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Abstract

It has been 150 years since the first publication of Lewis Carroll's acclaimed children's fiction *Alice's Adventures in Wonderland*,² and it remains a book that is appreciated widely across culture for its unique representation of the world. Indeed, the enduring quality of both *Alice's Adventures in Wonderland* and *Through the Looking Glass*,³ is evident in the way they have inspired creations of art, theatrical performances,⁴ judicial decision-making,⁵ cinematic portrayals,⁶ videogame plot development,⁷ and of course, the desire for adventure.

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INTRODUCTION

Through the looking glass: the framing of law through popular imagination

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It's no use going back to yesterday, because I was a different person then.¹ (Alice)

It has been 150 years since the first publication of Lewis Carroll's acclaimed children's fiction *Alice's Adventures in Wonderland*,² and it remains a book that is appreciated widely across culture for its unique representation of the world. Indeed, the enduring quality of both *Alice's Adventures in Wonderland* and *Through the Looking Glass*,³ is evident in the way they have inspired creations of art, theatrical performances,⁴ judicial decision-making,⁵ cinematic portrayals,⁶ videogame plot development,⁷ and of course, the desire for adventure. The 150th anniversary reminds us of not only the mesmeric impact of reading Alice's adventures, but also the cultural ubiquity of

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¹Carroll (1865), Chapter 10: 'The Lobster Quadrille'.

²In 1865, it was first published by Charles Lutwidge Dodgson, under the pen name Lewis Carroll.

³*Through the Looking-Glass, and What Alice Found There* (Macmillan, 1871) was Lewis Carroll's sequel to *Alice's Adventures in Wonderland*.

⁴Alice's adventures have been the subject of regular theatrical performances on London's West End, with the 150th anniversary year providing the necessary impetus for several productions putting their 'unique' spin on her tumble down the rabbit hole. See, for example: Les Enfants Terribles's *Alice's Adventures Underground* which occupies the Vaults under Waterloo station to bring the story to life; or the new musical *wonder.land* (created, produced and scored by Blur's Damon Albarn) for the National Theatre in London which portrays a coming-of-age adventure that depicts Alice navigating the boundaries of an online world.

⁵See, for example, Potter who illustrates the common practice of judges employing rhetoric that is redolent of Wonderland: Potter (2006–2007).

⁶*Alice in Wonderland* and *Through the Looking Glass* have been adapted multiple times for cinema and the small screen. The most popular and notable versions have been the 1950s Disney animation *Alice in Wonderland* (Walt Disney Pictures, 1951), and the most recent 3D cinematic version *Alice in Wonderland* (Walt Disney Pictures, 2010) released in March 2010, directed by Tim Burton and famously starring Johnny Depp as the Mad Hatter. A sequel to this Tim Burton version, *Alice Through the Looking Glass* (Walt Disney Pictures, 2016) is scheduled for release in 2016.

⁷A distorted and extended storyline of Alice seeking revenge for her parent's murder is actually the subject of two highly successful video games in the survival horror genre: *American McGee's Alice* (Electronic Arts, 2000) and *Alice: Madness Returns* (Electronic Arts, 2011). In these videogames, Alice's parents were killed in an arson assault on her family home, and she was committed to an insane asylum mistakenly believing that she caused the fire. Alice eventually discovers the truth and seeks revenge on the perpetrator.

'wonderland' within the public imaginary. Tea parties; magic cakes; secret doors; and chess games with animate playing cards, are each elements that have compelled generations of readers to journey with Alice into the seemingly chaotic and unpredictable worlds within which she finds herself. I myself, have long been fascinated by Alice's engagement with these seemingly arbitrary and absurd worlds, and reading these books with my children in recent years, has only renewed my enthrallment for the deployment of both imagination and language as ways to comprehend the world.

