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**IMAGES OF LAW IN EVERYDAY LIFE: THE LESSONS
OF SCHOOL, ENTERTAINMENT, AND
SPECTATOR SPORTS**

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STEWART MACAULAY

Some of us see law as largely marginal to American life (see, e.g., Macaulay, 1984), but other colleagues assert that law constitutes society. One position does not contradict the other because we are talking about different things. Cases, statutes, and enforcement agencies very seldom directly influence everyday life. At the same time, law is an important part of culture. Despite many debates (see, e.g., Hall, 1977; Harris, 1980; Ortner, 1984), legal culture affects everyday life in important ways. At the very least, it provides a vocabulary with which we rationalize our actions to others and ourselves. As Geertz (1983: 173, 232) insists, "law is not a bounded set of norms . . . , but part of a distinctive manner of imagining the real." Law is "meaning . . . not machinery." It is "a species of social imagination." It "is constructive of social realities rather than merely reflective of them."

If we accept Geertz's position, we must ask how Americans learn and translate those legal ideas they use in imagining the real. Certainly, few people read statutes, regulations, appellate opinions, or jurisprudential essays. We could look many places for reflections of our legal culture. Most Americans learn important lessons about legality in school. Many of us continue our everyday legal education through films, television, and spectator sports. However, all of these accounts often are oversimplified, garbled, conflicting, or misleading.

This is a revised version of the presidential address given at the annual meeting of the Law and Society Association in Chicago on May 31, 1986. I want to thank Dr. Jacqueline R. Macaulay, whose critical editing improved the manuscript greatly. I gave talks based on the paper at the University of Western Australia, Faculty of Law, Perth, and at the University of Toronto Law School. I benefited a great deal from the discussions after these presentations. As always, all mistakes are mine, because I didn't take all the excellent advice offered.

My case is very simple: I'll argue that we must look beyond the behavior of judges, lawyers, cops, crooks, and eyewitnesses as well as data concerning how many of what kinds of cases come before the courts. We need to understand the behavior of people who comply with or shade and evade the law. We need to consider when and why people turn to lawyers or use other means of solving problems. We need to understand what conduct by legal officials people will applaud or tolerate. To understand these and other things, we must understand people's knowledge of and attitudes toward the legal system. This knowledge and these attitudes are formed, influenced, and reinforced by boring and colorless high school history books, arbitrary exercises of authority by teachers and coaches, episodes of "Miami Vice," and morality plays staged by organizations such as the Badgers, Bucks, Brewers, and Packers.

My discussion is a scouting expedition into underexplored territory. Literary critics, historians, social scientists, sports writers, newspaper columnists, and others all write about education, entertainment, and sports. While little of this literature was written with our concerns in mind, it suggests questions and possible answers for those of us in the law and society community. Necessarily, my conclusions will take off from all that has been written, and I'll speculate freely. I'll also rely on my own experiences and what my friends tell me they see on TV. We are all participant observers of school and mass culture. I'll look briefly at what we know about knowledge, attitudes, and compliance with law. I'll ask what ideas about authority, law, and the legal system found in education, entertainment, and sports might affect everyday life. Then I'll consider why the public's naive sophistication about things legal should concern members of the law and society community.

I. KNOWLEDGE, ATTITUDES, AND COMPLIANCE

Many have studied the knowledge of, attitudes toward, and compliance with law. How should we report the results of this research in a law and society text? Sarat (1977) summarized what we had learned about the public's knowledge of the law. Put simply, most people know many things about law, but they also know much that isn't so (compare Williams *et al.*, 1980).

For example, the Hearst Corporation (1983) sponsored a survey about public knowledge of and attitudes toward law. The results surprised my law students. Respondents were invited to match names of prominent people with their positions in government and private organizations. Only 41 percent

knew that Warren Burger and Sandra Day O'Connor were judges, and only 13 percent recognized Lewis Powell's position. Although 97 percent knew that everyone accused of a serious crime has a right to representation by a lawyer, 50 percent thought that in a criminal trial it is up to the person accused of the crime to prove his innocence. (Those between the ages of eighteen and thirty-four did better on this question than those fifty and older.) Forty-five percent thought that a district attorney must defend a person accused of a crime who could not afford to retain a lawyer; 39 percent incorrectly thought that if a court declares a business bankrupt, all personal property owned by the businessperson and his or her family must be sold to pay creditors. In another survey, Forbes and Jones (1986) found that few citizens of Omaha were aware that employers have a legal right to fire almost all of their employees without cause.

What people know is unlikely to come from direct experience. For example, the Hearst Report says that only 20 percent of their respondents had ever been a party to a civil case such as a divorce, child-support action, or breach of contract suit that went to court. Ninety percent had never been victims, and 85 percent had never been witnesses in personal injury litigation.

