dose of self-reflexivity, thus offering their viewers new kinds of pleasures: "We watch these shows not just to get swept away in a realistic narrative world (although that certainly can happen) but also to watch the gears at work, marveling at the craft required to pull off such narrative pyrotechnics" (35). Along similar lines, Rhonda Wilcox identifies a trend toward TV series that combine elements of realism and self-reflexivity. Such series, she argues, offer viewers "the pleasure of a balancing of immersion and awareness" (202), i.e., they allow audiences to immerse themselves in the storyworld (the stock pleasure offered by realist narratives) and to enjoy the construction of this storyworld:

Because [these series] present believable characters in emotionally dynamic relationships, it is possible to enjoy Coleridge's willing suspension of disbelief and at the same time to know (with an almost biblical entry into postlapsarian awareness, a loss of televisual innocence) the enjoyment of the construction of the text. The queering of reality, one might call it. (202)

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9 Among the series Mittell discusses are, e.g., *Seinfeld*, *Lost*, *The West Wing*, *The X-Files*, *The Sopranos*, *Six Feet Under*, and *Curb Your Enthusiasm*; Wilcox develops her argument out of a reading of *Buffy the Vampire Slayer*, *The X-Files*, *Twin Peaks*, *Star Trek: The Next Generation*, and *Smallville*, to name just a few.

The distinct pleasures both Mittell and Wilcox theorize entail a very active audience—an audience mobile and curious enough to enjoy an oscillation between “immersion and awareness” in their viewing behavior.<sup>10</sup> The current trend in TV fictions they identify thus entails its own ‘activating impulse,’ an impulse that, in the series I discuss below, overlaps and resonates with the legal drama’s genre-specific techniques of viewer activation.

This is the context in which I place the series under consideration here: conventions of courtroom drama that exploit the apparent theatricality of the law for their own narratives and that, in the process, activate their viewers by aligning them with their diegetic decision makers in the courtroom; the trend toward issue-oriented narratives in courtroom drama that dramatize social or political issues and address their audiences as citizens, invited to the deliberation of these issues; and the trend toward a combination of realism and self-reflexivity in contemporary TV series.

### “This Is Roulette, This Isn’t Law”: *The Good Wife*

*The Good Wife* is a contemporary courtroom drama that, in terms of its ‘dramatic’ seriousness, seems to be a fairly conventional specimen of the genre. Underneath its conventional surface, however, the series builds a complex narrative that invites audiences to a reflection not only on specific political issues but also, quite abstractly, on the fundamental parameters of a public sphere in a postmodern age. The series focuses on main character Alicia Florrick, who, up to the beginning of the series’s narrative, had been a stay-at-home mother and wife to a high-profile state attorney. In the pilot episode, Florrick’s husband is arrested on charges of corruption, charges which emerge alongside a sex scandal. Alicia Florrick, in the aftermath of this scandal, tries to rebuild her life, economically as well as psychologically, by returning to the job she had quit upon her marriage: She starts to work as a junior lawyer—i.e., on the bottom step of the career ladder—at the law firm Stern, Lockhart and Gardner. In a classic episodic format, the series narrates cases on which the law firm works, filtered through the perspective of Alicia Florrick.

*The Good Wife*, as I will outline, taps into the conventions of the courtroom drama by exploiting the theatricality of the law to negotiate social or cultural issues and to invite its audience to their deliberation. The issue that the exemplary episode of my

10 In this context, Wilcox notes that many of the series she discusses have generated vital and sizable fandoms—a fact that seems to testify to the active viewing that the series encourage (201).



case study addresses is quite abstract and suffused with self-reflexivity: The theatricality of the law that it invokes can be read as a metonymic stand-in for distinctly postmodern systems of signification. It thereby casts the law as an emblematic microcosm of a postmodern society and culture, and—by casting the lawyer as an emblematic citizen—it raises the question of how to be a responsible citizen in such a postmodern world, how to steer clear of both a pre-postmodern ‘naive’ certainty and a postmodern cynicism. These polarities, which the episode negotiates in a world of law, also resonate with conventions by which the law has been represented in the courtroom drama. While a ‘postmodern’ cynicism conventionally surfaces in ‘bad’ lawyer characters who fail to care about the substance of their cases and use their rhetorical skills to fabricate claims without an actual cause, the ‘naive’ certainty is strongly associated with the genre’s reliance on realism—here, in the sense of its depiction of the world as ultimately, and fully, knowable—and with its use of melodrama: The specific brand of theater on whose structures the courtroom drama models its dramaturgy is often the melodrama, with its sometimes sensational, sometimes sentimental narratives of victimhood that invoke both referential certainty and an ethos of sincerity to provoke an affective or visceral response in its audience.<sup>11</sup> The episode’s depiction of the law as a microcosm that invites audiences to grapple with the challenges of a postmodern world thus also directs attention to the role that narrative conventions play in the construction of this microcosm.