Now, here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that.⁸ (Red Queen)

When Alice falls through the rabbit hole or steps through the looking glass, she becomes lost in worlds that provoke mystification and the abandonment of common sense. It is a moment of transition, a movement between that which is 'real', knowable and explicable, and that which is nonsensical, chaotic and potentially incomprehensible. It is a moment of *encounter* that requires Alice to abandon traditional assumptions and logic if she is to begin to comprehend the adventure that awaits.⁹ The reward for this abandonment is entrance to these bizarre and fascinating worlds, where everything seems to be inverted or refracted from what she once knew – time is personified and made unreliable, decisions precede events and punishments are served before crimes are committed.¹⁰ These maddening phenomena are jarring to Alice's (and the reader's) sense of reality, and yet they facilitate her movement through the shifting boundaries of this encounter between that which is familiar, and that which is strange. As Alice struggles to understand these new constructed existences and orient herself in connection with the constructs of time, space and memory, she discovers that the familiar concepts of logic, predictability and rationality can be so easily taken for granted.

When I use a word ... it means just what I choose it to mean – neither more nor less.¹¹
(Humpty Dumpty)

In her search for meaning, order and reason, it would seem that in both worlds she encounters, law is *prima facie* absent. However, it is curious to recognise the familiar threads of law, weaved throughout Alice's encounters within these beautifully chaotic worlds. In the worlds of Wonderland and the Looking Glass, where law suffuses the narrative,¹² there is an ever present but 'generalised anxiety about law',¹³ represented in the conflict between order and disorder, chaos and predictability, authority and

⁸Carroll (1871), Chapter 2: 'The Garden of Live Flowers'.

⁹See, for example, the confusing explanation of logic from Tweedledee: '*Contrariwise,*' *continued Tweedledee, 'if it was so, it might be; and if it were so, it would be; but as it isn't, it ain't. That's logic.*': Carroll (1871), Chapter 4: 'Tweedledum and Tweedledee'.

¹⁰For example, see the Red Queen's disordering philosophy of adjudication: 'Sentence First: Verdict Afterwards': Carroll (1865), Chapter 10; see also Chapter 5: 'Wool and Water': 'For instance, now ... there's the King's Messenger. He's in prison now, being punished: and the trial doesn't even begin till next Wednesday: and of course the crime comes last of all.'

¹¹Carroll (1865), Chapter 6: 'Humpty Dumpty' (stated by Humpty Dumpty himself).

¹²Siemann (2012), p 430.

¹³Siemann (2012), p 431.

arbitrariness. This anxiety, which seems to permeate all cultures (whether real or fictional), stems from a fear that law might at times (or even frequently) be arbitrarily administered, or that justice might indeed be illogical, disjointed or counterintuitive. Lewis Carroll works this anxiety to perfection in Alice's juxtaposition between reality and the imaginary, and still 150 years later, his work continues to demonstrate the mutually constitutive relationship between law and popular culture.

'Give your evidence,' said the King; 'and don't be nervous, or I'll have you executed on the spot.'

This did not seem to encourage the witness at all: he kept shifting from one foot to the other, looking uneasily at the Queen, and in his confusion he bit a large piece out of his teacup instead of the bread-and-butter.¹⁴

Just as Alice contemplated, and then explored, the worlds down the rabbit hole, and on the other side of the looking glass, this special issue calls upon us to reflect on and encounter the concepts of law and justice as broadly framed within popular imagination through the lens of popular cultural texts. Alice enters these worlds that although familiar, are yet inverted, subverted or transformed, and so too this special issue seeks to provoke explorations of popular culture that will expose the inversions, mirrorings and refractions of law.

This special issue had its origins in the symposium *Through the Looking Glass: The Framing of Law and Justice Through Popular Imagination*, organised by myself, within the Legal Intersections Research Centre at the University of Wollongong, Australia, on 4 July 2014. The symposium sought to emphasise the novel, contemporary and innovative approaches towards popular cultural legal studies scholarship that focus on the storied nature of law and provided the forum for participants to join together in mapping the contemporary discipline of law and pop culture – with its different dimensions and relations to legal knowledge, law practice and jurisprudence. The papers addressed the genres of film, television, photography, video games and social media, and invited scholars to investigate and directly address: (i) the role of legal storytelling in transforming, mirroring, creating and sustaining legal consciousness; (ii) the framing and/or distortion of legal meaning within popular images and narratives; and (iii) the (de)mystification of law through popular stories.