Americans have mixed attitudes toward using law. Unhappily, the more contact people have with law and lawyers, the less satisfied they are. (See National Center for State Courts, 1978. Compare Walker *et al.*, 1972; Merry, 1986.) We are living through what some label a litigation explosion. Justices, judges, law professors, and journalists tell us that litigation has replaced sex as the great indoor sport. Nonetheless, most Americans are uncertain about using lawyers and courts to solve problems. This distaste for litigation is longstanding. For example, my late father-in-law, a business executive, delighted in needling his son-in-law, the law professor, about law and lawyers. One evening he produced the following obituary of my wife's great-grandfather:

Died, near Oak Grove, Chester County, Tenn., April 20th, 1883, Mr. William Robbins, aged 83 years, 4 months and 18 days.

He was for 33 years a member of the C. P. Church, zealous, energetic and upright in the cause he espoused. He was a kind and devoted husband, remarkably affectionate as a father, and as a citizen he was esteemed as few have been; his motto was to "do right," doing good to, and living peaceably with all men.

Few men have lived so long and been publicly known, and yet sustained so marked a character for quietude and peace. During the checkered pathway of

eighty-three years he was never engaged in a law suit for himself or others, was never arraigned before a jury, or as a witness against his fellow man.

Engel (1984), Greenhouse (1982), Baumgardener (1985), Merry and Silbey (1984), and Ellickson (1986), all tell similar stories about Americans' distaste for attempting to solve problems by litigation. Galanter (1986) reminds us that people who would rather solve problems in other ways may be driven into the legal system. For example, those who want a divorce do not necessarily lust for litigation. Yngvesson (1985) also cautions us that the willingness to go to court may be class related.

If we know a lot that isn't so, and if we are ambivalent about lawyers and litigation, do we comply with law? We think we are a compliant nation, and most of us say we should obey laws just because they are law. For example, Sarat (1975: 9) interviewed a sample of residents of Madison, Wisconsin. Sixty-four percent said that "a person should obey the law even if it goes against what he thinks is right." Seven out of ten said disobedience of the law is harmful to society, and over two-thirds said they would lose respect for themselves if they disobeyed the law.

Our national attitudes about complying with law are complex and sometimes contradictory. Jones's *Life, Liberty, and Property* (1964) vividly illustrates this. He studied attitudes about compliance in Akron, Ohio, during the Depression. Akron had been through great economic hardship. People were out of work, sit-down strikes were in the news, and even revolutionary responses to hard times were debated. Reactions to the rise of organized labor and President Roosevelt's New Deal policies were mixed and extreme. In this setting, Jones posed a number of problems to a stratified sample of the city's population.

One difficult hypothetical case put to Jones's respondents was as follows:

Anthracite coal mining in Eastern Pennsylvania was a "sick industry" even before the depression. In the 1930s still more mines shut down, the companies deciding to keep their coal in the ground until prices for it should go up. There was great unemployment and distress among the miners. In these years the unemployed miners began going into the idle mines and taking out the coal. They did this without the permission of the companies which own the mines, and without the interference of the local police, so that no violence resulted. They have both burned the coal themselves, and sold it.

Question: What do you think of this sort of action on the part of the unemployed miners?

Answers:

0. I approve.
1. I think it may have been all right if they were really in distress, but I'm doubtful about it.
2. I can't decide.
3. I suppose it is wrong, but I must qualify my feeling. For example, I think it is wrong for them to sell the coal, but not if they merely burn it to keep warm.
4. I disapproved, and cannot let my sympathies interfere (*ibid.*, p. 358).

In the general sample of the city, 54 percent approved stealing the coal, 18 percent approved using the coal but not selling it, and 21 percent entirely rejected taking the coal for any purpose. Seventy-eight percent of the business executives disapproved stealing the coal, while 17 percent approved using but not selling it. Forty percent of the teachers approved using and selling the coal, 23 percent approved using but not selling, while 33 percent disapproved entirely. Seventy percent of the rubber workers who were members of the CIO approved using and selling the coal, 15 percent thought using was proper but selling was not, but 7 percent disapproved either using or selling.

Jones's respondents also were sharply divided on the propriety of neighbors blocking the eviction of a poor, unemployed tenant and of farmers interfering with a foreclosure sale so that the farmer-debtor could buy back his farm for one dollar. Whatever people may do when faced with a real problem, many say there are no excuses for illegal action. Property is property, and a deal is a deal. Those who reject absolutes and react to exceptional circumstances are a minority. In short, these Americans living through the Great Depression disagreed about the abstract obligation to follow the law.