Before I unfold this argument, let me sketch a brief synopsis of the episode I will discuss: In “Fixed,” the law firm is working on a case of great strategic importance—a case that, if they win, earns them a lucrative class-action suit. They represent a young man, Ray Demroy, who had become paralyzed after taking a migraine medication prescribed by his doctor. He and his wife hold the drug company responsible for his paralysis. In the course of the trial, Alicia Florrick accidentally finds a slip of paper scribbled with what seems to be a representation of the jury—twelve circles—in which one circle is crossed out, with ‘\$35,000’ written next to the crossed circle. Florrick concludes that this means one of the jurors has been bribed—an interpretation shared by her bosses when she shows them the paper—but depending on how one looks at the slip, it could be juror number two or number eleven. Florrick, along with an investigator who works at the firm, embarks on a mission to find out which juror has been bribed. They find no certain evidence but only hints that one juror might be susceptible to

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<sup>11</sup> Cf. Decker for a discussion of the melodrama’s characteristic elements and a genealogy of its uses for narrative projects geared toward social reform.

bribery, which they pass along to Diane Lockhart, who argues the case. Lockhart struggles with the decision how to use this uncertain information; the decision she eventually makes—to inform the judge of a possible tampering with the jury—backfires: The judge dismisses the juror in question and the opposing counsel shows himself so happy about the dismissal that Lockhart suspects he planted the slip of paper to get rid of a juror unsympathetic to the interests of his client. Florrick is withdrawn from her mission to find the bribed juror—although she is now certain it is the other one—and Lockhart argues the remainder of the trial without any consideration of the possible tampering. And quite successfully so: She wins the case. After this ‘happy ending,’ Florrick accidentally finds out that it was not the opposing counsel who had bribed the juror—as they had always assumed—but their own client. The episode adds to this courtroom narrative a narrative concerning Florrick’s private life, in which her husband’s lawyer tries to win her cooperation in finding evidence that might help in his defense. By the episode’s end, he seeks to persuade her to serve as a witness in her husband’s trial, to testify to the ways in which her husband betrayed her, which the lawyer wants to construe as the motivation for his client’s actions—i.e., he wants to argue that Florrick’s husband acted out of motivations to keep secret his sexual adventures rather than to abuse his office for personal benefit.

Unlike in most legal dramas, the episode’s courtroom scenes are not focalized through the jury but through the character of Alicia Florrick. The scene in which Florrick joins the Demroy trial is emblematic. She enters the courtroom while the trial is in medias res. The camera cuts from Florrick entering the room along with another junior colleague, carrying an apparently heavy box of files, to Diane Lockhart examining a witness—her client Demroy—back to Florrick, who unsuccessfully looks for an empty seat. Only after the court usher provides her with a folding chair can she sit down and begin to focus on the proceedings—the camera shows her taking her seat at the end of a long line of people who work for the law firm. The scene that ensues is modeled after a classic shot/countershot structure, cutting between shots of Lockhart’s examination of her witness and Florrick listening attentively and showing obvious signs of sympathy for the client, who is sitting in a wheelchair. It is thus along with the character of Alicia Florrick that the viewer learns about the case and is enticed to side with the client’s plight. This focalization is operative in the episode’s non-courtroom scenes as well: Be it in the court’s hallways, in the law firm’s board room, or in nonprofessional settings, the narrative chiefly presents itself from the perspective of Alicia Florrick.

This focalization shapes the way in which the episode addresses its audience. It casts its viewers not so much as judges of opposing narratives that are performed for them but as participants in the performance of these narratives. In other words, the episode hails its audience not so much as audience—as recipients standing outside a system of representation—but it makes them complicit in the story that unfolds. The blurring of the boundary between audience and participant-producer that this focalization effects may appear full of empowering promise, but the narrative contains and complicates its utopian potential. With the character of Alicia Florrick, the audience shares an experience of the law as a system whose rules of operation are hard to understand and sometimes even harder to endorse, in particular for a novice lawyer like Florrick, but also, and more fundamentally, because this system presents itself as self-contained and self-sustaining, operating in considerable detachment from the presumably absolute values it is supposed to represent and serve—truth and justice. The image of the law that the series constructs resonates not only with characteristics of a signifying system, but with a distinctly postmodern perspective on signification: The law in *The Good Wife* marks a universe of (representational) uncertainty. The challenge that the series's protagonist-focalizer negotiates—a negotiation in which it invites the audience to join—is how to be a responsible citizen in such a universe of uncertainty.

The combination of two narrative strands in the episode—one focusing on Florrick's professional experiences, the other on her private life—is characteristic of the series. What holds these strands together is not only the thematic overlap conventionally found in multistrand TV narrative<sup>12</sup> but also the way in which they add to each other in a characterization of the law: Across the episode's narrative strands, the protagonist experiences the law as an expansive system that colonizes most of her life and frames her actions as role-play within this system. The law as a theatrical system provides the framework for all of Alicia Florrick's actions in the course of this episode; she is merely changing roles: In her professional life, she acts as assistant litigator and investigative lawyer; in the legal action that unfolds in her private life, she is pushed into the role of witness and, ultimately, victim. In *The Good Wife*, all the world is a legal stage—the

12 Cf. Newman for a discussion of the multiple plots typical of contemporary TV series. The way in which the episode under consideration most apparently glues its two narrative strands together is by playing with parallels between the case on which Florrick-the-lawyer works and the case concerning her husband's unfaithfulness and alleged corruption. Bribery emerges as a key theme in both narrative strands, and the narrative suggests that Florrick connects so well with the firm's client because she sees parallels in how their private lives are made the issue of courtroom proceedings: "It's hard when they treat your private life like a crime scene."

law is fashioned into a metonym of ‘the world’—and the series’s protagonist learns that she is merely a player. In the earlier episodes that “Fixed” exemplifies, Florrick markedly resists this lesson, which involves several painful and shocking revelations for her: revelations especially about the limited nature of her own agency on the legal stage and about the nontransparency of other players and their actions (the innocence or guilt of both her husband and her client are hard to determine in this episode). But as the series progresses, Florrick realizes that she cannot resist the law’s ‘postmodern’ theatricality. She refocuses on becoming more literate of the system’s rules of operation to learn how to act within them. This entails lessons of frustration, of learning to stand uncertainty and the lack of transparency, of perpetually resisting the temptation to abandon her ethical principles and exploit the uncertainty and nontransparency for her own interests. It is this learning process to which the series invites its viewers, which it encourages them to vicariously negotiate through the character of Alicia Florrick.