This special issue builds on the themes and connections that originated in this 2014 symposium, and includes contributions by the original participants (Sharp, Bainbridge, Crofts and Barnett) with additional contributions inspired by its themes (Peters, Giddens and Mitchell). In seeking to engage critically with contemporary cultural legal studies scholarship, this special issue showcases innovative methodologies and practices that contextualise the role of legal storytelling in the popular imagination. The articles are inter-disciplinary and methodologically diverse – yet each contribute to the greater discussion surrounding the transformation of legal meaning that resonates within the popular imaginary, and in combination, this special issue exhibits an incredibly diverse and rich interaction with law and humanities scholarship.

And so, in a similar vein to Alice who *encounters* the worlds on the other side of reality and wrestles with the intrigue and absurdity they generate, it is the moments

¹⁴Carroll (1865), Chapter 10: 'Who Stole the Tarts'.

of *encounter* described in each of these articles that provide the most intriguing and inspiring explorations of law.

Jason Bainbridge, for example, begins the special issue with his exploration of how media saturates the very practice of law itself. In his article, he analyses how the self-reflective nature of media ‘saturation’ in popular media has altered legal spaces and practices, and he does so by questioning three particular instances of intersection among (and impact on) mass media and legal processes or practices: the saturated encounter of mass media within the courtroom; the effect on publicity and public opinion outside the courtroom; and the saturation of law by popular culture more generally. Referring in particular to three popular television series (*CSI*, *Murder One* and *Broadchurch*) that self-reflexively speak to this saturation, and the changing relationship between law and visual media over the past 20 years, Bainbridge provides an illustration of the ways in which television series are adopting media interest in crime as a plot device in its own right. His analysis of the heterotopic spaces of both law and media, channels the reflexive spirit of Alice, who, must be both self-aware and prepared to actively engage in the disruption of continuity in the world in which she encounters.

Penny Crofts continues this encounter of disruption by demonstrating how horror films can function as the cultural window through which to investigate criminal law’s transgressive concept of voluntariness. In a reading of the influential 1970s film *The Exorcist*, Crofts uses Regan’s transformation through possession as a mechanism by which to interrogate law’s expression and transgression of order. The horror genre, much like Alice’s adventures, ‘explores that which crosses or threatens to cross borders, providing an encounter between the symbolic order and that which threatens its stability’.¹⁵ And as both horror and law encounter criminal culpability at the moment of spectacle, the juxtaposition of this film with the anxieties of criminal jurisprudence allows for Crofts to explore with us what she describes as a ‘sustained meditation on wickedness’.¹⁶ Her contribution to this special issue effectively highlights the difficulties associated with moral and legal responsibility, and in so doing, exemplifies the ‘messiness’ of law that sits underneath criminal jurisprudence.

Furthering the exploration of messiness, Thomas Giddens provides a jurisprudential reading of Morrison and McKean’s graphic novel *Arkham Asylum*. In his contribution, Giddens critically analyses the juxtaposition of law’s reason with the ‘madness’ of Arkham, and describes a paradoxical encounter of ‘the meeting of reason and unreason in the context of justice’.¹⁷ In speaking of Batman’s foray into the Asylum as symbolic of the coupling of ‘conscious law and its unconscious threat’,¹⁸ Giddens imbricates psychoanalysis, comics and the cultural practice of storytelling to navigate between chaos and order, madness and sanity, reason and unreason. His article is an instructive illustration of cultural legal studies at work, and provides a challenge for all scholars to step through the looking glass and ‘crossing the threshold at law’s traditional limits’.¹⁹

¹⁵Crofts (2015), [p 374].

¹⁶Crofts (2015), [p 373].

¹⁷Giddens (2015), [p 398].

¹⁸Giddens (2015), [p 398].

¹⁹Giddens (2015), [p 395].

In the same way that Giddens steers us towards recognising transgression across reason, Timothy Peters' contribution convinces us to appreciate the complexities of popular cultural narratives that demand a re-reading and re-encountering of legality. In exploring Christopher Nolan's *The Dark Knight* trilogy as a narrative that opens the possibility for a different grounding of trust, law and justice, Peters reads Batman as a Christological figure that 'makes strange' the traditional superhero mythos as well as the narratives they tell of justice, law and legality. He argues that the scandal of the cross of Christ, is exactly the scandal of Batman's actions in *The Dark Knight* trilogy – that a non-hero is willingly and selflessly subjected to exclusion and rejection – and that this points to a contrasting message to the traditional superhero as an exceptional figure in relation to the law. In this close re-reading of Batman, Peters continues the theme inherent within this special issue of problematising those narratives of law and justice that most influence our legal imaginary.

