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Reflections of legal culture in television comedy: Social critique and *Schadenfreude* in the US series “Frasier”

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Abstract

Traces of law can be found in all aspects of life, law is ubiquitous. People relate law to some of their most desperate life situations, and sometimes law serves them well. It is no wonder that law features prominently in popular comedies. There also is a tradition to ridicule authorities and social institutions, and the law, courts and legal professionals are no exemption. In order to be understandable and “funny“, there needs to be at least a fleeting familiarity of the audience with them. Popular tv comedies thus offer a unique window into popular legal culture: they show elements of law and aspects of its workings, of the behaviour of lawyers, which the public relates to. For example, previous media coverage, other lawyer television and movies, or indeed personal experience, may have introduced them and something made this information stick, perhaps a rather objectionable practice. “Law“ in this context has to be taken in its widest possible meaning as “living law“ (Eugen Ehrlich), which means including those non-statutory rules by which society is organized, by which people live their daily lives. A further dimension which lends itself to good entertainment is rule-breaking behaviour, which often testifies for the validity of laws, only that they are inconvenient in certain situations. Again, a constellation that invites mockery, humour and *Schadenfreude*. The manuscript will apply a cultural and socio-legal perspective to the depiction of things legal in one of the most outstanding US television comedies, shown to audiences internationally: “Frasier“ (1993-2004).

Keywords

Popular legal culture, law on television, sitcom, tv comedy, Frasier, American legal culture

Reflections of legal culture in television comedy: Social critique and *Schadenfreude* in the US series

“Frasier“

Stefan Machura and Olga Litvinova

1. Introduction

Traces of law can be found in all aspects of life, law is ubiquitous, as Talcott Parsons (1971) put it. Law comes in different guises: limiting the choices people can make, but also safeguarding people’s expectations of the behaviour of others (Luhmann 1985), and thereby facilitating long chains of action. Many of these laws will sound like common sense and people usually follow them more or less automatically. In other instances, laws are the result of political and social struggle and may still evoke hostility in some quarters. People relate law to some of their most desperate life situations, and sometimes law serves them well. It is no wonder that law features prominently in popular culture (Macauley 1987; Bergman/Asimow 1996; Greenfield et al. 2001; Machura/Böhnke 2018; Papke 2018). There also is a tradition to ridicule authorities and social institutions, and the law, courts and legal professionals are no exemption. Indeed, the humorous portrayal of the law, of its arcane rituals, the solemn atmosphere of its institutions, and of the ways of its learned personnel forms a worthy object of study for scholars of popular legal culture. Tried and proven formulas of comedy and satire apply to the object of law: hopeless character flaws and awkward situational humour are only sharpened by the sense of importance and dignity surrounding the law. And then there is the ubiquitous fact of life that those with deeper pockets are able to avail themselves of more services, which of course eases their access to the law and more expensive lawyers. In American culture, lawyers have an ambivalent status, which lends itself to humour (Galanter 1998, 609-610). It is similar in other countries, but not on the same scale. The multiple functions of lawyers as “officers of the court” in the service of law, as representatives of their client’s interest, as exponents of a proud profession, and as private entrepreneurs (or part of law firms), with an eye on the bottom line, provide contradictions, which spark incendiary laughter, but one that comes with an underlying feeling of horror.

In order for legal fiction to be understandable and “funny“, there needs to be at least a fleeting familiarity of the audience with things legal. Popular television comedies thus offer a unique window into popular legal culture:

they show elements of law and aspects of its workings, of the behaviour of lawyers, to which the public can relate. For example, previous media coverage, other lawyer television and movies, or indeed personal experience, may have introduced them and something made this information stick, perhaps a rather objectionable practice.

Scholars have started to look for legal culture in what might appear first as unlikely places, areas not worthy of study. This includes products of popular culture drawing on humour. For example, Robson (2014) discusses the British strand of the “light legal procedural”, offering lawyers and judges a medium to criticize courts and the profession. Podlas (2007) emphasizes the assuring message of the American animated sitcom “The Simpsons” that law may work for citizens. Wolff (2019) describes legal tv comedies in Japan and how they relate to the country’s legal culture. Thus, turning to comedic portrayals of the law promises insights into how people perceive the law.

Marc Galanter (1998, 817), discussing public mistrust of the law, wrote about jokes:

“In different contexts, the same story may convey hostility, self-mockery, or grudging admiration. What people make of them varies greatly: lawyers and nonlawyers, men and women, educated and uneducated, rich and poor encounter very different bundles of jokes and may hear very different messages in a given joke.”

It is different with popular television shows, especially comedies, as the producers driven by economic pressures and professional ambition, are anxious to appeal to the widest possible audience, so that insider humour does not come with a premium. Were they to cater to the tastes of one group only, e.g. lawyers, or the university educated, they would at minimum lose their prominent spot on the programme schedules. Popular comedy series tend to stick to the largest possible denominator. Moreover, through audience sympathy with characters, the story history and *mise-en-scène*, television comedies suggest a specific understanding and audience reaction. Producers have to achieve this to be successful in their trade. They have to aim at a general understanding of law-related situations.