Across its two narrative strands, the episode pursues several strategies to characterize the law as a theatrical system. Let me focus on the narrative of Florrick’s professional experience, whose depiction of the law highlights its ‘postmodern’ theatricality in a context that is emphatically marked as ‘good,’ i.e., in a context of ethically responsible lawyers—this is how especially Diane Lockhart is characterized—and of a case in which they represent a just cause. First of all, the episode highlights the theatrical dimension of trials by drawing attention to the complex work of orchestration that underwrites courtroom performances. In “Fixed,” as in most other episodes, the lawyer who argues the case is accompanied by an army of junior colleagues and paralegals who stand ready to research and investigate any requested detail, making sure there is never a shortage of information that could keep the presiding lawyer from devising the best possible courtroom strategy. Florrick is part of this army that hauls boxes of files into the courtroom, on call to sift through them to provide her boss with talking points. In addition, many scenes of the episode are set outside the courtroom, in the board rooms and offices of the law firm, highlighting the work ‘behind the scenes’ of the courtroom theater. They draw attention to the fleet of professionals who prepare and support the courtroom performances of selected colleagues; they reveal the considerations, research, and debate that shape the smallest detail of a courtroom performance. This conspicuous display of hyper-professionalism characterizes a trial as a carefully staged endeavor in which no detail is left to chance, an endeavor where dramaturgy and *mise-en-scène* might determine success or failure.

There is one object of hyper-professional care that the episode particularly emphasizes: the composition of the jury that is to rule in the case. The jury ostensibly embodies the voice of justice in law: It is the ethical barometer that decides a case, a body representative of 'the people' who judge the conflicting blames and claims presented in a trial. In this episode, however, the jury is depicted as an emphatic object of strategic considerations, as part of the staging rather than as the voice of justice. In the narrative's most critical moments, the lawyers at Florrick's firm deliberate what to do with the slip of paper, the alleged evidence that one member of the jury has been bribed. In the course of these deliberations, we learn that the law firm routinely hires a service that profiles potential jurors and thus helps the lawyers both in selecting jurors most sympathetic to their side of the case and in tailoring their courtroom performances to the eventual members of the jury. When the slip of paper indicating jury bribery is discovered, the central question becomes how a change in the jury's composition—which would be the consequence if the bribery were revealed and proven—would affect the strategies and performance of Florrick's firm. This question competes with the more conventional question—who is the bribed juror and who did the bribing—for the role as central conflict in this narrative strand. And while Florrick's character works to make the whodunnit question the episode's driving conflict, the characters who have more control over the story that the episode tells—Florrick's bosses—assign the procedural question the central role. In the episode's ending, they celebrate their victory in a tactically challenging and lucrative case, and Florrick's final discovery of the briber's identity becomes all but irrelevant. The challenges of orchestrating a successful courtroom performance emerge as the episode's central conflict.

While these elements of the episode cast the law as theatrical, there is another element that evokes what I would call a systemic dimension of the law: a perspective on the law as a fairly closed, fairly self-operating system in which the agency and control of the individual are limited. It is this systemic dimension that particularly encourages a reading of the episode's law-as-world metonym as focusing a postmodern world. As just noted, the control that Florrick and her bosses have in the unfolding of the episode's story is unevenly distributed, and this uneven distribution marks the protagonist's position in the hierarchy of the law firm. But even the most powerful lawyer characters in this episode face limitations to their control and agency in the trial on which they work. Particularly Diane Lockhart, who is handling the case, grapples with the many uncertainties that inform her work in the courtroom: It is uncertain who is the bribed juror; it is uncertain how the judge will respond to allegations of bribery; it

is uncertain how allegations of bribery will affect the strategy of the opposing counsel, in how far even planting hints of bribery might be part of the opposing counsel's strategy to either explode the trial or dispose of a juror unsympathetic to their side of the case. And in the end, the only certainty that the lawyers had always assumed—that the opposing counsel is the briber—turns out wrong. These uncertainties are particularly troubling because the trial seems to be going well for Lockhart and her colleagues—the jury seems to sympathize with their side of the story (another uncertainty, of course). The uncertainties make it increasingly difficult for Lockhart to make informed decisions about her courtroom strategy, to anticipate and control the results of her actions.

