

**Morality, Metanarratives, and Mea Culpa:
Postmodern Problems in *Law & Order***

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Chapter One: Introduction - In Limine (At the Threshold)

In the criminal justice system, the people are represented by two separate yet equally important groups: the police who investigate crime, and the district attorneys who prosecute the offenders. These are their stories.

So begins each episode of *Law & Order*, NBC's long running police and legal television drama. What follows this solemn incantation is an hour-long investigation of the concepts of crime and justice, which both police and lawyers are struggling not just to achieve but to define. The premise of *Law & Order* is simple, and the same structure underlies almost every episode: in the first half the detectives investigate a crime and eventually apprehend their suspect, after which the plot moves to criminal court, where the district attorneys juggle the legal system to try and convict the accused. Yet despite the formulaic nature of the program, its continued popularity is impressive; now in its thirteenth season, *Law & Order* has been renewed through May 2005, which will make it television's longest running police series and second-longest running dramatic series. Since its debut on NBC in October 1990, *Law & Order* has won consistent critical acclaim, receiving numerous awards from various organizations and associations (see Appendix). For example, in 1997 the program won an Emmy for Outstanding Drama Series, and holds the record for most consecutive nominations in that category with 10. The series has also been praised for its complex portrayal of the legal system, as well as its work within the mystery genre.

The success of *Law & Order* has led executive producer Dick Wolf to create three spin-off programs: *Law & Order: Special Victims Unit* (NBC 1999-present), *Law & Order: Criminal*

Intent (NBC 2001-present), and *Law & Order: Crime and Punishment* (NBC 2002-present).

Now in its fourth season, *SVU* chronicles an elite police squad's investigation and apprehension of perpetrators of sexual crimes, while *Criminal Intent*, which debuted in the fall of 2001, centres on the criminals, their state of mind, and the psychological approaches use by the Major Case squad to solve crimes. The most recent *Law & Order* incarnation, *Crime and Punishment*, is a self-described "dramamentary" of actual criminal cases prosecuted by the San Diego District Attorney's Office, using 'verité' footage to follow the lawyers through the trial to the verdict.

Along with being one of the most enduring programs on prime time network television, *Law & Order* is an example of the present nature of television as an aesthetic medium as well as a mode of public communication and discourse. The ways in which the program's themes are explored through the narrative are enhanced by its commingling of genres, both the police procedural and the legal drama. *Law & Order* strategically demonstrates the intersection between postmodernism and television, most notably in terms of the series' exploration of what Jean François Lyotard sees as metanarratives, cultural myths that surround concepts like morality, justice, and criminal and individual responsibility. *Law & Order*'s treatment of these metanarratives includes challenging assumptions about "the natural" and "the just," the relationship between justice and law, power relations, and binary oppositions such as right/wrong and moral/immoral. Both genre and narrative provide entry points from which to examine *Law & Order*, and these frameworks work alongside each other to foreground and reinforce postmodern techniques and themes. Interpretive textual analysis will be employed to delve into the program, given "the capacity of textual criticism to reveal what a first glance overlooks" (Geraghty and Lusted 12). While not necessarily an investigation of why *Law & Order* is popular, a

textual analysis can elicit the possible meanings in the program, and so demonstrate the value of studying popular culture artifacts, by revealing their potential as sites of significant social expression. Genre and narrative theory will be the main interrogatory tools used to inform the discussion of *Law & Order*'s postmodern qualities and to address the show's treatment of cultural myths. Therefore, a variety of episodes spanning the show's entire duration will be looked at in order to illustrate and support generalizations regarding the program as a whole.

This approach shares many of the same objectives with, and problems inherent in, the growing field of Television Studies. Initially problematic in this theoretical endeavour is a form of semantic confusion over what the term 'television' encompasses, leading to uncertainty about what (and how) to study. Seen alternately, and simultaneously, as a "disorderly collection of discrete programs, a technological device and an enormous industry," Television Studies poses an immediate problem of definition (Boddy 2). Such terminological confusion creates the need to clarify what is meant by 'television' in any given study, and in this instance to differentiate between television as a medium and its varying levels of industrial or commercial aspects, such as North America's network and cable television. Within this work, then, the term 'television' will be used to broadly designate the American commercial television system, thus encompassing *Law & Order*'s production and initial broadcast in network television, along with including cable television, where the program is widely syndicated.

Most often excluded from the definition is the perception of television as a text or collection of texts, for much academic work tends to "conceptualise television either through notions of its social *function* and *effects*, or within a governing question of *cui bono?* (whose good is served?)" (Brunsdon 99). While analyses of television increasingly regard programs as texts, a residual antagonism is often

service orientation of British television influences the perception of the way television ‘should’ function, in that “This television, and this television studies, was one in which, at a deep level, there was an assumed address to a viewer as citizen” (Brunsdon 96). Such an address is not always implied by North America’s commercially-driven broadcasting system, and so this pervasive assumption of the medium as civic-minded affects the extent to which the existing literature will be applied to *Law & Order*, given their fundamental differences¹.

Regardless of national inflections, a twofold theoretical desire underlies most textual analyses of television, including this one: to identify television as a medium with distinct aesthetic and cultural characteristics, and to legitimize television studies as an area of academic inquiry (Brunsdon 96). These urges are a response to the continued antipathy toward television in other disciplines, as both a social activity and an object worthy of critical examination, for “debate about the significance and value of television persists, and much academic and popular writing about the medium is haunted by anxiety about the cultural legitimacy of watching television” (Brunsdon 96). This concern does not necessarily reflect upon the medium itself, as Hartley points out, but from a more pervasive fear of cultural degeneration brought on by the advent of ‘popular’ tastes: “the critical onslaught which television has faced throughout its existence has its roots not in the medium itself, but in a pre-existing discourse of anxiety about popularization and modernity: a quite straightforward fear of and hostility to the democratization of taste” (Hartley 34). Television Studies has emerged within this largely hostile

¹For a more detailed overview of the differences between and literature regarding British and American television studies, see Gill Branston’s “Histories of British Television” and Lynn Spigel’s “The Making of a TV Literate Elite,” in Geraghty and Lusted’s *The Television Studies Book*.

climate, and since the 1970s has developed into its own field with distinct features gleaned from or created in reaction to the variety of disciplines that have shaped its practitioners.

The interdisciplinary approach characteristic of the study of popular narratives like television texts is reflected in the use of genre and narrative theory in the forthcoming discussion of *Law & Order*. The notion of the popular narrative also alludes to this dual focus, implying both a type of story and a manner of storytelling. As theoretical concepts, genre and narrative have lengthy and well-established histories in both film and literature, and while the genesis of these ideas is instrumental to their current formulation, grafting them onto television reveals some shortcomings. This project thus indirectly reiterates one of the tenets evolving as central to television studies: the need to see the medium as distinct, linked to and influenced by other media but also possessing specific characteristics that accepted approaches to literary and film texts cannot adequately describe or evaluate. This chapter's discussion of genre and narrative is thus intended as merely introductory, providing an overview of the general relevance of the theoretical approaches that will be both elaborated upon and reformulated for television further on. Underlying this forthcoming investigation is the consideration of the postmodern articulation of genre and narrative; Lyotard's concept of the metanarrative, and his emphasis on questioning the legitimacy of social dictates of morality and justice proposed by these metanarratives, is central to the way in which genre and narrative are approached in this study. Proceeding from Lyotard's contention that postmodernism can be characterized by incredulity toward metanarrative authority and prescriptions, the following chapters explore the ways in which *Law & Order* uses genre and narrative to express and examine this growing disbelief.

Genre has been, and continues to be, an inherently problematic and contested domain, and its

exploration and theorization show that “generic specificity is extremely difficult to pin down in general statements that are anything other than rudimentary and banal” (Neale *Genre* 48). Despite this problem, genre is one of the principal approaches to studying media texts, and conveys an implicit presumption that certain types of stories must be popular for a reason. Genre tales are often seen as addressing fundamental social issues, and so genres are thought to “develop and survive because they repeatedly flesh out and reexamine cultural conflicts” (Schatz 35). Chapter Three takes a more rigorous look at *Law & Order*’s generic construction, and the possible meanings behind the particular ways in which the program enacts both the police procedural and the legal drama, to show and then explore how “identify[ing] a popular . . . story formula, then, is to recognize its status as a coherent, value-laden system” (Schatz 16).

Steve Neale identifies two interrelated aspects of genre that provide insight into the ways the categories are both conceptualized and interpreted: expectations and verisimilitude. While his works focus most specifically on film, these concepts also inform the ways in which *Law & Order*’s two genres will be outlined and explored further on. Neale notes that the “specific systems of expectation and hypothesis which spectators bring with them” are crucial to the construction and perception of any genre (*Hollywood* 31). Similar in content to the conventions that differentiate one type or genre from another, in that those for a drama would differ from a comedy, these systems of expectation interact with the text itself to encourage an understanding of events, and equip the audience with “a way of working out why particular actions are taking place, why the characters are dressed the way they are, why they look, speak and behave the way they do, and so on” (*Hollywood* 31). These expectations can include elements like speech patterns, iconography, character types, and plot, and are based on

previously established formulas and conventions, meaning that “genres exist not simply as a body of texts, or a body of textual conventions, but also as a set of expectations” (*Genre* 51).

The use of expectations within a text results in two seemingly paradoxical entailments: their satisfaction and simultaneous transgression. This ‘repetition with difference’ implies “a double layer of expectation. One level concerns the meeting of a set of basic conventional requirements. The other concerns the necessity for novelty and difference” (*Genre* 54). While a text must adhere to certain fundamental generic codes, it must also work within those codes to produce a variation. According to Neale, exploring how this contradictory task is accomplished requires considering a genre as a process rather than a static category. Defining genres as such emphasizes deviation within convention and formula: “These processes may, for sure, be dominated by repetition, but they are also marked fundamentally by difference, variation and change” (*Questions* 463). In order to hold a text in comparison to ones created before and see the ‘repetition with difference’ at work, a distinctly historical approach is needed. Although this discussion’s focus on *Law & Order*’s demonstration of postmodern techniques and themes only allows for a brief historical evaluation of its constituent genres in Chapter Three, Neale’s argument remains that genres must be recognized as temporally determined entities with continually shifting definitions for the significance of their expectations to be properly understood. Since “expectations exist both to be satisfied, and, also, to be redefined,” then the course of their rearticulation is a critical component of any genre study (*Genre* 54). From this perspective, *Law & Order* will be looked at both in terms of its use of convention in satisfying such expectations, and the ways in which, through hybridity, it contributes to the process of generic redefinition.

Expectations are closely linked with another important aspect of Neale’s genre theory, that of

verisimilitude, for “these systems of expectation and hypothesis involve a knowledge of, indeed they partly embody, various regimes of verisimilitude - various systems and forms of plausibility, motivation and belief” (*Hollywood* 32). Drawn from work by Tzvetan Todorov, Neale’s notions of verisimilitude take two forms: generic and cultural. Generic verisimilitude is similar to expectation, in that to fit this criteria a text must conform to the rules of its genre and differ from those of others, so that “comedy has its own verisimilitude, different from tragedy’s; there are as many verisimilitudes as there are genres” (Todorov 83). A text is considered to be verisimilitudinous in this sense insofar as it relates to and embodies the specific formula of its genre.

Neale is quick to point out that, despite its name, cultural verisimilitude does not “equate in any direct sense with ‘reality’ or ‘truth’” (*Hollywood* 32). Instead, cultural verisimilitude refers more broadly to what is perceived as “truth”: “a relation not with reality (as is truth) but with what most people believe to be reality — in other words, with public opinion . . . verisimilitude is the mask which is assumed by the laws of the text and which we are meant to take for a relation with reality” (Todorov 82-83). Genres can be marked by their lack of cultural verisimilitude, as is the case with fantasy, while many others may rely on it to such an extent that this perceived realism also functions as a generic convention. Within *Law & Order*, the police procedural and the legal drama are both examples of “[c]ertain genres [that] appeal more directly and consistently to cultural verisimilitude,” and the cultural verisimilitude implied by *Law & Order*’s generic enactments presume a ‘reality’ that can be seen as postmodern, one in which metanarratives like the rule of law no longer provide entirely satisfactory answers to cultural issues (Neale *Questions* 461).

Since genre is “essentially a narrative system,” the study of the particular way in which certain

stories are told will also reveal aspects of a text that may not be immediately noticeable (Schatz 16). Narrative theory poses many meaningful questions regarding the definition, form, and effect of television texts. While the specific characteristics of television narrative and *Law & Order*'s storytelling structure will be explored in more depth in Chapter Four, a brief explanation of the importance of narrative is necessary, both to introduce the subject and to outline its place within popular culture studies. The analysis of narrative implies one of the most fundamental characteristics of all human communication, regardless of method or mediation: that of storytelling. According to Walter Fisher, humans are storytelling creatures; a narrative impulse drives all forms of communication and interaction, and is the primary way we organize and make sense of the world around us. His concept of the 'narrative paradigm' proposes "narration as a paradigm for general study of human communication," highlighting the importance of studying narrative in all its forms, a conceptualization which can be usefully applied to television as a present-day public storyteller (59).

Fisher's concept extends past what is generally considered as narrative in that his notion is not limited to textual compositions. Instead, Fisher sees narration as "symbolic actions — words and/or deeds — that have sequence and meaning for those who live, create, or interpret them" (58). While this definition does not single out traditional notions of narrative, it does not exclude them either, as Fisher notes: "So understood, narration has relevance to real as well as fictive creations, to stories of living and to stories of the imagination" (58). The narrative impulse is based upon two modes of interpretation, both of which pertain to television narratives. Fisher argues that humans have an "inherent awareness of *narrative probability*, what constitutes a coherent story, and . . . [a] constant habit of testing *narrative fidelity*, whether or not the stories they experience ring true with the stories

they know to be true in their lives” (64). These concepts echo those of generic expectations and verisimilitude; assessing a narrative’s probability involves a set of expectations regarding the kind of characters, events, and actions that are likely to appear in a given type of story, and as such their appearance, or lack thereof, directly affects the coherence of the story in question. Narrative fidelity is similar to verisimilitude in that stories must be reflective of other similar stories (i.e. generic verisimilitude), as well as exhibiting a form of cultural verisimilitude, a perception of “whether they represent accurate assertions about social reality” (Fisher 105). Therefore, along with providing a way in which to examine a narrative on its own, Fisher’s narrative paradigm also allows for the inclusion of related theories to enhance the way the tenets of his model are understood and applied.

To illustrate the usefulness of this pattern, Fisher applies it to what he terms a ‘public moral argument’. His characterization of it, as a debate within the public sphere regarding a specific social issue, can apply to television in general and *Law & Order* in particular, so that they can also be seen as forms of public moral argument. This highlights the bearing of Fisher’s theory on television studies, by prefiguring the concept of television as a cultural forum to be discussed shortly, as well as introducing a basis for exploring the complex and rhetorical nature of *Law & Order*’s strategic narrative structure. For example, Fisher sees public moral argument as *public* via two characteristics: it is created for wide appeal, and it presumes a certain level of audience unfamiliarity with or lack of education about the subject at hand (71). Both of these criteria are applicable to television as a medium, and to *Law & Order*, given its lengthy run and its status as prime-time programming. Television exemplifies the designation *mass* media by virtue of its penetration into North American households and its continued popularity, and the term ‘mass,’ especially when considered in tandem with the pessimistic overtones

ascribed to it by cultural critics such as the Frankfurt School's Theodor Adorno and Max Horkheimer, implies a passive populace equal to the uneducated audience Fisher identifies. More optimistically, the diversity of the prime time audience, in terms of race, gender, age, and class, ensures that not everyone will be conversant about the particular legal situation within a *Law & Order* episode, and yet will still be able to understand and follow the narrative.

The content of the public moral argument also contributes to its definition, for issues are rarely banal. Instead, "Public *moral* argument is moral in the sense that it is founded on ultimate questions of life and death, of how persons should be defined and treated, of preferred patterns of living" (71-72). Such a perspective alludes to the notion of television such as *Law & Order* as a site of cultural expression, for the program routinely deals with weighty issues ranging from sexual crimes, 'abuse excuses,' the death penalty, and the constancy of the legal system itself. Public moral *argument* can be thought of in two ways. The first is linked to the abovementioned concept of morality that also characterizes this discourse, in that 'argument' can "refer to public controversies — disputes and debates — about moral issues" (72). Public moral *argument* is also characterized by its use of 'good reasons,' the exploration of which provides an argument in favour of one position over another. This can be seen through the characters in the narrative, the "way in which they conceive and behave in respect to the conflict, and the narrative probability and narrative fidelity of the particular stories they tell, which may well take the form of 'reasoned argument'" (73). In this sense, the police officers and attorneys within *Law & Order* act as dimensions of our own moral outrage, through their often vehement expression of beliefs about specific aspects of a particular crime or case.

However, 'good reasons', as an integral part of the narrative paradigm, provide a contrast that

illustrates the way in which *Law & Order* use of narrative foregrounds postmodern concerns. Fisher outlines the concept as follows:

I propose that good reasons be conceived as *those elements that provide warrants for accepting or adhering to the advice fostered by any form of communication that can be considered rhetorical*. By ‘warrant,’ I mean that which authorizes, sanctions, or justifies belief, attitude, or action — these being the usual forms of rhetorical advice. The term . . . signifies that whatever is taken as a basis for adopting a rhetorical message is inextricably bound to a value — to a conception of the good (107, original emphasis).

Fisher’s definition presumes not only a clear notion of ‘good,’ but also implies a basic element of ‘reason’ that arguments are inherently founded upon, and that such ‘reason’ can be identified, conveyed, and accepted or challenged by its audience. However, as the examination of *Law & Order*’s narrative structure will show, the idea of an underlying sense of ‘good’ or ‘reason’ is problematic, for the terms no longer have a single, objective, and universally accepted definition. This can be seen as a part of the decline of grand or metanarratives that marks postmodernism, and a similar moral uncertainty pervades *Law & Order*. So although Fisher’s narrative paradigm is useful in conceptualizing and understanding the centrality of narrative to communication, it is only a starting point. The model of narrative as public moral argument provides answers through logical argumentative structure, yet *Law & Order*, through still relying on similar rhetorical tactics in its narrative, shows that each position can be questioned despite its persuasive exhibition, resulting in a lack of resolution and a denial of ‘good reasons’. This contrast highlights not only the postmodern aspects of the program, but the importance of a textual analysis that incorporates narrative theory, in order to understand how such ambiguity is achieved.

While genre and narrative are revealing theoretical ways to explore *Law & Order*, their

significance is heightened when linked to a perception of television's role in society. Television can be considered as a cultural forum, a reflexive space in which social concerns are expressed, and in doing so the medium "presents a multiplicity of meanings rather than a monolithic dominant point of view. It often focuses on our most prevalent concerns, our deepest dilemmas" (Newcomb and Hirsch 459).

This parallels Fisher's idea of the public moral argument, since crucial to seeing television as a cultural forum is a recognition of it as a mode of collective social expression, that is, one which both constructs an image of and also responds to social reality. Newcomb and Hirsch believe that television is not just an aesthetic medium, but a cultural ritual as well: "Contemporary cultures examine themselves through their arts, much as traditional societies do via the experience of ritual. Ritual and the arts offer a metalanguage, a way of understanding who and what we are, how values and attitudes are adjusted, how meaning shifts" (459).

In order to convey diverse perspectives on contentious cultural issues, perceiving television as forum entails many stages of meaning, from a single episode to an entire week of programming, to see how "our most traditional views, those that are repressive and reactionary, as well as those that are subversive and emancipatory, are upheld, examined, maintained, and transformed" (Newcomb and Hirsch 459). Genre and narrative are thus also essential levels of textual meaning in television's forum for debate. The medium's "reliance on and interest in forms, plots, and character types," rather than indicating redundancy, furnishes a variety of incarnations within which Neale's emphasis on exploring 'repetition with difference' receives greater support (Newcomb and Hirsch 459). Genres like the police procedural and the legal drama are characterized by specific conventions, as will be illustrated in Chapter Three, and the use of these elements allows for cultural expression to differ between programs,

so that “the shows, despite generic similarity, will carry individual rhetorical slants” (Newcomb and Hirsch 463). As well, Chapter Four’s narrative analysis will show that this notion of a forum is observable at a structural level, and that *Law & Order*’s particular narrative pattern epitomizes the argument that “in television specifically, the raising of questions is as important as the answering of them” (Newcomb and Hirsch 461).

This notion of television as a cultural forum is expanded upon by John Ellis. He posits a concept of ‘working through’ that draws upon television’s technique of “contradiction and confusion rather than coherence,” to further comment upon its social role (Newcomb and Hirsch 459). He adapts the term ‘working through’ from its use in psychoanalytic theory, in which it describes “the process whereby material is continually worried over until it is exhausted,” to suggest that television serves a similar function for the mass or cultural psyche (*Seeing Things* 79). Ellis also suggests a notion of ‘witness’ as inimical to television’s function within society. By ‘witness,’ he means a “direct encounter with images and sounds,” and as such television is not the sole medium to generate such an effect (*Seeing Things* 9). It is, however, a distinct example of this process, for “television provided its audiences with a powerful sense of co-presence with the events it showed . . . [and] made the act of witness into an intimate and domestic act” (*Seeing Things* 32)

Television’s characteristic yet illusory sense of ‘liveness’ and its incursion upon domesticity not only distinguish it from other forms of entertainment, but, Ellis contends, also increase the effect of the reception and interpretation of television images and sounds, so strengthening its appeal to narrative fidelity and probability or verisimilitude. The result of this mode of viewing is that the “reality of our witnessing culture is more complicated and nuanced,” even creating an often uncomfortable sense of

complicity with the events television depicts (*Seeing Things* 35). So while television “has made witness into an everyday, intimate and commonplace act, as well as giving it a new characteristic: that of liveness,” it also has formulated a way to deal with this act, a process Ellis terms ‘working through’ (*Seeing Things* 36).

The concept of ‘working through,’ which will be defined and investigated in relation to *Law & Order* more thoroughly throughout the upcoming chapters, resembles the cultural forum theory by its emphasis on the exploratory rather than conclusive nature of television, for Ellis sees television as a medium that “offers multiple stories and frameworks of explanation which enable understanding and; in the very multiplicity of those frameworks, it enables its viewers to work through the major public and private concerns of their society” (*Seeing Things* 74). These multiple frameworks include more than just dramas like *Law & Order*, for as Ellis notes, genres as diverse in form as news, sports, and talk shows approach similar cultural issues from varying perspectives, and so encourage this ‘working through’ in different ways without providing a conclusive explanation.

Television achieves this social function of ‘working through’ due in large part to its sensation of ‘liveness,’ for “its strength lies in the way that it shares the present moment with us” (*Seeing Things* 74). *Law & Order*’s mode of ‘sharing the present moment’ is accentuated by the fact that many of the program’s episodes are ‘ripped from the headlines,’ meaning fictitious renderings of real events, another indication of the program’s, and of television’s, function as a cultural forum. Not only does the series work through uncertain and abstract notions of crime, guilt, and responsibility through its invented stories, it also explores, in a fictionalized format, real — and often high-profile — legal cases, working through contemporary legal dilemmas, and often providing a more satisfying explanation and (even

vengeful) resolution of the circumstances. For example, the episode “Fools For Love” (2000), is based on the Paul Bernardo and Karla Homolka trials; the character representing Homolka is depicted as integral to the girls’ deaths, and her manipulative tactics are easily seen through by ADA Jack McCoy, resulting in a more punitive fictional sentence than the 12 years maximum to which Homolka herself was sentenced in her Canadian trial². By incorporating these familiar cases into its purview, *Law & Order* is able to work through concrete instances in which the law is popularly perceived as inadequate or unreliable, showing how the program functions as a cultural forum to address the postmodern discontent with determinations of justice handed down from the legal system.

Through ‘sharing’ in this manner, television intimates a sense of uncertainty about the future, and, as the forthcoming evaluation of genre and narrative will illustrate, no conclusion or resolution to these social issues is offered, as a part of “the primacy of uncertainty over certainty in the process by which television makes meaning” (Ellis *Seeing Things* 81). Foregrounding anxiety in this manner also offers a link to wider postmodern themes and theories. Ellis notes an implicit affinity between television’s ambivalence and postmodern thought: “As working through is a relatively open process, a forum of contending definitions with no final result, television has been seen by many commentators as a ‘post-modern’ medium” (*Seeing Things* 84). Chapter Two’s discussion of postmodern theory and its intersection with television studies, including Lyotard’s argument about the decline of metanarratives as a characteristic of postmodernity, shows how the uncertainty Ellis identifies as characteristic of current

²Numerous *Law & Order* episodes are loosely based on actual cases: a recent example is “Missing,” (2002) a fictionalized account of the disappearance of Chandra Levy, assistant to American politician Gary Condit. See www.geocities.com/insufferablebratt/Ripped/ripped.html for a thorough account of such episodes for each season.

television can be interpreted as a reflection of or response to a more fundamental cultural shift.

The terms ‘cultural forum’ and ‘working through’ will be used concurrently throughout the forthcoming exploration of *Law & Order*, to allude to television’s dual role as a space for cultural discourse as well as an individual psychic tool. This reflects the medium’s collective and personal functions, for television is ‘mass’ in terms of its dissemination and appeal, yet often viewed and interpreted on a solitary or individual basis, so that it can serve both functions simultaneously. Both approaches to television, as a cultural forum and as a mode of working through, imply an ideological purpose in television texts. While ideology is not a primary concern in this argument about *Law & Order*, any discussion of television’s meaning implicitly refers to an ideological construction. When approaching television as a pluralistic or polysemic medium, as do Newcomb, Hirsch, and Ellis, a reference to ideology is inevitable, and both theories offer similar arguments that reinforce the notion of multiplicity without denying the existence of dominant or hegemonic meanings within a text. Rather, the emphasis is on the ways in which television texts allow for negotiated or oppositional meanings to be inferred, for, as Ellis comments, “a certain ideological permissiveness exists at the level of everyday program content” (*Seeing Things* 81). Newcomb and Hirsch come to a similar conclusion, believing that television encourages diverse perspectives rather than providing a totalizing vision: “television does not present firm ideological conclusions — despite its *formal* conclusions — so much as it *comments on* ideological problems” (461). This ‘ideological permissiveness’ may not necessarily be apparent at the level of individual texts, — every *Law & Order* episode offers some sort of conclusion in the end, often in the form of the state’s victory over a defendant — but when reflected upon as a series, *Law & Order*’s postmodern strategy of unsettling metanarratives or cultural myths through generic manipulation

and narrative standardization will become more clear.