“Law“ in this context has to be taken in its widest possible meaning as “living law“ (Ehrlich 2002), which means including those non-statutory rules by which society is organized, by which people live their daily lives. A further dimension lending itself to good entertainment is rule-breaking behaviour, which often testifies for the validity of laws, only that they are inconvenient in certain situations and any deviation needs to be covered up. Again, a constellation that invites mockery, humour and *Schadenfreude*. This text applies a cultural and socio-

legal perspective to the depiction of things legal in one of the most outstanding US television comedies, shown to audiences internationally: “Frasier“ (1993-2004).

2. The Frasier habitat

For 264 episodes in eleven seasons, the sitcom “Frasier“ about the travails of a psychiatrist-turned radio personality, entertained American audiences on NBC. It continues to be watched internationally on repeat scheduling, on pay tv, and lives on with the help of DVD sets and fan websites. A sequel is possible (Griffith 2019). “Frasier“ and the people behind this remarkable success have collected many prizes, including 37 Emmy wins (Darowski/Darowski 2017, xi). The actor in the title role, Kelsey Grammer, received the highest critical praise for his performance, as did the writing team of the series. “Frasier“ must have some of the funniest moments of tv history, but there are dark topics and sad moments, too. The quality of acting is superb as evidenced already in the earliest episodes when Grammer and Peri Gilpin as “Roz“ react to the utterances of the other as if not just reciting a script, but relishing the banter in the very moment of acting.

“Frasier” follows the tried and proven concept of a “traditional sitcom” in which “a group of characters who share a residence or workplace stumble into various comical situations” (Papke 2018, 18). The series borrows its lead character from the forerunner comedy “Cheers“, where the figure of Frasier developed into a main stay (Darowski/Darowski 2017, 8-12). Dr Frasier Crane is an ardent admirer of Sigmund Freud, an intellectual art lover, an avid consumer of luxury goods, and a “pompous but needy romantic“ (Darowski/Darowski 2017, 11). The doctor has a deeply insecure personality; and could use psychiatric advice himself, especially when it comes to matters of love, marriage and family life. Frasier is never quite happy for long, and if he were to answer his father’s perennial question “Why can’t you be happy?”, Daniel J. Morrissey (1995, 415) suggests he could answer:

“[T]hat his life represents the best that post-modernism has to offer: either a this-is-as-good-as-it-gets materialism or, from another perspective, the triumph of style in a world lacking any real substance.”

By the time the series “Frasier“ sets in, the title figure has separated from his wife Lilith (a psychiatrist herself) and rarely sees her and their son. Lilith’s cool and calculating character is very well characterised by her not allowing her son to play with other children, but to observe their play and take field notes.

In "Frasier", the audience is not only offered the occasional contrast between the warm and insecure personae of Frasier and the cold and confident Lilith, but the series writers doubled the Frasier character by introducing his psychiatrist younger brother Niles who shares many of Frasier's flaws. The two are intimately connected by fierce sibling rivalry. Niles takes some of Frasier's traits to the absolute extreme and combines them with insane phobias. Together they share a yearning for acceptance in high society, the love of exquisite wine, food and the art, of European luxury goods, and a troubled relation with women. For the most part, Niles is able to realize his ambitions in the sphere of consumption through a marriage and finally a lucky divorce from a multimillionaire wife. Frasier's expensive life-style is financed somewhat unexplained through his work as radio therapist. They do not come from money, as their father, Martin Crane, was a humble police officer and their long deceased mother a forensic psychiatrist. However, she has left the two Crane boys with loads of cultural ambition and the wish to belong to the finest circles of society. In other words, "the heart of the series is the Cranes' intrafamily culture clash, the kind that's bound to occur when blue-collar Americans send their children to Harvard" (Gates 1998).

When the "Frasier" series sets in, Frasier is forced to take his disabled father into his apartment. The down-to-earth, if not occasionally vulgar tastes and behaviours of the father and the different ways of his sons clash throughout the "Frasier" story. The constellation provides for an endless number of jokes playing on the class difference. Where father Martin relishes his can of beer, Niles orders in a café: "Double cappuccino, half-caf, non-fat milk, with enough foam to be aesthetically pleasing, but not so much that it would leave a mustache" (Plett-Giordano/Ranberg 1999, 40).

Gary Hoppenstadt, commenting on the predecessor series "Cheers", illustrates the point:

„The show fundamentally satirizes social class in a very effective way, establishing humorous contrasts (which makes for great comedy) between the jock (and the common laborer) with the intellectual, the highbrow with the lowbrow, having both groups portrayed as unable (or unwilling) to fully understand each other's worldview or social culture (which, again, makes for great comedy). It is the humorous 'clash of cultures' and their subsequent attempts at social integration which is fundamentally American in nature and thus appealing to an American television audience.“ (cited in Darowski/Darowski 2017, 7).