The character eventually voices her frustration about the way in which these uncertainties cripple her agency and control in the trial through a gambling metaphor: "This is roulette, this isn't law." This gambling metaphor captures the systemic dimension of the law that the episode evokes, its image of the law as a postmodern signifying system. It casts the law as a system detached from the diegetic realities of the case. The truth and fairness of the claims that Lockhart represents seem to have become irrelevant; their success or failure seem to be determined at random, by a disembodied 'legal system.' In addition, the gambling metaphor characterizes the operations of this detached system as nontransparent and unpredictable. 'Players' in this system have only limited control over the outcomes of their actions—in marked contrast to players on a theatrical stage (the more established metaphor for the law), whose performances are guided by the agencies of a writer and a director. At Lockhart's most frustrated moment, and from Florrick's peripheral perspective even more consistently, the law presents itself as a gamble, detached from the world to which it is supposed to bring justice and unpredictably driven by the less than transparent rules inherent in its system. The law, thus depicted, evokes a 'postmodern' world seemingly ruled by free-floating systems of signification.

The feelings of impotence and frustration by which Florrick and Lockhart respond to this quality of the law are, however, not framed by a narrative of resignation or surrender to cynicism. Rather, the characters—Florrick less promptly than Lockhart—resolve to participate in this system, to play, to stand the uncertainties, and, within this context, to try to reconnect the law to the values and 'realities' it is supposed to represent. The narrative demarcates their efforts to accept these challenges, on the one hand, from the behavior of the episode's most dubious lawyer character: the lawyer of Florrick's husband, whose work in service of Mr. Florrick goes markedly beyond the

ethical parameters of lawyerly work. He, almost compulsively, pursues the project of Mr. Florrick's defense by dispensing bribes—he offers business contacts to Alicia Florrick that could help her in her career as well as a college scholarship for one of her children, and he even delivers a gift basket to her house. In his reliance on bribery, and in his utter lack of comprehension when somebody like Alicia Florrick is not only unsusceptible to but disgusted by it, this lawyer character represents the cynical response, the irresponsible exploitation of the 'postmodern' rift between law and ethics.<sup>13</sup>

On the other hand, Alicia Florrick's acceptance of the challenge is demarcated by the behavior of her clients. As the aggrieved party, they stand for a particular investment in the law's connectedness to 'reality' and justice: They are in this trial to get justice for harm they have suffered; they want the law to acknowledge their suffering in the diegetic real world and to compensate them for it. Their investment in this connectedness between law and 'world' has a distinct symbol in the episode: a box containing letters and photographs of fellow victims of the drug company that they are always carrying with them. The narrative frames this box as a token of referential certainty, a kind of charm that anchors the couple's legal action in the story's real world—in the real suffering that calls for justice. "This is what keeps us going," Mrs. Demroy explains the box to Florrick, and the scene's conspicuous use of sentimental codes—emotional music, a close-up on Florrick's face indicating sympathy—reinforces this sense of sincerity. The scene in which the box is introduced is not only the episode's most emotionally charged moment, it is also its most self-referential one. The box resonates with the characteristics of a television series, and of a legal drama series especially: It contains a set of stories that particularize and personalize the legal case at hand, stories that are narrated through words and images (albeit in a different medium) and that are oriented to motivate an affective response. In this scene, the episode seems to endorse and exploit the analogy. Through its own use of sentimental codes, it seems to claim the box as a model for its own cultural work and invites its audience to be moved as Florrick is emotionally moved by the box.

But the episode makes a point in ambiguating this symbol when it reveals that it was the clients who bribed the juror. This revelation calls into question the symbolic

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13 Across its episodes, the series develops other characters that also, even more powerfully, represent this cynicism, but in this episode, the character of Mr. Florrick's lawyer plays this role. And as the series progresses, the character of Alicia Florrick also increasingly faces situations that challenge her unconditional rejection of such 'favors.'

meaning of the box: Next to symbolizing an effort to reanchor the law in the world, it also comes to stand for fakery and engineering; next to symbolizing sincere dedication to a cause, it also comes to represent the clients' inability to stand uncertainty and unpredictability. The clients' actions, then, figure as a foil for Florrick's and Lockhart's actions, accentuating the way in which these lawyer characters do not try to circumvent the law but try to confront its uncertainties and unpredictability. The box plays a central and symbolically potent role in the scene in which the episode reveals the identity of the briber: The clients offer Florrick the box as a gift upon their victory in court, who at first seems moved and eager to accept. It is in this scene—which evokes the sentimental gratification of the scene in which the box was introduced—that Florrick realizes that the car out of which the juror has been seen to receive his bribe money belongs to her clients. The episode thus closely associates the clients' transgression of the law and the referential certainty and sentimental gratification symbolized by the box. Alicia Florrick, in this scene, refuses the gift of the box, and the audience is invited to share her rejection, even if it means to renounce the certainty and pleasure of sentimentalism. In her refusal, the series also reflects on its own genre-bound reliance on sentimental narrativization and the potential problematics of its power to suggest certainty and motivate strong affective responses.

With this narrative, the episode invites its audience to a reflection on how to be a responsible citizen in a 'postmodern' universe. It extends this invitation not only through the contents of its narrative—the diegetic world of lawyers and trials it imagines and the challenges it negotiates by way of its depiction of the-world-as-legal-theater—but also through the form of its narration: Its reliance on and subsequent exposure of sentimental codes so fundamental to the melodrama of conventional legal-dramatic theater draw attention to the way in which modes of narration are deeply entangled in the challenges of a postmodern citizenship (in this case, the dangers of a desire for certainty).