Such ideological indecision or duplicity can thus be linked to television's function as a storyteller and its organizing rhetoric of public discourse. While television's potential for ideological conflict instead of, or alongside, ideological conservatism has been explored more thoroughly elsewhere³, the theories of cultural forum and working through suggest a process of contestation which allows for and even encourages perspectives that criticize a social norm. This is reflected in how *Law & Order's* use of genre and narrative challenges traditional concepts or metanarratives of truth, justice, and responsibility, and even implies the ideological contradiction at work within postmodern culture, in which previously stable systems of meaning decline in authority and power.

This examination of *Law & Order* intends to demonstrate the value of close textual analyses of television within the study of popular culture, as a means of encouraging a greater awareness and appreciation of how popular narratives can contribute to understanding our particular cultural moment. Television's prominence within American culture suggests the medium deserves greater critical and laudatory attention than it has so far received, and *Law & Order* is an instance of televisual longevity that suggests television has more to offer than common denunciations of "the vast wasteland" would admit (Newton Minnow, qtd in Barnow 199-200). The frameworks of genre and narrative evident in the study of previous art forms continue to provide rigorous and revealing approaches to a postmodern

³ For general discussions of ideology and television, see Mimi White's "Ideological Analysis and Television" (especially her suggestions for further reading); Douglas Kellner's "TV, Ideology, and Emancipatory Popular Culture"; Todd Gitlin's "Prime Time Ideology: The Hegemonic Process in Television Entertainment"; and Farrel Corcoran's "Television as Ideological Apparatus: The Power and the Pleasure," all in Newcomb's *Television: The Critical View*.

medium which has appropriated and elaborated upon the characteristics of prior popular forms.

Television's centrality to contemporary culture, its penetration into private space, is but an extension of the storytelling impulse, and the tales the medium incessantly spins not only entertain but detail a society as it attempts to confront its most pressing moral and ethical dilemmas within the ambiguity of postmodern discourse.

Chapter Two: Ad Hoc Postmodernism

The parameters, definitions, and effects of the term ‘postmodern’ are under constant debate. Numerous books have been written attempting to chart the word’s history and use, and provide a more thorough account than is necessary here, for a succinct overview will serve to contextualize postmodern theory as it can be applied to television and, further on, to *Law & Order*. As well, by reviewing two critical investigations of postmodernism’s relevance to television in the work of John Fiske and Jim Collins, particular themes emerge: an emphasis on television’s aesthetic characteristics of genre hybridity and image fragmentation, and a cultural shift in centres of authority and power. Exploring Jean-François Lyotard’s argument about a growing incredulity toward metanarratives as central to postmodernism provides a greater sense of this shift, and introduces the basis for integrating the aesthetic and cultural dimensions of postmodern theory. The focus of this chapter is to outline these elements of postmodernism, in preparation for the further articulation of their use in *Law & Order*’s generic and narrative strategies.

Common to all work in and on postmodernism is an acknowledgment of its contested nature, for “Like other categorical terms . . . postmodernism suffers from a certain *semantic* instability: that is, no clear consensus about its meaning exists among scholars” (Hassan 276). Part of this disorder stems from the breadth and diversity of postmodern theory. This leads to various and contradictory angles that make constructing any singular interpretation problematic, so that “one of the reasons for this disagreement no doubt lies in the paradoxical nature of the beast itself: in its ironic self-undermining critical stance and its commitment to doubleness” (Natoli and Hutcheon xi). Compounding this

difficulty is the recurring idea that such a process of description is incongruous with postmodern theory itself. The compulsion to categorize is one that postmodernism disavows, and so the consternation over definition that precludes any attempts to offer a form of organization is built into the theory itself. However, while “no attempt has been made to offer a single, systematizing, universalizing (in other words, modern) theory of the postmodern,” certain recurring characteristics can be identified as distinctly postmodern (Natoli and Hutcheon xii).

As Natoli and Hutcheon indicate, one such element is postmodernism’s relationship to modernism. Many critics approach postmodernism from this perspective, a comparison inherent in the term, for “it evokes what it wishes to surpass or suppress, modernism itself” (Hassan 276). As with other facets of postmodern theory, this connection is controversial, meaning “there is little agreement over whether the postmodernist stance vis-à-vis the modernist is critical or affirmative” (Natoli and Hutcheon 2). Depending upon the critic’s conception of modernism, postmodernism can be interpreted as either a neo-conservative reaction or a truly liberal way of thinking. This valuation of modernism often takes one of two positions: “either as (1) the genuinely emancipatory cultural movement to which postmodernism is but a parasitical and reactionary successor, or as (2) a germ of liberation whose outworn husk it took the radical energies of postmodernism to strip away at last” (Herman 157). From either perspective, however, postmodernism is generally conceived of as a break from modernism, with its potential as contingent and relative.

The dimensions of this debate are habitually as unclear as the term’s definition, since “Postmodernism can expand into a still large[r] problem: is it only an artistic tendency or also a social phenomenon[?]” (Hassan 279). Arguably both, postmodernism is often viewed as originating in artistic

and literary theory. Most theorists situate “the roots of postmodern strategies in a history of aesthetic thought that can be traced back at least as far as European Romanticism,” and gaining academic popularity in the late sixties and seventies (P. Waugh 1). The aesthetics of postmodernism are various and often contradictory, but frequently exhibit an “interest in issues of subjectivity and representation — who we are and how we ‘image’ ourselves to ourselves” (Natoli and Hutcheon x). Applying postmodernism as a description of cultural life has both social and economic implications, and, as Fredric Jameson argues in “Postmodernism, or the Cultural Logic of Late Capitalism,” the artistic expressions of postmodernism can even be conceived of as a response to the current climate of ‘late capitalism,’ with its emphasis on the effects of media saturation and consumerism. The possible structures and impacts of this social situation are also much contested, and the term postmodern is now invoked not solely to describe an aesthetic shift, but also to “express the sense of a new cultural epoch . . . a use which encompasses a more general shift in thought and seems to register a pervasive loss of faith in the progressivist and speculative discourses of modernity” (P. Waugh 3).

As this preamble suggests, postmodern theory encompasses a diverse range of practices and perspectives, and yet the place of television within postmodern theory is less than clear, since relatively little academic work has been done in this regard. By looking at two attempts to situate television within postmodern theory, postmodernism and its relation to television become increasingly comprehensible. John Fiske’s article “Postmodernism and Television,” and Jim Collins’ “Television and Postmodernism” both investigate postmodern theory as it intersects with discourses about television, highlighting the most relevant aspects as well as indicating the conceivable forms postmodern analyses of the medium may take. A brief review of each article will elaborate upon postmodernism’s relation to

modernity, its aesthetic characteristics, and the extent of its cultural concerns, foregrounding the link between these aspects and current critical approaches to the study of television that will inform the following exploration of *Law & Order*.

In “Postmodernism and Television,” Fiske draws heavily on Jean Baudrillard’s notions of the image in order to look at the strengths and shortcomings of postmodern ideas that seem suited to analyses of television. Fiske begins by noting both the ambiguity of the term postmodern and the lack of inquiry that connects it to television. As with many debates about postmodernism, he outlines theories of modernism to provide a basis for contrast, identifying how their approaches conceived of television “as discourse [in which] the modernist ‘grand narratives’ centred around the issues of mimesis, of representation, of ideology and of subjectivity,” all of which presuppose to some extent an already existing ‘reality’ that television either misrepresents or reproduces (“Postmodernism” 54).

Fiske then introduces Baudrillard’s work as an alternative to such modernist assumptions, to demonstrate how postmodern theories, though still concerned with issues of representation and subjectivity, problematize the assumptions of their modernist predecessors, especially of a unified, knowable ‘reality’. For Baudrillard, “images and reality (whether a reality of social relations or of an empiricist universe) do not have different ontological statuses: there *is* no difference between image and reality,” which means that society now exists within a simulacrum, in which an image has no referent and so its reproduction and endless recirculation become meaningless (Fiske “Postmodernism” 55). This simulacrum is greatly enhanced by television’s ability to disseminate images; Baudrillard sees television as enormously self-referential, contributing to the state of the ‘hyperreal,’ which “constitutes the postmodern condition by describing both the real within which we live and our sense or experience of it

as a single concept” (“Postmodernism” 56). In other words, contemporary society is defined by its image saturation, a circumstance which cannot be distinguished from lived experience, and which Baudrillard deplores.

For Fiske, such an approach also incorporates the loss of metanarratives, for if images are without referents then the theories of ‘reality’ and ‘ideology’ that structure a modernist outlook on television are obsolete. Fragmentation stems from this loss, and is another significant concept in the study of television that many critics argue is emblematic of the postmodern experience, for television presents discontinuous images in a series which “overpowers any attempts to provide coherence within the sequence” (“Postmodernism” 56). Linked to the idea of random images is a privation of any underlying meaning that could be seen as structuring such images, as seen in the stylistic device of pastiche, in which emptiness or meaninglessness is an illustration of postmodernism’s dismissal of the validity of classificatory structures or categories. Such denial also includes the rejection of generic boundaries; for Fiske this has implications beyond the purely aesthetic, for

Genres are not only ways of organizing textual products, they are also ways of organizing their social circulation . . . [and] the implosion of generic difference implies an implosion of social difference . . . So the indiscipline of postmodernism’s refusal to accept generic categories implies a refusal of discipline not only in images, but also in social and economic conditions (“Postmodernism” 58).

However, unlike Baudrillard, Fiske sees a rather limited potential in postmodern images like the televisual: refusing order, whether aesthetic or social, implies the possibility for emancipation, yet such liberation can be easily achieved only by those with the economic and cultural capital to do so, not necessarily by those repressed within current conditions.

This argument about artistic techniques prompts Fiske's social materialist critique of postmodernism's treatment of cultural life, since "there are still materialist ways of understanding both social experience and the role of meanings of that experience that have a validity and explanatory power that postmodernism denies them" ("Postmodernism" 59). By looking at postmodernism from this perspective, Fiske not only correlates its social and aesthetic dimensions, but also identifies shortcomings in postmodernism's ability to analyze social systems, such as asserting that "Baudrillard's refusal to assign any significance to material conditions seems sustainable only from a position where those conditions are not ones of continuous constraint and oppression" ("Postmodernism" 60). To demonstrate how popular culture reflects social diversity instead of eradicating such divisions in favour of a 'mass,' Fiske describes various studies which draw links between social status and patterns of television consumption and reception, arguing that postmodern theories like Baudrillard's neglect to account for the ways in which "the socially oppressed seek only those images which can be relevantly grounded into the material conditions of their social existence" ("Postmodernism" 61). In other words, by denying images any meaning or referent, Fiske argues that certain forms of postmodern theory may not be adequately equipped to deal with instances of popular culture, including television: "Images are not meaningless surfaces, they are rather resource banks from which meanings can be made and remade. As an account of popular culture, Baudrillard's theory of the refusal of meaning simply stops too soon" ("Postmodernism" 62). Fiske does not dismiss postmodernism entirely as a tool with which to investigate television, yet while he suggests that postmodern theory "does offer unique and valuable insights into contemporary culture," he is not precise in his references to the nature of these insights ("Postmodernism" 64).

Collins' article, "Television and Postmodernism," elaborates on some of the central aesthetic characteristics of postmodernism, reflecting its origins in artistic and literary theory. Collins sees the development of a critical and theoretical relationship between television and postmodern theory as "inevitable, almost impossible, and absolutely necessary" (337). From Collins' perspective, television is an inherently postmodern medium due to its very history, because "Television, unlike architecture, literature, or painting, never had a modernist phase that could serve as a point of departure for postmodern television," and so is suited to an analysis via postmodern theory (330). To illustrate this, Collins outlines four "recurring themes developed by theoreticians working in different media that, in aggregate, provide a sense of the conflictedness but also the potential cohesiveness of postmodern theory," and also establish some of the ways in which television can be approached and understood as postmodern (331).

Under the heading "A Semiotics of Excess: 'The Bombardment of Signs,'" Collins argues that television is central to "the proliferation of signs and their endless circulation" that characterizes the postmodern condition, and discusses critics such as Baudrillard who propose that the outcome of such a state is the devaluation of meaning (331). Like Fiske, Collins critiques this claim, but from a semiotic perspective. For Collins, the assertion that postmodern signs are devoid of meaning assumes that "all signs are encoded and decoded according to exactly the same logic, or encoded so differently that, as a whole, they produce one and only one effect," a stance that ignores the various means by which signs are absorbed and re-expressed (332). This leads into what Collins identifies as another major theme within postmodernism, that of "Irony, Intertextuality, and Hyperconsciousness," and he uses Umberto Eco's term the 'already said' to investigate this topic (333). The 'already said' is for Eco an ironic

rearticulation of the past, a rearticulation which is made postmodern by its concurrent — and often competing — forms: “in the same artist the modern moment and the postmodern moment can coexist, or alternate, or follow each other closely . . . [Postmodernism] demands, in order to be understood, not the negation of the already said, but its ironic rethinking” (Eco 530-531).

Collins contends that television is the ultimate vehicle for the ‘already said,’ and in two separate ways. One is literal: television thrives off syndication, re-presenting programs in various ways, depending on the network. For example, the

Christian Broadcasting Network and Nickelodeon both broadcast series from the late fifties and early sixties, but whereas the former presents these series as a model for family entertainment the way it used to be, the latter offers them as fun for the contemporary family . . . designed to deride their quaint vision of American family life (334).

Intertextuality is the other mode by which the ‘already said’ emerges on television, for many television programs make reference to other shows both obliquely and explicitly. Such “referencing has played a vital role in situating a given program” within the spectrum of scheduling available on television, and is symptomatic of hyperconsciousness, a postmodern form of self-reflexivity that diverges from its modernist predecessor (334). Difference is marked by the tone of such referencing, for Collins asserts that this technique indicates a “hyperawareness on the part of the text itself of its cultural status, function, and history, as well as of the conditions of its circulation and reception” (335).

Reception is also crucial to postmodern theory and television, as Collins explains in his third thematic clustering of “Subjectivity, Bricolage, and Eclecticism” (336). One of the challenges of postmodern theory, he states, is to develop a new theory of the subject that is not deterministic, yet also

avoids conceiving of individuals as free from any ideological influence. Subjectivity thus becomes complex and contradictory, formed at “an intersection of conflicting subject positions,” and therefore requires a re-evaluation of media effects (337). Such an idea can be seen in Collins’ description of the root of the concept of *bricolage*, as “developed by anthropologists to describe the ways primitive tribespeople piece together a meaningful cosmogony (or simply a way of living) out of random elements they encounter in their day-to-day lives” (337). Collins thus proposes approaching the problem of postmodern subjectivity by conceiving of the postmodern subject as “a technologically sophisticated *bricoleur*, appropriating and recombining according to personal need” (337). This type of theory means that earlier cause and effect theories of media influence can be dismissed. The concept of *bricolage* can also apply to television texts themselves, for many programs — such as *Miami Vice* (NBC 1984-1989), *The Simpsons* (Fox 1989-present), *That 70s Show* (Fox 1998-present), and *CSI* (CBS 2000-present), for example — are an eclectic mix of styles and images, resulting in the notion that “television, like the postmodern subject, must be conceived of as a *site* — an intersection of multiple, conflicting cultural messages” (338).

Collins also attempts to address the social and economic dimensions of postmodern culture, that is, “the impact of consumerism on social life” (339). In the section entitled “Commodification, Politics, Value,” he discusses Fredric Jameson, who “argues that postmodernism is best understood as the end result of capitalism’s relentless commodification of all phases of everyday existence” (339). Given the medium’s advertiser-driven nature, such an approach is necessary, for “If television is defined by its semiotic complexity, its intertextuality, and its eclecticism, it is also just as surely defined by its all-pervasive appeals to consumerism” (339). The problem for postmodern television analysis lies in

achieving a balance between these various elements, for reducing television theory to no more than a description of a set of aesthetic practices is too simplistic. Conversely, Collins also cautions against the way in which “Making postmodernism coterminous with late capitalism offers a theoretical neatness by providing an all-purpose, master explanation: postmodern culture is a symptom of more fundamental economic and political trends” (339). This dismissal is an expression of postmodern skepticism or antifoundationalism, a rejection of an explanatory grand narrative in favour of a comprehensive theoretical perspective that can attempt to account for the multiplicity of factors that influence experience and perception.

Collins concludes by offering the opinion that notions of value can exist in regard to popular culture, not as totalities but as contingencies. In terms of analyzing television, he argues that “Evaluation always depends on criteria that are culturally determined and therefore culturally specific rather than transcendent,” and that both artistic and economic factors must be acknowledged as crucial in such continually shifting determinations of value (341). Collins examines the short-lived cult series *Twin Peaks* (ABC 1990-1991) to show one form this kind of analysis can take, and so his article thus describes not only various characteristics of postmodern theory, but the manner in which they can be applied to television as a postmodern medium.

As these two outlines show, postmodern theory is not completely unified with respect to television. The discrepancies between Fiske’s and Collins’ approaches demonstrate the ongoing shifts within postmodern theory; for example, the variation in emphasis between the two articles illustrates the dimensions of postmodern theory as both aesthetic and cultural. Fiske places the social and economic aspects of postmodern television theory under greater scrutiny than Collins, who delineates more

thoroughly postmodernism's relevant artistic practices. Despite these differences, the articles' many similarities may indicate a growing consensus about postmodern television theory. For instance, one shared concern is the interpretation of subjectivity, for both Fiske and Collins dismiss the viability of a postmodern theory that strips the individual of any critical capacity. Such a stance implies another similarity, that of refusing the pessimistic idea that images lack meaning and depth, for if the postmodern subject can interpret and work through images then they cannot be devoid of value.

This involves challenging critics such as Baudrillard and Jameson, who contend that the postmodern condition is no more than the endless re-circulation of meaningless images or merely an economic condition, instead arguing from a more cultural studies perspective that "Popular culture is less a culture of art-objects and images, and more a set of cultural practices by which art is imbricated into the routines and conditions of everyday life" (Fiske "Postmodernism" 60). This results in a "concept of the postmodern subject as multiple and contradictory, acted upon but also acting upon," and so capable of manipulating images to serve personal need (Collins 337). Fiske argues for the integration of other critical paradigms to augment an investigation of subjectivity and meaning, believing that "It is in the conditions of reception that a materialist theory of images must be sought" ("Postmodernism" 61). Three other themes present in both Fiske's and Collins' work also have particular significance for the forthcoming textual analysis: the decline of metanarratives, generic hybridity, and fragmentation are all characteristic of postmodernism, and so provide some means with which to explore the nature of television as postmodern.

As Fiske and Collins note, a dominant concept that is seen in postmodern theory as both a cultural development and artistic expression is a growing incredulity toward metanarratives, as

articulated by Jean François Lyotard in his influential work *The Postmodern Condition*. Lyotard's initial remarks regarding narrative reinforce Fisher's previously summarized philosophy of its significance, for "Lyotard's argument in the book revolves around the function of narrative within scientific discourse and knowledge. His interest is not so much in scientific knowledge and procedures as such, as in the forms by which such knowledge and procedures gain legitimacy" (Connor 24). When charting the ways in which knowledge is formulated and expressed, Lyotard focuses on the primacy of narrative: "Narration is the quintessential form of customary knowledge, in more ways than one" (Lyotard 19). His description of the links between narrative form and knowledge echo some of Fisher's ideas, for Lyotard argues that "one of the principal features of knowledge . . . [is that] it coincides with an extensive array of competence-building measures and is the only form embodied in a subject constituted by the various areas of competence composing it" (Lyotard 19). Lyotard's conviction about the power and influence of narrative in everyday and mediated communication invokes the same notions of ability and capacity to which Fisher's narrative paradigm draws attention, highlighting the relevance of narrative as an analytical tool for popular culture texts such as television programs.

Central to *The Postmodern Condition* is Lyotard's argument for the existence of what have been variously called metanarratives, grand narratives, or master narratives: a set of all-embracing norms or "universal guiding principles and mythologies," such as the 'rule of law' as supreme, that are articulated and reinforced in order to provide a sense of social stability (Connor 8). These metanarratives take on two general forms, the emancipatory and the speculative, which then are able to "subordinate, organize and account for other narratives" that structure or guide human experience,

action, and perception (Connor 26). The grand narrative of emancipation draws upon precepts of the Enlightenment and the French Revolution, conceiving of “humanity as the hero of liberty,” who will gradually attain absolute freedom through the ‘scientific’ and therefore egalitarian representation of knowledge (Lyotard 31). This political narrative is combined with the speculative, which is often associated with Hegelian philosophy, and asserts that “knowledge is a prime part of the gradual evolution through history of self-conscious mind out of the ignorant unselfconsciousness of matter” (Connor 26). The capability of these grand narratives in constructing and maintaining social structures and institutions is also clearly conveyed in Lyotard’s work, for he argues that “what is transmitted through these narratives is the set of pragmatic rules that constitutes the social bond” (Lyotard 21).

One of the underlying arguments of *The Postmodern Condition* is not only that the modern period has been ruled by these absolutist grand narratives, but also that postmodernity is characterized by their refusal, as “the postmodern condition . . . manifests itself in the multiplication of centres of power and activity and the dissolution of every kind of totalizing narrative which claims to govern the whole complex field of social activity and representation” (Connor 8). This perspective, also referred to as anti-foundationalism, is prevalent in the philosophical work of Richard Rorty and Barbara Herrnstein Smith, who articulate in different ways the contention that contemporary society is characterized by the declining legitimacy of these metanarratives, that the “grand narrative has lost its credibility” (Lyotard 37). Pervasive throughout this philosophical perspective is the idea that the universalizing definitions and explanations master narratives offer are no longer adequate and that new modes of subjectivity and relativity must be sought, for contemporary “culture needs an improved self-description rather than a set of foundations” (Rorty 52). This pessimism regarding all-embracing

theories about human existence and interaction fits within postmodern theory in terms of proposing a re-evaluation of customary — or modernist — approaches to representation and subjectivity, for “a coherent theory capable of explaining the multifarious and apparently unrelated facts of experience (e.g. marxism [sic], structuralism or psychoanalysis)” is, from the postmodern perspective, insufficient (Fiske “Postmodernism” 53). By contesting the validity of such metanarratives, postmodern theory proposes a more fragmented vision of social life, one to which no standard answer or solution exists, for “As a matter of fact, the contemporary decline of narratives of legitimation — be they traditional or ‘modern’ . . . — is tied to the abandonment of this belief” (Lyotard 65).

Anti-foundationalism as a facet of postmodern thought is revealing when applied as an evaluative criterion to *Law & Order*. Over the course of the series, the program has dealt with doctrines of truth, justice, and morality, and the machinations of each episode’s plotlines reveal and work through a fundamental crisis in the traditional conceptions of such issues. Definitions of crime, responsibility, and innocence are continually problematized, illustrating the “difference between a search for foundations and an attempt at redescription” that characterizes the shift from modernism to postmodernism (Rorty 45). Within *Law & Order* the legal system is portrayed as a source of such cultural myths, yet its prescriptions are unable to deal with these issues, so that the social bond metanarratives reinforce is no longer comprehensive or cohesive. Analyses of specific episodes in the following chapters will illustrate how the program acts as a cultural forum in its articulation of this inadequacy, and how, by challenging modernist paradigms, *Law & Order* can be seen as expressing this postmodern rejection of the legitimacy of grand narratives.

The shift toward forms of generic hybridity can also be extrapolated from Fiske’s and Collins’

articles as a significant characteristic of television. Genres are one type of master narrative or structural system that postmodernism rejects, for generic distinctions are predicated on the idea of borders and “in postmodernism there can be no categorical transgression because there are no categorical boundaries to transgress” (Fiske “Postmodernism” 58). Without such an organizational pattern, generic differences have less aesthetic and social consequence, and instead provide a way of contesting modernist modes of expression. The postmodern denial of these methods thus includes a “refusal of genre, for ‘genre’ is a way of organizing texts into a structure of similarity and difference” (Fiske “Postmodernism” 58).

Weakening generic confines is also seen as a form of eclecticism in which styles can be merged and interspersed with one another to produce a text that straddles existing boundaries. In juxtaposing “styles, materials, and conventions hitherto thought to be thoroughly incompatible,” postmodern texts can defy traditionally modernist assumptions of form (Collins 338). As Collins notes, however, the “eclecticism associated with postmodernism takes on a more complicated dimension in regard to television,” for the disintegration of generic categories is not always as apparent as it is in other types of postmodern art (338). The appeal of many television programs depends on their ability to be classified, and as Neale’s work on genre suggests, genres are comprised and determined in part by audience expectations. For television, expectations exist in two senses. One is structural, that is, television programs can be organized according to a form such as series or serial, drama or sitcom. The other reflects historically established genres like science fiction or the western. The demarcation between such types are becoming less distinct, however, as elements of these various orders begin to merge with each other within a single program or episode, creating shows that cannot be so easily catalogued.

Programs like *M.A.S.H.* (CBS 1972-1983), and *Friends* (NBC 1994-present), to name just two, are ostensibly sitcoms, yet exhibit characteristics of the serial drama, while others like *Angel* (WB 1999-present) combine the private eye with fantasy, and *Roswell* (UPN 1999-2002) mixes science fiction with romance. *Law & Order* will be examined as one instance of this hybridity that confronts and undermines generic expectations, and this contestation will be situated within the program's overall strategy of working through the postmodern incredulity toward metanarratives.

Another aspect of the postmodern condition both Fiske and Collins allude to is fragmentation. This characteristic is emblematic of contemporary society, for "Postmodern culture is a fragmented culture, the fragments come together for the occasion and are not organized into stable coherent groupings by an external principle" (Fiske "Postmodernism" 56). Collins' earlier comments regarding the notion of *bricolage*, of combining random elements into a subjectively substantial whole, highlights the nature of postmodern life and postmodern texts as filled with such elements, as "the fragmentation of experiences and its images" (Fiske "Postmodernism" 56). Postmodern theories of fragmentation are also appropriate for the study of television, given the manner of the medium's composition:

Television is particularly suited to the culture of the fragment, for its continuous 'flow' . . . consists of relatively discrete 'segments' . . . following one another in a sequence dictated by an unstable mix of narrative or textual requirements, economic requirements, and the requirements of varied popular tastes (Fiske "Postmodernism" 56).