The camp of the "commoners" in "Frasier" also comprises two female main characters: Roz and Daphne. Roz Doyle is the producer of Frasier's call-in radio show and apart from being very impulsive and changing male

partners constantly, deeply rooted in rural American culture. Though her mother is a state attorney, and thus holds high legal office, Roz is the proverbial “all-American girl”. Daphne Moon (played by Jane Leeves), Martin’s home health care worker, instead, hails from one of the most deprived areas of Manchester (UK). Apart from these characters, there are many more with memorable appearances and if a main fault line exists, it must be class and the cultural rift going with it.

In the final analysis, the viewer is prompted to laugh more about the rich and “cultured“ than about the commoner. In the episode “Door Jam“ Frasier and Niles get access to a highly exclusive private spa club through false pretence. At first, they are happy about the insane ways in which they are indulged. Only, when they see a US Senator go through a golden door into a separate, even more selective part of the spa, and hear it is not for them, they absolutely need to get into that one, too, and all that has impressed them before, is worth nothing now. They eventually are in the more selective area, but while being treated there, they detect a further, a platinum, door. Having been told that they won’t have access, Frasier and Martin sneak through, “this is where we belong“ (Perlman 2003), only to find themselves in the backyard, surrounded by garbage bins and – locked out. Social critique in “Frasier“ is unmistakably directed against the higher classes mainly and it offers viewers the immense pleasure of proper *Schadenfreude*.

3. The weird and wonderful sphere of sub-state law

Eugen Ehrlich, one of the founding fathers of socio-legal studies, is best known for his theory of the “living law”, especially of those rules by which associations in society organise the life of their members (Ehrlich 2002). In the remote Bukovina province of the Austro-Hungarian Empire, he described how professions and local groups regulated themselves, without the help of codified law (Ehrlich 1967). The emphasis on the intermediate level of society was shared by Ehrlich’s contemporary Emil Durkheim. Only that Durkheim aimed at a level a bit higher and more formally organized. The French pioneer of sociology saw in professional associations a better form of democracy, an alternative to what he criticised as destructive centralised state politics (Durkheim 1998). As much as there is something wonderful to aspire to in grass-roots organisations, in mutual self-help, cooperative effort, strong neighbourly relations and even professional structures (maybe), popular culture also always knew of its potentially weird downsides. Sticklers for perfection, for example, turn their devastating efforts to creating association rules. Others read statutes to their advantage and utilise them

mercilessly against opponents, or run their club like a family business. If an opportunity emerges that is too good to let it pass, even true believers are tempted to stray from the code of ethics.

In "Frasier", the law of associations and their slippery social and ethical terrain appears in three settings mainly. Several episodes see Frasier engaging in the politics of the condominium, trying to utilize its power against his neighbours. The vine tasting society allows Frasier and his brother Niles to compete recklessly. Finally, the ethics code of the psychiatric profession frustrates some of Frasier's most personal urges.

Owning an apartment in a luxury condominium, Frasier takes a keen interest in defending his parking space and his view of Seattle, as well as in holding the top position on the condominium board. The latter goes so far that he puts forward his father Martin Crane as an additional candidate for board president when he realises, he himself is not too popular, pressuring Martin to accept becoming his puppet. With a rhetoric reminding the film connoisseur of speeches in Hollywood dramas like "Amistad" or, rather, in "The Man Who Shot Liberty Valence", Frasier fights in the condominium assembly against a neighbour. The man taunted Frasier by fixing a giant stars and stripes flag at the building, covering Frasier's panoramic balcony view. In a speech seeping of patriotic tropes, Frasier succeeds with the proposal to better have such a giant flag on top of the building, having to fork out personally for the installation.

Frasier and Niles frequently exercise their vine tasting buds and play word games describing the qualities and origin of wine. Little do they know that the vine tasting society's annual election of the "cork master" is about to take their rivalry to a head. Just when Niles starts to make his acceptance speech as new "cork master", Frasier interrupts and fires a salvo of motions, only to declare that he quits the club. Frasier tells about a new radio show he will run on wine and that he cannot do both, the show and be a club member. In his new show, Frasier waits for callers from the wine club in vain as Niles has instructed them not to participate, based on his interpretation of the club statutes. When Frasier confronts Niles in a club meeting, Niles has him escorted out of the room. Father Martin finally intervenes, and Frasier is back in the club. Afterwards, Frasier and Niles start talking:

Frasier: So what's preventing us from starting a whole new club from scratch?

Niles: We could really get back to basics!

Frasier: Something that's just about wine! And a clear constitutional procedure for enjoying it!

Niles: Yes, only maybe this time the governing body could be bicameral!

Frasier: Well, I don't know, Niles, there is something to be said for the parliamentary system!

Niles: Well, either way we have to have a strong judiciary to keep it in check.

Frasier: God, I love wine.