### **Of Serial Seal Killers and Butchered Talk-Show Guests: *Boston Legal***

*Boston Legal* exploits the theatricality of the law in notably different ways. And while the series, on its surface, appears to be unconventional, the social issues it addresses and the ways in which it pitches them to its audience make it a prime example of the issue-oriented courtroom drama Haralovich or Kuzina talk about. A legal dramedy rather than



drama,<sup>14</sup> the series spectacularly ‘untames’ the law’s theatricality, dramatizing the law as sensational, carnivalesque theater.<sup>15</sup> Most apparently, the series’s lawyer characters regularly wear costumes of all sorts—inside the courtroom as well as outside<sup>16</sup>—and they engage in self-conscious role-play both on an intradiegetic level, when they self-consciously play roles in court in order to serve their clients’ interests, and on an extradiegetic level, when characters break through television’s fourth wall and draw attention to the televisual performances behind their characters.<sup>17</sup> Yet even in this seemingly hyperbolic theatricalization of the law, the series does not abandon the legal drama’s issue-oriented seriousness and aspiration to activate its audience. *Boston Legal* rather explores the specific power of the theatrical to encourage civic debate and effect social change, and it does so in ways that highlight the ambiguous potential of (legal) theatricality. The series celebrates the power of the theatrical to make visible the needs and interests of people on the margins of society—the ‘eccentric’ characters for which the series is notorious—and it simultaneously warns that this power is not bound to the

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14 ‘Dramedy’ is a term used for TV series that “combine [...] the semantic elements or conventions of television drama (serious subject matter, complex and rounded central characters, multiple interior and exterior settings, use of textured lighting, single camera shooting on film) with the conventional syntactic features of television comedies (four act narrative structure, repetition, witty repartee, verbal and musical self-reflexivity, hyperbole)” (Berg).

15 As Decker reminds us, sensationalism and spectacle are integral components of the melodramatic mode, which, as I suggested above, is the chief type of theatricality that the legal drama exploits. *Boston Legal* hyperbolizes and ironizes this.

16 Some of the visually most memorable moments of *Boston Legal* include the characters Denny Crane and Alan Shore dressing up as flamingos (e.g. in the episode “Witches of Mass Destruction”) or as the 1950s female singing group The Lennon Sisters (“Trick or Treat”). Another episode shows them at a spa where they wear long, white bathrobes and white masks—a costume that evokes classical theater (“Word Salad Day”). See my article “‘To Sue and Make Noise’” for a discussion of the semiotics of dressing up in an episode that has Denny Crane wear the costume of a revolutionary Minuteman in court (Kanzler).

17 There are myriad examples of *Boston Legal* breaking the fourth wall, and fans seem to love tracking them. Here are a few: “In the episode ‘An Eye for an Eye’, Alan Shore is asked if there is ‘someplace he’d rather be’ to which Shore quips that he’d like to be on cable as that is where all of the best work is being done. [...] During the second season finale on May 16, 2006, Denny Crane attempted to persuade Shirley Schmidt to kiss him by stating: ‘Shirley, this is the sweeps episode.’ At the end of the episode, Crane and Shore toasted to ‘next season,’ with the hopes that it would be on the same night. [...] In a middle episode of the second season [“Finding Nimmo”], Alan Shore talks to Denny Crane about the sea lice, and how they’re called cling-ons. Denny Crane, in surprise, asks ‘Klingons?’. This is an obvious allusion to William Shatner’s [the actor who plays Crane] *Star Trek* career” (“Boston Legal”).

service of social justice, that its seductive potential may serve all kinds of interests. As much as the series thus celebrates the power of the theatrical as an activator of civic debate, and as much as it works to draw its audience into such debates, it also encourages them to reflect on how the series's theatrical narratives are working, also and especially to affect them.

*Boston Legal* narrates the professional and private adventures of lawyers in the high-end law firm of Crane, Poole and Schmidt. There are two main protagonists in its ensemble of characters: Denny Crane (who will be of little concern in my exemplary episode) is established as a grotesquely overdrawn conservative, who adores President Bush, loves guns, and has complicated relationships with all kinds of minorities. He is quite uninhibited in articulating his conservative opinions as well as his professional narcissism, and many of the series's most flamboyantly theatrical and most broadly comic moments are built around this character. Crane is close friends with the second main character, Alan Shore, who seems to be his diametrical opposite. Shore is an avowed liberal, whose political convictions keep in check his cynical tendencies, which particularly surface in his perspective on the legal profession and the commodification of justice in which it involves him. A third lawyer character who will play a role in the following is Shirley Schmidt, an accomplished senior litigator who usually struggles to balance her strong ethical principles and social conscience with the economic demands involved in running a law firm.

The episode I want to discuss, "Tabloid Nation," combines three narrative strands: Two strands, on which I will focus, concern cases that are resolved by the episode's end, and one contributes to a larger story arc revolving around the character of Denny Crane. In ways typical of *Boston Legal*, the episode's two cases combine a conspicuous issue orientation with a ludicrous, sensational design as court cases. In one case, Shirley Schmidt represents a man indicted for having repeatedly killed seals, in violation of their protection by law. The man claims to have shot the seals for his own sustenance, after he had exhausted all other means to procure food. The man, we learn, is a veteran of the Vietnam War, diagnosed with a bipolar disorder caused by post-traumatic stress, yet no longer able to afford the necessary treatment after he lost his job and health care. Schmidt's defense strategy is complicated by the man's insistence that she does not build her defense on grounds of diminished capacity—"I am not crazy," he maintains. In the other case, Alan Shore represents the father of a young woman who was killed by her ex-boyfriend after she had rejected his marriage proposal on television. The woman had appeared on a talk show, *Dr. Ray*, where she was

unwittingly confronted with her abusive ex-boyfriend, whom the show's host and audience cheered into vowing reform and proposing to her. Shore's client claims that the company that produces the show is responsible for his daughter's death.