As previously noted, one way segmentation can be approached is in terms of its impact on narrative structure. Television's "increasing capacity for fragmentation and interruption" works to problematize modernist interpretations of narrative cohesion and resolution, as well as affecting the

perception of linearity or uniformity by disrupting the standard storytelling flow (Connor 191). The various methods by which *Law & Order* subverts traditional narrative conventions in favour of a more postmodern and fragmented narrative structure will be examined in greater detail further on, including consideration of Raymond Williams' abovementioned theory of 'flow' and John Ellis' conceptualization of the segment as the dominant form of television fiction. Both Williams and Ellis stress that the fragment or segment is central to television's narrative structure, and this characteristic distinguishes television from other narrative forms to create a space in which postmodern discontent with metanarratives is articulated on a structural level, through destabilizing the narrative's centre or pattern of authority and meaning.

Although clearly not unified as a theory or in its application to television, characteristics of postmodernism provide a means with which to examine both the form and content of popular culture. The forthcoming emphasis on *Law & Order*'s aesthetic conventions and their contribution to working through the instability of our cultural myths demonstrates a way in which television texts can be recognized and analyzed as postmodern art forms, but does not imply a negation of the importance of the cultural dimension of postmodern theory. Fiske's assertion that even in the midst of our postmodern image immersion these images can still be meaningful is reflected in the spirit of the upcoming investigation of *Law & Order*, yet as Collins notes, any determination of textual meaning is both contingent and relative, and this approach is only one example of theorizing the use and impact of popular culture and its texts in contemporary society. Postmodern theory is thus crucial in attempting to illustrate how such instances of popular culture are worthy of examination, especially given television's presence and arguable domination of our media-saturated environment. The challenge lies in avoiding

looking at any television program as a reflection of reality, as Fiske points out, but instead as an expression of an experience of 'reality.' For *Law & Order*, this involves examining the ways in which the program challenges notions of genre and narrative, and how its use of such techniques can be considered as part of a larger postmodern strategy.

Chapter Three: Genre - 'Two Separate Yet Equally Important Groups'

While postmodern theories tend to disregard the idea of genres as an overly structural analytical tool, their presence and influence on television programming is clearly visible, and is arguably one of the medium's defining characteristics: "One of the remarkable features of television is the way that its genres are so explicit and instantly recognisable" (Ellis *Seeing Things* 102). This does not discredit the argument that television is a postmodern medium, rather it means paying closer attention to the genres that appear and are successful on television, and recognizing postmodern aspects such as hybridity within these genres, since an "important aspect of this generic explicitness is the way that television genres can intermix and cross-fertilize" (Ellis *Seeing Things* 102). While retaining a critical awareness of *Law & Order's* generic hybridity, this chapter explores the nature of the program's constituent genres, the police procedural and the legal drama. Both have specific markers of what Neale terms generic and cultural verisimilitude, created and contested through their evolution in literary, filmic, and televisual forms. *Law & Order* typically adheres to, or enacts, these types of verisimilitude, yet significant about the program's particular articulation of the police procedural and the legal drama is not just the existence of such conventions, but their use within the series, as a means of destabilizing metanarratives of law, justice, responsibility, and truth. This strategy will be seen through references to episodes spanning the series' duration, to demonstrate how the genres that comprise *Law & Order* offer certain ways of working through this postmodern decline in metanarrative authority.

Critics who attempt to look at television in the context of genre theory note that such a task is made difficult both by a relative lack of scholarly work in this area, and also by the medium's constantly

changing content. The vast amount of texts on television are variable, making any one determination of the state of television genres “culturally specific and temporally limited,” and so not applicable to the medium as a whole (Feuer “Genre Study” 139). This flux also makes grafting other forms of genre theory onto television challenging. While “television presents genres that we know from other media . . . they are presented in a unique way,” meaning that literature or film genre theories can only be considered as starting points (Kaminsky and Mahan 35). Literary theory has a long history that encompasses diverse works across a variety of cultures and periods, resulting in “categories of literature . . . that tend not to be treated as historically or culturally specific manifestations” (Feuer “Genre Study” 139). Literary genres are therefore largely theoretical constructs, while film and television genres tend to be approached as historical divisions, that is, formed by and reliant upon “industrial or commonsense usage” (Feuer “Genre Study” 140).

Even though both film and television are industrial production systems, their disparate modes of presentation means that genre and genre recognition work in different ways. Films are discrete, yet television series and serials, unless finished, cannot be thought of as complete or unified, and since the television text “cannot be identified with the pseudo-certainty with which we can say that ‘a novel’ or ‘a film’ is a finite text” the application of film theory becomes more difficult (Ellis *Seeing Things* 81). Television’s presence in the average North American household does not command the same attention as a film; it is often left on in the background or with only minimal commitment to what is on the screen, and since “there is only so much attention that the home audience will give to narrative information, television shows, whether consciously or unconsciously, are created in recognition of that” (Kaminsky

and Mahan 33)¹.

Given this pattern of limited attention or consumption, television producers rely on ‘types’ more frequently than film does, so that the audience can ascertain with just a glance the form of program or kind of situation in which its characters are engaged. Recognizing that a show belongs to a certain category implies an awareness of generic expectations and verisimilitude; viewers can identify a program as a soap opera because they expect it to have specific characteristics that adhere to one genre and distinguish it from another, and noticing these elements means drawing on a cultural consensus as to what constitutes a particular television genre, that is, “when we talk about the idea of genre, we assume that the categories already exist and that we know what they are” (Kaminsky and Mahan 21). Yet while genre distinctions are central to television, they are problematic at the same time. As noted in Chapter Two, many programs combine elements in a diverse mix of styles that make any basic categorization difficult, for “Television genres . . . appear to have a greater tendency to recombine *across* genre lines” (Feuer “Genre Study” 158). This increasing hybridity, and the sheer mass of television texts, challenge the traditional genre system that allows texts to be classified, insofar as “these genres remain bewilderingly difficult to define as they seem to encompass too many different kinds of programme[s]” (Ellis *Seeing Things* 102). Television thus becomes a site of conflicting and complex images that break down the boundaries between types.

¹ Other critics interpret television’s style differently. John Caldwell terms it ‘televisuality,’ in his work of the same name, and argues that it is not designed solely for limited audience attention, but is rather a stylistic and ideological tendency. Caldwell also notes that audiences frequently pay strict attention to particular television programs, despite or even because of this ‘televisuality,’ meaning that this style cannot be seen simply as a reflection of sporadic viewing habits.

This postmodern aesthetic is apparent in *Law & Order*'s overt combination of the police procedural and the legal drama, for instead of eradicating the divisions between the two, *Law & Order*'s mixture is evident. The program's superficial reliance on conventions enables it to confront each genre's underlying or unifying themes, that is, the program works within a system of expectations in order to expose limitations. Conceiving of television as a cultural forum, as hypothesized in Chapter One, encourages the argument that police genre and the legal drama offer certain ways of exploring the postmodern condition and its destabilization of metanarratives, for "each genre brings its own favoured modes of understanding and interpretation" (Ellis *Seeing Things* 103).

The police genre and the legal drama each present particular modes of Ellis' 'working through,' offering various ways of approaching complex issues by virtue of their own textual strategies. This is not to say that the working through facilitated by genres like the police procedural and the legal drama results in any definitive answer, rather their outcome is the opposite. Television's nature as a forum includes a range of perspectives and forms, and so thinking of television genres as a "process of non-totalizing speculation" implies that none of its competing or complicit positions propose an ultimate definition (Ellis *Seeing Things* 80). Just as postmodernity is characterized by a lack of universal solutions and the decline of metanarratives, the process of working through that television offers "never comes to a definitive conclusion because none are available. [Instead,] it pushes the multiplicity of explanations as far as it will go" through its numerous genres and characters instead (Ellis *Seeing Things* 85).

The problematization of representation central to postmodernism is therefore not only an artistic concern, but also highlights the importance of looking at different modes of representation as a means of

public expression and discourse. Examining generic conventions — their presence and subversion — within *Law & Order* is important, for the program's mix of genres rearticulates both generic and cultural norms, showing how “televisual working through seems to be a process of reconciliation based upon familiarity and repetition-in-difference” (Ellis *Seeing Things* 81). As Neale's work on genre suggests, such expectations — generic verisimilitude — are generally predicated on the existence of artistic conventions; in order to more fully evaluate the significance of *Law & Order*'s genre structures, however, considering genres as forms of cultural consensus — cultural verisimilitude — encourages an interpretation of “genre as an exchange between industry and audience, an exchange through which a culture speaks to itself,” and so allows for the integration of the theory of working through (Feuer “Genre Study” 145).

Both the police procedural and the legal drama are inherently concerned with concepts like justice and morality, that is, with the issues that have the potential to threaten traditional or pre-existing assumptions of what is ‘good’ and ‘right’. Commenting upon the postmodern ambiguity about justice and morality is part of the rhetoric that characterizes these genres, which are “rooted in this simple, deep confrontation between crime and punishment, law and disorder” (Kingwell 99). The police procedural and legal drama thus have particular significance when examining the cultural myths *Law & Order* is attempting to work through, and surveying how these complexities are enacted in *Law & Order* means looking critically at one interpretation of ‘reality,’ for “ultimately, genre criticism is cultural criticism” (Feuer “Genre Study” 143). By reviewing the history of these genres, along with investigating how their conventions and expectations are both depicted and displaced in *Law & Order*, the generic aspect of the series' postmodern strategy will become clear, as will the overall importance of such

critical approaches to popular narratives as expressions of larger cultural shifts in attitude and belief. The program's hybridity and its superficial adoption of generic verisimilitude promote an interpretation of it as an instance of generic 'repetition with difference' that Neale sees as a crucial stage in process of genre. The formal and aesthetic evolution of the legal drama and the police procedural that can be seen in *Law & Order's* generic variations is a significant aspect of how the show explores the postmodern incredulity toward metanarratives of fairness, responsibility, and truth that underlie these genres.

As Neale suggests, genres need to be seen as historical processes rather than static categories, and so to "understand the police procedural detective story, it is necessary to relate it to the types of detective stories which preceded it, to view the similarities and differences" (H. Waugh "American" 43). The roots of television's police shows can be traced back as far as the beginnings of a literature of crime in the early eighteenth century, with broadside ballads "describing in outraged and sensational terms the latest gory crime" (Hill 20). Biographies of both criminal and victim were soon included alongside details of the crime, making these popular reports "morality plays with real people and real blood" (Hill 21). Daniel Defoe's interest in fictionalizing these criminal exploits prompted an early and decisive turn toward the police, and his work *A Narrative of the Proceedings in France, for Discovering and Detecting the Murderers of the English Gentlemen, September 21, 1723* (1724) was, as its title implies, a "graphic account of the efforts put into tracking down the killers, including for the first time . . . that old stand-by of interrogation technique, the claim that the accomplice in the next room has cracked and revealed all" (Hill 23).

The movement from a literature of crime to crime fiction in the police procedural's history is marked by a shift in the protagonist, "from the criminal as hero to the detective as hero" (Hill 25). The

classical detective story emerged in the nineteenth century, paralleling the creation of state-sanctioned police forces in many parts of Europe, such as England and France, and is one of the progenitors of the police procedural genre, not only for its inclusion of police as key characters, but for its emphasis on strategies of investigation as well (Kaminsky and Mahan 53). Edgar Allan Poe is seen as the founding figure of the genre, shaping the basics of mystery and detection in works like *The Murders in the Rue Morgue* (1841) and *The Purloined Letter* (1845), and his detective, Le Chevalier Auguste Dupin, was the inspiration for Arthur Conan Doyle's famous sleuth, Sherlock Holmes. While the Great Detective character bears little resemblance to the police officers at the centre of the police procedural, the private investigator of the American hard-boiled school that emerged in pulp magazines the late 1920s is another stage in the evolution of the detective novel that influenced the police procedural. In an "attempt to bring realism to crime writing," hard-boiled novels like Dashiell Hammett's *The Maltese Falcon* (1930) and *The Glass Key* (1931), and Raymond Chandler's *Farewell, My Lovely* (1940) and *The Long Goodbye* (1953), foregrounded sordid crimes in desolate cities, solved not just through ratiocination, but often through luck and a few punches in the face as well (H. Waugh "American" 44).

The impulse to incorporate a sense of reality into fiction has been present in crime writing since its origins in sensationalist reporting, and provides the background for the emergence of the police procedural, which is often cited as beginning with Lawrence Treat's *V as in Victim* in 1945. While police have always been present in crime and mystery stories, often as foils or adversaries, the emphasis on realism in Treat's novel means moving beyond the inclusion of policemen to incorporate police routines as well, for "Knowledge of police work is fundamental in Treat's approach to mystery-writing" (Dove 10). Although Treat's book is generally considered the first police procedural novel, the

genre's popularity grew not through literature, but through broadcasting, when *Dragnet* first appeared as a radio series in 1949. The series, which jumped to television in 1951 on NBC, and has been reincarnated twice since (NBC 1967-70 and ABC 2002-present), "set the pace for other subsequent broadcast programs and for writers of the procedural stories" (Dove 12). *Dragnet* continues to foreground realism in its stories, basing each episode on a case from the Los Angeles police files, and detectives Joe Friday and Frank Smith are always after 'just the facts,' throughout the program's various versions.

Central to the police procedural after Treat and *Dragnet* is a depiction of the "business of law enforcement as a team effort instead of the work of one or two outstanding heroes" (Dove 15). Hillary Waugh (*Last Seen Wearing*— in 1952, *Sleep Long, My Love* in 1959), John Creasey (*Gideon's Day* in 1955 to *Gideon's Drive* in 1976, with 19 other 'Gideon' novels in between), and Ed McBain, creator of the 87th Precinct series, are among some of the most well-known early writers of police procedurals. In their serials many of the genre's most recognizable elements are introduced or conventionalized, such as teamwork, the use of forensics, and interrogations of witnesses, suspects and informants. These characterize current police procedurals like Ian Rankin's John Rebus novels and Peter Robinson's Inspector Banks series, and many aspects of the literary police procedural inflect its television corollary.

Television police procedurals have been influenced by cop movies as well, and while the procedural as such is not a recognizable film format, in that action often takes the place of mundane routine and the plot revolves around a lone detective or pair of officers rather than a team of cops, Neal King's description of the cop movie contains many similarities to the police world of the novel and of

television:

Whether in law enforcement or civilian work, heroes protect people from harm. They face combinations of three threats to their happiness: alienation from employers, estrangement from loved ones, and violence from criminals. Heroes join forces with fellow employees or bystanders (sidekicks) who give support. Together the heroes and sidekicks argue about class, gender, or race relations and then defeat the criminals with bloody violence. By the conclusions of these stories many heroes have bettered their lives . . . But just as many other heroes have suffered serious losses, most rooted in the guilt they share with the criminals they hurt (3).

Aspects such as on-the-job tensions, relationship troubles, unsolvable social conditions, and ambiguous emotions regarding police responsibility and morality typify the police procedural across media forms, and are also ways *Law & Order* appeals to generic verisimilitude in its depiction of the police.

Along with its predecessors in literature and film, the police procedural as a television genre “has become increasingly dominant since the end of the 1960s and has been present since the very beginnings of television,” in series such as *The Untouchables* (ABC 1959-1963), *Arrest and Trial* (ABC 1963-1964) and most notably *Dragnet* (Buxton 120). Shows like the *Law & Order* franchise, *Hill St. Blues* (NBC 1981-1987), *NYPD Blue* (ABC 1993-present), *Homicide: Life on the Street* (NBC 1993-1999), *Boomtown* (NBC 2002-present), and *The Shield* (FX 2002-present), are just some of the latest incarnations of the police procedural, displaying in disparate ways “the underlying strategy of legitimising modern police techniques in the fight against crime” (Buxton 122). From early examples like *Dragnet*, often regarded as the archetypal police procedural, these programs have set themselves apart from the sleuthing of *Perry Mason* (CBS 1957-1966) or *Columbo* (NBC 1968-1978), to portray “collective, state activity in the fight against crime, no longer an arbitrary disruption of an organic harmony but a constant, pervasive part of the urban experience” (Buxton 120). The

continued presence of police forces, however, is not the sole reason for the genre's continued success. Instead, as the concept of the cultural forum suggests, the genre prospers due to the implications of its subject matter, "because it deals seriously with the mortal questions of death, justice, and evil," and *Law & Order's* central concerns about the redefinition of crime and the assignation of responsibility are two thematic ways in which the program works through these issues (Kingwell 99).

Central to all police procedurals, regardless of medium, is a core mystery which is solved by police detectives. The centrality of procedures to resolving the problem is revealed in the title itself, for while "police procedural" is a somewhat drab designation, it does have the advantage of description, because that is what these stories are: accounts of detective work carried on by policemen using the procedures or routines normally available to them" (Dove 47). These methods contribute to the perception of the genre, for an audience would expect to see activities such as typing up a report or being bored on a stakeout within such a program, and conversely when viewing such scenes would thus recognize the genre. Typical police routines are a central part of the criteria for both generic and cultural verisimilitude, and hence for *Law & Order's* enactment of the genre — the program draws upon the advisory assistance of real police officers during its writing and production process — since police procedural tales "are stories, not just about policemen, but about the world of the policeman" (H. Waugh "Police" 167).

Law & Order is filled with examples of routines like trips to the forensics laboratory, dealing with informants, and tailing a suspect, all of which are too numerous in appearance to detail. Two of the most common and conspicuous police activities are the collection of evidence and the interrogation or interview of a suspect or witness. While *Law & Order's* portrayal of these conventions clearly

delineates the program as belonging to the police genre, they also have significance in the context of the program's strategy of working through. Both are processes within an investigation that contribute to a determination of guilt or innocence, through designating a certain act as a crime and then assigning responsibility, and so the definitions or metanarratives of justice and morality, and their bearing upon 'responsibility,' can be continually problematized through these main procedures.

The police's investigations often lead to a certainty of guilt in situations where ostensibly there is no crime. In "Aria" (1991), detectives Phil Ceretta and Mike Logan suspect that a teenage girl's apparent suicide from a drug overdose is more than it seems. After conversations with numerous friends, the detectives become convinced that Priscilla Blaine did not have a drug problem, and was unlikely to kill herself, given her promising acting career. Yet their evidence at this point is less than illuminating, and the detectives debate whether they should even pursue the case, illustrating the typical "processes of brainstorming (free association of facts and ideas) and snowballing (accumulation of possibilities)," a subjective exercise that often helps the detectives to figure out what could have happened (Dove 61). Logan argues that "She spends her whole life trying to replace her sister. She couldn't take the pressure, downs a handful of pills." Ceretta replies, "Okay. Then why is she found kneeling beside an unhooked phone, moaning 'I didn't do it' over and over?" When searching Priscilla's backpack for more clues, they find a videocassette, and learn that she had been making pornographic films at her mother's insistence. A failed actor herself, Priscilla's mother was obsessed with her daughter's career, and determined to experience show business success through her children. Appalled that a parent would force her daughter into that profession, the detectives are convinced that such stress was the cause of Priscilla's overdose. Their investigation prompts them to redefine the

incident as murder; Logan believes that the suicide “was brought on by the pressure of doing porno, which the mother forced her into,” and so the mother should be held accountable.

By “creatively re-shaping what we call a ‘crime,’” *Law & Order* brings attention not only to the boundaries of policing, but the issue of criminal responsibility as well (Keetley 39). Police captain Donald Cragen articulates this moral dilemma: “Guilty? Of being a rotten mother, yes. But there has to be a line. Kid goes out and robs a bank, you put the parents in jail?” Ceretta and Logan believe in this instance in a “line of strict causality between the mother’s obsession and her daughter’s suicide,” which the law is finally unable to prosecute; Priscilla’s mother is instead convicted of arranging her daughter’s access to drugs (Keetley 40). Central to “Aria” is its depiction not only of the limitations of the law but the more convoluted concept of legal culpability, for “the *episode* itself, around the edges of the system at its center, reinforces the ‘true’ crime — the mother’s coercion of her daughter from the moment she was born” (Keetley 40). Ceretta and Logan’s collection of evidence ultimately results in the “unconventional location of crime in overbearing and self-centered parenting,” along with the American obsession with celebrity and fame (Keetley 40). The former is a recurring theme in *Law & Order*, for the series continually raises the question of the responsibility of parents for their childrens’ actions².

Law & Order’s representation of interrogation techniques also unsettle conventional notions of criminal action. In “Monster” (1998), a ten year old girl is found near death in the basement of her apartment building, after being beaten, sexually abused, and choked with bug spray. Detectives Lennie Briscoe and Rey Curtis, armed with sketches of two possible suspects, retrace the girl’s steps to a local

²“God Bless the Child” (1991), “Trust” (1992), and “Slave” (1996), are among other episodes that deal with the limits and burdens of parental authority.

pizzeria where they track down a witness, neighbourhood drug dealer Calvin Berry. In exchange for a 'get out of jail free' card (that is, a promise from Briscoe that his next arrest will be resolved as a 'mistake'), Berry tentatively identifies one of the pictures as the person he saw with the victim. After the likeness is released to the paper, a group of citizens find and bludgeon a man named Owen Stokes, who resembles the police's picture of the suspect. Instead of transferring the badly injured man to a hospital, Briscoe and Curtis drag him back to the interview room at the precinct, where they convince him not to talk to a lawyer in a typical example of *Law & Order's* "near-harassing interrogation," that often seems more like vicious revenge than a fact-gathering interview (Kingwell 99). Curtis tells him that speaking with a lawyer is a foolish idea, because after that no one will believe his innocence. Briscoe is complicit in this maneuver, telling him "That's just human nature, Owen. I don't trust what anybody says after they've been with a lawyer."

While Stokes is in the hospital, Briscoe and Curtis bring in their witness for another interview, and to pick Stokes' image out of a photo lineup. Staring at the six pictures, Berry uses his finger to guide his vision. As his hand reaches the picture of Stokes, Curtis quickly asks, "You like this guy?" Though Berry is clearly unsure, Briscoe presses him: "If it is, just say so." The witness finally agrees, and Briscoe and Curtis depart to arrest Stokes, intent on extracting a confession despite Stokes' continued protestations of innocence. They tell Stokes that he will be placed in jail overnight with the other prisoners, and Curtis reminds him that "they watch the news, they know your face, they know what you're being charged with." Briscoe chimes in with the advice that "if you did something that warrants us putting you into protective custody, now's the time to tell us." After further manipulation, including Briscoe's admonition that "you've gotta say the words, Owen, otherwise we can't help you,"

Stokes confesses to the crime. However, as Assistant District Attorneys Jamie Ross and Jack McCoy discover, Stokes has a valid alibi for the crime — at a walk-in clinic receiving drug treatment to control his sexual urges — which the police, sure of Stokes' guilt, did not investigate.

The efficiency of the police in extracting a full confession from an innocent man illustrates another way in which *Law & Order* challenges the simplicity of crime and contradicts the convention that “on the typical cop show, guilt is clear and specific” (Kaminsky and Mahan 61). The disconcerting portrayal of the detectives as not only scheming and misleading but completely wrong in their means of identifying and apprehending criminals speaks to the postmodern weakening of one of the fundamental myths in the police genre, that “somebody is the bad guy and we know who it is; he gets caught, and that is the end of the evil” (Kaminsky and Mahan 61). This theme of the continued presence of human evil and police error is expressed in numerous episodes in which the police have caught and often convicted innocent people³, showing how the police genre's form of working through “relentlessly forces us to confront not just the limits of life in death but the specifically moral failures of human justice in dealing with violence, mendacity, and weakness” (Kingwell 102).

Through adhering to these conventions, *Law & Order* not only situates itself within the genre by depicting aspects of generic verisimilitude, but also works through social issues by challenging the underlying notions of crime and punishment that characterize the police procedural. The program's portrayal of police routines, while superficially consistent with generic expectations, also challenges the mythological image of the police as a bastion of morality. Police procedures no longer bring “a ‘moral

³“American Dream” (1993), “Trophy” (1996), “We Like Mike” (1997), and “Myth of Fingerprints” (2001) are other notable episodes that address this fallibility.

certainty' to criminal justice;" the otherwise repetitious collection of evidence and questioning of suspects is used in *Law & Order* to express a deeper level of dissatisfaction with the metanarratives of fairness and justice that ideally construct these procedures (Lane 138). That *Law & Order*'s detectives can follow these legally established and sanctioned procedures and still destroy an innocent man's life, as in "Monster," reveals a sense of discontent with the system. That, after various interviews, detectives can conclude a mother is not only morally but criminally responsible for her daughter's suicide demonstrates a gulf between legal and moral crimes within existing definitions of crime and responsibility. In carrying out procedures, the detectives on *Law & Order* are not simply catching 'bad guys,' but redefining who the 'bad guys' are, for "defining guilt is much more than a question of law" (Lane 139).

The program's reworking of the criminal element is conveyed through another characteristic dimension of the police procedural: the representation of the police's role within society. The relationship between the police and citizens in *Law & Order* diverges from convention, in an example of Neale's 'repetition with difference,' for distinctive about the program's depiction of interaction between police and society is a marked inclusion and vehement prosecution of white-collar crime. Typically in the police procedural "obvious signs of wealth and prestige are warning signals to go easy" (Dove 71). In *Law & Order*, however, these signs tend to raise suspicion and provoke sustained investigation. In "Prescription for Death"(1990), detectives Max Greevey and Mike Logan attempt to blame the death of a girl in a hospital emergency room on the attending doctor, despite his excellent reputation and Cragen's warnings that "People die in hospitals every hour of every day. While it is indeed tragic, it's certainly not criminal." Greevey is immediately suspicious of the physician, and when

an initial interview with him yields no satisfactory explanation for the girl's death Greevey's frustration begins to mount: "The guy's chief of medicine and all he can come up with is 'it's a lottery.'" Egged on by colleague testimonials extolling the doctor's skills, Logan and Greevey continue to investigate, and discover that the doctor, after drinking heavily at a retirement party before his shift, had administered a fatal combination of drugs to the patient. Arguing with Cragen about whether this case should instead become a malpractice suit, Greevey says, "I just want them held to the same standards as cops are when someone gets shot."