(Lloyd 2001)

Twice divorced and once left at the altar, Frasier Crane is unable to form lasting relations with women and even finds approaching women difficult. The more he is thrown into a dilemma when it comes to the basic professional ethics that psychiatrists won't have relations with their clients. In an even wilder twist, Frasier suggests a caller in on his radio advice show to better split from his partner, only to then finding himself attracted to the same woman. Where Frasier ultimately stops when realizing the conflict, the psychiatrist of Niles's wife, even starts an affair with his client.

Frasier and Niles know that their social existence is intrinsically connected to the rules of the associations they belong to. Yet, taking advantage of what civil society offers, comes at a price. To successfully negotiate the treacherous cliffs of association life, they are thrown back at their own devices, much as the viewers are. This changes in the area of civil law that is more closely connected to the rule of the state – and the rule of the legal profession.

4. Civil law and lawyers

The civil law governs most of the legal relations people have. In legal theory, it is the law in which all affected are equal, unlike public law, including criminal law, where the citizen is confronted with the state as superior authority. But there is a nagging suspicion that not everyone is equal in practice.

Civil law allows private parties to create law that will direct their actions and that is enforceable in a court of law. Typically, this is the world of contractual relations and labour law is not different. In "Frasier", agent Bibi masters the art of manipulation, to make her client artists and broadcasters agree to suggested deals. No ruse is too amoral for Bibi and she preys on Frasier's vulnerabilities. In exchange for the hope to become a bigger star, Frasier allows Bibi to deduct a sizeable cut from his income.

Law can be created with good intentions, but can take a dynamic of its own, not always welcome, or has been introduced in the legal code before there was a widespread acceptance of its content. By the end of the penultimate season, Roz accepts a job as manager in another broadcaster, only to in the first episode of the eleventh season,

tell Frasier about quitting it. In part, because “my assistant is an idiot and I can't fire her 'cause she's like three minorities rolled into one.” (Daily 2003) Some viewers may feel for Roz on this occasion, others may laugh about Roz's naiveté.

Otherwise, in “Frasier”, civil law appears most prominently in connection with lawyers, and more specifically – probably owned to the adult family sitcom genre – when it comes to divorce. The harsh reality is that wealthier parties to a dispute may be able to buy superior legal services (M. Weber 1968, 892; Asimow / Mader 2013, 272-275). Going down the legal route tends to aggravate a dispute, entrenches parties' positions and can bring about the worst in people. Such constellations allow for endless grim humour as the protagonist's most private feelings are at stake and ultimately their status in society mocked as well. Will they be fooled by the opposing party, tricked by their opponent's expensive legal representatives, or even exploited by their own lawyers?

But first, there is the litigation *angst* to be discussed. The United States have a prominent debate around alleged extreme litigiousness of its citizens. People are perceived to sue another too quickly, especially if the other side has deep pockets (Vidmar 1997, Galanter 1998, 828-829). For David Ray Papke (2018, 20), the popularity of law in American fiction exemplifies that it is the “most legalistic” culture “in the world”. The issue reappears in “Frasier” to good comic effect. For example, in the last series, Roz tries to set Frasier up with a non-too-attractive friend of hers: Anne, working in the claims department of an insurance company. Frasier rejects her in a way that leaves hurt feelings. Some time later, Frasier finds out that his apartment is uninsured as his father forgot to take the payment check to the mail. In desperation, he invites Anne to his house to discuss setting up an insurance, although aware of the pre-history between the two. Anne visits harbouring high hopes but slips in the kitchen and breaks her leg. Frasier panics at the thought of having no insurance, and Anne knowing how to sue for damages. He may be losing all his prized possessions to pay for medical expenses and compensation. So he hedges the plan to host Anne in his apartment while she recovers as “friends do not sue each other”.

Following genre conventions, this goes spectacularly wrong, as Anne feels betrayed again. It is only after several twists and turns, that Frasier gets her to sign a document in which she forfeits her rights to sue – in three copies, to be absolutely sure.

Having reviewed the spectrum of American lawyer films, Michael Asimow (2000) writes that people connect lawyers with some of life's worst moments. He states that the portrayal of lawyers is mainly negative, he would not want them as friends due to their bad character and more often than not, they are unethical professionally. Not surprisingly, the comedy “Frasier” draws a similar picture and disregards for the most part the other, the

heroic side of lawyers which is so prominent in classics like “Young Mr Lincoln” (Böhnke 2001) and contemporary lawyer tv series like “The Good Wife” (Machura/Davies 2013).

Lawyers can be expensive. In one of his adventures, “Frasier” is in love with his good-looking sharp female lawyer, but when he receives the bill for her legal services, he is so outraged that his reaction ends their relation. Niles separates painfully from his wife Maris and the legal expenses get so high that he who otherwise only eats gourmet food and dines in elite restaurants is temporarily reduced to a meagre diet of sandwiches. It becomes increasingly obvious that he is losing out. His desperation becomes most obvious in the following scene in Frasier’s lounge in presence of his father Martin and Daphne:

Daphne opens the door to Niles, who’s on his cel phone.