Whatever our attitudes, how compliant are we? Despite our resistance to surveillance and coerced compliance, Americans are relatively law-abiding. Our modern concern with law breaking suggests that while there may be less compliance than we like, we expect a high degree of it. For the most part, our lives and fortunes are not at serious risk in day-to-day living unless we are poor. We do not live under an occupying army enforcing the rules at gunpoint. However, most of us do not murder, rape, or rob others. We get licenses, fill out forms, and pay taxes by what we call a voluntary self-assessment system.

Having said this, we could easily compile a long catalogue

of Americans breaking the law. Civil disobedience is as American as apple pie. We need mention only the Boston Tea Party, the resistance to the fugitive slave acts, draft riots, and today the selling of Nicaraguan postage stamps to defy the embargo. (Compare Childress (1985) discussing medical professionals refusing to follow the law when it is contrary to their ethical views.)

Americans also break the law for less lofty goals. We can laugh when we remember that they call the University of Oklahoma football team the Sooners. Those who reached Oklahoma Territory sooner violated the rules for homesteading on public land and defended what they took by force. Susman (1984: 31) quotes Zechariah Chafee as saying,

Habitual obedience to law was a spirit which could not develop in men who were largely squatters, and who, from the outset of our national history, disregarded the Congressional statutes which required that public lands must be surveyed before they were settled. Sometimes, as in this instance, the settlers' resistance to law was successful. More often they were overpowered by the strength of civilization and submitted to the law sullen and unconvinced.

We also made treaties with the Native American nations as a ploy that served to trick these people into parting with their land.

There is the whole Prohibition experience as well. American folklore romanticized bootlegging, speakeasies, and the Roaring Twenties. Instead of feeling morally bound to honor the law, many Americans found violating Prohibition a game. Adler and Adler (1983) point out that police and prosecutors in the states and counties that are still dry often "wink at" violations of restrictive liquor laws rather than prosecuting them. Owners of night clubs there play a game with complex, unwritten rules in order to serve liquor. It is enough that they can make a barely plausible case that they are complying with the law. Many otherwise law-abiding middle-class citizens are willing to go along with the charades needed to evade the law.

Our inventory of American evasion and shading of the law is long. Probably most of us drive automobiles at speeds greater than those posted. Inflight magazines and catalogues carry advertisements for police radar detectors so we can speed without getting caught. Many drive while intoxicated. Large numbers of Americans also participate in the second, or underground, economy. The IRS estimates that only 35 percent of those who are self-employed report their true income. Non-compliance is greatest for independent professionals such as

management consultants, CPAs, lawyers, and doctors (see Cowan, 1982). Cleaning ladies, handy men, and all kinds of small businesses work to keep income off the books and invisible to tax collectors. For example, the *Wall Street Journal* (May 27, 1986: 29) reported,

He and . . . other men drive people around town for a fee, but they don't pay any taxes on the fares they receive. What's more, they don't see why they should.

Most of the men used to work at the sprawling Homestead Works. . . . Now that the steel mill has closed, their car service allows them to make a living. "It ain't bothering anyone. It ain't stealing," says Earl Jones, who was laid off . . . after 36 years at the mill. How much does he make? "Ain't saying," he replies with a smile.

The men are part of a vast underground economy made up of people who work "off the books" for cash. . . . For the most part, they are intensely proud people who hang the American flag from their neat front porches on holidays and respect the law, believing strongly in right and wrong. But their changed circumstances have altered the way many of them think.

Americans smuggle items across the border and buy stolen goods. There is a large and successful industry importing and distributing illegal drugs that depends on the willingness of many to use controlled substances. The structure of drug dealing itself reflects many conflicting American values: People receive large rewards quickly for accepting risks and running their business efficiently. However, importantly, it is an exciting life where dealers achieve recognition (see, e.g., Adler, 1985).

Individuals acting alone are not the only ones who evade the law. Major corporations also break antitrust laws and violate environmental protection and industrial safety regulations. Illegal kickbacks are standard operating procedure in some industries. Other corporate representatives bribe public officials here and abroad. Some of the Fortune 500 also evade the tax laws despite constant audit.

Where do these contradictory attitudes and actions come from? We are socialized to obey authority but also to disobey it on some occasions and in certain ways. Perhaps the message is that we should not "really" violate the law, but the definition of "really" is very vague. For example, mystery writer Dick Francis (1985: 38) wrote of one of his character's employees at a wine shop,

She was honest in all major ways and unscrupulous in minor. She would never cheat me through the

till, but Brian [her nephew, who worked with her at the shop] ate his way through a lot more potato chips and Mars bars than I gave him myself, and spare light bulbs and half-full jars of Nescafe tended to go home with Mrs. P. if she was short. Mrs. Palissey considered such things "perks" but would have regarded taking a bottle of sherry as stealing. I respected the distinction and was grateful for it, and paid her a little over the norm.