By equating the two professions' mandates to protect human life, Greevey draws attention to the central theme of this episode, that social status does not absolve an individual of criminal responsibility. Just because the doctor is wealthy and respected, the police argue, does not mean he cannot commit crimes and evade responsibility for them. Celebrity, in any form, is not an excuse for illegal activities, as "3 Dawg Night" (2001) also illustrates. This story is 'ripped from the headlines,' loosely based on a 1999 dance-club murder in which Jennifer Lopez and Sean 'P-Diddy' Coombs were allegedly involved. When an aspiring d.j. is shot and killed at posh nightclub Megafly, detectives Eddie Green and Lennie Briscoe find many of the bar's employees unwilling to discuss what they witnessed. As the manager so succinctly describes Megafly, "This isn't some bridge and tunnel spot." Green and Briscoe hypothesize that the G-Train, a famous rapper, may have pulled the trigger, yet are continually prevented from interviewing the artist by a coterie of public relations lawyers. When consulting Lieutenant Van Buren for advice, she recommends they solidify their evidence before taking any more action. Briscoe is taken aback, asking incredulously, "So what — we're going to cut the guy some slack just because he won a couple of Grammys?" Refusing to let fame intervene, Van Buren

relents, and the case against G-Train gains momentum.

“Prescription for Death” and “3 Dawg Night” are only two examples of *Law & Order*’s propensity for drawing attention to crimes committed by members of the upper class. A large proportion of episodes over the course of the series have focused on destroying the impression that money is a guarantor of freedom and that only ethnic minorities or the destitute commit crimes, subverting the convention that the upper class is “the group of people to whom one must be most deferential” (Kaminsky and Mahan 63)⁴. Similar to its hard-boiled literary predecessors, the program’s redefinition of ‘criminal’ goes beyond expanding the limits of culpability to show that crime is not bound by economics or dictated by placement within society’s class system, that wealth is more often a sign of corruption than it is of success.

Detectives also play a significant role in conveying the complexity of the issues at stake. Exploring the question, “Are the cops ‘detached, objective observers’ or do they act on their own personal experience and convictions?” is another way *Law & Order* attempts to work through the postmodern incredulity toward metanarratives like justice and truth (Lane 140). The different characteristics of each detective over the course of the series continually problematize the typical television police officer and seemingly straightforward crimes. Mike Logan, one of the original two detectives, both embodies and challenges expectations about the genre’s usual form of protagonist. In an instance of generic verisimilitude, Logan is a working class figure, and so has an affinity with others

⁴ “By Hooker, By Crook” (1990), “Black Tie” (1993), “Snatched” (1994), “Survivor” (1996), and “Amends” (2000) are but a few more examples of this subversion, portraying the investigation and prosecution of prostitution, marital violence, extortion, coin dealing, and murder committed by the very wealthy and/or politically influential characters.

members of the working class. For example, in “Wannabe” (1995), a boy from a blue-collar family is expelled from an elite private school, and is the primary suspect when one of the school’s board members is found dead a few days later. While interrogating the boy, Logan begins to sympathize with his situation, telling him “I know where you’re coming from ... a lot more than you think.” Believing the boy is innocent and frustrated by the condescension of the other parents at the school, Logan works on proving that it was one of the boy’s wealthy classmates that committed the crime.

Logan’s clear empathy for the boy and his family’s struggle against the school’s elitist attitude recurs in other forms throughout the series. For example, in “Family Values” (1994), as the evidence continues to mount against Steve Martell, the husband of a dead woman, Logan steadfastly believes in his innocence. After Briscoe manages to disprove the man’s alibi, he tries to persuade Logan by pointing out, “That’s two lies from Martell.” When Logan says, “I’m not giving up on him,” Briscoe replies: “Right, your working class hero,” implying that Logan’s objectivity is compromised by his identification with the suspect. This dedication to Martell’s cause is one instance of how, as lower-middle class champions, television police officers are “committed to protecting the values of that group” (Kaminsky and Mahan 60).

Social status leads to another typical characteristic that Logan exemplifies: an “anti-intellectual bias” (Dove 87). Logan’s inherent distrust of intellect appears in many episodes, such as “Pride and Joy” (1993), in which a building superintendent is murdered in the course of an apparent break-and-enter. Logan is immediately distrustful of the man’s son, who claimed to be studying for Princeton entrance exams at the time, and who harbours resentment toward his father for being no more than a superintendent. Briscoe identifies the source of Logan’s indignation when he asks “You got trouble

with the kid? You're both Irish — you made it all the way to detective but he's made it to the Ivy League." In "Rage" (1995), Logan and Briscoe suspect that Bud Greer, a wealthy and educated stockbroker, has murdered his boss, who had uncovered Greer's clever but fraudulent trading practices. Visibly irritated by the man's haughty demeanour, Logan tells him, "Well, you got your \$2000 suits and you got your hotshot degrees, but from where I'm standin', you're no better than some punk who holds up a 7-11 store then blows away the cashier to cover up his tracks." This prejudice drives Logan in such investigations, illustrating the influence of his social class on the way he arrives at conclusions, as often motivated by personal circumstance instead of logical or warranted suspicion.

While Logan fits the typical television cop mold in some ways, he diverges from them in others. For example, Logan is the exception to the rule that "most procedural policemen are married," since he is single, and loathes the prospect of commitment (Dove 81). Logan's attitude toward sex also sets him apart from conventional television cops; while most lament society's "increasing sexual permissiveness," Logan appears proud of his lusty appetite, and repeatedly discusses his exploits with his partners (Dove 87). In "Out of the Half Light" (1990), for example, he regales Greevey with a synopsis of his date the night before, a woman who "looooves cops and guns," and boasts that "this one's *really* smart," while gesturing about the size of her breasts. Logan's more relaxed perspective on sexuality provides a balance between him and his older, more conservative partners when they are investigating seamier cases, as seen in a heated debate about sexual mores with Greevey in "Kiss the Girls and Make Them Die," when Logan tries to convince Greevey that his negative opinion about the female victim's sexual history is interfering with his ability to see the boyfriend as responsible for her death (1990).

His knowledge of sexually active lifestyles also often helps him track down clues. For instance,

in “Discord” (1993), a demonstration of his experience with women convinces his lieutenant that arresting a suspect is necessary. A university student accuses a prominent heavy metal star of raping her, and Logan shows Van Buren that the buttons on the woman’s blouse could not have been popped off in a moment of lust, that instead they must have been torn off as the victim tried to flee. However, Logan’s passion sometimes gets him into trouble, for in “Pride” (1995), a homophobic politician accused of murdering his homosexual opponent is leaving the courthouse, shouting offensive remarks at the gay rights activists protesting outside the building. Logan, incensed, loses his temper and punches him in the face. Shortly thereafter, he is demoted and sent to Staten Island as a ‘beat’ cop.

Detective Rey Curtis replaced Logan at the start of the sixth season, adding significant variations to the typical police character. Unlike Logan, Curtis is married, with three young daughters. In keeping with the traditions of the police procedural, however, Curtis’ marriage suffers from “the reciprocal strain between police work and family life . . . [which] create[s] tensions at home that are not conducive to successful marriage” (Dove 82). After a particularly grueling day in “Aftershock” (1996), in which the officers and lawyers are in attendance when a criminal they convicted is put to death, Curtis meets and has an affair with an attractive graduate student. Curtis’ deep emotional involvement with his work and his guilt about his participation in the execution prompts this infidelity as a coping mechanism, showing how “there is a danger to the familial situation itself in the police officer’s commitment to the job” (Kaminsky and Mahan 55). This act has continued consequences, for Curtis’ unfaithful actions also affects his ability to objectively carry out his job; in “Menace” (1997), he and Briscoe are interviewing witnesses to a crime and one man steadfastly denies he was there, since he was sneaking around with a woman other than his wife. Curtis loses his temper and slams the man up

against the wall, shaking him so violently that Briscoe has to forcibly remove Curtis from the room. In response to Briscoe's concern, Curtis admits, "She left me, Lennie." In this situation the tension of his disintegrating homelife has seeped through to his work, impacting his attitude toward the job.

Also significant about the character is his race, for Curtis was the first non-Caucasian detective on *Law & Order*, and his heritage often influences his conduct as a detective. It occasionally enhances his ability to do his job, especially with New York's cultural diversity. One of Curtis' favourite tactics is to invoke the stereotype of the police as strictly Caucasian, for he is therefore not immediately pegged as a cop. In this way, he frequently manages to lure suspects out of their homes simply by speaking Spanish, as seen in "Causa Mortis" (1996), and "Shadow" (1997). His race also works to make suspects or witnesses feel more comfortable in releasing information, as in "Rebels" (1995), in which the victim's girlfriend Caridad prefers to speak to Curtis in Spanish and ignores Briscoe.

Curtis can also use racism to his advantage, like in "Blood Libel" (1996), when a group of highschool students are accused of anti-semitism after harassing and killing their Jewish art teacher. Curtis is interrogating one of the boys, a Hispanic youth, and draws on shared experiences of racism to convince him to talk: "Who do you think they mean by the mud people? That's us. Who do you think they'll come for next?" Conversely, prejudice sometimes compromises Curtis' judgement. In "Rebels," Curtis and Briscoe are investigating the death of a college kid in one of the city's rough biker bars. When interviewing members of the Yankee Rebels motorcycle gang about the events, a biker named Igor calls Curtis a 'spic.' Curtis grabs Igor by the collar, drags him out of the clubhouse and throws him up against a wall. Instantly, he and Briscoe are surrounded by half a dozen large angry bikers, and the ominous sound of switchblades opening prompts Briscoe to nervously try and calm his

partner down. So while Curtis is able to benefit from his minority status, it can create problems, illustrating the influence of racism not only on individuals but on police conduct as well.

Curtis also deviates from generic verisimilitude by challenging the “convention that the police detective is not highly intelligent. Intelligence is not part of television’s heroic definition of the police officer” (Kaminsky and Mahan 55). Unlike traditional policemen, Curtis is college educated, and so has both technical and cultural knowledge that frequently augment his skill as a detective. For example, in “Slave” (1996), he and Briscoe are investigating the death of a woman who was shot in her bed by someone across the street, and Curtis is able to easily decipher and translate for his partner the physics of the lab’s analysis: the bullet’s angle of entry, its trajectory and velocity, all of which help indicate the shooter’s location. In “Castoff” (1998), he displays a knowledge of trigonometry, determining from two known geographical points the probable building and floor on which the crime took place. When investigating the death of a book editor in “Passion” (1997), Curtis pulls the murder weapon, a statue, out of the dumpster and offhandedly identifies it as a Giacometti.

Linked with Curtis’ atypical cop intelligence is his familiarity with technological tools. While in most police procedurals the officers “resent . . . the intrusion of technology which negates the common sense approach,” Curtis takes advantage of these resources (Dove 95). In “Nullification” (1997), he tracks down the identity of a civilian militia group on the Internet, while Briscoe watches confusedly, commenting that “one day you’ll have to teach me how to play solitaire on that thing.” Curtis also tracks down a primary suspect in “Rebels,” for after discovering the perpetrator is using a stolen cellphone to access the Internet, he proposes a sophisticated triangulation device to pinpoint the man’s location. This approach, educated and technologically literate, is a distinct break from and extension of

the genre, and provides another means for the viewer to work through the function and application of police procedures by appealing to a sense of cultural verisimilitude.

Lennie Briscoe is the program's longest-running character, and epitomizes the typical television detective more thoroughly than any of *Law & Order's* other officers. Like Logan, he is an obvious member of the working class, and unlike Curtis he is visibly uncomfortable using technology as part of the job. Two of Briscoe's most distinctive character traits are his cynicism about women and his jaded one-liners. As noted earlier, the stress of the job often affects officers' personal relationships, so that "their erratic private lives contrast with their control of their professional lives" (Kaminsky and Mahan 63). Briscoe has two ex-wives and a grown daughter he barely knows, and his poor experiences with women have made him overly suspicious, quick to look for evidence of infidelity as the solution to every case. For example, in "Old Friends" (1994), Briscoe initially believes that the wife is behind her husband's death, after discovering that the husband had an affair with his former secretary. Logan is not so sure, for the liaison had ended over a year before the man's death and he doubts that the wife was aware of the relationship. He raises this possibility by asking "Don't wives always know?," to which Briscoe responds, "Mine did." "But yours didn't hire a hitman," Logan points out. "Not yet," Briscoe says. In "The Pursuit of Happiness" (1993), Briscoe again tries to convince his colleagues that the wife is responsible for her husband's demise. Van Buren is skeptical, asking, "Wives always shoot husbands? Do you happen to have a motive?" Briscoe, however, is adamant about the sinister nature of women, arguing, "He's 56, she's 26. He's rich, she's gorgeous. I gotta be a genius?" Like Logan's deep-seated bias against intellectuals, Briscoe's animosity toward women is a result of past experience, and often drives his initial response to a case.

Also integral to Briscoe's character is his sense of humour, for he is renowned for his wisecracks. A defensive device for both the fictional detectives and for the audience, Briscoe's banter is a means for "exorcising the horrors and other tensions of the job," an alternate way of working through (Dove 72). His comic remarks can be seen as another method for approaching the often disturbing presentation of criminal acts and homicide scenes, for "television comedy thrives upon recognition, which is often slightly uncomfortable, of orders of discourse presented in disorder" (Ellis *Seeing Things* 118). As such, Briscoe's gallows humour plays an important role in *Law & Order's* portrayal of crime. For instance, in "Trophy" (1996), the police initially believe they are tracking a copycat serial killer; the only links between the two victims are the bruises on their necks and their missing crucifixes, and so Briscoe suggests "we look for vampires and members of the clergy," thereby lightening a mood made tense by the cruelty of the crimes. In "Promises to Keep" (1993), Briscoe disagrees with the investigating officers at the crime scene that the victim was attacked by a drug addict, for the area and the body are impeccably clean: "If this girl was killed by a junkie, then I believe Elvis is at Radio City tonight." The detectives' sole clue in "Progeny" (1995) is a photocopied threat, yet the lab technician assures them that "It's a photocopy from a machine with dirt on the drums . . . If you can get me the machine and it hasn't been serviced, I can maybe do a positive I.D." Ever the comedian, Briscoe quips, "Oh great. We'll organize a lineup of Xerox machines."

These snappy comebacks and incisive remarks not only establish Briscoe's character but convey another notable aspect of *Law & Order's* treatment of the police genre: the violently futile nature of the job. Briscoe's pervasive cynicism about all aspects of the job "express the absurdity of life as a cop," the repetitive routine of unending crime that has to be dealt with somehow (Lane 137).

Given the program's content, its representations of human and criminal behaviour, such a tactic is significant: "Often comic or even parodic material is inserted amongst the serious stories. This is drama that is trying to carry the world upon its shoulders" (Ellis *Seeing Things* 124). The individual characteristics of each detective thus impact their work, although "more often than not, these cops follow procedures that are required by their job . . . sometimes their personal convictions get in the way of their job, and rational thought goes out the window" (Lane 140). In other words, *Law & Order's* detectives also have significant impact on the ongoing re-determination of crime that typifies the program, proposing in answer to the Lane's earlier question, that the cops are not 'detached, objective observers' and enforcers of the law, but rather driven in their work by personal emotion and experience. Such a portrayal further complicates the cultural myth of the 'rule of law,' suggesting that its precepts are no longer standard, but subjective. The individual characteristics of each officer, while making law enforcement appear subjective, also provide competing perspectives for working through or seeing more dimensions within a 'crime,' since these varied moral viewpoints incorporate issues such as class and race as part of their sense- or meaning-making process.

As the basis for the first half of each *Law & Order* episode, the police procedural provides a mode for working through postmodern shifts in cultural narratives like crime and responsibility. The series regularly confronts generic expectations, such as how "Arresting and booking the 'alleged perpetrator' is a simple thing. (What happens to him thereafter is another story, and out of their bailiwick. Their job has been done)" (H. Waugh "American" 45). The program's depiction of routine methods and the detectives who carry them implies that definitions of guilt and responsibility are no longer simple. In this way, genre hybridity within the program contributes to the destabilization of the

metanarrative of the 'rule of law,' for ambiguities raised in *Law & Order*'s treatment of the police procedural are compounded in the legal drama.

As with the police procedural, the television legal drama has literary and filmic predecessors. Both factual and fictional lawyers and trials have been part of literary history and the popular imagination for centuries. As early as the 1600s attorneys collected and published trial stories; for example, in 1650 German lawyer Georg Harsdorffer put together *A Gallery of Horrible Tales of Murder*, and in 1661 Matthias Abele von und zu Lilienberg turned archives of the French parliamentary courts into *Metamorphosis and Unusual Law Cases* (Robinson). The popularity of these kinds of works extended into the eighteenth century, with similar publications in England and France (Robinson). Shortly thereafter, in addition to Defoe's work, writers like Henry Fielding began to fictionalize stories about convicted criminals in stories like *The Life of Mr. Jonathan Wild the Great* (1743), and so, like the police procedural, the characteristics of the legal drama, including its complementary emphasis on realism, can also be traced back to early crime fiction. William Wilkie Collins is often regarded as creating the paradigm for the modern dramatic legal novel in the late 1800s and early 1900s, for "He was the first to bring together the innocent person, a conspiracy, suspense, the detective, the legal system, and what was known at the time as the 'sensation novel'; in short, a legal thriller" (Robinson). His books, like *The Woman in White* (1860) and *Moonstone* (1868), were incredibly popular, selling out within hours of their release. Significant about Collins' work for the development of the genre was his focus on legal procedures, for the climactic resolutions hinge on navigating a complex legal system or challenging an unjust law (Robinson).

Another crucial development in the literary genre occurred in the early twentieth century when lawyers such as Melville Davisson Post took to writing legal novels, for Post's barrister's arguments were "always based on contemporary case or statutory law" (Robinson). Later, during the heyday of the pulp magazines, Erle Stanley Gardner created the iconic character Perry Mason. While the popularity of mystery stories waned in the fifties and sixties, the legal novel continued to attract an audience. As Marlyn Robinson argues, "The 1950s and sixties saw an overall decline in the numbers of mysteries and thrillers, but best-selling authors continued to profit from the public's love-hate relationship with lawyers." One such example is *Anatomy of a Murder* (1958) by John D. Voelker, a criminal attorney who would later become a member of the Michigan Supreme Court. Filled with precise details about legal procedures and concluding with a cynical finale, the acclaimed novel was quickly turned into a film (Preminger 1959).

In the late eighties the genre received another boost in popularity: the publication of Scott Turow's *Presumed Innocent* (1987) led to an explosion in the genre's prominence that can still be seen in the success of current authors like John Grisham.⁵ With such a wide range of authors and large number of texts contributing to the genre, and its early influence from detective fiction, identifying a distinct set of generic expectations is difficult. As Robinson argues: "The legal thriller is a hybrid of hybrids. Just as the courtroom drama pulls in elements of every form of drama and comedy in fiction, the legal mystery also takes elements from every other mystery subgenre." Common to all forms and instances of the legal novel, however, is the examination of prevailing legal and social issues: "Collins

⁵ For further and more thorough discussions of the legal novel, see Jon L. Breen's *Novel Verdicts: A Guide to Courtroom Fiction*.

railed against the laws governing women and children just as Grisham takes on health care providers, civil rights, and the death penalty” (Robinson). The literary focus on such topics is continued both in film and television legal dramas, so that an appeal to cultural verisimilitude characterizes these forms of the legal drama, which also draw on contemporary debates for content and conflict.

Along with exploring social issues, the legal drama in film takes many of its other conventions, and frequently its plots, from literature. Trial movies have existed as long as film itself, beginning in 1907 with *Falsely Accused!*, a film that “prefigures, with startling clarity, the terms of a form that will be a staple of US cinema for a century to come” (Clover 246).⁶ Since *Falsely Accused!*, trial movies, like legal novels, have come in a variety of forms: those which focus on the jury (*Twelve Angry Men*, Lumet 1957), legal thrillers (*A Few Good Men*, Reiner 1992), and novel adaptations (*The Rainmaker*, Coppola 1997, *A Civil Action*, Zaillian 1998), to name a few. As with the novels, the disparate forms of legal drama in film all share certain characteristics and underlying concerns. Beneath each movie’s central trial is a second course of judgement, an “unofficial trial [that] turns on an aspect of the legal system,” which makes the traditional legal narrative part of the discourse (Clover 252). The presentation of the law in film can also be seen as appearing in historically specific clusters; for example, the early seventies saw a wave of crusading, self-help dramas like *Death Wish* (Winner, 1974), that “posit a hero who can define right and wrong and peremptorily act on a sense of justice that seems missing in the legal system,” in short, an individual vigilante taking the law into his own hands (Berets

⁶ For further and more thorough discussion of the legal film, see Paul Bergman and Michael Asimow’s *Reel Justice: The Courtroom Goes to the Movies*; John Denvir’s *Legal Reelism: Movies as Legal Texts*; and Norman Rosenberg’s “Hollywood on Trial: Courts and Films 1930-1960,” *Law and History Review* (12) p. 341.

475). Meanwhile, in the past two decades, “images of justice are frequently the subject of satire and mockery in films,” as seen in *Presumed Innocent* (Pakula, 1990) and Lumet’s 1993 *Guilty as Sin* (Berets 476). Recurrent in these divergent thematic cycles is a fundamental skepticism about the legal system. As with legal novels, the ‘rule of law’ is often at the centre of the plot, moving away from simple prescriptions of good and evil, right and wrong, to a depiction that “undermines[s] the faith the public has in the judicial system” (Berets 479).

This concern carries over and typifies the television legal drama as well. Programs like *The Defenders* (CBS 1961-1965), *The Storefront Lawyers* (CBS 1970-1971), *L.A. Law* (NBC 1986-1994), and *Law & Order* all deal to some extent with the law surrounding social issues such as equality, racism, freedom of religion, and abortion. Common to all these shows, as with literature and film, is an implicit appraisal of the methods the legal system has for resolving such disputes, so that “in all these instances the law itself is on trial” (Newcomb 43). As television versions of the genre develop, they also broaden the range of the legal drama’s purview; topics that were previously absent from both legal and social debate now appear on television, meaning the genre’s sense of cultural verisimilitude is central to its generic expectations. For example, an episode of *Law & Order: Special Victims Unit* entitled “Ridicule” (2001), centres around male rape, its recent inclusion within New York state law, and the various moral and psychological questions that can arise in these cases. Such instances illustrate the significance of the legal drama, and how “television legal drama has matured to take in almost everything that is a matter of societal debate” (Rosenberg x).

The pervasive portrayal of law and lawyers across media and centuries suggests that as a genre the legal drama offers continually engrossing form and content, for as enactments of issues of crime and

punishment, the fictional courtroom debates ask the audience to “consider the meaning of our own commitment to justice” (Newcomb 48). In this sense, the legal drama seems inherently suited to Ellis’ concept of working through, by virtue of the genre’s requirement for competing versions of the ‘truth’: “Note how well the legal formulas fit with televisual demands. Significant issues are brought into enclosed spaces, interiors. There they are debated by skillful professionals with the requirement that multiple perspectives be presented, rebutted, adjudicated, juried” (Newcomb 42). The legal drama component of *Law & Order* thus elaborates upon the ambiguities about morality, responsibility, and justice raised in the police procedural section, adding the element of prosecution to its portrayal of these concepts, reflecting how postmodernity has “shifted emphasis from the ends of action to its means” (Lyotard 37). Generic hybridity provides various forms for working through the idea of crime, in that the course of each episode is also marked by the attempt to find someone guilty, and so the inclusion of the legal drama provides the series with multiple perspectives on the destabilization of metanarratives. This effort leads to two of *Law & Order*’s characteristic themes: a redefinition of crime, which often involves blurring the distinction between civil and criminal action, and the assignation of individual responsibility. These two themes each provide a means of working through, not only the crime in question, but also of the role and perception of law within a postmodern society.

While the bulk of work done by lawyers in society is civil, most legal dramas deal with criminal matters. This is due to the heightened conflict and penalties of criminal cases, since the general violence of a criminal act and typical incarceration of the offenders arguably have more dramatic power than matters resulting in only in paperwork and monetary fines: “Criminal law has long been a favourite for dramatic legal stories because criminal cases have what dramatists refer to as ‘high stakes.’ If the state

wins, the defendant is deprived of life or liberty. If the defendant wins, the victim's opportunity for vengeance is shattered" (Rosenberg x). *Law & Order* is no exception: the police and district attorneys on the program are concerned exclusively with criminal acts, a focus which impacts the program's redefinition of crime, in that often actions that warrant civil prosecution are turned into criminal actions so that the DAs can prosecute the offenders.

For example, in "Promises to Keep" (1993), Dan Garrett murders his fiancée to keep the attention and affection of his psychiatrist, Diane Mead, with whom he is having an affair. After interviewing Garrett, state psychiatrist Dr. Olivet is convinced that Mead, not Garrett, is ultimately responsible, since the mentally unstable "Dan Garrett had no capacity to form intent. Diane Mead turned him into a dependent child." Or, as Executive Assistant District Attorney (EADA) Ben Stone sees it, "Mead killed the girl and the boy was just the instrument." When District Attorney (DA) Adam Schiff points out the lack of precedent in this type of situation, Stone protests: "We hold psychiatrists responsible for their patients' behaviour all the time." "Yes," Schiff retorts, "in civil cases. They pay damages. It's called malpractice." Even without previous legal situations to draw upon, Olivet and Stone argue that, according to criminal law, it *is* possible to prosecute Mead for murder, so long as they prove she exhibited a reckless disregard for human life: "A - B - C. She threatened him, he was volatile, she knew, she's guilty." By criminalizing the psychiatrist's actions, *Law & Order* attempts to redefine the scope of the law to extend its definition of crime.

However, as the conclusion of "Promises to Keep" illustrates, bringing moral conviction in line with legal doctrine is difficult. Both Garrett and Mead agree to plea bargains, in the hopes of keeping Garrett in a mental health facility. The presiding judge does not agree with the sentence

recommendation Stone puts forth for Garrett, despite what should be the mitigating evidence of Mead's confessed culpability: "Dr. Mead admitted to negligence. Mr. Garrett has caused the death of another human being. One is clearly worse than the other." The judge's words possess an ironic accuracy in the context of the episode, prompting the question of just which crime is worse? For Stone, Mead's actions are morally, if not legally, more reprehensible: "We must ask ourselves what happens when a young man turns his life over to a person trained in the human psyche. Someone who abuses his trust, and someone who knew how to manipulate him because her profession demands that she know that." The inability of the legal system to see and prosecute the greater crime is a central thematic concern in the legal drama, which regularly asks "Can it [i.e. the legal system] distinguish between technical and real justice?" (Clover 252). *Law & Order's* recurrent method of conflating civil and criminal law to circumvent a system that is often presented as incapable of making such a distinction is thus one way in which it displays generic verisimilitude⁷.