Niles: (into phone) Good God, man, whose lawyer are you, anyway? No, I will not calm down. (TO

Daphne: (calmly) Hello, Daphne (On phone) They call that a settlement? Call them and turn it down.

(Louder, over TV) I said turn it down, you ninny!

Martin: (Turning down the TV) Okay! Geez, you could ask a person nicely.

Niles: (Hanging up) I have got to find a new divorce lawyer. Claude is clearly no match for Maris’ team.

Daphne: Real sharks, are they?

Niles: When I was courting Maris I sent her a Valentine that read ‘You’re the girl my heart adores. Everything I have is yours.’ Now they insist it’s a prenup.

Daphne: That’s terrible. (To Martin) Can you imagine using that as a weapon – a Valentine?

(Keenan 1999, 256-257)

The scene hints at the secret affection Niles and Daphne developed for another. What follows is a twist on the familiar plot pattern of “The lawyer gets the girl” (Denvir 2000). Looking for a new champion of his legal case, Niles is introduced to the city’s top divorce lawyer, Donni. The man has a phenomenal reputation and he turns out to be completely shameless, up to the point of changing his cloths in presence of his clients. Nevertheless, once tasked with the job, Donni takes the case to a swift resolution and even a favourable one for Niles. Though, in the end, Niles will suffer a loss elsewhere.

In legal drama and comedy, lawyer heroes like Young Mr Lincoln often solve their case not by legal means but through common sense and general social competence. Donni surprises Niles with a question, if he knew where

the money of Maris's family, occupying high social status in Seattle, comes from? Obviously, Maris never told Niles nor anybody for fear of becoming a laughing stock sneered upon by the fine society. They made a fortune out of selling urinal cakes! Donni prompts Niles to make a phone call, and Maris immediately agrees to silence him with a generous settlement. – But Niles cannot celebrate his victory for long, as tragically, Donni sweeps away his beloved Daphne. Only many eventful episodes later, Daphne decides to elope with Niles.

5. Crime and criminal law

Norm violations, the apportioning of blame to individuals and generally inviting moral judgment are some of the tried and proven recipes to attract audiences, be it for news (Luhmann 2000), or be it for legal fiction (Machura 2018). The breaking of law (Petrazycki 2011), especially criminal law (Mead 1980), triggers an emotional response. People fear that the stability of society is at stake and observe if the rules are upheld and the perpetrators punished. Once they perceive this to happen, the general social cohesion is strengthened (Durkheim 1976). These basic social reactions are also at work when it comes to the audience's interest in crime news and crime fiction (Machura 2018). Comedies often also draw on crime, the detection of crime and the sanctioning that follows, only that the real hurt caused by crime is taken out of the equation largely. Already the earliest forms of crime fiction have preyed on another response to crime additionally. As much as people like to see perpetrators punished, there also is a certain fascination by the gallant robber, the Robin Hood-imposter, who brazenly takes from the rich and powerful, and gets away as well. In crime fiction, these figures make good entertainment and in comedy, crime and punishment are not only not taken seriously, but laughter is created by exposing character weaknesses and temporarily reversing the mundane social order.

A large number of "Frasier" episodes features some aspect of crime. Most of it is rather trivial, but there also is the arrest of Niles' first wife Maris for killing her abusive lover. Niles had inadvertently provided the murder weapon: an ancient crossbow which Maris claims to have fired in self-defence, having asked Niles before to lend it for a theatre performance. The "Frasier" characters can be found as victims as well as perpetrators. In a particularly poignant story, Frasier and Niles want to get to a festival in the Seattle park in honour of the popular radio psychiatrist. All goes wrong, they make hardly any progress on the way to the event. When Frasier decides to take a shortcut through a backstreet, they are promptly robbed of all their possessions, money and phones. In desperation, wanting to use a public phone, they steal a coin from a blind street musician and have to outrun schoolchildren trying to apprehend them. This and other episodes, such as when Niles and Frasier buy insane

amounts of caviar from Russian smugglers, suggest that depending on circumstance everyone may commit illicit acts and find themselves at the wrong side of the law. The response of the audience can best be described as *Schadenfreude*, again.

Criminology has long questioned Cesare Lombroso's and others' theory that "criminals" can be recognized by their bodily features (Lombroso Ferrero 1911; Burke 2019, 87-90, 95-96). But some of the belief in the recognisability of character traits and the idea that loose women, crooks and unworthy people give away secret signs, which so prevailed in the 19th century (Sennett 1983), is still around in popular culture today. Moreover, the crime genre of the whodunit fascinates audiences by inviting them to guess who the perpetrator was (Rafter 2006). The "Frasier" episode "You Can't Tell A Crook by His Cover" mocks these ideas. Martin has invited his "poker pals" from the precinct over for a game. He challenges Frasier who had boasted with his Harvard degree in "Psychosocial Behaviourism", to a bet that he won't be able to tell who the police officers are, and who is an "ex-con". Frasier spends the evening intensely studying the poker players, until the group breaks up.