II. EDUCATION AND LEGAL CULTURE

One of the sources of our beliefs about authority, law, and the legal system is what we learn in and from school. Writers reflecting on the functions of education distinguish what schools attempt to teach from lessons that students may learn just from going to school. Just as the sociology of law has long distinguished the law in action from the law on the books, the sociology of education distinguishes the announced curriculum from the curriculum in action. Schools are supposed to pass on knowledge and ways of thinking. Throughout our history, Americans have called for schools to train young people so they have good work habits (see Anyon, 1980, 1981a; Kapferer, 1981). Apple and King (1977: 344-345) tell us that

the curriculum field has its roots in the soil of social control. . . . [Education attempted] to guarantee expert and scientific control in society, to eliminate or "socialize" unwanted racial or ethnic groups or their characteristics, or to produce an economically efficient group of citizens, in order to . . . reduce the maladjustment of workers to their jobs.

But that is not the only agenda in school; there is a hidden curriculum as well. Students learn about coping with multiple authority structures. Administrators, teachers and coaches, and even other students all make demands. Some students get along by going along. Others practice passive resistance or evasion. Only a few rebels openly challenge the system (see, e.g., Anyon, 1981b; Everhart, 1983; Giroux, 1984; Hargreaves, 1982). I will consider, in turn, the formal and hidden curricula.

A. *Teaching about the Legal System*

Schools attempt to teach aspects of the legal system. Several writers have studied the content of popular American history and government textbooks seeking their messages (see, e.g., Anyon, 1978, 1979b; FitzGerald, 1980; McNeil, 1981: 317;

Skoog, 1984). Insofar as they say anything at all, textbooks offer a simplified, formal picture of government, courts, trials, lawyers, and police. They present theoretical explanations of the functions of government agencies as if they were empirical descriptions of how, say, the police actually operate (Anyon, 1979a). There may be some change taking place today. Many have attacked the "dumbing down" of textbooks and called for them to deal with difficult issues. My daughter's high school government book (Mehlinger and Patrick, 1977), for example, mentioned both plea bargaining and settling civil cases. It did not, however, consider how either system works or which people might be disadvantaged in either process.

American history texts paint an uncritical picture of reform legislation. McNeil (1981: 315) reports that the "texts overwhelmingly favoured an interpretation of history which attributed 'progress' to the growth of large-scale corporations and which tacitly entrusted legislatures and the courts with solving those few temporary social inequities acknowledged as arising from industrialization." The threats to the American economic system that provoked major reforms and the limited enforcement of this legislation are ignored.

FitzGerald (1980) studied history textbooks used in high schools from about 1880 to the 1970s. High school history books once had a clear point of view, but today they seem written only to offend the fewest possible. From 1911 into the 1960s, David Saveille Muzzey's *American History* was very popular. Many older Americans read Muzzey during their high school years. He wrote lively prose, the various editions were filled with good stories, and there were clear heroes and villains. He assumed that great individuals make history. Today, many would see his book as racist and sexist, but Muzzey was a progressive, elitist gentleman of his day. He was self-assured, and he saw America's entire history as legitimate. He assumed that this nation rights its wrongs without fundamental changes in institutional structure. People of good will can and will solve problems.

Today, however, no publisher would try to market a text as personal as Muzzey's. They offer books written to a formula. Now, FitzGerald says, texts discuss the American system of government as if it were a "constant preserved in the National Bureau of Standards" (ibid., p. 152). Modern high school history books deal largely with institutions rather than individuals. Branding a president or senator a hero or a villain might offend some parents or newspaper columnists. There is little, if any, consideration of the political philosophy of the framers of

the Constitution. The books report no fundamental conflicts of value or interest. In this "natural disaster" theory of history, things just happen, and the books make no attempt to explain why. History is just one damn thing after another.

Furthermore, the books say Americans always solve problems: Monopolies threatened America in the late nineteenth century. Congress responded with the Sherman Act, and the implicit message is that the statute resolved all the difficulties. It was hard for farmers to get goods to market in the same era, and so Congress naturally responded by creating the Interstate Commerce Commission. Again, the implicit message is that the ICC solved all the problems. FitzGerald says "[i]n its flatness and its uncritical conformism, it is a kind of American Socialist realism" (ibid., p. 162).