Along with redefining 'crime' and casting doubt on the legitimacy of the legal narrative by moving between civil and criminal courts, *Law & Order* also uses the adversarial system to problematize the equation of guilt and legal responsibility. The courtroom debate is one of the most recognizable elements of the legal drama and a primary way of examining the issue of guilt, and *Law & Order* "goes about answering that question in the same way that Anglo-American trial movies have always gone about it: by casting it in strongly adversarial terms and by putting the audience through the

⁷ Episodes such as "Prescription for Death" (1990), "Aria," (1991), "Second Opinion" (1994), "Seed" (1995), and "Mad Dog" (1997), among others, portray the DAs working within both terms in order to achieve some sanction against people they believe are guilty, redefining civil transgressions as criminal actions, and vice versa.

steps and processes of the trial itself' (Clover 254). *Law & Order's* portrayal of this oppositional system is a vital part of the process of working through that the genre encourages, for the defense lawyers highlight the complexities of the issues at stake by providing alternate perspectives on the crime, either by implicating someone else to create reasonable doubt, or by arguing some form of justification for the accused's actions. Most characteristic of *Law & Order's* trial proceedings is the conflict between individual responsibility and mitigating factors. The DAs are always determined to hold someone accountable, while the defense often puts forth an argument about greater social forces, that is, arguing against their client's sole responsibility to incriminate society itself.

Law & Order often works through the range and limits of both the law and social or institutional influences by presenting an 'abuse excuse,' that is, arguing a defendant is not responsible due to greater societal causes. Such a tactic is seen in "Rage" (1995), in which Bud Greer is on trial for murdering his boss. Greer's lawyer, prominent civil rights activist Jerome Bryant, presents a 'black rage' defense. He asserts that "Greer's act, his eruption of rage against white oppression, was an *understandable consequence* of having grown up a black man in the United States" (Keetley 52). As Bryant puts it, "A lifetime of suffering the indignities of a racist society. Eventually the kettle boils over." EADA Jack McCoy dismisses this defense's validity, arguing that the issue of race is irrelevant: "I'm not dealing with the universal problems of society. Just one Class A felony." While McCoy argues that racism is not relevant to Greer's motive for killing his boss, the episode challenges the legal system's insistence on individual accountability at the expense of acknowledging wider social problems, a stance epitomized by McCoy's assertion that "This is about convicting one man of homicide." The episode's final scene continues to undermine this legal notion; outside the courthouse, after McCoy succeeds in

convicting Greer and by implication negating the influence of racism, a taxi driver passes right by the black man hailing him and picks up McCoy instead. This ending is a typical instance of how *Law & Order* constantly mounts an implicit trial of the legal system in order to work through a weakening of the metanarrative of law, by extending ‘justice’ past its legal definition into a problematic social realm, and so appealing to a sense of cultural verisimilitude as well. “Rage” thus asks a generic, yet not unimportant, question: “Is the system fair across various social differences — class, race, gender?” (Clover 252).

Another instance of the debate about the limits of individual responsibility is explored in “Castoff” (1998). Eddie Chandler is on trial for first-degree murder for torturing and killing two of his former friends. While admitting that Chandler committed the crimes, his lawyer Neil Pressman describes circumstances that lessen Chandler’s culpability: “Prolonged exposure to excessive television violence led to sociopathic behaviour in my client.” The ongoing controversy about media effects becomes central to understanding Chandler’s criminal actions; Pressman cites the violent nature of the programs Chandler grew up watching — *The Mod Squad* (ABC 1968-1973, *Starsky and Hutch* (ABC 1975-1979) *The A-Team* (NBC 1983-1987) — and the continued and increasingly graphic depiction of violence on television as causal factors, arguing that Chandler cannot be held solely responsible for his actions, for he “was bombarded with televised fantasies of bloodshed and vengeance and cruelty that turned him into a violence junkie. Television told him it’s okay to kill.” Pressman even paints his client as a victim, making the influence of television too great to be ignored: “I am not asking you to absolve him of all blame, just the blame that properly belongs to those who infected his mind.” Despite the state’s victory in this case, the episode itself questions the “coercive power of the law’s

underlying presumption that harm is caused by an intentional actor” by introducing something other than a simplistic or reductive assertion of ‘evil’ to explain criminal behaviour (Keetley 45). The inability of the legal system to take external factors into account because of its objective to hold an individual responsible, is another way *Law & Order* puts into contention the system’s ability to effect ‘real’ and not just ‘technical’ justice.

Other defense lawyers over the course of the series have presented more inventive arguments to redirect guilt. In “Angel” (1995), a mother confesses to Detective Curtis that she cremated her baby in the furnace at the bottom of her building. DA Adam Schiff anticipates some form of ‘abuse excuse’ to make such shocking actions comprehensible to the jury, and he caustically remarks, “Now we get to hear all about how the girl was abused by some drunken lesbian who was watching too much television.” In an attempt to convince the jury that this act cannot be blamed on the mother, her lawyer Ross Feinman argues that the responsibility rightly belongs to a greater authority: “There is one reason only why a tragedy this outrageous could have happened, ladies and gentlemen: God wanted it to. I want you not to look at what my client did, but at what God did. And remember - if you convict Leah Coleman, you are questioning the will of God.” Feinman’s proposed defense is legally untenable, for as McCoy points out when contesting the opening statement, “You can’t raise something in opening that you can’t prove in your case.” However, this ‘excuse’ draws attention to the power of religious belief, and what place, if any, it has within the legal system and as a defense for individual activity. ‘Abuse excuses’ can thus be seen as providing ways of working through uncertainties raised by the postmodern decentering of systems of authority, the splintering of knowledge Lyotard identifies as a by-product of the erosion in metanarratives’ totalizing power, for even though the presiding judge asserts that

“Religion has no place in my courtroom,” this episode and others throughout the series suggests that its presence may not be so easily dismissed⁸.

Sometimes the legal system itself is presented as an impediment to the assignation of criminal responsibility. In “Pro Se” (1996), James Smith is arrested for brutally murdering three people and injuring another with a bayonet. When Curtis and Briscoe apprehend him he is visibly mentally unstable, and a routine background check reveals that Smith has a previous criminal record: sixteen months earlier he was charged with stalking a woman, paid a fine and served probation. Assistant District Attorney (ADA) Claire Kincaid is surprised to learn that she was the one responsible for this plea bargain, since Smith did not appear ill at the time. Diagnosed with schizo-affective disorder, which makes him prone to psychotic behaviour, Smith’s condition can generally be kept under control with drugs, and after his arrest he resumes taking his medication to become a formidable opponent. Educated as a lawyer, Smith elects to represent himself at trial, and presents a defense of insanity: “That wasn’t me. I’m not that creature. And I’m not taking the rap for what he did.” Paramount within the episode, however, is the implication that the legal system, especially the efficiency of its “often cynical plea-bargaining,” is the underlying cause of the three deaths (Kingwell 99). Kincaid finds herself at the centre of a civil case arguing that her treatment of Smith’s previous arrest was inadequate, a point that Smith continually returns to during the trial: “Miss Kincaid’s intelligent. She couldn’t predict my behaviour. She let me off with a fine. Why should I be held to a higher standard than she is?”

⁸ The conflict between forces of secular and religious authority are worked through in other episodes as well, including “Apocrypha” (1993), “Bad Faith” (1995), “Progeny” (1995), “Disciple” (1999), and “The Collar” (2002).

McCoy attempts to assuage Kincaid's guilt, telling her, "Smith didn't slip through the cracks because of you. The system worked the way it's supposed to." Finding no comfort in this, she retorts, "Yes. And doesn't that scare the hell out of you?" Kincaid's disillusionment, coupled with Smith's criminal history, indicates that the legal system working the 'way it's supposed to' is no longer enough, and so conveys a "heightened sense of skepticism or disenchantment concerning law's ability to seek truth or render justice" (Sherwin 171). The proliferation of abuse excuses frustrate the DAs, whose purpose is to determine and assign culpability as the system demands; as Ben Stone remarks in "Trust" (1992), "Nobody's responsible anymore. You kill somebody, it's not your fault. You're addicted to sugar or the wrong medication and someone should pay you a million dollars for *your* suffering." The insistence on holding someone accountable can also be seen as a flaw within the system, in that the law is constructed and construed in such a way that social forces, including the pervasive influence of gender, race, and religion, cannot be considered a factor. Defense attorneys thus play a crucial role in creating an indeterminacy of guilt by locating the accused within specific social circumstances, and so draw attention to "perhaps the most fundamental structural bias of the criminal law — its bias toward holding someone guilty for the harms of life, its bias toward presuming that an individual is the final and intentional cause of harm" (Keetley 48).

The DAs in *Law & Order* also contribute to this continual privileging of intentionalism, for as with the police, the attorneys have considerable impact on the redefinition of crime. While *Law & Order* conveys generic verisimilitude through presenting strictly criminal cases, it also diverges from the genre in a significant and striking way. Most legal dramas, including those on television, depict defense lawyers, not prosecutors. Having state attorneys as central characters provides a way of working

through issues endemic to the genre from a vantage point rarely seen on television, since traditionally “defense lawyers just make better heroes for this kind of fiction” (Brandon 125). As agents of the legal system, the actions of each character encourage the perception of law as subjective and fallible, for they are often driven by emotion rather than reason or fact. Just as each police officer’s qualities shape his approach to his job, so too do the lawyers’ personalities impact the way in which they interpret and use the law. Typically in the legal drama, DAs as secondary figures take on one of two standard roles. The first is of a glorified automaton: “He doesn’t have to make moral decisions. He doesn’t have to make any kind of decisions at all. He’s just a faceless bureaucrat” (Brandon 122). The other generic portrayal is the opposite: “Now, if the prosecutor is not a nameless bureaucrat, then generally . . . he is actively loathsome” (Brandon 123). The DAs on *Law & Order* fit neither stereotype, thus confounding genre expectations, for they are constantly called upon to make numerous and complex moral decisions, and in doing so bend the law to conform to their own code of ethics.

Ben Stone is the show’s first EADA, and begins the program’s pattern of “showing that the lawyer’s independent moral vision shapes the legal process” (Keetley 42). This is clearly seen in “Promises to Keep,” in which Stone is so appalled by the psychiatrist’s behaviour that he struggles to find some way to hold her accountable under criminal law, despite the lack of precedent. While DA Adam Schiff questions the viability of the case: “Has any psychiatrist ever been held criminally responsible for his patient’s behaviour?”, Stone’s moral outrage has the potential to re-shape the law: “That’s the glory of the system. First time sets precedent.” Stone’s strong opinions regarding individual action and responsibility are also a driving factor in “Aria,” since even when it becomes apparent that the mother cannot be found guilty for her daughter’s suicide, Stone looks for other ways to convict her.

He changes his prosecutorial tactic, arguing that Priscilla's death was instead an unintentional drug overdose, and that the mother encouraged her to seek out the drugs. "It was an accident," Blaine asks, "and yet I'm still responsible?" Stone is adamant in ascribing moral blame: "Mrs. Blaine, I'm not a psychiatrist, I don't know what part of your psyche made you push your own flesh and blood into pornography. But yes, I do think Priscilla's death was your fault, both legally and morally." It is thus Stone's personal code of ethics that affects who is prosecuted, how, and for what crime: "On *Law & Order*, the beliefs and values of the lawyers take precedence over the abstractions of the law — and it is those beliefs and values, *not* the law as an autonomous system, that are most often instrumental in assigning criminal responsibility" (Keetley 42).

For Stone, achieving what he feels is moral justice can mean subverting the legal system. This is especially prominent in "The Reaper's Helper" (1990), in which Jack Curry is accused of murdering one of his friends. Curry insists that it was a mercy killing, not a murder, and was at his friend's request, since he was dying from AIDS. After being punched in the face by an angry activist who calls Stone a "gay bashing son of a bitch," Stone learns that Curry also has AIDS, and decides to drop the case, believing that "It just seems like revenge at this point." He orders Logan and Greevey to find some proof at the crime scene to support such action: "Find us something. Anything. Go back over the evidence. Give us a reason to drop the charges against Curry." The detectives are successful, and Stone tells Schiff of his decision, arguing "Curry's already under a sentence of death. That's as much pain as anyone could ask for." However, a copycat mercy killing in Queens, in which a woman murders her handicapped son, prevents Stone from dropping the case. As much as he sympathizes with the defendant's situation, he knows that the law cannot give the appearance of condoning such

actions in light of their clear causal effect on other people in similar circumstances.

After Logan is called by the defense to testify about Stone's orders to find a reason to drop the case, Curry is found innocent of the murder charges. In conversation with the defense attorney at the end of the episode, the audience learns that Stone himself leaked the information, thereby ensuring the verdict he felt was morally right while still upholding, at least superficially, the image of the rule of law. Such behaviour illustrates the passion of Stone's moral stance and the power it exerts upon his conduct, and also provides a distinct and alternate perspective for working through the legality of the crime. Stone's strong sense of moral responsibility is also the reason he leaves the DA's office; in "Old Friends" (1994), he attempts to prosecute Victor Slezak, a member of New York's influential and dangerous Russian mafia, for murder. His potentially most compelling witness, Ann Madsen, has been working with Slezak for years in an independent baby food company, and once she learns of his background she is reluctant to testify, out of fear for her life. Stone's relentless persuasion finally succeeds, and a day after taking the witness stand Madsen is found dead. Gripped with guilt and remorse for her death, Stone resigns, no longer comfortable with the person he feels he has to be in order to prosecute effectively. Ben Stone is therefore not the legal genre's typical prosecutor; he instead illustrates that "prosecutors do have qualms about some of the cases they prosecute and do have to grapple with moral dilemmas and even have trouble sometimes convicting obviously guilty people" (Brandon 125).

Jack McCoy replaces Stone as EADA at the start of *Law & Order*'s fifth season, and in stark contrast to his predecessor, does not hesitate to manipulate people or the law to get a conviction. As he tells ADA Claire Kincaid in "Blue Bamboo" (1994), "I want to win," and his conduct reflects this

competitive streak. McCoy approaches the legal system less as a vehicle for justice, and more as a game in which the best player wins. He voices this attitude to Kincaid in “House Counsel” (1995), saying, “It’s about the battle, Claire, not the prize.” When she expresses disgust for the defense lawyer’s tactics in protecting his mobster client, McCoy laughs:

McCoy: It’s part of the game.

Kincaid: Excuse me, the last time I looked it was about justice.

McCoy: That’s merely a by-product. Boy scouts seek it. Effective prosecutors do their best to avoid thinking about it.

Kincaid: And what do they think about?

McCoy: Winning. Period.

McCoy’s reduction of the legal system into a test of skill challenges traditional notions of law and justice, and his adept and aggressive prosecutorial maneuvers highlight how “the lawyer can actually use the law as an instrument”(Keetley 42). In this way McCoy also represents what Lyotard sees as the “agonistic aspect of society,” for in postmodern culture interaction and communication can be better understood as games, patterns of ‘moves’ and ‘countermoves’ (16). From this perspective, McCoy’s actions within the legal system “increase displacement in the games, and even . . . disorient it,” articulating an incredulity toward the ‘rule of law’ by treating it as game rather than as a tradition of justice to be dispensed and upheld (16).

This attitude often drives McCoy to act in ways that border on unethical, as seen in “Mad Dog” (1997). The episode begins with McCoy and ADA Jamie Ross at a parole hearing to oppose the early release of Louis Darnell, a serial rapist convicted of six vicious rapes and the primary suspect in seven others. Despite their efforts, Darnell is released, and McCoy is indignant. When a teenage girl is found raped and dead in her bedroom two weeks later, McCoy immediately suspects Darnell, despite the

different circumstances, for Darnell always raped in broad daylight and he used a pillowcase to suffocate without killing any of his previous victims. McCoy is adamant, and while the detectives are working overtime to find evidence that does not seem to exist, he searches for other ways to incarcerate Darnell. He arranges with Darnell's parole officer to bring him in for a physical exam and then tricks him into violating his parole so he can be arrested.

When this arrest is overturned, McCoy tries another tactic: declaring Darnell mentally ill in order to have him committed against his will, as permitted under New York state's mental hygiene laws. Darnell's lawyer is outraged by this ploy, claiming "He's trying to use a civil statute to impose criminal sanctions on my client." McCoy's approach is also criticized by other members of the DA's office; state psychiatrist Dr. Olivet considers it unethical: "It's using psychiatry to punish people." Schiff is equally opposed to the idea, despite its potential: "It's legally brilliant, bound to be a hit with the public, and you've no business doing it. You're an assistant district attorney. You work in criminal term. If you can't beat them there, that's it, that's the end of the story. You don't get psychiatrists to front for you in civil term." For McCoy the distinction is not so simple, for he sees himself as obligated to use whatever means available to punish Darnell: "I'm on the side of the angels here. If I can stretch the mental hygiene law it's worth doing to keep him off the street."

When this attempt fails McCoy becomes even more frustrated. He subpoenas every person Darnell has had contact with after his release, has Briscoe and Curtis carry out six separate search warrants, and, following the Sex Offender Registration Act, notifies all local groups about Darnell, which results in his neighbourhood being plastered with flyers of his picture, name, address, phone number, and details of his crimes. He puts Darnell under 24-hour surveillance, with police officers even

following him inside stores, which he justifies to Schiff as simply “pushing hard to break a suspect,” despite not finding any relevant evidence during what Schiff characterizes as an ‘inquisition.’ Darnell’s petition for a change of residence to escape this harassment is foiled when McCoy contacts all other districts within the state and has them reject his application. In desperation, Darnell tries to file a restraining order against the DA’s office, which McCoy defeats by arguing that his actions are no more than legal routine: “It’s entirely within the scope of my prosecutorial authority . . . I’m simply using the tools the state has made available to me.”

McCoy’s competitiveness in “Mad Dog” pushes him to consider breaking the law, and he is preparing to arrest Darnell based on witness testimony he knows is false when he receives an urgent phone call from Briscoe and Curtis. Joining them at the crime scene, he finds Darnell dead, the result of a baseball bat swung by his daughter, who had come home to find him raping her friend. Briscoe’s offhand remark, “I guess the stress must have gotten to him,” echoes Olivet’s words earlier in the episode as she explained to McCoy that Darnell’s urge to rape is triggered by stress. McCoy’s actions now take on a more sinister tone, the insinuation being that this unfortunate ending could in some way be McCoy’s fault. McCoy’s conduct in “Mad Dog” is but one instance of his ability to “negotiate (sometimes very inventively) the tangled web of laws in order to punish those whom [he has] *already decided* are guilty” (Keetley 42).

This driven, passionate attitude also gets McCoy into trouble, as seen in the numerous references over the course of the series to instances in which he has been dragged before an ethics committee about complaints lodged by various defense attorneys. For example, in “Monster” (1998), McCoy is under investigation for misconduct, accused by a prominent judge of being a ‘loose cannon’

during his prosecution of a drunk driving case. Meeting with his lawyer, McCoy is concerned; he knows that his unethical actions were prompted by his unresolved emotions about a friend's death at the hands of a drunk driver earlier that year, rather than on the evidence of the case: "I know what was in my heart . . . I wanted vengeance. I broke my oath. I nearly sent a man to the death chamber." Even in the face of this misconduct charge, McCoy does not change his typical strategies; by this point in the episode they have discovered that Owen Stokes was not responsible for Melika Richardson's brutal injuries and McCoy is in the midst of solidifying evidence against building security officer Jesse Castillo. The evidence is insubstantial, especially with Stokes' arrest and confession to create reasonable doubt in the jury's mind, but McCoy is determined to convict someone. He visits the girl's doctor and asks him to tell the Castillo's lawyer that the victim has emerged from her coma, and is awake and aware. The doctor is aghast, protesting "I have an ethical duty!" McCoy retorts, "So do I. Mine is stopping monsters like Jesse Castillo, and yours is keeping more Melika Richardsons from turning up in the emergency room." McCoy's resolution to put Castillo behind bars by any means, regardless of their moral or legal validity, challenges the traditional concept of the law and its practitioners as objective; the system is instead a game in which the object is to win, and not necessarily via the truth. This episode, among many others, problematizes the notion of an objective legal system by portraying McCoy as driven by his competitive desire to win rather than by a sense of justice⁹.

DA Adam Schiff adds another dimension to *Law & Order's* presentation of the legal system,

⁹ McCoy routinely engages in such questionable conduct in order to achieve a conviction. Episodes such as "Competence" (1994), "Trophy" (1996), "Barter" (1997), "Gunshow" (1999), and "Dissonance" (2000) are but a few other notable examples of the law being subordinate to McCoy's personal determination of 'right' and 'wrong.'

that of its political ramifications. Along with being ultimately responsible for major decisions in criminal cases, Schiff also negotiates political concerns, both his own and of the DA's office in general. At times these decisions compromise the prosecution of an accused criminal, especially when the issues at stake in a case may have significant social or political repercussions. Often for Schiff the decisions in any case hinge on their public relations value, for as an elected official he is as much a politician as he is a lawyer, if not more so. "Monster" clearly expresses this conflict, for in the episode the rape of young Melika Richardson occurs right before a judicial election. The outcome of this case could greatly affect Schiff's standing, and so he pushes McCoy and Ross to indict Stokes, even though both of them feel the evidence is too circumstantial, because "I'm not going to the people in Harlem empty-handed . . . They've always been loyal to me." Ross retorts, "And they vote." Schiff is determined to win this case and keep the allegiance of his constituents, and instructs McCoy to "go to the police and tell them to do what they have to to get a confession from Mr. Stokes." After Briscoe and Curtis extract a confession Schiff tells Ross to issue a press release about the case, and she remarks, "Lucky for everyone Melika was raped just in time for the election." Later on in the episode, even after the false arrest of Stokes, the lawyer's quick arrest and conviction of Jesse Castillo and the subsequent media coverage of this success, ensures Schiff's re-election.

This political agenda often clashes with the opinions of the ADAs under him. In "The Reaper's Helper," Schiff is unwilling to prosecute Jack Curry, given the case's constant media attention and press insinuations of prejudice against people with AIDS. Stone argues with Schiff: "Gay/straight is not the issue. Murder masquerading as assisted suicide is the issue. Now let's say we drop all the charges and we just go for a misdemeanor. We're not ignoring the gay/straight question, we're making it the only

question. And do you know what that is?” “Good politics,” Schiff answers. “Yes,” Stone says, “and bad law.” Depicting trials as political exercises and justice as a political strategy, rather than either being results of law is a recurring theme in *Law & Order*, and through Schiff’s influence on the application of the law the legal metanarrative is further undermined¹⁰. Like the cops, in the first half of each episode, the lawyers’ actions call into question the power of the ‘rule of law,’ for this cultural myth or metanarrative seems to change upon individual whim or belief. At the same time, however, Stone, McCoy, and Schiff each draw attention to competing dimensions of the law: its morality, its manipulation, and its place within political tensions, suggesting alternate ways for the viewer to approach and work through issues of crime and responsibility.

Law & Order’s mixture of the police procedural and the legal drama thus works to problematize traditional or modernist notions of crime, justice, and morality, and by doing so puts the legitimacy of the legal narrative in question, for, as Lyotard’s argument about a growing incredulity toward metanarratives suggests, the ‘rule of law’ within society is no longer stable. By combining, enacting, and subverting generic expectations, *Law & Order* presents itself as an instance of the medium’s “cross-generic mutations which defy easy categorization” (Caughie 135). The similar thematic concerns of both genres not only facilitate postmodern generic hybridization but also highlight how the police procedural and the legal drama are appropriate modes for investigating a greater social decline in the narrative of the rule of law, for each attempts to negotiate “hidden fears, deep

¹⁰ Other episodes, including “The Working Stiff” (1992), “Terminal” (1997), and “Burned” (1997), also portray the legal system as a political instrument, and so contribute to the series’ technique of casting doubt on the objectivity of the legal system.

uncertainties — in short the predominant cultural anxieties of our time” (Sherwin 165). The law and its systems are routinely portrayed as subordinate to the individual emotional and moral instincts of the police and attorneys, whose subjectivity drives the construction of crime and assignation of responsibility, a characterization which “suggest[s] that the law is not an instrumentality of impartial justice” (Thomas 1503). Instead, the law is an outcome of competing agendas, in which goals of truth and justice become contingent and relative, and so are no longer universal.

As shown, the police procedural and the legal drama provide two different modes of working through the concepts of crime and punishment. The combination of strategies within one program supports the application of Ellis’ theory of working through as a “constant process of making and remaking meanings, and of exploring possibilities” (Ellis *Seeing Things* 79). By providing a variety of viewpoints, not only between but within genres, *Law & Order* can be seen as a fitting embodiment of this concept, and by continually raising ambiguities through its depictions of the legal system and its agents, the program allows viewers to work through a more sustained social disillusionment with the narrative of law. In this sense, “Far from being a romantic ideal, participation in the legal system seems more like a craps shoot. In short, the narratives tend to deconstruct the modernist ideal of the rule of law, presenting a postmodern view” (Thomas 1499). *Law & Order*’s presentation of the legal system through integrating the police procedural and the legal drama can thus be seen as having postmodern implications, both in its construction and its content. The series represents not only a complex form of television programming, but given television’s status as cultural forum, ways of working through the notion that “What is happening is not the breakdown of law, but, most importantly, the breakdown of the underlying order upon which law is based” (Alvin Toffler, qtd in Sherwin 170).

Chapter 4: Narrative - 'These Are Their Stories'

Equally important to the postmodern qualities of *Law & Order* as a television text is its particular use of narrative. This chapter demonstrates the narrative strategies of *Law & Order*, drawing upon narrative theory to provide a basis for examining television's distinct narrative structure as it appears in *Law & Order*. With continued applications in numerous disciplines, narrative theory is a well-established approach to a textual analysis of popular culture artifacts like literature and film, extending back to the study of early popular communication, and revisiting these theoretical roots in studies of myth suggests that narrative can convey meaning on a structural level. Situating television narrative theory alongside traditional narrative paradigms demonstrates the continuing relevance of narrative theory to the study of popular culture, as well as illustrating how television's unique narrative pattern challenges existing assumptions or conceptions about narrative structure. By contrasting the classical narrative emphasis on major plot events with television's use of 'segments' or minor events, television's narrative segmentation reflects the postmodern technique of fragmentation, as an expression of the more fractured nature of image and experience in postmodern society. Applying these narrative theories to three episodes of *Law & Order* illustrates not only how the program's narrative is constructed, but how its pattern or formula can implicitly reinforce uncertainties or ambiguities expressed through the program's generic content.