Martin: Well, I guess there's only one thing left. How about it, Fras? You figured it out yet?

Frasier: Actually, I believe I have. Shall we step into the drawing room? Please have a seat.

Martin: Okay, Sherlock. You've got center stage.

Frasier: I have sketched an accurate psychological profile of each one of you. And in so doing I have come to the incontrovertible conclusion that the criminal among us can only be... FRANK!

Martin: Wrong. Frank's a highly decorated undercover cop.

Frasier: Exactly! Just a little too obvious, you know. The broken vocabulary, the jailhouse pallor, the underdeveloped social skills...

Frank: Hey.

Frasier: [to Martin] So, you tried to use psychology against me, did you? Threw a gender bender at me. Thinking I'd just assume that a felon would naturally be a man. Well, I'm on to your little game, mister. The criminal among us is indeed, the very wily Linda!

Linda: Nope.

Frasier: JIMMY!

Martin: Hey. You're right.

Frasier: Damn it... you seem like such a nice guy.

(Lloyd 1994)

To add insult to injury, Jimmy had used the opportunity to ask out Daphne for a date in the ill reputed “Topaz Room” bar, and Frasier and Niles have to rescue her.

That not all is as it seems becomes more obvious in the portrayal of the police, where father Martin shows once more the darker side of his character.

6. Portrayal of police

On balance, the police gets a good treatment in “Frasier”, as in many other fictional portrayals, and even “reality tv” (Rapping 2003; Machura et al. 2014). Officers for the most part appear upright and conduct their duties in a competent manner. The adventures of Frasier and Niles lead them to occasionally stray from the straight and narrow, when for example Frasier takes a U-turn on the highway, or when Niles tries to steal a street name sign to impress Daphne. With his past as a police officer in Seattle, who was wounded while on duty, Martin still has contacts into the force and he uses them, e.g. if he has to get Frasier or Daphne out of police arrest. Martin also knows how to distract border posts from finding out that Daphne crossed the US borders without proper paperwork. He aggressively interrogates Niles and Daphne’s housekeeper suspected of stealing – but ultimately, the chance discovery of a videotape reveals that it was Daphne’s own mother who took things out of the household. When Frasier admonishes Martin for stereotyping people, Martin is not really getting the message: not even when it is positive? “[T]he policeman discriminates in his behaviour”, as officers look out for people and situations (Lambert 1970, 184). Not only the US audience will be aware of accusations that the police is biased against e.g. black citizens or ethnic minorities (Tyler et al. 2015). Through his portrayal in “Frasier”, the figure of Martin becomes a symbol, signifying what is good and bad in US police.

Martin Crane was shot by robber David Hicks, survived, but the hip injury forced him to quit his beloved career. His cane, the massage sessions, and his pains remind him daily of the crime. In the episode “A Day in May”, he attends, as every year, the hearing given by the parole board to Hicks. As is now a familiar ritual, Hick’s mother Joanne is present hoping for the release of her son.

“1st BM [board member]: Can you tell us what consideration, if any, you've given this crime?

David: Well... I regret it, every day. I was young at the time, and I wasn't thinking - you know, about the consequences. And I'm very sorry.

2nd BM: The victim is here. Mr. Crane? [Martin stands up] Would you like to make a statement?

Martin looks at Joanne, then shakes his head.

Martin: I have nothing to say. [sits back down]

3rd BM: Would you give us a moment?

The Board confers with each other in whispers.

3rd BM: Mr. Hicks, the board commends you for your participation in the in-house programs to better yourself, and for your record of excellent conduct. We have weighed this against your conviction of shooting a police officer during the commission of a robbery — and find that the length of your time served has not yet met the standards for proportionality, equality, and justice as required by state law. Parole is denied.

As the Parole Board gets up and leaves the room, the guard comes forward to take David back to his cell. Joanne begins to cry, softly. Martin rises, considering whether or not to say anything to her – and then decides to leave quietly.”

(Zicklin and Kirkland 2001)

The audience is let to the conclusion that ultimately, David’s fate lies in the hands of Martin. If only he could find it in himself to, not even forgive, but to accept the man’s efforts to become a better person, the parole board will find for David. Martin is aware of the mother’s torment, but his own feelings are more important to him. The parole board’s announcement cites common principles of justice (Deutsch 1971), but they rather sound empty, fig-leaves covering up how the decision has been made (Tyler et al. 2015). This scene is a rare example within the corpus of popular crime fiction to depict a parole board and such a moral dilemma.

Martin is the toughest character in “Frasier”. Some of his behaviour reminds audiences of portrayals of the police and news stories showing the cops in a less than flattering light, abusing their power for private reasons. The old man never liked both of his son’s wives, Lilith and Maris. In the episode “The Return of Martin Crane”,

Martin confesses to a fellow police officer that he booted the car of Maris after persuading four men to help him moving it in front of a fire hydrant.