Moving from the encounter of exclusion of one superhero to another, albeit shifting gender, Dale Mitchell provides a thorough and detailed critical examination of the legal and feminist dimensions of She-Hulk. His article demonstrates that while superpowers do not immunise She-Hulk 'from the struggles faced by the female voice within the legal system',²⁰ the realm of the abject and monstrous provides a solution to her exclusion. Mitchell argues that, defined by binaries and constructed through real world and imagined patriarchal forces, She-Hulk (as lawyer and 'hulking green enforcer') by necessity splinters the law to protect her client's interests, thereby demonstrating her resistance to law's patriarchal order. In a manner similar to Alice's oft-exclusion in the worlds she encountered, the monstrous othering of Jen as She-Hulk operates to fracture the law, thereby enabling her to forge her own monstrous justice. Mitchell argues that by embodying the monstrous feminine, Jen represents the promise of a different encounter with law – one that turns rejection by the law into something that challenges it.

In keeping with the theme of superheroes occupying spaces of exclusion, monstrosity and rejection, Michael Barnett and Cassandra Sharp take their moment of encounter to the world of video games. In analysing the *Infamous* series, which positions Cole McGrath as the superpowered protagonist in a self-contained post-apocalyptic world that is chaotic, broken and absent of legal sanction and protection, Barnett and Sharp demonstrate that the game (through both mechanic and narrative) reinforces a legal consciousness that requires morality to be fulfilled in the law. Reading both the bifurcated narrative, and 'moral mechanic' jurisprudentially, they argue that *Infamous* reflects a normative privileging of natural law, and that this reinforces understandings of the relationship between power, law and morality.

In the final contribution to the special issue, Cassandra Sharp interrogates the way 'revenge' and 'justice' are entwined in the television series *Revenge*. Just as Alice quickly realises that in a world without meaning, the search for truth and order is misguided and futile, the character of Emily Thorne progressively demonstrates that in a world that values retribution, the search for justice is often atavistic yet pathologised. Sharp argues that it is by refusing to submit to the rational authority of law, and by subverting the rules of legal and social intercourse, that the violent vengeance exercised by Emily contributes to the pathologising of human desire for revenge. Using

²⁰Mitchell (2015), [p 446].

Revenge as case study, Sharp contends that it is the consistent Hollywood apposition of retribution and revenge as divergent forms of 'justice' that belies a conspiracy with law to pathologise the human desire for payback. She thus explores the desire for revenge as a visceral encounter with the darker elements of human nature. In so doing, she demonstrates the way popular revenge narratives effectively construct the vendetta as a guilty pleasure through which the audience can vicariously gain satisfaction, while all the while perpetuating law's rhetoric that personal desires for vengeance are to be repressed and denied.

In venturing through the looking glass, and tumbling down the rabbit hole, Alice encountered a world that was loosely tethered to the familiar, yet at the same time was inverted and refracted. Despite her initial discomfort at the absurdity, chaos and unpredictability of these worlds, Alice nevertheless persisted in her exploration of them, challenging the limits and defying the very structures of those worlds. Although at first seemingly lost in these worlds, Alice adapts enough to disrupt them, and emerges from each encounter triumphant, empowered and self-improved.²¹ This special issue has encountered the law in much the same way, with each contributor bringing defiant force to bear as they stepped through the looking glass of cultural legal studies into the world of law, ready to disrupt and contest its guises and machinations, and perhaps inspire others to challenge beliefs about what is possible:

Alice laughed. 'There's no use trying,' she said: 'one can't believe impossible things.' 'I daresay you haven't had much practice,' said the Queen. 'When I was your age, I always did it for half-an-hour a day. Why, sometimes I've believed as many as six impossible things before breakfast.'²²

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²¹Siemann (2012), p 433.

²²Carroll (1871), Chapter 5: 'Wool and Water'.