Narrative theory examines the ways in which stories are structured, and is founded on an underlying belief that narrative is a significant component of communication, for, as Lyotard argues in

The Postmodern Condition, “men yearn for narratives” as a means of legitimating knowledge (29). To reiterate the core of Walter Fisher’s argument in *Human Communication as Narration*, as outlined in Chapter One, humans are inherently storytelling creatures, driven by a narrative impulse which results in stories as our primary means of communicating with and understanding others, on a personal as well as public or popular level. Other critics such as Seymour Chatman have put forth similar arguments about the centrality of narrative forms to human expression; Chatman concludes that “narrative structure imparts meanings,” above and beyond those directly expressed within the tale, and so it is not simply the content of a text that must be evaluated, but the particulars of its form as well (25). Genre and narrative thus both carry textual significance within the study of popular narratives, for it is not enough to simply describe *what* a story is, but also necessary to look at *how* such a story works. As Chatman notes, storytelling has a dual nature, that of story and discourse: “Story is the content of the narrative expression, while discourse is the form of that expression” (23). Conceptually comparable to genre and narrative, story and discourse form the basis of a narrative text in a reciprocal process. That is, particular generic requirements shape a text’s narrative, just as a genre becomes more consistent through its specific narrative articulation, so that “any genre’s *narrative context* imbues its conventions with meaning” (Schatz 10). Narrative theory is therefore another method for examining popular culture artifacts, and contributes to the identification of postmodern qualities, both aesthetic and philosophical, within *Law & Order*.

Much narrative theory is structuralist or formalist in its approach, in that it attempts to describe and categorize recurring patterns as a means for uncovering a universal narrative structure. A pioneering work in this field is Vladímir Propp’s *Morphology of the Folktale*, in which he analyzes

Russian fairytales and concludes that all such stories follow four “laws” and are based upon 31 basic functions. Propp’s analysis profoundly influenced narrative studies, for “it is in his work that narrative as such, the structures that define how it is that a story can be told, gets its earliest systemic formulation” (Silverstone 86). While Propp’s *Morphology* delineates narrative as depicting the struggle between an individual and society, other structuralist theories draw upon his configuration of conflict to interpret it as a social rather than individual condition. Tzvetan Todorov’s *The Poetics of Prose* attempts such a study, and while retaining the central narrative oscillation between equilibrium and disequilibrium, Todorov instead situates discord within the realm of social action. Thus for Todorov narrative “is less the accommodation of the individual with the social and more the exploration, within the social, of the opposing forces of stability and disruption” (Fiske *Television* 139).

The wide variety of narratives across cultures and throughout history, however, means that the identification of typical ‘moves’ within one form of story is not sufficient grounds for making comprehensive generalizations about narrative, and so critics such as Claude Lévi-Strauss and Roland Barthes try to “explain what a range of apparently diverse narratives have in common . . . through the concept of myth” (Fiske *Television* 131). For Lévi-Strauss, myths are founded upon a ‘deep structure’ of binary oppositions, such as good versus evil, that are abstract representations of societal concerns or tensions. These conflicts are inherently irresolute, and so myth presents ways of coping with these ever-present dichotomies, for “the purpose of myth is to provide a logical model capable of overcoming a contradiction (an impossible achievement if, as it happens, the contradiction is real)” (Lévi-Strauss 229). As such, myths are significant not necessarily for their content but as a form of language, a self-reflexive mode of cultural communication. Lévi-Strauss’ studies focus on myth in order

to determine how narrative works to convey meaning, and so his “question of myth is not so much the what of it, but the how of it . . . his definition of myth is an operational one, not linked to content or particular texts, but to a way of communication” (Silverstone 60).

Like most structuralist narrative theory, Barthes’ work on myth attempts to discern meaning within structure, and Barthes, like Lévi-Strauss, believes that myth is central to conceiving of narrative as a collective means of communication. In works such as *Mythologies* (1972), *Image, Music, Text* (1977), and *S/Z* (1974), Barthes articulates a theory of myth that is historically, culturally, and socially contingent, arguing that myth is “a system of communications, that it is a message,” which functions to naturalize bourgeois ideology and so reinforces the classist power structure endemic to capitalist societies (Barthes *Mythologies* 109). In contrast to Lévi-Strauss, however, Barthes’ concept of myth contains explicit political and ideological concerns; oppositions such as nature versus culture and the myths formed around them are not ‘natural’ but instead constructed to appear as such, for “the very principle of myth: [is] it transforms history into nature” (Barthes *Mythologies* 129). While myths themselves change over time, to suit the needs of the bourgeois, their strategy of transforming meaning into unquestioned social structures remains unchanged, so that “the mythologizing process is constant and universal” (Fiske *Television* 135). For Barthes, myth is a pervasive form of social communication, significant because of its ability to unobtrusively convey specific meanings, an argument that illustrates the centrality of narrative to human communication.

While structuralist narrative theories are largely classificatory, and therefore seemingly at odds with postmodern theory which rejects such systems, the notion of the mythic can augment explorations of narrative by moving beyond categorization to provide avenues for inferring levels of possible

meaning. Critical interpretations of the mythic have significant similarities to various televisual and postmodern concepts; for example, myth is constructed around multiplicity, that is, tales can be told in various ways and often contain numerous points of view: “the mythic is a communication in which differences of perspective, of emotion, of sensibility are united into a plurivocal text” (Silverstone 77). This echoes postmodern notions of bricolage as well as televisual polysemy, with their emphases on variety over uniformity. Similar to television’s seeming lack of narrative closure, a point that will be described and analyzed in more depth shortly, the mythic also rejects conclusion in favour of an open-ended tale that can be continually re-worked, which “stresses the ambiguous and the fluid, rather than . . . resolution” (Silverstone 78).

The perception of ambiguity and multiplicity as inherent in the mythic invites comparisons between the function of myth and the function of television. As seen in the brief outline of Lévi-Strauss’ and Barthes’ work, myth is often regarded as a type of coping mechanism, a mode of social discourse that attempts to define the fundamental — and for structuralist critics, binary — elements of life. Resolution is rarely possible, however, and so myths provide various means of dealing with this abstruseness: “the myths do not solve this uncertainty . . . but they provide an imaginative structure by which the contradictions can be thought through” (Fiske *Television* 132). In this sense, myths, like television, operate as a form of Ellis’ working through, and in both “Narrative can then be seen as the means of articulating the profound and uncertain” (Fiske *Television* 138). Therefore, when applying narrative theory to television, its grounding in the examination of myth and folktale reinforces the conception of television as a cultural forum, for this theoretical background implies that narrative is more than a set of observable structures but instead a mode of communication capable of imparting a distinct

form of meaning.

Much film narrative theory is founded upon central shifts identified in structuralism, that is, an initial state of harmony, its disruption, and an eventual return to stability, achieved by movement through various dilemmas to a final solution: “the narrative structure of the classical Hollywood text is seen as proceeding through a chain of narrative ‘enigmas’ towards closure” (Feuer “Narrative” 102). The structure and possible meanings of the classical narrational mode are outlined in Chatman’s *Story and Discourse: Narrative Structure in Fiction and Film*, and a brief overview of his concepts of ‘kernels’ and ‘satellites’ provides a basis for contrasting film and television narrative to illustrate the particular and distinctive form of narrative endemic to television, most notably the way in which the “television apparatus works against logical notions of causality and closure” (Feuer “Narrative” 102). Kernels and satellites are Chatman’s terms for the two different types of events that form traditional narrative, for according to Chatman, “Narrative events have not only a logic of connection, but a logic of *hierarchy*. Some are more important than others. In the classical narrative, only major events are part of the chain or armature of contingency. Minor events have a different structure” (53). Kernels, the major events, are the most significant since they are incidents which dramatically affect the tale’s outcome, while satellites, as minor events, do not have the same determining effect on the overall plot.

Kernels work to advance a story “by raising and satisfying questions. Kernels are narrative moments that give rise to cruxes in the direction taken by events” (53). As such, kernels are vitally important to the narrative, cannot be removed without damaging the logic of the tale, and in sequence, allow for the narrative to be understood as causal, for the “proper interpretation of events at any given point is a function of the ability to follow these ongoing selections, to see later kernels as consequences

of earlier” (53). Satellites, on the other hand, serve a much different purpose. They are largely artistic, and although separating them from the story will not destroy narrative logic it will “impoverish the narrative aesthetically” (54). The function of satellites is to expand upon the direction taken by the kernels: “Satellites entail no choice, but are solely the workings-out of the choices made at the kernels . . . Their function is that of filling in, elaborating, completing the kernel” (54). This notion of narrative events as hierarchical kernels and satellites is most relevant to show the contrast between film and television narrative theory. By perceiving plot events in a significantly different way, television narrative is one crucial instance of how “television as an apparatus differs in almost every significant respect from cinema . . . [in that] television is not very well described by models of narrative analysis based on linearity and resolution” (Feuer “Narrative” 101).

Television narrative theory has two main dimensions: a perception of narrative that is medium-specific, and another that is content-specific, that is, one that looks at television as a whole and one that focuses on individual texts within that whole. Raymond Williams’ notion of ‘flow’ and John Ellis’ concept of ‘segments’ both attempt to explain television narrative, and although each model implies a different form of spectatorship, both can also be linked to previous descriptions of postmodern aesthetic practices. Williams’ concept of flow is part of a greater argument in *Television: Technology and Cultural Form*, and while it takes up just a small part of the work, it nonetheless has had great impact on television studies. *Television* itself explores the characteristics of the medium, as both a social and technological breakthrough, contextualizing it historically, politically, and socially to argue against technological determinism and cultural pessimism. Instead, Williams promotes a view of television as a medium that can effect positive social change, an innovative institution that presents new

aesthetic and textual forms and has a distinct connection to social experience. Such a stance is typical of Williams, who in works such as *Communications, Culture and Society* (1967), and *Problems in Materialism and Culture* (1980), among others, shows an ongoing concern with the place of communication systems in society. Over the course of *Television*, Williams puts forth a way of interpreting communication and broadcasting history as a social history; he also looks at the characteristics and relative merits of television narrative forms such as news and sports, arguing that such aesthetic evaluations acknowledge the various ways television has of representing and making people think about ‘ordinary’ experience. Williams’ stress on the importance of television as a cultural form reiterates the significance of analyses that situate the medium within social experience as a positive mode of cultural expression.

Williams’ notion of flow describes the narrative properties of the television system as a whole. Unlike communication systems such as print, in which each text is experienced as a discrete entity, broadcasting is both planned and experienced as a sequence, an arrangement which is not only technologically distinct, but culturally conspicuous as well: “in all developed broadcasting systems the characteristic organisation, and therefore the characteristic experience, is one of sequence or flow. This phenomenon of planned flow, is then perhaps the defining characteristic of broadcasting, simultaneously as a technology and as a cultural form” (80). While individual texts can be identified, such as a specific program or advertisement, Williams argues that they are perceived as parts within the television flow. This is reflected in the way television is discussed, in “the ways we speak of ‘watching television’ . . . picking on the general rather than the specific experience” (83). While Williams acknowledges commercials are often considered as ‘interruptions’ of television shows, he believes that this perception

is gradually giving way to one in which a commercial is a part of the experience and not an imposition: “What is being offered is not, in older terms, a programme of discrete units with particular insertions, but a planned flow, in which the true series is not the published sequence of programme items but this sequence transformed by the inclusion of another kind of sequence, so that these sequences together compose the real flow, the real ‘broadcasting’” (84).

Instead of conceiving of television as a set of competing texts, the ‘real’ text of the program and the ‘inserted’ text of the advertising, their combination constitutes one single and constant sense of flow, which is the defining mode of narration on television. This notion can also be narrowed from an analysis of the medium’s output as a whole to an investigation of the way a particular program is constructed. Williams identifies three different orders of flow: “First there is the flow . . . within a particular evening’s programmes . . . Second, there is the more evident flow of the actual succession of items within and between the published sequence of units . . . Third, there is the really detailed flow within this general movement: the actual succession of words and images” (90). Such a continuous state of flow automatically negates the application of traditional narrative concepts such as closure, for though a particular sequence of words and images may end another always follows.

The concept of flow presupposes a certain mode of spectatorship, for considering an evening of programming as a text, rather than a specific series or episode, suggests that viewing attention is diffused over time instead of sustained and directed at an individual show. This form of viewing contributes to the recognition of the postmodern aesthetic practice of pastiche or bricolage that is also implied by Williams’ theory. While Williams does not make such a comparison explicit, his description of the variety and multiplicity of televisual items alludes to such an interpretation, as seen in his

discussion of the challenge television's characteristic flow poses to creating one definition or explanation of its structure: "It would be like trying to describe having read two plays, three newspapers, three or four magazines, on the same day one has been to a variety show and a lecture and a football match" (89). As with bricolage, there is no underlying order or cohesion to this amalgam other than the presence of each within the flow, a polysemous rather than dominant expression of ideology. In the same way that postmodernism has both aesthetic and social dimensions, so too flow for Williams is not just an artistic or technologically determined characteristic, but a social one as well: "This general trend, towards an increasing variability and miscellaneity of public communications, is evidently part of a whole social experience" (82). Flow as a form of narrative structure is thus one way of investigating the importance and use of narrative within a mass-mediated culture, and a means of exploring how television narrative is used to communicate messages within and about society.

Ellis' concept of segmentation as the typical mode of television narration has crucial differences from Williams' notion of flow. While Ellis acknowledges that Williams' theory contains valuable insights about television, he critiques its explanation of 'items', the bits that constitute the flow: "the problem lies in Williams' definition of 'items'. 'Items' are still separate texts" (*Visible Fictions* 117). Ellis sees these separate texts as segments, the basic unit out of which programming is formed, and he defines them as a "coherent group of sounds and images of relatively short duration that needs to be accompanied by other similar such segments" (*Visible Fictions* 116). While both Williams and Ellis identify television output as consisting of discrete components, their conception of the way these items coalesce is different; for Williams they merge together into a ceaseless flow, while according to Ellis they remain distinct so that the characteristic aesthetic quality is one of continual disjuncture. Common

to both theories, however, is a recognition of the idiosyncrasy of television's narrative mode, for just as Williams characterizes flow as unique to broadcasting, Ellis argues that "segmentalisation is TV's own creation" (*Visible Fictions* 121).

For Ellis, segments are intelligible in and of themselves, and derive a narrative effect by their relationship to other segments. This relationship is "a matter of succession rather than consequence," so that, similar to Chatman's satellites, the link between segments is not causal. This impacts the narrative of television programs, as Ellis illustrates in his discussion of the series and the serial (*Visible Fictions* 149). He argues that segmentation is closely linked to the narrative structure of television's dominant fictional forms: "The segment form implies repetition: TV's characteristic form of repetition is the series or the serial, a form of continuity-with-difference that TV has perfected. This form fosters the segmental approach, the generation of large numbers of diverse coherent and relatively self-contained elements" (*Visible Fictions* 123). The series is characterized by its very lack of closure or progression, at least in the classical narrative sense, for its format "relies on repeating a basic problematic which is worked through on each occasion without a final resolution" (*Visible Fictions* 125). Segments become unified within the framework of this established pattern, that is, the repetitive nature of the series enables its constituent segments to take on meaning as a whole and not just as individual items, for "the series format tends to hold segments together and to provide them with an element of continuity and narrative progression from one to the next" (*Visible Fictions* 147).

Given the way in which the serial and series are constructed from segments, Ellis argues that television has a distinctive narrational mode, and so understanding and examining television narratives thus depends on conceiving of segmentation as its central feature, and of the series as its characteristic

form:

Any model of narration on broadcast TV . . . depends on the conception of the broadcast output as that of segment following segment, segments which by no means always have any connection between them. It depends on the counterpart to this segmental process, the programme series with its distinctive forms of repetition and favoured forms of problematic. (*Visible Fictions* 146)

Ellis contrasts televisual narrative with the filmic, to illustrate how television's narrative structure does not move toward a final outcome but instead works through permutations without resolution. While classical narrative cinema shifts from order to disequilibrium, and back to order at the end, television rejects such linear movement and is instead "extensive . . . Its characteristic mode is not one of final or totalising vision; rather, it offers a continuous refiguration of events" (*Visible Fictions* 147). Eschewing the traditional narrative impulse to achieve closure, television narrative thus also denies the typical mode of causality, instead focusing on intimations of simultaneity in which the "movement from event to event is more circumspect" and linked by temporal order rather than motions of cause and effect (*Visible Fictions* 151). This, according to Ellis, makes the event the focus rather than its outcome, resulting in what he terms 'clinch': "a series of relatively self-contained segments that deal with particular action . . . Clinches can carry the programme when the enigma is never resolved" (*Visible Fictions* 152).

The operation of enigmas and clinches within television narrative differs greatly from the function of major and minor events in classical narrative. Enigmas and clinches resemble Chatman's kernels and satellites, and yet their purpose and importance are reversed. While traditionally kernels are the narrative axis, in television it is the satellites or clinches that are the focus, and kernels are left largely undecided. Resolving clinches forms the basis for television's narrative progression rather than a drive

toward the solution of a core problem, so that the next episode can create and resolve the same basic enigma the next time: “The TV series proposes a problematic that is not resolved; narrative resolution takes place at a less fundamental level, at the level of the particular incidents” (*Visible Fictions* 154).

For Ellis, the defining attribute of the television series’ narrative, and also what makes television’s narrative form an important object of study, is this lack of closure and emphasis on repetition:

“Fundamentally, the series implies the form of the dilemma rather than that of resolution and closure.

This perhaps is the central contribution that broadcast TV has made to the long history of narrative forms and narrativised perception of the world” (*Visible Fictions* 154).

This type of narrative analysis implies a mode of spectatorship different from that which prompts Williams’ vision of flow. In this case, narrative segmentation involves a focus on the program at the expense of intertextual material like commercials, making the concept of the televisual text similar to that of a film. As shown, however, the narrative structure of a typical television program is different from film, and this stress on segmentation echoes the postmodern technique of fragmentation, as well as the philosophical implications of such an aesthetic. As discussed in Chapter Two, postmodern culture is often considered the culture of the fragment, in which both images and experiences are disjointed and divided. Television clearly illustrates this assertion, for not only does the continual movement between programs and commercials display such segmentation, but the individual images within each program have the capacity to express the postmodern condition as well, as Ellis’ emphasis on each unit as discrete suggests. The segmentation of images in television narrative is a means to visually reflect the fragmentation of experience that characterizes the postmodern condition, and as the forthcoming episode analyses will show, these segments work to reinforce postmodern thematic concerns both as

separate segments and as a series which forms a consistent narrative.

While both Williams and Ellis posit useful and revealing narrative theories that are specific to television, Ellis' notion of the segment is more conducive to the particular argument about *Law & Order* that is being advanced here. The textual analysis required to investigate certain claims about the program necessitate an approach prompted by a mode of spectatorship that focuses on the series and its individual episodes rather than accounting for the whole or flow of televisual content around the program. This is not to imply that Williams' theory is of lesser quality, for certainly an examination of *Law & Order* within the context of other programs and commercials would provide insights about both the series and its social context that this study will not be able to offer or address. Given the specific objective of this paper, however, Ellis' concept of segmentation is better suited to explore the program and its succession of individual episodes, and *Law & Order's* particular narrative pattern can be seen as illustrative of Ellis' concept of segmentation as a fundamental part of televisual narrative.

Law & Order has a formulaic framework that is repeated week after week: the crime takes place before the episode's opening credits, after which the first quarter of the show presents the initial detective work to identify the elements of motive and opportunity, while the second quarter involves tracking down the assumed perpetrator and arresting him or her. The third quarter presents the legal opinions: the strategy the defense intends to use and the DA's response, and the final quarter includes the closing arguments and the jury's verdict. *Law & Order's* generic conventions are enacted and moral dilemmas worked through within this strictly segmented structure, and its highly formalized nature implies that the narrative format also contributes to the foregrounding of ambiguities about responsibility, truth, justice, and crime that the genres portray. *Law & Order's* narrative structure reflects these

uncertainties in its construction, by incorporating the postmodern aesthetic of fragmentation or segmentation to depict an instability in the experience and authority of the metanarrative of law. Ellis' argument that television resolution takes place at the level of small incidents rather than at larger problems can be seen as complementary to the series' continued portrayal of the legal system's presumed ability to solve a single crime along with the futility of resolving the underlying social causes. The hints at a link between the aesthetic of *Law & Order's* narrative structure and its postmodern thematic concerns. The repeated use of segments, clinches, or satellites rather than enigmas or kernels is the narrative's way of reiterating "the problematic of legitimation" that the genres of the police procedural and legal drama explore, providing not just an affinity between story and discourse but a foregrounding of a recurrent postmodern sentiment at a structural level as well (Lyotard 29).

Law & Order's typical narrative pattern has been in place since the show's inception, and was formalized in early episodes such as "The Secret Sharers" (1991). In this episode, drug dealer Jose Urbano is found dead in a park just a few blocks away from a church fair he had attended. Detectives Max Greevey and Mike Logan search for an explanation for the crime that does not involve narcotics, after observing multiple gunshot wounds in the victim's groin. They discover that Urbano had raped a woman named Lucy Rivers, and suspect his death was an act of revenge carried out by her fiancé. The detectives are able to connect fiancé Nicky Guzman to the murder weapon, and so EADA Ben Stone decides to prosecute him for murder. Midway through the trial, Stone learns that Guzman dealt drugs for Urbano, but is prevented from presenting such information as motive at trial, and, even though the rest of the prosecution's case is compelling, the jury finds Guzman not guilty.

While the segmental structure of *Law & Order* episodes such as “The Secret Sharers” can easily be seen, the simultaneous application of Ellis’ and Chatman’s theories of narrative elements and their organization illustrates the differences between televisual and traditional modes of storytelling, as well as how the program’s standardized pattern works alongside its generic content to foreground the postmodern loss of faith in the metanarrative of law, through problematizing concepts like responsibility, guilt, justice, and truth. By introducing and seeming to resolve little clinches, or to use Chatman’s terminology, by focusing on satellites, *Law & Order* episodes like “The Secret Sharers” leave ambiguous the grand enigmas or kernels of crime and justice within the legal system. The narrative focus on satellites rather than kernels also suggests a link between structure, content, and function. Chatman argues that, within the hierarchy of narrative events, satellites are primarily “the workings-out of the choices made at the kernels” (54). Elaborating upon these points often entails confounding the apparent simplicity of these narrative directions as well. This strategy or purpose can be seen as the structural space for Ellis’ notion of working through, since, as Ellis suggests, television’s role can be regarded as a forum in which various, often competing, ideas are explored: “This takes the form of a constant worrying over issues and emotions . . . through the presentation of a riot of ways of understanding the world without ever coming to any final conclusions” (*Seeing Things* 2). Such an interpretation of television’s function alludes to and supports the contention that television narratives place greater emphasis on elements that Chatman regards as disposable, the satellites or segments, since it is these ‘lesser’ components that address how legal events and decisions take place.

As with all *Law & Order* episodes, the crime or initial kernel in “The Secret Sharers” occurs before the opening credits; amidst the people dancing at the church fair two men play ring toss and

discuss an outstanding debt. The uniformed cops policing the event are bemoaning the small size of their pension, a satellite scene in that it could be easily removed from the narrative but is significant since it immediately introduces a sense of disillusionment from within the legal system. Exiting the church, the officers hear a succession of gunshots and run down the street to find a man dead in a park, surrounded by a crowd of silent onlookers who have apparently seen nothing and do not know the victim. This series of segments introduces narrative questions typical of the police procedural, such as the victim and criminal's identities, which propel the subsequent events.

The first quarter of "The Secret Sharers" concerns the detectives' initial pursuit of the central elements of motive and opportunity, and so the narrative drive of the police procedural in *Law & Order* reflects the centrality of enigmas to the process of investigation. At the crime scene, Greevey and Logan discover drugs and a handgun on the victim. The gun's position is unclear, raising the possibility that the perpetrator may have acted out of self-defense. While this does not affect the narrative's movement toward the kernel of the victim's identity, it indicates an early confusion of guilt, as Greevey explains: "This is trouble in court . . . Shot in the back and in the crotch. Chicken or egg, which came first?" There is no identification on the body, and none of the bystanders are willing to talk, so the victim's name remains a mystery until the following segment, in which Captain Cragen reveals that the man is Jose Urbano, a known drug dealer with an extensive criminal record. After solving this mystery, Greevey questions the intent behind the several shots to the man's genital area, which hints that the motive may be something more personal than drugs. Trying to determine Urbano's movements and contacts, Greevey and Logan interview his parole officer and his sister. These particular scenes exemplify Ellis' contention that segments are coherent and discrete units of textual meaning, for within

themselves they destabilize notions of responsibility and justice that construct the cultural myth of the 'rule of law'. They can also be seen as satellites resulting from Urbano's identification, and within the context of the episode, primary sources of narrative expression.

For instance, Urbano's parole officer is cynical about the efficacy of the system's attempt to reform convicted criminals: "On the scale of living things, our friend Jose is just a couple steps up from the snail . . . New story every week, he swore he was going straight. [Sarcastically] All my cons have been rehabilitated by the system." A different depiction of Urbano emerges in the following segment, when the detectives meet with his sister and learn that, by dealing drugs, he was able to provide financial support to her and her young daughter. These can be seen as competing satellites, for while they both elaborate upon the identification of Urbano as victim and drug dealer, the negative image of Urbano from his parole officer is countered by his sister's love and need for him. These different perspectives challenge a simplistic notion of 'criminal' as one who commits a crime by compounding the moral issues involved, and in doing so illustrates the significance of the satellite within *Law & Order's* narrative for generating and exploring meaning.

The sister identifies the man with Urbano at the church fair as Hector Cartagena, and tells Greevey and Logan that the two men had been arguing about a drug deal. Subsequent scenes also appear to be moving toward a kernel, the discovery of the culprit, for Greevey and Logan learn of Cartagena's lengthy and violent criminal history, and, armed with backup, arrest him for Urbano's murder. This action is revealed as a satellite, however, after the detectives re-evaluate their evidence and realize that Cartagena could not logically be the perpetrator. This is a minor rather than major incident, not part of the investigation's causal structure yet integral to the episode's ongoing

problematization of 'guilt'. Greevey and Logan arrest Cartagena on the basis of his past criminal actions and known narcotic activity rather than from evidence of any present wrongdoing, another instance of how satellites are used within the narrative as segments that question the concepts of fairness and equality upon which the legal system is ostensibly predicated and applied.