Textbooks are not this way by accident. They are created by private publishers who must market them profitably (see Apple, 1985). In many states, government agencies adopt texts for use in the schools. Adoptions spell profit; rejections make success difficult if not impossible. Vigorous political struggles take place over the content of these books. People demanding the teaching of creation science and attacking secular humanism pull one way, while those concerned with the treatment of women and people of color push the other.

B. The Hidden Curriculum

Just by attending school, students learn something about complying with rules, respecting authority, and coping with bureaucracy. Many writers have debated this hidden curriculum. Some of these studies, influenced by Marxist-derived theories, focus on the function of schools in reproducing a capitalist industrial labor force. Others argue that students may learn to resist and rebel.

What do students learn about authority and work? Apple and King (1977) argue that they learn to tolerate the ambiguity and discomfort of the classroom. They must accept a considerable degree of arbitrariness in school activities. School is doing what teachers tell you to do. Discovering real knowledge is beyond your power. You start and stop at a time designated by others. "Now class, we are going to paint." You tolerate boredom and passivity. As long as you are quiet, you have considerable room to daydream. You live in crowds, and this means you postpone or deny personal desires. Obedience is more highly valued than ingenuity, whatever teachers say (see Henry, 1955).

Students are assessed by a hierarchy of others, and it is up to each person to discover the real norms that the authorities will apply. Students learn that authority commands an arsenal of sanctions. Ridicule and embarrassment are common and powerful punishments and deterrents.

What do students learn from this implicit curriculum? While some may accept it without challenge, many learn to cope (see, e.g., Cornbleth, 1984). Education is a series of competitions, and those who fail lose rewards and privileges. Those who do poorly in one race can seek others where they might win. Some students, however, cannot deal with the system at all. They withdraw and seek worlds outside school where they can succeed. They find working, playing rock music, and learning about cars or computers much more rewarding than failing in school (see Papagiannis *et al.*, 1983; *Wall Street Journal*, August 17, 1983: 22). These students often reconcile the expectations of teachers and parents with the students' experiences by fashioning a belief system that disparages the worth of the activities in classrooms. Administrators, teachers, counselors, and parents are accordingly foolish or worse.

Between the extremes of compliance and rebellion, there are many options. Those who stay in the game can cope in many ways. Some students simply hold out until school comes to an end. They see themselves as powerless, and they learn that they cannot trust what authorities tell them. Others become manipulators. Students can become active participants in creating and interpreting their environments. They learn that contradictions between announced policies and context are normal and offer them choices.

Many students become adept at "playing school." They keep up appearances and seem never to question the legitimacy of school demands. However, they do not internalize the school's values or views of the world. They seek grades rather than knowledge. They acquire course credits so they can get the jobs they want after school. McNeil (1981: 323) found many students "playing school" in this way in her study of a high school in an academic community. Students worked hard, but they would not participate actively or show interest in any subject because this would reward their teachers. They were very skeptical, if not cynical, about what was being fed to them. McNeil says that

an overwhelming majority of the students refused to believe the course content. . . . [There was] a contradiction between something the teacher presented as fact and information the student already knew. . . .

They gave television-supplied information more credence than teacher talk.

Nonetheless, the students wanted to graduate, and many wanted good grades. They played the game and repeated what the teacher told them in class on exams.

Other students are able to avoid both subordination to school norms and getting into trouble with authorities. Cornbleth (1984: 33) concludes that such students "approach their school situation in ways not unlike the speeding motorist on the lookout for radar traps; instead of becoming more law-abiding, they become more adept at law-breaking." For example, Kickbusch and Everhart (1985) report that in a Silicon Valley school, a good faith effort will get a student a C— or a D and enough credits to graduate. Students have a good sense of how little they can do and still be seen as making an effort. Other students learn to play the system and take easier courses and teachers. Student culture tells most of them what and who to take to gain the needed credit for the least effort. The lesson is that authority can and will give you a break if you seem deserving. In other words, students learn that the system can be manipulated.

Finally, many students learn to cheat in major or minor ways. For example, the publisher of *Who's Who among American High School Students* surveyed two thousand teenagers who were high school leaders in 1983 (see *New York Times*, November 11, 1983: 28). Nearly a third of them said that at times they cheated in school; 28 percent said they had never cheated; 38 percent said they had cheated in the past but no longer did so. We must remember that these are the students who did well in school, and not the ones who failed. We can wonder whether school teaches at least some Americans that cheating is an appropriate response to authority if they don't get caught.

Of course, schools are places where young people are together. Even those not actually involved in breaking the rules can see what happens to others and draw their own conclusions. They learn not only about cheating but also about breaking the law—about underage drinking, smoking marijuana, and other symbols of growing up. They learn where to find counterfeit identification cards so they can drink before they reach the legal age or find people who will buy beer for them. They learn about evading the traffic laws and about police discretion. Some learn about breaking rules and getting a break from cops and the juvenile court. Even without firsthand experience, many learn to disparage cops, lawyers, judges, social workers, and authority in general.