7. Courting court tv

Courts and judges hardly appear in “Frasier”. In one episode, a public prosecutor is present in a neighbour’s apartment, who cannot stop investigating people, right when Frasier had stolen a 1936 Olympic medal under the influence of acute sexual frustration. When Niles and Daphne want to have a repeat marriage ceremony for their family, after they had a quick one in Reno before, two patient judges, one male, one female, one black, one Asian, suffer the chaos they create.

In “Frasier”, there is, however a clever story around an appearance of the Crane brothers on court tv, exemplifying the entertaining value of self-reference of media (Machura/Ulbrich 2001). Many products of popular legal culture refer back to previous films or shows. The audience enjoys recognising the relation, reading the current portrayal in context with their past experience.

The episode “Crane vs. Crane” deals with the brother’s rivalry, each of them supporting another side in a legal case. The Internet Movie Database aptly summarizes the plot as follows:

“Niles eagerly agrees to appear as an expert witness at the capacity hearing of an elderly timber baron, knowing that the proceedings will be televised. The man approaches Frasier for a second opinion. Frasier agrees to meet with the man, and finds him perfectly sane, leaving him no choice but to testify against Niles in court.”

Tellingly, the subheading of the script reads: “Another reason to keep cameras out of the courtroom” (Lloyd 1996, 6). The writer is the same as for the episode “You Can’t Tell A Crook by His Cover”. David Lloyd according to the New York Times was “legendary among Hollywood script writers” (B. Weber 2009). Again, he touches on a topic that is debated in legal and academic circles. Especially after the O. J. Simpson case was televised, court tv appeared to many as a source of negative influence: “The law goes pop” (Sherwin 2000). Critiques did not fail to point out that litigants, lawyers and witnesses may be distracted from the trial and play to the camera. One observer even commented that in the O.J. Simpson case: “No one enjoyed the attention more than the judge” (Toobin 1996, 249). Niles and Frasier, in their never-ending sibling rivalry, become victims of the lure of fame through court tv. As Frasier rises to address the judge, Niles – determined to have his “day in

court’ – moves forward and backward on his seat to be in full view of the camera (Picture 1 and 2). Only, just as Frasier delivers his expert evidence in carefully chosen words, declaring the timber baron as perfectly sane, the old man starts to act weirder and weirder, leaving the court no option but to find against him. This early termination of the trial prevents Niles from any talking part. In his frustration, Niles stays behind when everyone vacates the courtroom and delivers his speech first to Frasier, sitting down in the judge’s chair. When Frasier soon disappears, Niles pays the bailiff to listen.

– Insert Pictures 1 and 2 about here –

8. Taking justice into one’s own hands

Not only the court tv episode exemplifies the clever use of the pop cultural memory. Another example for self-reference of law fiction is in the episode “High Crane Drifter”. The title alludes to the Clint Eastwood classic “High Plains Drifter”. In this Western, one day, a stranger without name arrives in a completely corrupt town, which was complicit in the murder of its marshall. Now he is persuaded by the inhabitants to defend it against bandits. The lone rider metes out his version of “justice” which includes raping a towns woman (Robson 2019, 2). “High Planes Drifter” thus is no film to simply enjoy and ultimately tells a cautionary tale.

In the “Frasier” episode, the protagonist suffers from a series of rude and uncivil behaviour, until he finally snaps and manhandles a Mr. Harvey out of Café Nervoso, who jumped the queue to snatch a table. The next morning, a local paper brings the headline “The Crane Mutiny”. (In itself a pun at the novel-turned-film “The Caine Mutiny”, in which lieutenants relieve their captain of his command to save the ship and consequentially face a court-martial.) The article eulogizes “Three cheers for Dr. Frasier Crane, who struck a blow against rudeness yesterday in a coffeeshouse melee.” Finally, Martin has a reason to be proud of his son. On his way to work Frasier is celebrated as a hero by people on the street and colleagues applaud him in the station. The constellation reminds of Helle Porsdam’s (1999) interpretation of the popularity of tv judge shows like “The Peoples’ Court”: Americans loved to see the lines between licit and illicit behaviour be drawn by the authority figure of the tv judge Wapner. The same audience fascination exists for the Western hero or police officer putting things right, and reminds sociologists of law of Durkheim’s theory of social cohesion (Machura 2018). In any consequential comedy, such a moment of triumph is bound to be short. Frasier’s mood soon changes as

one caller after the other boasts about more and more extreme forms of revenge they took to pay back their fellow (wo)man. While on air, Frasier starts to regret his use of force in the café: “[W]ho am I to draw the line at the acceptable use of force?” (Burditt 1996) Back in the café, Frasier encounters the same man as the day before, Mr. Harvey, and his apology and acceptance of “full responsibility” gives Harvey the chance to announce suing Frasier. In a sudden twist, which plays on the audience’s awareness of American litigiousness, Niles comes to the rescue:

Words cannot do this justice - you have to see it. Mr. Harvey lightly pokes Niles on the shoulder. Niles acts as if he were punched. He begins reeling backward - laying waste to chairs and the coat hanger - finally landing atop a table and sending it and he crashing to the floor. The entire café gapes at the scene as Frasier rushes to his aid.