Greevey and Logan retrace their steps, and when re-interviewing one of the carnival workers from the church fair, learn that Urbano had been flirting with the woman who organized the event, Alicia Rivers. Rivers' unknown relation to Urbano is made more mysterious by her hostile reaction to the detectives' questions, and the response of her friend Priest Roberto Torres, who expresses relief at Urbano's death: "I've heard of Urbano - drug dealer. They kill each other, fine. We're better off." Although not central to the plot's logic, this scene adds greater complexity to the crime by invoking a more spiritual perspective. Torres' attitude indicates a fundamental discontent with traditional concepts of religion, as well as conflict between secular and religious morality. For example, his remark that these are "Strange times to be a priest" implies a breakdown in the ability of either religion or law to address contemporary social concerns.

The second quarter of "The Secret Sharers" continues the narrative propulsion toward a kernel, as it works to determine the nature of Rivers' connection to Urbano and uncover a motive for his murder. In doing so, however, the minor events leading up to such a revelation propose a reason not easily categorized by 'right' or 'wrong'. At Rivers' apartment for another round of questions, Greevey and Logan learn from neighbours that her sister Lucy is hospitalized after being raped. Subsequent segments raise further questions, such as the possibility that Urbano was Lucy's attacker, the location of Lucy's fiancé Guzman at the time of the murder, and the extent of Torres' involvement. Several of

these self-contained satellites communicate a skepticism about religious doctrine. For example, Logan expresses frustration with their seemingly circular investigation by comparing it to the Bible: “It’s like the Bible. Gospels. Four guys that are all telling the same story except each one of them’s different.” Not only does this cast doubt on the legitimacy of their work, but on that of religion as well, for as noted in Chapter Three, the tension between state law and religious morality is a prevalent theme in *Law & Order*.

In a later segment, Torres’ actions appear to challenge both religious and secular rules as he pleads with the detectives to leave this murder unsolved: “Look, why don’t you just forget about this? How many murders do you have that never get solved? Just let this be one of them.” When the detectives match the bullet from Urbano to Rivers’ mother’s gun, state attorneys Ben Stone and Paul Robinette decide to arrest Alicia Rivers, not because they believe she committed the crime, but because such a charge may induce her to detail what they suspect but cannot prove: Guzman’s involvement. The first half of the narrative thus ends with a kernel, for Rivers’ arrest prompts satellites that work through this event by questioning the legal system.

The police procedural section of “The Secret Sharers,” as with most *Law & Order* episodes, appears to be strictly linear, with considerable similarities to Chatman’s contention that “proper interpretation of events at any given point is a function of the ability to . . . see later kernels as consequences of earlier” (53). However, this progression becomes more indirect within the legal drama, implying that legal responsibility is more difficult to assign than moral responsibility, and the narrative satellites within the second section of the program express just how uncertain such movement is by drawing initial attention to the system’s failings or inadequacies. In other words, the function and

prominence of satellites is highlighted, reflecting the generic convention of the multiplicity of perspectives that inflect any legal trial, and the constant struggle not just to achieve but to define justice, given “the irreducibility of truth and justice to any abstract metanarrative (e.g., a system based on axiomatic principles such as fairness, liberty, or some utilitarian calculus)” (Sherwin 131).

This is apparent from the beginning of the third quarter, when legal aid lawyer Shambala Green immediately questions the assignation of high bail by arguing to the judge “You know what bail means. It means Alicia Rivers stays in jail because she is poor.” The subsequent segments address other facets of the legal system’s inadequacies. For instance, the way in which the law can be manipulated is seen in EADA Stone’s use of Rivers to implicate Guzman with incriminating evidence that the police have been unable to find. ADA Robinette, confused by the outrage their prosecution has caused, questions how issues of race and class affect a perception of justice: “Wait a minute, what do minorities complain about: they kill whites they get prosecuted, they kill each other the system doesn’t care.” Meanwhile, Schiff’s concern for political sensitivity impacts the directions he gives to Stone and Robinette, for “If we lose, white people think that Puerto Ricans get away with murder, and if you don’t get the Guzman boy, it looks like selective prosecution.” These competing perspectives, of race, class, and politics, demonstrate the range of often contradictory factors that influence perceptions of justice, and so these satellites attempt to work out the problems of navigating a legal system that does not include space for such social tensions.

Stone’s coercive tactic is successful, and after a heated argument between Rivers and her mother during a visitation, Mrs. Rivers confirms the detectives’ and prosecution’s suspicion that Urbano raped Lucy and Guzman shot him. The following satellites illustrate Chatman’s interpretation of their

function as a means for working out options generated at the kernels, since Guzman's arrest is a major plot event, yet the small clinches that navigate the legal system and move toward the outcome of his prosecution carry far more import. For instance, when attempting to work out a plea bargain on Guzman's behalf Green argues that her client will make a sympathetic and attractive defendant, especially in comparison to the victim. Stone reminds Green that the law does not recognize such distinctions: "The commandment says thou shalt not kill. It does not say thou shalt not kill nice people."

Stone and DA Adam Schiff also disagree about the merits of going ahead with a trial; Schiff's opinion reinforces these doubts about the simplicity of determining guilt and innocence, as he facetiously asks Stone, "You got a suit of armour and a white charger waiting outside? The boy is not a coldblooded killer." Stone's frustration is with the law, however, which does not permit him to indulge such a position: "That's fine, but where does it stop? Do we write a revenge exception to the penal law?" While Guzman may be legally guilty, proving moral responsibility is not as easy, nor does the law make allowances for what Green and Schiff see as mitigating circumstances. This shortcoming is reinforced in the final segment of this quarter, when Stone meets with Dallas lawyer Chet Burton, who takes over Guzman's defense. Burton argues that according to his upbringing and background Guzman's actions are understandable and justifiable: "According to his culture, Nicky Guzman did the right thing. See, in most first generation immigrant neighbourhoods, if somebody rapes your woman, you go get a gun." Although Stone scoffs at this, reminding Burton that he is no longer in Texas, Burton's comments accentuate the gulf between legal and moral justice, when he contends that "You don't put people in prison for defending their loved ones."

As in most *Law & Order* episodes, the final quarter of "The Secret Sharers" moves through the

trial to offer a verdict, though not a resolution. Consecutive segments display legal ‘clinchers,’ evidence supporting the prosecution’s presumption of Guzman’s guilt. Midway through the trial, Stone uncovers information that Guzman was a drug dealer working for Urbano, which alters Stone’s interpretation of Guzman’s motive and so solidifies his guilt. The judge bars Stone from introducing this fact at trial, and in doing so illustrates how the narrative directly contributes to challenging the boundaries of justice. Had Stone been able to present this evidence, it could function as a kernel by convincing the jury to convict, for characterizing Guzman as a drug dealer could be as indicative of moral guilt in much the same way Urbano’s involvement impacted his status as victim and Cartagena’s history implied a role in Urbano’s death. By depicting competing rather than a solitary notion of justice, traditional narrative and genre expectations are also subverted, and Guzman’s involvement with narcotics becomes incidental, since, unaware of this information, the jury finds him not guilty. In the episode’s final scene Stone is frustrated by the jury’s clear knowledge of the rest of the facts and its refusal to see a crime therein: “Twelve honest citizens knew he was guilty and acquitted him . . . and that’s frightening.” The perception of Guzman’s lack of moral culpability is thus more compelling than his legal guilt, and since the jury feels he is a “good kid,” he is absolved of all responsibility for his actions.

In the legal drama component of all *Law & Order* episodes, the narrative satellites problematize rather than define ideas of responsibility and justice. The segmented nature of the typical *Law & Order* narrative reinforces ambiguities raised by its employment of generic verisimilitude, for although the verdict may conclude this particular criminal instance the satellites throughout posit enigmas less easily settled. The fragility of the legal metanarrative as a system of knowledge and meaning can be seen in the indeterminacy of guilt and responsibility within “The Secret Sharers,” where issues such as

class, race, religion, and individual subjectivity impact not only the characters and their actions, but the legal proceedings as well. In the typical *Law & Order* episode, then, the narrative structure acts to intensify rather than relieve these uncertainties, thereby illustrating the weaknesses of schemas such as Chatman's that emphasize resolution, and also providing a pattern that, while repetitive, works separately from the generic content to foreground similar thematic concerns.

The narrative pattern established at the start of the *Law & Order* series continues through its subsequent seasons, which means that this narrative organization continually highlights a discontent with the ambiguities of the legal system as well as maintaining a familiar framework within which to explore various cultural issues. Episodes such as "Swept Away - A Very Special Episode" (2001) utilize the typical *Law & Order* structure not solely to examine the law but also to emphasize and work through social trends and concerns, again illustrating a link between approaching television as a cultural forum and the function of narrative elements such as clinches and satellites. In "Swept Away," the central crime is the death of Wes Tatum, a cast member of the reality program *Deal With It*, which is similar to current shows like *Big Brother* (CBS 2001) and *The Lofters* (U8TV/Life Network 2002). Tatum is thrown off the roof of a building, and detectives Lennie Briscoe and Ed Green look first to the rest of the cast for suspects. They learn that Tatum was not well-liked by his roommates, but most of them have a videotaped alibi. While poring over the program's records, the police notice cameraman Gavin worked overtime that evening, and after repeated interviews he confesses to being on the roof where he witnessed another cast member, Paul Weiler, throw Tatum off the edge during an argument. Weiler insists that, as he lay dying, Tatum told him his aggression had been staged at the request of the producers. When arrested, the producers deny giving Tatum such instructions but believe their

superior, Byron Stark, would have done so. Midway through the trial, after damaging testimony from his marketing consultant, Stark agrees to a plea-bargain.

Within this episode the thematic focus shifts from the manipulation of the law to the manipulation of 'reality,' a prevalent issue in television programming with the current proliferation of this phenomena, and in postmodern theory as well. "Swept Away" articulates and exacerbates the conflict between individual and social responsibility that often provides the central tension within the program, as the law attempts to prosecute a criminal action within a shifting perception of the "real" as well, for *Deal With It*, like other reality programming, can be seen as a manifestation of Baudrillard's "possible definition of the real . . . : *that for which it is possible to provide an equivalent representation*" (145). The association of "real" with *Deal With It*'s videotaped action as its "equivalent representation" underlies the episode, and its effects are explored through satellites. While the narrative drive within "Swept Away" appears to follow a classical pattern in determining a criminal action and a guilty party, it also challenges this structure through its emphasis on minor plot events that delve into the image-saturated environment characteristic of the postmodern condition, and implicitly stresses social conditions over the final legal decision. This episode's scrutiny of the construction of reality television illustrates the ways in which aspects of the postmodern pervade *Law & Order* at different levels, and how, as individual units and as a series, narrative satellites dispute the intersecting issues of reality and responsibility.

"Swept Away"'s narrative structure foregrounds this anxiety, and over the course of the episode 'reality' becomes equated with what is caught on camera, while at the same time this equation is continually questioned. For instance, the opening segment depicts the loft setting for *Deal With It*, as

it would presumably appear to the fictional program's audience. The realistic or documentary nature of these images is quickly undercut, as a camera crew appears within the frame, and auditory directions to the crew about focus and lighting are heard. Including the camera crew in this first segment contextualizes the action that ensues within the diegesis of both *Deal With It* and *Law & Order*, and also draws attention to one of the central oppositions surrounding "reality tv" that recurs throughout "Swept Away": the tension between the semblance of reality and the illusion of its creation.

In the first quarter the veracity of the image is apparently unquestioned, for rather than their usual investigation, Briscoe and Green sort through archived tapes from *Deal With It* to check alibis and discover clues as to motive. Other satellites reinforce this parallel between 'real' and 'videotaped': Briscoe asks the show's remaining cast members, "What can you tell us about Wes?" to which one replies, "Have you watched the show?", while Green pinpoints Tatum's final movements by watching tapes. The end of this quarter provides the detectives with numerous possible motives, as well as accenting the manipulation of reality within the *Deal With It*: Lieutenant Van Buren shows the detectives portions of the tapes in which the cast members speak one-on-one with the camera, and are goaded by the off-camera voice of their producer telling them about unpleasant things Wes Tatum has done or said regarding their belongings or personality, a technique referred to by the industry as "stirring the pot."

The second quarter extends the perception of the image as real. For instance, Van Buren's statement that "After looking at all the tapes we know that everyone had something against Wes" illustrates a continued reliance upon the videos as truth, even after viewing the orchestration of action that takes place therein. In this way the satellites are a means to work through the contested nature of

“reality” in postmodernism, for *Deal With It*’s staged life is what led to Tatum’s death, a “real” event in an “unreal” situation. To prove this, Briscoe and Green track down a cameraman named Gavin, who they believe was on the roof that evening and witnessed the incidents that led to Tatum’s fatal fall. Gavin reluctantly admits his presence, and tells the detectives of an altercation between Tatum and another loft resident, Paul Weiler, which escalated into a physical confrontation that ended with Weiler throwing Tatum off the roof. When Briscoe asks “And you were doing what while all this was going on?”, Gavin’s reply, “I was shooting tape,” again promotes the notion of the image as equal to or sole version of what is real. This is echoed by the first segment of the third quarter, in which ADAs Abbie Carmichael and Jack McCoy confront Paul Weiler after he is arrested for Tatum’s murder, in the hope of arranging a plea bargain. When Weiler’s lawyer refuses, Carmichael reminds her of Gavin, a witness, who “viewed the murder through a lens.”

While the satellites within the first half of “Swept Away” continually identify the video as reality to work out the kernel or major plot event of Tatum’s death, those in the second half attempt to work out legal responsibility. In doing so they problematize this perception of “reality” by drawing attention to its exploitation, negotiating the ways in which such “simulation threatens the difference between ‘true’ and ‘false’, between ‘real’ and ‘imaginary’” (Baudrillard 168). As Weiler informs McCoy and Carmichael, the brawl on the roof was pre-arranged with Tatum, though Weiler was never made aware of the plan, which places the attorneys in the position of arguing both that the tape is “real” and that its events were “imaginary”. This is highlighted when the lawyers search through *Deal With It*’s records in a search for any evidence to support Weiler’s allegations and Carmichael describes the meaning of “production note” to McCoy: “It’s how the producers know what’s going to happen from episode to

episode,” in essence, staging reality.

Even though Gavin denies such strategic planning takes place, arguing only good instincts drove him to the roof that night with his camera, and that “you can’t pre-arrange what happened,” his girlfriend is not as reticent, and confirms the detectives’ instincts: “The producers knew that something was going to happen between them. They sent Gavin to get it on tape.” Her words are visually underscored in the next segment, when Briscoe and Green arrive at the studio to arrest producers Melanie and Corey Kaufman, for they are busy editing footage. The Kaufmans deny sending Tatum to antagonize Weiler, but believe the television network’s vice-president, Byron Stark, instigated the behaviour. When the ADAs question Stark after his arrest, his heated remarks display a confusion between the orders of reality, collapsing them into one: “Wes was playacting . . . It’s a reality show, understand? If Weiler had been told that it was fake, his reactions wouldn’t have been real.” The seemingly paradoxical pairing of “fake” and “real” as inimical to each other is, as Baudrillard argues, characteristic of a postmodern culture in which there can be no original. These satellites, in filling their narrative role of broadening the major event of assigning criminal responsibility to Weiler, not only extend the scope of guilt but continue to contest the link between image and reality.

Although “Swept Away” does not close with a verdict, legal accountability is determined through a plea bargain in which Stark pleads guilty to second-degree manslaughter. Along with the trial, however, is the series’ recurring question about individual guilt in the face of greater social factors, as Stark implies when he rhetorically asks McCoy: “So suddenly a television show is responsible for when some kid goes nuts?” While McCoy is still expected to hold an individual liable, Stark’s comment infers a causal interplay between camera and reality, that the cameras, while capturing, also

caused the “reality” of Wes Tatum’s death. There is thus no difference between the image or video and other orders of experience, as both Weiler and Stark’s actions show, for the images of *Deal With It* become a reality for which they both must take responsibility. Issues surrounding simulation thematically structure “Swept Away,” because although its linear kernels move through a succession of suspects to implicate Stark, the episode’s satellites illustrate an engagement with the impact of the image-saturated environment characteristic of postmodern culture. The episode’s narrative follows the series’ established pattern, relying on clinches or satellites and only ostensibly moving toward a resolution of the overarching enigma or kernel. As such, it continues to emphasize the increasingly subjective nature of previously stable concepts, focusing in this instance upon another aspect of postmodernism: the mediation of “reality” through constructed images, and the satellites work out Baudrillard’s contention that “It is no longer a question of the false representation of reality . . . but of concealing the fact that the real is no longer real” (172).

Within the typical *Law & Order* episode, then, there are two distinct narrative structures that correspond to the genres that comprise the program. In the police procedural, the narrative can be seen as “conventionally linear . . . [in that] this initial plot of investigation and arrest is a typical ‘whodunit,’ and the narrative interest derives from watching a field of suspects narrow to one” (Keetley 35). At the same time, however, the satellites or clinches within this half, along with enabling a generically consistent progression from crime to criminal, complicate the precepts that form the basis of a police inspection; in “The Secret Sharers,” for example, assumptions about Urbano’s lifestyle and associates rather than evidentiary facts drive the police’s initial and unsuccessful line of inquiry.

Doubts about the meanings and boundaries of responsibility and justice introduced in the police

procedural's satellites are more thoroughly articulated in the legal drama, in which "the trajectory is less a movement toward a guilty individual than a movement *away* from sure guilt. The lawyers struggle not merely to convict their suspect in a court of law but often to convince themselves and each other" (Keetley 35). Kernels have even less prominence in this half of the show, and so the narrative structure on its own contributes to the portrayal of a flawed legal system by frequently problematizing instead of resolving legal decisions. For instance, the number of probable suspects in "Swept Away," Weiler, the Kaufmans, and Stark, suggests that numerous people share responsibility for Tatum's death, and yet the law allows for only one conviction. In this way, the narrative formula of each *Law & Order* episode contributes to the series' depiction of a growing incredulity toward prescriptions offered by the legal system, and this recurring message is facilitated by the narrative technique of television fiction itself, for if "the TV series proposes a problematic that is not resolved," then *Law & Order* intimates an ongoing crisis in metanarrative validity (Ellis *Visible Fictions* 154).

Not all *Law & Order* episodes employ the same pattern. Instead of beginning with a crime and working through an investigation and prosecution, "Aftershock" (1996) follows detectives Curtis and Briscoe, and lawyers McCoy and Kincaid after they witness Mickey Scott, a man they caught and convicted of rape and murder, be put to death under New York state's death penalty laws. While this episode deviates from both the program's established narrative structure and the classical narrative pattern, it still highlights the ambiguities and uncertainties of the legal system. The concepts of law and justice are destabilized differently in this narrative, and the typical notion of victim is unsettled by displaying the effects of the legal system not just on its transgressors but on its purveyors as well. By focusing on the outcome rather than the process, "Aftershock" paints the law as a social instrument, and

in doing so challenges the efficacy and impact of the legal system from an alternate perspective.

Despite deviating from the series' standardized narrative structure, "Aftershock" is still a segmentalized narrative, made of portions of each character's day. More difficult to identify, however, are Chatman's kernels, or even the narrative clinches that Ellis argues form the basis of television's narrative structure. Without a crime to solve, questions of 'whodunit' and of guilt or innocence no longer drive the narrative, since the criminal is caught, tried, and convicted before the scope of this episode's story begins. The major event or kernel of "Aftershock" can be seen as Scott's death at its beginning, and the remainder a series of satellites that attempt to work through and make sense of this event. In most *Law & Order* episodes meting out punishment functions as a form of resolution or ending, however temporary, yet in "Aftershock," this stage of the legal process is only just the beginning. Within the context of the series, this episode contributes to the program's postmodern strategy, for by starting rather than ending with justice being served it displays a lack of faith in legal notions — or myths — of justice and closure. As such, "Aftershock"'s narrative draws attention to aspects of the legal metanarrative that its ordinary structure does not.

Although the segments that comprise the narrative do not work to determine a specific individual's criminal accountability, they problematize concepts of guilt and responsibility in a novel way. Contrary to most episodes, the extent of criminal Mickey Scott's guilt is never in question. His antagonistic and seemingly unrepentant attitude in the series of segments depicting his last moments characterize him as unequivocally "bad," while numerous other satellites over the course of the episode detail Scott's transgression: after he was accidentally rear-ended in traffic by a woman named Adele Saunders, he dragged her from her car, raped her and then beat her to death with a tire iron. While

criminal guilt is a certainty, “Aftershock” also implies social responsibility for the deaths of Scott and his victim. Recurrent in references to the assault is how the crowd that witnessed the brutal attack did not attempt to help the woman, instead applauding Scott as he violated her. As Lieutenant Van Buren explains in a letter to her mother, “A crowd of people stood and cheered when he raped her. They were supposedly good people, and they did absolutely nothing.” Social culpability for allowing such a crime to happen is compounded by the satellites’ exploration of the ethics of the death penalty. In one such segment DA Adam Schiff is holding a press conference regarding the execution, and a reporter questions him about his past work against the death penalty, before he took office. “That was 25 years ago,” he replies. The reporter presses him, asking, “And you’ve since changed your mind?” “The people changed theirs,” Schiff responds, ending the conference. This satellite, like many others within the episode, functions to implicate not just the legal system but the society it serves as well.

The legal system’s role as an agent of social justice is further compounded through satellites of ADA Claire Kincaid arguing with one of her former law professors. The cultural myth of law, what Kincaid terms “A way of bringing order to the chaos,” is no longer viable. As her professor points out, the law is a shifting social institution, serving needs aside from the maintenance of order: “It’s society’s way of slapping itself on the back: ‘Look what a great job we’re doing, look how civilized we’ve become.’” When Kincaid expresses her objection to “state-sanctioned killing,” believing instead that within the law “there has to be some exactitude . . . Taking a life is wrong. Period,” her former instructor cautions her against such idealistic notions, arguing that there is no real justice, just a perception of it as a quick fix, and in this way the death penalty is “the penicillin of the 90s.”

This exchange contributes to the blurred distinction between crime and punishment expressed

within other satellites. Detective Lennie Briscoe takes the rest of the day off after the execution, and at lunch with his daughter, tries to explain his own confusion: “It’s just, I see dead people all the time, only they’re already dead when I show up. See, then it’s my job to go find the bastard who did it. Now this morning I watched a guy get killed, and I wasn’t supposed to do anything about it. I guess I’m just better when they’re already dead.” The integrity of the legal system is in doubt, which for Briscoe complicates the division of criminals and victims, and his place between and duty to those categories. Whether the death penalty is indeed a form of justice or is instead a crime is repeatedly questioned, and so by extension is the metanarrative of law, replacing moral outrage with moral confusion.

While “Aftershock” thus challenges the legal system by debating its remedies, it also portrays how ambiguities about the morality of lethal injections impact each character, their interpretation of the moral worth of their profession, and their own sense of responsibility — to what extent are they culpable for Mickey Scott’s death by virtue of doing their job? While the characters’ code of ethics plays a significant role in each *Law & Order* episode, “Aftershock”’s narrative explores the consequences of these perspectives by beginning at the end of a case. For instance, detective Rey Curtis initially expels his frustration at its cause: his job. After returning from the execution he begins a routine interrogation of a man who jumped over the toll rails at a subway station, and ends up physically assaulting him. When Van Buren orders him to take the rest of the day off, he meets an attractive graduate student and aggravates his crisis of conscience by having an adulterous sexual encounter with her. Afterwards, attempting to find Briscoe at his apartment, a neighbour tells him, “Saw you both on the news - good job. I just thank the Lord for boys like you and Leonard.” This compliment is ironic, for Curtis’ actions indicate that he doubts he has actually done a ‘good job’ in this instance.

Detective Briscoe, meanwhile, is also confronting the repercussions of the rigors of his job. His daughter treats him to lunch, where she raises the issues of his former alcoholism, and his abandonment of her and her mother. Her lingering resentment has unexpected dimensions, for after witnessing the dissolution of her parents' marriage as a child she has no desire to get married herself, despite her long-term boyfriend's repeated proposals. After parting ways on a bitter note, Briscoe wanders into a bar, where he deals with his guilt by renouncing his sobriety, and proceeds to get thoroughly intoxicated. Neither these clinches nor those regarding Curtis achieve any sort of closure, and in this way the narrative structure itself suggests settling questions of guilt and responsibility is not possible, or even satisfactory.

EADA Jack McCoy's reaction to the initial kernel of Scott's execution illustrates an unease with the legal profession and its demands. For example, when McCoy and court psychiatrist Elizabeth Olivet are having lunch, she attempts to elicit an emotional response about his experience: "What is it with people like you? You bury yourself in your work. I wonder - is it because you're hiding from your emotions or you have no emotions to hide from?" McCoy is reticent, answering, "I wouldn't know. I work because I love it." Olivet continues to pry, however: "You saw a man die this morning. You were instrumental in the process." McCoy does not see any reason to feel guilt, and dismisses her concern: "I won a case. Justice was served. I'm a happy man. Can we change the subject?"

His initial bravado about the outcome of his job becomes suspect, though, as his increasing inebriation at a bar loosens his tongue. He talks repeatedly about his parents, and through his conversation with another patron an image of McCoy's father emerges: a strict, often abusive disciplinarian who had specific plans for his son's future and would not accept failure. What begins

with McCoy reminiscing about how he was taught to play darts as a child ends in a summation of his father's attitude, that "In my family losing was not an option." McCoy apparently idolized his father, referring to him as a superman, and expresses resentment at being forced into the legal profession when he desperately wanted to become a policeman: "Cop was good enough for my old man, but it wasn't good enough for his firstborn. Boy I wanted to wear the blues, walk a beat, carry a gun, be the toughest guy on the block with his big thick hands. But no, he said. You, Jack, you are going to law school."

The articulation of these still-painful memories culminates in a description of his father's death: "He lay there in that hospital room with tubes coming out of his arms. They pumped him full of morphine so he wouldn't know how much he hurt . . . he just lay there. He was breathing, and then he was gone. I don't know why I'm talking about this. I never talk about this." Echoing the execution scene McCoy witnessed that morning, the dialogue within this satellite intimates that McCoy may not be as comfortable with the event as he would like others to believe, that despite his integral part within the legal system he has difficulty accepting the results of "winning." His doubts are never allayed, though, in another instance of both the function of satellites or clinches that illustrates how the narrative itself undermines the conclusions offered by the rule of law.