III. THAT'S ENTERTAINMENT

School is not the only place Americans learn about the legal system and coping with authority. We go to the movies and watch television, and many dramatic shows involve law.¹ Indeed, old films and TV series never die. Cable television and VCRs recycle them over and over again. Many Americans are able to discuss plots, characters, and actors from ten to twenty years of western, cop, private eye, and other films and TV series. We must wonder about the lessons learned here. For example, *Star Chamber* appeared a few summers ago. In this film an evil creep is tried for killing little old ladies to steal their Social Security payments. He evades just punishment by asserting his constitutional rights. The Warren court's rules about criminal prosecution force the judge to throw out the case. But then the judge discovers that other judges have solved this problem by direct action: They hire hit men to kill the creeps. The *Wall Street Journal's* (August 17, 1983: 22) editorial writers seemed to approve of this solution: "Even in our chic New York uptown theater, the audience cheered when the judges' hit man blew away the little-old-ladies-killer." Perhaps everyone who saw the film took it as just a movie. Perhaps not.

More Americans learn about their legal system from television and film than from firsthand experience. Few of us have ever been in a squad car, a jail, a courtroom, a lawyer's office, an administrative hearing, or a legislative committee meeting. Most of us know these places only from film and TV, but there is a lot of such teaching material around. Mastrangelo (1983) compiled a "filmography" of pictures in sound, in English, and featuring lawyers or courts. He lists 120 films, and if we relax his definition of "featuring," the number increases. When we add the many westerns, cop, and private eye shows, we must conclude that it is hard to avoid lessons in law.

However, film and TV offer entertainment and not social science. Viewers who rely only on these reports for information are badly misled (see, e.g., Dominick, 1973; Gerbner and Gross, 1976; Lichter and Lichter, 1983; Taylor and Dozier, 1983). Entertainment programs misrepresent the nature and amount of crime in the United States. Murder makes a much better show than embezzlement or fraud, and so drama tells us that society is a great deal more violent than official statistics indicate. Entertainment rarely shows street crime other than drug

¹ After I had written this section of my paper, I had a chance to read Chase (1986a; 1986b). I highly recommend Chase's articles. He obviously sees and enjoys film and television more than I do. See also Carlson (1985).

offenses. Television also offers a number of false or doubtful propositions. For example, it tells us that criminals are white males between the ages of twenty and fifty, that bad guys usually are businessmen or professional criminals, and that crime is almost always unsuccessful in the end.

Soap operas are a little different (see Estep and Macdonald, 1985; Sutherland and Siniawsky, 1982). Increasingly they have become crime shows. When the script must end a character's role, it is better to murder the person than to show death caused by illness or accident. Epidemics of cancer or heart attacks might threaten or trouble too many viewers. Women kill on soap operas far more than in real life. Today, it is harder to care about marital infidelity, premarital sex, or illegitimacy, and so scandal has had to escalate. Soap opera murderers do not always come to a bad end quickly. Stories go on for two or three years, if not longer. In the end, police apprehend or kill most bad people, but a few get away with their crimes. However, misfortune usually plagues these people so that the punishment comes from circumstance rather than the legal system.

Television and film also often misrepresent the roles of actors in the legal system. With few exceptions, police are in action constantly. Car chases, running after criminals on foot, and gunfights are all in a day's work. Lawyers are portrayed atypically. Perry Mason set a pattern (see Mazel, 1982). Mason doesn't get his client acquitted by showing that the prosecutor failed to carry the burden of proof. Instead, he proves his client's innocence by exposing the real killer. Surprise witnesses appear at the last minute, just before it is too late. After Mason's cross-examination, prosecution witnesses break down on the stand. As far as we can tell, Mason has never represented a guilty client or engaged in plea bargaining.

Civil actions are rarely shown on television or in film. However, Paul Newman appeared in *The Verdict* in 1983. Many lawyers were unhappy (see, e.g., Shipp, 1983; Lipsig, 1983). Certainly the film presents the unusual and suggests that it is typical. Newman turns down a settlement without presenting the decision to his client. He uses self-help discovery. He breaks into a hospital and steals the documents he needs. The trial judge sends the case to the jury after ruling out all evidence that might have supported the plaintiff's case. Finally, the jury plays Robin Hood to reach what the film suggests is the right result.