What holds these disparate narrative strands together is the way in which both of them laminate spectacular theatricality with stories about characters on the margins of society and with the question of what a fair and decent treatment of these characters by society should look like. The theatricality of the narrative involving Schmidt's case chiefly rests in the sensational design of the underlying court case: It has the defendant not only kill one of the most affectively charged species, it has him do so in front of an audience—right in Boston Harbor—and repeatedly, shooting not just one but many seals. The episode self-consciously reflects on the sensationalism in the layout of this case when Schmidt ironically highlights the excessiveness of the imagined crime by calling the defendant a “serial seal killer” or when she asks the judge, in her final summation, to consider how the cuteness of the animal in question affects public responses to the case. And this response is considerable: The case draws a sizable audience to the courtroom, on whose faces the camera registers reactions of shock and disgust when the facts of the case are presented by the prosecution—target reactions in contexts of sensationalism and key elements of its specific appeal. When the episode thus shows how sensational cases draw an audience, it also reflects on its own strategy to attract viewers: Sensational, even ludicrous cases figure prominently in *Boston Legal*'s effort to distinguish itself on the competitive market of TV legal drama.<sup>18</sup> Accordingly, this narrative strand of the episode revolves around a highly sensational case, and it simultaneously emphasizes, exploits, and self-consciously reflects on this sensationalism.

The sensational narrative of the case that presents itself—man shoots seals to eat them and will probably do it again—casts Schmidt's client as guilty; it is the prosecution's version of the facts of the case. Schmidt's job is to present a different narrative—one in which her client is not guilty as charged. Significantly, her strategy is not to de-authorize the prosecution's sensational narrative but to recode the scandal around which its sensationalism revolves. In her narrative, the case is not about the

18 Examples of emphatically sensational cases imagined in *Boston Legal* include the island of Nantucket asking for the right to build an atomic bomb (“The Mighty Rogues”), a trial in which the law firm defends an officer who mercy-killed a convict in the course of his execution when the apparatus for the lethal injection malfunctioned (“Kill, Baby, Kill”), and a trial in which the town of Concord, Massachusetts, asks for secession from the United States (“Patriot Acts”).

scandal of a man serial-killing cute animals, it is about the scandal of a country abandoning a veteran in need of support, a veteran needy because of injuries suffered in the service of his country. Her narrative uses the prosecution's sensational narrative of the case as a blueprint for her own, and she tries to exploit its scandalous appeal for a story about social justice for veterans. The fairly long monologue of Schmidt's final summation exemplifies what Haralovich identifies as a characteristic element of 'civic' TV legal drama—it puts the plot on pause for an exploration of social, political issues and invites viewers to join in their deliberation: "The courtroom drama suspends verisimilitude to explore issues. Compelling speeches, well-delivered, combine intellectual and emotional aspects of the law, using the pathos of melodrama to describe issues and our stakes in them" (n. pag.). The "pathos of melodrama," which I already traced in the episode of *The Good Wife*, is quite palpable in Schmidt's speech. Her words cast her client as an undeserving victim:

Ethan Melman [her client] is a war-decorated hero. He returned suffering from Post-Traumatic Stress Disorder, it made holding down employment difficult so his insurance lapsed and he didn't get treatment and he began to starve. He didn't rob anybody, he didn't break into a bank or knock over a liquor store or snatch a popsicle out of someone's hand. He went fishing. Perhaps hunting. And the federal government, instead of offering him a meal, decides to spend \$30,000—money we do not have—to offer him a jail cell.

The sentimental music that accompanies the conclusion of her summation along with her almost direct address to the camera, which chiefly films from the judge's perspective, additionally target the viewer for an affective response of sympathy. In the context of the diegetic trial, her speech compellingly re-narrates the case in a way that makes her client the victim rather than the perpetrator. In the context of the episode's text, it exploits the sensational appeal of a 'serial seal killer' to raise awareness of and encourage civic debate about social justice for veterans.

Her re-narration of the case is, of course, complicated by her client's insistence that she should not discuss his mental illness. I read his refusal to be depicted as 'crazy' as a refusal to be cast as the sensational victim, as a mere object of pity, and as his insistence on his own dignity grounded in agency: "I am a war hero. I have a right to be proud. I'm not a victim! I'm not a victim. I don't need anybody to feel sorry for me." The challenge Schmidt faces, then, is to forge a courtroom narrative that refutes the charges of her client's guilt and refocuses attention to the question of social justice for veterans without depicting her client as a melodramatic victim. And, by extension, the