Kincaid's reaction to the execution is, as noted, one of profound disillusionment. She tries many different ways of dealing with her loss of faith in the system, such as confessing to a former professor her misgivings and frustration: "It's a juggling act: pragmatism, idealism, cynicism. I'm thinking about quitting." Kincaid's uncertainty about her career choice is exacerbated by her perception of the execution as an instance of the glaring difference between legal theory and practice that has left her unprepared for the legal system's realities and ramifications: "The school teaches

contracts without ever showing a contract to the students. Civil procedures - nobody ever shows us a complaint, or an answer.” She also seeks out Van Buren, who seems to understand and articulate her sense of moral responsibility: “We make decisions that affect people’s lives, that’s scary business.” The episode ends with Kincaid’s death; driving a drunken Briscoe home from the pub in which she finds him, her car is sideswiped by an oncoming vehicle. This event is underscored by its voice-over, that of the letter Van Buren has been composing to her mother: “Today the state of New York got its revenge. It’s not enough, and it’s too much.” Van Buren’s words, composed in reference to Mickey Scott’s death, not only continue the episode’s skepticism about the death penalty, but the visual image of Kincaid’s death that accompanies these words suggests an equation between Scott and Kincaid that blurs the distinction between criminal and victim, and so between justice and injustice. While concluding the narrative, this scene does not answer any of the issues raised throughout the episode, which suggests that none is possible.

The narrative structure of “Aftershock,” while different from the previously demonstrated *Law & Order* pattern, functions in much the same way. Individual segments, as Ellis notes, are coherent within themselves and on their own can problematize issues or themes recurrent within an episode and the series, such as numerous references to the moral worth of the death penalty. They also act in series, combining to form satellites that work through Mickey Scott’s state-imposed death, and in “Aftershock” the sustained attention to satellites not only deviates from the program’s usual mode of narration but addresses ambiguities and uncertainties within the legal system by focusing on the subjective positioning of its practitioners. Crucial to “Aftershock”’s examination of the legal system is its problematization of the death penalty, and suggests that this social concern may be more ethically

questionable than the crimes it is intended to punish or prevent. Its “conclusion,” Kincaid’s death, does not address any of the enigmas articulated within the episode, and in this way the narrative structure reinforces the content which suggests that the form of closure offered by a verdict and punishment is insufficient.

Attempting to graft classical narrative theory on to television, then, illustrates a fundamental shift in television’s narrative structure, one in which the hierarchy of events is effectively reversed. By emphasizing “minor” events and only superficially resolving “major” enigmas, *Law & Order*’s narrative structure challenges traditional or filmic narrative patterns. Ellis’ characterization of television narrative as segmental can be clearly seen, and clinches determine and propel narrative action. By focusing on these clinches or satellites rather than enigmas, that is by concentrating on traversing the legal system, issues surrounding notions of morality and justice are explored. This storytelling strategy foregrounds an interpretation of the program as a mode of televisual working through, in which a loss of faith in the legal system and its central concepts or ideals is articulated. In *Law & Order*, narrative structure itself can reiterate the perception of television as a cultural forum, and in this case work through key postmodern concerns.

In this sense, *Law & Order*’s narrative proposes a dilemma that is repeated each week, a loss of confidence in the cultural myth of the “rule of law,” and both the series as a whole and individual episodes like “The Secret Sharers,” “Swept Away,” and “Aftershock” never settle this underlying enigma. The metanarrative of law is continually broken down rather than reinforced, for while individual verdicts may be rendered, questions remain about the purpose and function of the system within American society. The postmodern technique of the fragmentation or segmentation of images as

analogous to the fragmentation of experience contributes to this suggestion, by representing visually “the contingency and ultimate fragility of meaning” conveyed through *Law & Order*’s use of genres (Sherwin 132). When considering the evolution of narrative theory, specifically its roots in studies of myth, *Law & Order*’s narrative becomes more than a structural concern, since the program constantly addresses ‘mythic’ notions of justice, guilt, and responsibility in ways that destabilize any attempt to offer an authoritative or all-encompassing definition. The “whodunit” can no longer be reduced to an opposition between good and evil; instead, by rewriting this tension in light of complex social and cultural factors, *Law & Order* implies a sense of postmodern futility for their resolution. The narrative structure’s repeated emphasis on exploring these concerns suggests an affinity between the function of myth and the function of television, in that they both serve an exploratory purpose within society, invoking cultural concerns not for their conclusion but their investigation. In doing so, *Law & Order* articulates a profound or fundamental shift in the perception of the American legal system and the ideals it is supposed to both define and uphold, suggesting through its very structure that these ideals are subjective and fallible. Critically examining the narrative construction of *Law & Order* alongside its generic structure is thus integral to understanding the program’s postmodern strategies.

Chapter Five: Conclusion - Ex Post Facto (After the Fact)

Postmodernism continues to be an area of intense academic debate, and as the discussion expands so too do its areas of intersection with popular culture, especially Television Studies. While Baudrillard has characterized television as the embodiment of postmodernism, a conceptualization intended as contemptuous, the relation between television and postmodernism is not necessarily that simplistic or negative. As this investigation of *Law & Order* has shown, the program uses typically postmodern techniques to address provocative and postmodern issues, dealing with issues that are of broad social concern in a complex and contradictory rather than conclusive manner, enabling the audience to work through these positions. This constant irresolution gives the program a distinct place within television police and legal dramas, for, as Lane argues, “the infusion of this ‘uncertainty, ambiguity and doubt’ into television crime shows began with law shows such as *Law & Order*” (139).

Postmodernism exists simultaneously (and often contradictorily) as a collection of cultural and social concerns as well as a set of aesthetic techniques, each contributing to “the sense that our inherited forms of knowledge and representation are undergoing some fundamental shift” (P. Waugh 5). Both of these dimensions are present in *Law & Order*, and interrelate to promote an overall sense of uncertainty or ambiguity, for prominent in *Law & Order* is an articulation of a loss of faith or belief in the cultural myth of the “rule of law.” Described by Lyotard as universal and authorial systems that prescribe forms and definitions for understanding and maintaining social surroundings, metanarratives can be seen as the “set of pragmatic rules that constitutes the social bond” (Lyotard 21). Within *Law & Order* the metanarrative at issue is the legal system, so casting into doubt its determination and

application of notions such as guilt, truth, crime, justice, and responsibility. *Law & Order's* postmodern aspects are not isolated instances, but instead can be thought of as contributing to a discourse about wider social sentiment, so that "the presence of these postmodernist narratives on television simply reflects postmodern tendencies already present in American culture" (Thomas 1514).

The decline in metanarratives is apparent in *Law & Order's* adaptation of generic themes and conventions, for both the police procedural and the legal drama inherently act as commentary about social institutions. Enacting and subverting its constituent genres through verisimilitude and hybridity provides *Law & Order* with an aesthetic means for working through postmodernism's cultural concerns. One of *Law & Order's* most significant artistic techniques is the fragmentation or segmentation seen in the series' narrative pattern, which reinforces on a structural level the uncertain position of previously stable definitions of crime and justice. The interrelation of genre and narrative, that is, the cultural and aesthetic aspects of postmodernism, also foregrounds the significance of Newcomb and Hirsch's perception of television as a cultural forum, or as John Ellis terms it, a mode of 'working through,' a televisual conversation about social concerns within a format that highlights their indeterminacy, for "Television attempts definitions, tries out explanations, creates narratives," rather than proposing solutions or resolving problems (Ellis *Seeing Things* 79). Genre and narrative thus work together to create an overall sense of how *Law & Order* incorporates postmodern techniques and themes, and suggest strategies for observing these attributes in other programs, to see how this tendency can be thought of as a characteristic of many television texts.

Law & Order's re-articulation of genre conventions conveys a sense of declining faith in metanarratives, specifically the various social institutions associated with policing and prosecution. *Law*

& Order's use of these elements, while often generically consistent, also undermines convention to convey a postmodern uncertainty with formerly fixed and meaningful systems. This technique, Neale's notion of "repetition with difference," is not particular to television and yet plays a crucial part in the medium's function as cultural forum, to encourage a mode for working through cultural, and in this case postmodern, ideas. Both the police procedural and the legal drama probe notions of crime, guilt, moral and legal responsibility, and the role of law in accounting for social transgression and its complex circumstances. The ways in which these anxieties are articulated within *Law & Order*, while superficially consistent with or repetitive of convention, are also often subversive, which necessitates an investigation of these differences to account for their possible meanings, to acknowledge how the "generic mix of a particular television output is crucial in determining the nature of its process of working through" (Ellis *Seeing Things* 103).

Given the police procedural's and legal drama's typical thematic considerations, these genres are prominent places to observe the expression of postmodern uncertainty and doubt, for by displaying a superficial generic verisimilitude *Law & Order* can confront and work through generic tensions. For example, a central part of this popular narrative in fiction, film, and television is its emphasis on procedure, the standard routines established for everyday policework and criminal apprehension. The depiction of these actions within *Law & Order*, although mechanically consistent with the genre, also implies a deeper suspicion of the apparent rationality and impartiality of the seemingly "implacable nature of standard police procedure" (Buxton 120). While incorporating the "Just the facts, ma'am" approach of earlier television incarnations of the genre, *Law & Order*'s procedures problematize its predecessors' assumptions of underlying, objective notions of truth, guilt, and crime. Using procedures

like the collection of evidence and the interrogation of witnesses does not necessarily result in the fair or just administration of authority, clearly seen in “Monster” (1998), when routines lead the police to incriminate an innocent man. This revision of generic elements questions rather than reinforces definitions of crime and guilt, because, unlike “early television crime drama [that] portrayed an ordered universe where evil was punished and good triumphed,” *Law & Order* depicts a police system in which such concepts are not so easily determined (Lane 137). Episodes like “Aria” (1991) suggest that the law is founded upon a now-faltering metanarrative, since it is limited to instances of legal rather than moral responsibility, and therefore does not include a means to arrest a mother for pushing her daughter into pornography.

The program’s police officers also contribute to this implication. Just as the police procedural is characterized by its conventions about procedure and routine, it also relies on certain types of police officers who embody specific traits, and *Law & Order*’s frequent cast changes allow for their integration and alteration. Attributes of the various cops, namely Mike Logan, Rey Curtis, and Lennie Briscoe, undermine the typical television portrayal of “the policeman as a neutral mediator of social problems” (Buxton 123). While the officers share numerous similarities with the police typical of other media texts they also have distinct characteristics that heighten their subjectivity and so influence their on-the-job conduct. For example, Briscoe’s two failed marriages prompt him initially to suspect infidelity as the root of homicides, a resentment toward women that affects his judgement in episodes like “The Pursuit of Happiness” (1993) and “Old Friends” (1994). Such a predisposition furthers the program’s underlying sense of ambiguity as well as augmenting its process of working through, for depicting the police as prejudiced and fallible reinforces postmodern uncertainties about the system

itself, yet also constructs different perspectives in which to contextualize or interpret criminal activity.

The program's re-articulation of generic elements is also prominent in *Law & Order's* adaptation of the legal drama. Like the police procedural, the legal drama fosters a conception of television as a cultural forum, in that one of the genre's central characteristics is an implicit examination of the legal system and its response to current social problems. The legal drama within *Law & Order* exacerbates tensions aroused in the police procedural, since passing judgement on issues like guilt and innocence, and so determining what actions are to be considered criminal, often results in challenging "assumptions that the rule of law provides a path to justice" (Thomas 1503). The pertinence of the legal drama within *Law & Order* stems in part from its focus on prosecution, for depicting the adversarial mode of legal argument furthers the program's function as a cultural forum by presenting opposing views of moral and social culpability. This is especially apparent in the program's presentation of defenses colloquially referred to as "abuse excuses," such as the justification of "black rage" used in "Rage" (1995), and the causal effect of television violence in "Castoff" (1998). These instances depict a legal system caught within the powerful and competing influence of external cultural forces, and so work through the central concept of responsibility, and the perceived weakness of the system's need to ascribe it to an individual, a position which does not often leave space for mitigating factors like race, class, religion, or upbringing. *Law & Order* regularly portrays the law's requirement of individual culpability as specious, that is, the series insinuates a gulf between legal and moral guilt. This often leads the state attorneys to manipulate the law's boundaries, as in "Promises to Keep," (1993) and "Mad Dog" (1997), so they can prosecute an otherwise non-criminal action, a revision of crime that implies the law is a subjective social institution whose existing definitions are inadequate,

which “makes the law seem unstable, unreliable and ineffective, a perspective reinforced by . . . [episodes] that explore the ambivalence between guilt and innocence” (Thomas 1503).

The personalities of the program’s various attorneys contribute to the representation of the legal system as subjective, ruled not by pre-existing and discrete visions of guilt and innocence, but by relative and character-driven interpretations of the law. In this way the depiction of the lawyers within the program “often invert[s] the traditional hierarchy of the rule of law over the rule of man, thus exposing weaknesses in traditional assumptions” (Thomas 1503). Lawyers in the legal drama are bound by certain conventions, from which *Law & Order* diverges most notably in its choice of character; unlike typical legal dramas in fiction, film, and television, the program focuses on the prosecution rather than the defense, a shift that enables it to delve into the criminal justice system. The lawyers themselves, EADAs Ben Stone and Jack McCoy and DA Adam Schiff, operate from different perspectives, driven by strong moral convictions, impulsive competitiveness, and political considerations, and episodes like “The Reaper’s Helper” (1991) and “Monster” (1998) show that “questions of truth and morality are decided by passionate individual action” rather than universal standards or declarations within the law (Lane 140). Individual action also contributes to the show’s function as a cultural forum: the attorneys add to and expand upon the positions raised in the police procedural to present a multiplicity of perspectives that provide competing notions about the legal or social issues in question.

These cultural concerns or ambiguities conveyed through *Law & Order*’s use of the police procedural and legal drama are closely linked to another significant dimension of postmodernism: its aesthetic techniques, particularly hybridity and fragmentation, which both reflect a decentering of

modernist artistic assumptions. *Law & Order*'s hybridity destabilizes the organizing principle of genre theory, for even though the police procedural and the legal drama form distinct halves of *Law & Order*, they are combined into each episode, forming a single textual entity, and the way in which the series both enacts and subverts the conventions of each genre is accentuated by the generic mixture within each episode. This weakening of generic boundaries, so that *Law & Order* "escape[s] the textual discipline exerted by organizing concepts such as genre," suggests a decline in the metanarrative of genre, an aesthetic system that enables categorization, thereby reinforcing the show's postmodern tendencies (Fiske "Postmodernism" 57). This process contributes to the program's re-articulation of genre, so that *Law & Order*'s hybridity provides a new form, or a cultural forum, for greater exploration of the genres' thematic concerns.

Law & Order addresses complex issues through its consistent narrative structure as well.

Investigating the program's standardized narrative pattern highlights its fragmentation, a prominent postmodern technique that foregrounds the breakdown of unifying metanarratives through an implicit structural meaning, for "a key consequence of this loss is the fragmentation of experience and its images" (Fiske "Postmodernism" 56). Also of consequence is the narrative format's standardization and repetition, as a part of a larger televisual strategy that supports Ellis' notion of working through. Television shows, including *Law & Order*, are characterized by a "narrative form built on the principle of interruption," as identified by critics like Raymond Williams, whose early and influential idea of television narrative as "flow" highlights how disjointed "items" are unified by the medium into a text (Caughie 145). Building upon Williams' insight about the disjuncture between such elements, Ellis argues that television narratives are constructed out of segments, self-contained pieces that form the

basis for television's distinctive narrative style, which emphasizes repetition over resolution. Unlike traditional narrative theory such as Seymour Chatman's, which contrasts narrative cruxes or kernels with minor elements or satellites, and concentrates on the former rather than the latter, television narrative theory draws attention to the prominence of minor events — what Ellis calls clinches — at the expense of resolving a central dilemma. This focus creates “a narrative structure which need not end,” meaning that the underlying enigma is rarely resolved, and without resolution the same problem recurs in each episode, worked through again without closure (Caughie 145).

Walter Fisher's assertion about the primacy of narrative to communication is an entry point for examining the relevance of narrative when studying popular culture artifacts such as television texts, and narrative theory's inherent link to myth provides an avenue for exploring narrative form and function as part of *Law & Order*'s postmodern strategy. Fisher's conception of the “narrative paradigm” includes knowledge of narrative conventions and structure that create a framework for interpreting the rhetorical nature of television narratives. Ascribing meaning to this narrative structure can be augmented by acknowledging the links between mythic and televisual storytelling in terms of their structure and function, for television's segmented narratives avoid conclusion in favour of ambiguity or multiplicity, making television programs polysemous in much the same way that myths are thought of as “plurivocal” texts. The lack of resolution in myth prompts theorists like Lévi-Strauss and Barthes to interpret myth as a type of coping strategy, much like television as type of working through, in that the very form of the texts encourages discourse about the social concerns it displays, instead of assigning a solution. Narrative theory's mythic roots thus facilitate a perception of television narrative as a means of working through, enhanced by television's particular (and postmodern) aesthetic characteristics.

Law & Order's storytelling structure rarely varies, and is typical of television in that it is composed of numerous segments or fragments. These segments, while producing a linear narrative, also work through fragmentation to unsettle rather than reinforce notions of crime, guilt, responsibility, and justice. Each segment or fragment is internally coherent, a "relatively self-contained scene which conveys an incident, a mood or a particular meaning," and as such can express a perspective on such concepts that challenges or contrasts those in other segments (Ellis *Visible Fictions* 148). For example, the segments within "The Secret Sharers" (1991) present competing ideas about the moral worth of homicide victim Jose Urbano, by showing him in various segments as a drug dealer, a devoted brother and uncle, and a suspected rapist. Each of these fragments is complete in itself, yet in sequence they express different aspects of Urbano's character that impact the interpretation of his death as a crime. The narrative structure on its own thus implies a lack of certain knowledge or universal moral standard through this multiplicity, and even episodes like "Aftershock" (1996), which deviate from this design, still rely on fragmentation to express and work through cultural tensions such as the morality of the death penalty, so that within each episode the segmented narrative structure suggests doubt about the systems of authority or "rule of law" that leads to the legal decision.

Television's approach to storytelling, specifically its emphasis on redundancy, thus functions on a structural and aesthetic level to reinforce some of the cultural aspects of postmodernism present within *Law & Order*. Given that repetition is characteristic of television narrative in general, it can also imply a more fundamental social concern, meaning that although formulaic, *Law & Order*'s standardized narrative pattern suggests an incredulity toward the metanarrative of law by depicting in the same manner the continuing problem or enigma of determining responsibility and achieving justice. Despite

Law & Order's ostensible ending of a verdict, similar problems appear in numerous episodes, such as white-collar crime, the conflict between secular and religious authority, and police error or corruption, a structural articulation of deeper problems within the system. This repetitive portrayal, including irresolution, hints that the systems of authority which exercise the regulation and administration of law are incapable of real social justice, and even that such justice may not exist. *Law & Order*'s consistent pattern provides a familiar framework for working through this concern, and in this way the narrative structure itself reinforces the postmodern sense of incredulity toward, and ambiguity about, the law as cultural myth that is raised by *Law & Order*'s use and re-negotiation of genre. By looking at both narrative and genre, that is, investigating not only what the program's stories are but also the ways in which they are told, a fuller understanding can be reached about how the program can function as a cultural forum for postmodern themes.

Law & Order's articulation and re-working of genre conventions, along with its particular narrative form, thus both contribute to an awareness of the program's postmodern strategy. Aspects of cultural and aesthetic postmodernism can be seen as critically interrelated: the declining validity of cultural myths expressed through the show's use of genre is reinforced by the implicit meaning of the narrative structure that underlies each episode. The strategies used by the program to achieve this effect are not unique to *Law & Order*; techniques like genre adaptation and hybridity are increasingly common on television, so much so that "the subversion of conventions is becoming conventional," and, as Williams and Ellis note, television narrative is generally fragmented, making the basic form of storytelling found in *Law & Order* endemic to most television series (Caughie 150). However, as this textual analysis illustrates, *Law & Order* can be seen as critical example of how television is a

postmodern medium. While *Law & Order*'s particular amalgam of the police procedural and the legal drama explores the machinations and failings of a system that attempts to define and order social conduct, Ellis argues that the idea of working through cultural concerns can be seen in other programs as well, that "this open process of working through takes place across the great genres of television" (*Seeing Things 2*).

The conclusions gained about *Law & Order* from this approach are not the sole meanings that can be found, for as noted in Chapter One, this specific study necessitates the exclusion of other critical aspects of textual analysis. Further research on *Law & Order* could address the program's political or ideological overtones, for the series' extensive history provides a large number of texts with which to explore shifts in the American political consciousness¹. For instance, New York's reinstatement of the death penalty in 1995 was mirrored by its appearance in the program as an option for criminal punishment, and numerous episodes since have functioned as a forum for possible ramifications of this legal decision, including "Aftershock" (1996). The frequent "ripped from the headlines" episodes, given their grounding in real-life cases, have a pre-existing basis for comparison to hypothesize about the program's particular political stance, while in the current season the program is responding to the September 11, 2002, attacks on the World Trade buildings, often directly integrating the circumstances into the body of the case. This is seen in "The Ring" (2002), in which the detectives, who have

¹At the 2002 Popular Culture Association Conference Laura Quinn presented an unpublished paper entitled "The Politics of *Law & Order*." Quinn discusses the political impact of the program's continuous cast changes in foregrounding issues of gender and race, how its formulaic narrative structure heightens political ambiguity, and analyzes episodes in relation to contemporary political issues and concerns.

determined that a female victim did not die in the collapse as was originally thought, encounter great resistance from her family at the suggestion that her death was not a heroic part of the national tragedy. Such content may provide a means to examine more thoroughly *Law & Order*'s political perspective and televisual ideology, as well as demonstrating the ways in which these perspectives can be articulated.

Linked to the significance of an ideological study of *Law & Order* is consideration of its reception. The program's longevity indicates that the often unsettling nature of its subject matter is indeed popular, and to consider the spectators' potential use and interpretation of *Law & Order* texts means expanding beyond seeing television as a cultural forum or mode of working through, as suggested here. Postmodern theory, as noted in Chapter Two, is concerned with the subjectivity of the audience, the way in which it is constructed and compromised, and Collins offers the idea that "television viewers are individual subjects neither completely programmed by what they are watching nor completely free to choose as self-determining individuals" (337). The various textual strategies outlined here, such as the satisfaction and displacement of genre expectations and the segmented narrative pattern, provide starting points for investigating how the audience engages with the series, and what kind of effects it may have on a sense of cultural or individual identity.

Another possible approach to *Law & Order* that also has wider relevance to television studies would be to graft film studies' auteur theory to television texts. This strategy has rarely been used,²

²For introductory instances of television authorship theory, see Christopher Wicking and Tise Vahimagi's *The American Vein: Directors and Directions In Television* and David Marc's *Demographic Vistas: Television in American Culture*.

arguably due an incomplete understanding of television's industrialized production process: "television critics have been slow to address the issue of creative authorship in the medium . . . much more needs to be known about the aesthetic conventions and production conditions of specific television program forms before work in authorship can be much more than a compiling of credit lists" (Boddy 2). A greater focus in this area would thus foster a deeper insight into both the artistic potential of the medium as well as its production process. As noted in Chapter One, *Law & Order's* creator and executive producer Dick Wolf has developed several successful shows within the *Law & Order* franchise: the original, *Special Victims Unit*, *Criminal Intent*, and *Crime and Punishment*. As well, in January 2003 ABC premiered Wolf's re-make of television's classic and influential 1950s police procedural, *Dragnet*. This extensive body of texts within a specific genre echoes the work of film auteurs like John Ford, and could be examined from a similar standpoint to determine the place of Wolf's shows within the police genre.

The possibilities for additional research on *Law & Order* exceed these three suggestions, and also imply a greater breadth and depth to television programming than much media theory allows. The sheer amount of textual material is more than can be accounted for in this single study, which has attempted to introduce not only the prominence and cultural impact of *Law & Order* within the network television landscape, but also the merit and necessity in studying popular culture to begin with. As one of contemporary culture's foremost storytellers, television furnishes many entrance points for exploring the relation between art and social or civic life, which existing and emerging postmodern theories can begin to chronicle. The fields of genre and narrative, as invoked within this study, illustrate not only the relevance of both to television, but also the potential and limitations of such theories: the

adaptation of film and literary conceptions of genre and narrative are merely a starting point, and need to be more thoroughly re-evaluated when faced with televisual articulations. This specific textual analysis has endeavoured both to depict the depth of ideas within *Law & Order* and to demonstrate the need to see television itself as an object of study, as a forum where our culture attempts to deal with anxieties like the meaning of 'justice,' which Ben Stone may have articulated best in "Kids" (1994), remarking after the verdict, "If anybody won anything, I'm not quite sure what it was." By understanding the construction of meaning within popular cultural artifacts such as *Law & Order*, we can come to a fuller appreciation of how our society self-reflexively communicates not just its hopes and fears, but its bewilderment.

Appendix - Law & Order's Various Awards Received*

EMMY AWARDS (Academy of Television Arts & Sciences)

- Emmy Record for consecutive *Outstanding Drama Series* nominations (10)
- 1997 Emmy Award for *Outstanding Drama Series*
- 1992/1993, 1996/1997, and 1997/1998 seasons: *Outstanding Individual Achievement in Cinematography*
- 1992/1993 season: *Outstanding Guest Actress in a Drama Series*: Elaine Stritch
- 1991/1992 season: *Outstanding Individual Achievement in Sound Editing for a Series*

PEABODY AWARD (Award for Broadcast Excellence)

- 1996/1997 season: *Entertainment Series*

SAG AWARDS (Screen Actor's Guild)

- 1998/1999 season: *Best Actor*, Sam Waterston
- 1994/1995 season: *SAG International Angel Award*

EDGAR AWARDS (for Distinguished Work in the Mystery Genre)

- 1999/2000 season: episode "Refuge Part 2"
- 1997/1998 season: episode "Bad Girl"
- 1996/1997 season: episode "Double Down"
- 1996/1997 season: episode "Deadbeat"
- 1992/1993 season: episode "Conspiracy"

SILVER GAVEL AWARDS (the American Bar Association's highest honour that recognizes the fostering of public understanding of the law and the American legal system)

- 1999/2000 season: episode "Hate"
- 1998/1999 season: episode "DWB"
- 1995/1996 season: episode "House Counsel"
- 1992/1993 season: episode "Intolerance"
- 1991/1992 season: episode "Asylum"

WRITERS GUILD AWARD

- 1996/1997 season: *Outstanding Teleplay* - episode "Entrapment"

TV GUIDE'S BEST AND WORST AWARD

- 1990/1991 season: *Best New Series*

PRODUCERS GUILD GOLDEN LAUREL AWARD

- 1996/1997 season: *Episodic Television*

D.W. GRIFFITH AWARD (Director's Guild of America)

- 1990/1991 season: *Best Television Series*

*for a full list of awards received, see www.uni-television.com/laworder/html/about/awards.html

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