Entertainment also presents important issues of civil liberties in distorted ways. Often the audience knows that the villain committed the crime, and we have no reason to worry

about mitigating factors. We are the eyewitnesses, and matters are clear cut. Trials would be a waste of time. Television crime is solved by killing or capturing the guilty party. Leading characters often administer retribution on the spot. The hero shoots bad guys in a gunfight or sees them incinerated when their car goes off the road in a high-speed chase. We see arrests but seldom arraignments, pretrial motions, plea bargaining, or jury selection. Film and TV do not tell us about sentences or what part of a sentence is likely to be served. The stylized ending of the old Jack Webb "Dragnet" programs was an exception—"A trial was held in the Superior Court in and for the County of Los Angeles. In a moment, the result of that trial." The bad guy was almost always convicted, and we were not told about successful appeals or parole.

However, occasionally TV and film do show their versions of trials. Messages about due process often conflict. On one hand, the defense lawyer as a champion of the innocent is a stock character. In these shows, the important message is that the police and prosecutor can be wrong. Sometimes the defendant is taking the rap for another, but usually the drama turns on the wrongly accused facing a mistaken or corrupt prosecution.

There are many examples of this skepticism about authority's competence or honesty. "Perry Mason," of course, is the modern prototype of a very old plot. We can also list "Judd for the Defense," "Hellinger's Law," and "Chicago Story." Joyce Davenport, the public defender on "Hill Street Blues," has kept the idea alive. In the 1986 season, "Perry Mason" is back in several films made for television (see Farber, 1986). Also Andy Griffith now plays "Matlock," a crafty defense lawyer who solves murders while defending his clients.

Matched against the "Perry Mason" plot, television offers criminals hiding behind civil rights. We might call this "the Warren Court as the Enemy of Hard-Working Cops and Good People." As far as I know, an old black-and-white episode of "Dragnet," shown shortly after several of the Warren Court rulings about police procedure, introduced this story. Sergeant Joe Friday and his partner arrest the all-time sleazy drug pusher who has victimized children and has little claim to exist on the planet. The program ends with an assistant district attorney telling the police officers that the bad guy will go free. The officers have violated a trivial technical procedure. The price of this breach of etiquette is the release of a monster who will return to the streets to victimize more children. The expression on Sergeant Friday's face was as powerful rhetoric as

any politicians' attack on the Warren Court or the foolishness of liberals.

This theme also appeared in an episode of "Kojak" that showed the hero making an arrest on a trivial charge as a pretext for searching an apartment. An assistant district attorney objects that Kojak is stretching the law. Kojak asks the D.A. whose side he's on. He argues that the law ought to be bent in favor of the good people *for a change*.

Even Joyce Davenport, the liberal public defender on "Hill Street Blues," in one episode confronts what the program asserts is the price of civil liberties (see Gitlin, 1985: 317). A black woman was brutally murdered. She was one of Davenport's public defender colleagues. The program presented the killer as a snarling black monster. He was released because of what the script presented as a technical flaw in the way police gathered evidence.

This season we have "L.A. Law," created by the former executive producer of "Hill Street Blues," and it breaks new ground (see Christensen, 1986). The show purports to be realistic. Lawyers are not always shown in court. They do negotiate divorce settlements, plea bargain, work long hours in their offices, and emphasize selling their services for profit. Nonetheless, the program offers a great deal of fantasy and some plain error. Lawyers often seem unaware of simple rules of law. Lay notions of morality are seldom countered by any defense of the lawyer's role. For example, on one episode a lawyer defends a clearly guilty rapist. The dramatic conflict turns on the old standard plot about ideals of due process blocking well-deserved punishment. The bad guy is found not guilty, but then the lawyer turns around and helps the police get his client on another charge. Apparently, we are to believe that all's well that ends well. One critic of the show said, "The tone is cynical and the philosophy and production values of this show are strictly Yuppie" (Cuff, 1986). An editorial cartoon in the *Toronto Globe and Mail* (September 20, 1986: F13) was titled, "L.A. Law: Perry Masons of the '80s." The cartoon commented, "Tighter pants, looser ethics."

Entertainment also often deals with broader questions of confidence in the society and its institutions. The 1930s gangster movies, *Bonnie and Clyde*, and films such as *The Godfather* all send mixed messages about legitimacy. We see the chair, the big house, or violence as the inevitable end of criminals, and the explicit message is that crime does not pay. However, if the bad guy is more than a cardboard stage prop, we are likely to see something attractive in the character. Stars such

as James Cagney, Paul Muni, and Edward G. Robinson played gangsters with whom audiences could identify, and this created dramatic tension. As Goodman (1986) comments, "We knew we weren't supposed to cheer for Little Caesar, Scarface or the Public Enemy," but we found them attractive anyway. Warshaw (1979: 152) argues that these stories are "anti-social, resting on fantasies of irresponsible freedom." We can dream of becoming somebody if we had courage enough to break the rules and risk taking the consequences.