Frasier: Niles!! Niles... are you all right?!

Niles: [pulling Frasier close to him and whispering] Counter suit!

Frasier: [jumping up] Oh, my god!! Nobody move him!

Harvey: I barely touched him!

Frasier: Then you admit you touched him! [to crowd] He admits it! [Niles groans] Oh, Niles. Niles, I'm here for you. I promise we're going to get you the best care that THIS MAN'S MONEY CAN BUY! [out of earshot] My god, Niles, that was brilliant. You even got a tear in your eye!

Niles: I landed on a fork.” (Burditt 1996)

Again, a “Frasier” episode uses the rich cultural trove of crime stories to good effect. For all the stages of Frasier’s feelings, wanting to defend what is right, enjoying the accolade, rueing to have set a bad example, and turning the table against someone threatening to mobilize the law against him, there are plenty of examples in popular culture and the creators of the series can be confident that their audience will be able to follow and enjoy the adventure.

9. Conclusion: Popular legal culture in popular comedy

The critically acclaimed series “Frasier” exemplifies how comedies deal with topics of law, crime and justice in a grotesque and poignant way. Still today, the sitcom is internationally popular, and most of its law-related content will be understandable to audiences beyond the United States. Some situations may be more poignant to a US audience, though. For example, lawyers have an ambivalent status in American popular culture: as they are

often handed positions of leadership, while on the other lawyers are famed for the toll they take on parties involved in disputes. American popular culture also celebrated the individual hero dispensing justice more than films, television or novels in other countries. The western provided the paradigm.

Nevertheless, international viewers will be familiar enough with American stories to read them. American patterns of telling have deeply influenced film and tv producers elsewhere (Machura / Böhnke 2001). In addition, people tend to share similar basic principles of justice. They can thus understand “foreign” stories, especially when it comes to fair or unfair treatment of people by legal authorities (Machura 2005). Moreover, as demonstrated in the scene dialogues quoted in this article, short snippets are enough to remind the audience of the intended meaning. The smallest of signs can be used to invoke the cultural repertoire. Naming an episode “High Crane Drifter” reminds cinema-goers of a controversial Western and sets them up for an intertextual reading of the “Frasier” episode. Displaying the words “Another reason to keep cameras out of the courtroom” connects another episode with a general discussion and recent events around televised court trials. Those signs are like keys opening access to the golden door of popular culture and the platinum door to the gritty world of legal, social, political conflict.

The series “Frasier” and similar comedies tell scholars of popular legal culture which aspects of the law, its institutions and personnel are so widely known that they are used beyond the narrower law-related genres. The study of these contents indicates what can be safely assumed to be an understanding shared by a widest possible spectrum of society. Television shows like “Frasier” would not work if they did not appeal to fears, hopes, ambitions, expectation of all sorts, even prejudice, harboured by the audience.

Many of the issues touched upon by “Frasier” are universal. Even where they relate to private aspects of life, the law has an impact too. Divorce, its treatment in law and by legal actors is the prime example in the series. The horrors that come with it, and the dark humour they allow for, will be immediately understandable. Countless areas of civic life have a legal side to them, especially if sub-state law is taken into the equation. While law enables to enter into and enjoy social relations, it also becomes a formidable force in the hands of opponents. “Frasier” capitalizes on conflicts between neighbours, at the workplace, in associations and between the state and its officials and the individual. The sitcom feeds on sometimes miniscule nuances to everyday situations, on mishaps and misunderstandings, which, occasionally aided by ill will, turn into formidable challenges for the protagonists.

This works as *comedy* because the audience sympathises with the characters of Frasier and his extended family, neighbours and colleagues. Viewers are able to grasp their motives, (almost) none of them is so repulsive as to not allow the operation. Take the main protagonist: hardly any living person will resemble Frasier, but an audience will be able to recognise aspects of his character in people they know, his insecurities and occasionally childish behaviour as well as his wish to have positive relations to others. Some of them the audience may even share with Frasier, making them feel for him even more. In the final analysis, what the law does to Frasier and what Frasier does with the law, might potentially be what happens to them.

The law cannot shake off a basic ambiguity: In as much as it should be an instrument to serve people's needs, to benefit society, an expression of social values, it encounters people as a constraining force, sometimes a tool in the hands of the powerful, often leaving them vulnerable to the choices of legal professionals. In 264 episodes over 11 years, Frasier and his companions had their fair share of the law.

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Pictures 1 and 2:



Frasier (Kelsey Grammer, standing) addressing the judge and Niles (David Hyde Peirce) shifting behind him, eager to be seen on court tv. Stills from "Frasier", episode "Crane vs. Crane".