episode's text takes up the challenge to explore a social issue and compel its audience to join in the issue's debate without a sensational narrative of victimhood. The lawyer character in the diegetic courtroom struggles with this challenge and laboriously avoids discussing her client's mental illness. In the end, she does depict him as a victim, not as subject to the individualized victimhood of 'insanity' but to a kind of political victimhood, caused and to be remedied by political (in)action. This fine distinction allows her to win her case without alienating her client.<sup>19</sup> The episode's text negotiates the challenge by oscillating between an exploitation of the sensationalism implied in the case and gestures of distancing itself from it. The episode's narrative, of course, does depict the client as 'crazy' and as a melodramatic victim calling for sympathy: The scene in which he approaches Schmidt and tells his story is focalized through Schmidt's initially shocked and subsequently sympathetic perspective; from her knowledgeable perspective the viewer is invited to share, she explicitly calls him 'unstable',<sup>20</sup> and, as mentioned above, the sentimental staging of her final summation additionally enforces a melodramatic coding. But then, the episode complicates this coding when it highlights the man's refusal to be thus objectified, the humiliation it means to him to be thus depicted—a humiliation that, in this case, is coextensive with the humiliation of sickness and poverty caused by the unjust treatment of veterans.

One could argue that these gestures of complication and tacit self-reflection remain subordinate to the episode's more dominant exploitation of the case's sensationalism: Viewers may engage with these gestures of self-reflection and ponder the episode's reliance on sensationalism, but the episode certainly allows for a viewing experience that ignores them, making such a reading equally meaningful and pleasurable. However, these gestures of self-reflection are amplified by the episode's second narrative strand, the one involving Alan Shore's case, whose design is more openly self-reflexive since it focuses on the social role and effects of television. The self-reflexive thematization of television makes for a key element of this narrative strand's use of theatricality: Its diegetic trial revolves around the sensational TV narrative of a repentant man who tries to win back the woman he loved, around the ways in which this narrative was strategically designed and staged by a talk show, and around the effects that this narrative has created in the diegetic real world. In addition,

19 And the judge's verdict suspends verisimilitude, to again speak with Haralovich, when he acquits him on the basis of a moral, rather than a legal, obligation that the nation has toward its veterans.

20 She confronts her client: "I'm not sure you're entirely stable," to which he responds: "Who is?"

there is a second context in which the narrative strand engages with theatricality: in the openly theatrical courtroom performance of Shore's opponent, recurring character Melvin Palmer, whose theatrics frame the episode's negotiation of 'good' and 'bad' theatricality.

Television theatrics, then, are at the center of this strand's plot. More specifically, its plot focuses on the work TV narratives can do in the 'real world,' the effects they can have there. It does so by dramatizing and staging debates about the ways in which TV narratives are choreographed to achieve certain effects and about the ethics involved in this practice. In the trial, the choreographing of the talk show on which the victim appeared is a central subject of courtroom debates: The two lawyers argue about the extent to which the climactic spectacle of the show in question—the regenerate man's proposal to the later victim—was engineered by the show's producers and in how far they should have anticipated this spectacle's fatal consequences. Shore argues that the victim was unwittingly enlisted in the performance of a carefully choreographed spectacle, whose conventions—of which she was tragically unaware—centrally rely on the exhibition of such dysfunctional and extreme behavior as the killer's. Shore insists that the man's murder of his ex-girlfriend was not just accidentally prepared by the show but that the show's theatrical conventions strategically, and irresponsibly, provoke such events. In the logic of these conventions, a murder like this provides for the perfect ending: "This tragedy was inevitable. It's practically scripted. It's happened before. Talk-show ambushes have gone awry leading to murder or suicide. This isn't a first. But here's what's truly horrifying. A tragedy occurred here, a woman was killed, but for the show—for the show—the real tragedy was that the killing didn't happen on the show." The episode, then, uses the talk show as a case study to explore how the 'scripts' behind TV narratives control not only what stories get told but also toward what goals or effect these scripts are oriented. In this case, an intradiegetic story scripted with an eye solely to its gratification of sensational appetites killed a woman in the diegetic real world.

Shore's argument addresses the responsibility that authors/producers of (TV) narratives have because of the effects that they create outside of their storyworlds. This is the core question that the jury has to deliberate: whether the show's producers are to be held accountable for the young woman's death. In Shore's final summation—as in the narrative strand concerning the other case, a key moment of civic agenda setting—the episode focalizes this question of responsibility by juxtaposing the talk show's fatal effects with the socially beneficial effects of 'good' television. Shore argues that the

authors/producers of TV narratives are under an ethical obligation because television has work to do in society. He develops this argument through a narrative of cultural decline, charging the talk show in question—which he hails as representative of contemporary TV in general—with failing to live up to its medium’s social responsibility:

Television is a noble beast, isn’t it? Well, the shame is it once was. To many it still should be. Television took us to the moon. It let us cry together as a nation when a beloved president was assassinated. Its unflinching and comprehensive coverage of Vietnam served to end that war. Television gave us Edward R. Murrow, Walter Cronkite, Rod Serling, Ernie Kovacs. We had shows like *The Defenders*, *All in the Family* . . .

Crucially, when Shore delivers this argument to the jury, he addresses them not only as citizens on jury duty but also as citizens who are consumers of television, asking them to not so much rule in a trial as to demand the kind of television to which they are entitled as citizen audiences:

I remember the movie, *Network*, by Paddy Chayefsky. It depicted the extremes and perversities that television would resort to for the sake of ratings. [...] The most memorable part of the movie *Network* was when Howard Beale started shouting on national television: “I’m mad as hell, and I’m not gonna take it anymore!” And the country joined in with him. You need to join in now. You need to go back to that room and say you’re not going to sit quietly and let these networks assault decency for profit. You’re not going to stand for the exploitation of the disenfranchised. You’re sick of the networks debasing a medium they’re supposed to be guardians of. Don’t take it anymore. Please. Please. Get mad as hell.

As the camera focalizes this scene through the jury, Shore’s plea concomitantly seems to address the episode’s viewers, asking them to make themselves heard as an audience that cares, a citizen audience.

The entire narrative strand is, of course, ripe with self-reflexivity: Its (scripted TV) plot discusses the scripting of TV narratives, and, overall, the self-consciously issue-oriented series *Boston Legal* discusses the civic responsibility of television. The scene of Shore’s final summation functions almost like a *mise en abyme*. Its script has lawyer character Alan Shore build his legal argument around the discussion of a media narrative (the film *Network*); his central punch line is a quote from this film, delivered “on national television” (as Shore’s replay in this episode of *Boston Legal* is as well); and his speech addresses a jury as consumers of television, an intradiegetic addressee

whom the scene's strategies of focalization position as a stand-in for the episode's television audience. To even further accentuate the narrative strand's self-reflexive dimension, there is a legal drama among the examples of 'good' television that Shore list in his summation: *The Defenders*, a pioneering social issue courtroom drama.<sup>21</sup> Overall, then, this narrative strand extends an emphatic invitation to its audience to reflect on connections between its narrative about TV theatrics and the ethics involved—and the social, ethical dimension of television in general, and of *Boston Legal* in particular. The social issue which this narrative strand invites the audience to debate is the civic role of (its own medium) television and the horizon of social responsibility against which its narratives should be crafted.

Of course, the series claims for itself to live up to this responsibility: In Shore's simple distinction between 'good' and 'bad' television, *Boston Legal* unambiguously claims the attribute of 'good.' However, one could read a tacit ambiguation of this distinction between 'good' and 'bad' (TV) theatrics in the role that the character Melvin Palmer plays. Palmer is a recurring adversary of Alan Shore's who stands out by his ostentatious role-play as a folksy Texan,<sup>22</sup> an act that wins him much affection and allows him to get what he wants, to the utter frustration of the liberal New England intellectual Alan Shore. What makes Palmer such a special nemesis for Shore is the way in which their characters are actually quite similar: Both are successful lawyers because they know how to put on a winning act in court, and both are able to suspend ethical concerns in their service of paying clients. Whenever Palmer appears in *Boston Legal*, narratives suggest that the difference between him and Shore is that Shore's cynicism knows clear ethical boundaries while Palmer's is entirely irresponsible. In "Tabloid Nation," Palmer illustrates this cynicism—the extent to which his performances as a lawyer are fully divorced from considerations of justice, from, in fact, any considerations concerning the content of his case—when he comments on his defeat in the trial: "Hell, I get paid, win or lose. Hell, now that we get to appeal, I just made more money! That's what I did." While already this line of distinction between Shore's 'good' and Palmer's 'bad' theatricality—degrees of cynicism—is a thin one, the series's narratives also suggest that this might not be the only, maybe not even the main

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21 Cf., e.g., Papke's discussion of how *The Defenders* (1961-65) distinguished itself by plots revolving around liberal political ideas, especially around the idea of procedural guarantees for defendants. In its episode "Son of the Defender," *Boston Legal* explicitly acknowledges *The Defenders* as a role model of sorts when it includes footage from a *Defenders* episode (which also features William Shatner as an actor playing a lawyer).

22 The pun on the US president at the time, George W. Bush, was probably intended.



distinction between the two characters: that they also and especially distinguish themselves through their theatrical styles, Palmer's Texan folksiness and Shore's cerebral, liberal passion. In other words, the series suggest that the distinction between these two players, who seem to stand for 'bad' versus 'good' theatricality, might not only be thin, but that it might be entirely insubstantial.

With its two major narrative strands, the episode thus simultaneously celebrates and warns of legal-dramatic theatricality. It celebrates the potential of openly theatrical, sensational narratives to advertise the plight of people on the margins of society, to raise public awareness, and to ignite a civic debate. And it warns of the ways in which sensational narratives run the risk of objectifying their subjects and reinforcing their marginality, of the ways in which the seductive appeal of well-scripted theatrical performances can be put to irresponsible uses, and of the difficulty involved in distinguishing between 'good' and 'bad' uses of theatricality. This ambiguous exploration of theatricality most immediately focuses on the law in the series' storyworld, but it also evokes the 'theatrical' means by which this storyworld is constructed.

## Conclusion

To conclude, the two legal drama series that were the subject of my case study give a sense of the diverse ways in which contemporary specimen of the genre simultaneously use and reflect on their use of legal-dramatic theatricality to invite their audiences to civic debates. The debate to which the exemplary episode of *The Good Wife* invites its viewers revolves around the question of how to be a responsible citizen in a 'postmodern' world seemingly ruled by free-floating systems of signification, a world it figures through an extended metonym of the-world-as-legal-theater. The episode of *Boston Legal* uses a hyperbolic, sensational theatricality to encourage public awareness and debates about the plight of people on the margins of society, of 'eccentrics,' while concomitantly warning of the harm that such theatrics can potentially do. In their thematic and formal differences, the two series sketch the scope of a '(post-)postmodern public sphere' that unfolds in popular culture, a site of self-reflexive civic debate.

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