Bonnie and Clyde provoked great controversy about the extent to which it glorified crime and attacked authority (see Cawelti, 1973). A straight life in the middle of the Depression is unrewarding at best. Bonnie, a waitress, dreams of being rich and famous, and she leaves with Clyde, the bank robber. Bonnie and Clyde find the criminal life exciting almost until the end of the film. Ordinary people treat them as a romantic hero and heroine, courageously leading a life of their choice and attacking the hated bankers. And they are the beautiful people: They are Warren Beatty and Faye Dunaway.

Bonnie and Clyde are not really bad, and we can understand them. Their real crime is mocking the law and the authorities, not robbing banks and killing people. Clyde kills by accident, or the situation forces it on him. Law and organized society are unattractive. They do not fight fair. They sneak up on Bonnie and Clyde and the rest of the gang when they are at home engaged in domestic affairs. The authorities use incredible numbers of police and weapons against them. The Texas Ranger who takes leave to devote full-time to pursuing them is cold and merciless and engaged in a personal crusade. At the end, Bonnie and Clyde are betrayed by the father of a member of the gang. Without this Judas, agents of the law could not have caught them. They are shot in ambush with no chance to defend themselves. Violence far greater than any they had used destroys them.

Just as a Rorschach ink blot, audiences can interpret films such as this in many ways: Clyde is an incompetent bank robber, and Bonnie and Clyde do not gain material success. They are hunted prey, and they cannot withdraw from the game. They and we can see the inevitable consequences. The police first kill Clyde's brother, and they seriously wound Bonnie. Finally, they kill Bonnie and Clyde in a spectacular and horrifying fashion.

The western, the private eye show, and many police dramas show skepticism about the possibility of justice through law. Wright (1975) analyzed western films. The *classic western*

assumes that the law is good but weak. Decent citizens seek to bring progress to the West, including the rule of law. However, they are weak, and the sheriff cannot, or will not, defend them. The villains represent unbridled self-interest and power. They seek personal gain rather than progress. A skilled gunfighter comes to town and saves the good people by the use of violence. But he² uses violence only under a strict code. The gunfight is a duel, and even the bad guys recognize the rules. The gunfighter does not accept violence as a way of life. It is the exceptional solution for extreme problems.

In Wright's *vengeance variation* of the classic western, the villain has harmed the hero and society. However, institutions of justice are unable to right the wrong and punish the guilty. Thus, the hero is forced to take the law into his own hands. However, the hero must accept the consequences of his actions to avoid being a murderer himself. Dying in the last reel while giving advice to his son is a common way out of this dramatic dilemma.

By the time of Wright's *professional plot*, society is corrupt and law usually is on the wrong side. The main characters are admirable only because they are professionals skilled in using violence. Often the hero is a criminal, but he is good at it. We are told to admire the hero's craft and not to worry about ethical concerns. The best recent example isn't a western but a secret agent thriller. In *The Day of the Jackal*, the protagonist has been hired by French generals to kill President Charles de Gaulle because of his responsibility for losing Algeria. The Jackal, his code name, plots with great skill and attention to detail to assassinate de Gaulle at a ceremony in Paris. He is a brave man working alone against the entire French security organization. Since we know that de Gaulle was not murdered, we can identify with a killer's skill and courage without worrying about the ethics of his action.

The private eye story is similar to the western. After all, John Wayne could take either role without changing much more than his hat and clothes. The classic Sherlock Holmes novel involves a man who uses technical skill and intellect to solve a puzzle. The police mean well, but they are not capable of matching wits with either Holmes or Dr. Moriarity. The intelligent amateur appears again and again in the English detective story, doing what the police cannot do. The police are not

² In westerns, there are stereotyped sex roles. There are few, if any, women gunfighters.

corrupt nor hamstrung by civil liberties technicalities; they are just a little slow and in need of superior intelligence.

Film and TV have repeated two 1930s American variations on the Holmes theme endlessly. Now the society is corrupt, and the police are part of the scandal or, once again, too weak to cope. For example, Dashiell Hammett's *Continental Op* deals with a corrupt city (see Whitley, 1980). The Op is not loyal to ethical ideals or law. He doesn't act to solve just a particular case, but he wants to eradicate all the evil elements in the community. He acts to stir up things so that the bad guys turn against each other. Gang warfare brings down the corrupt. The fantasy here is of a revolution that wipes out the bad old society and brings forth the good new one.

Raymond Chandler's Philip Marlow is similar to the Op in some ways (see Higgins, 1986). Marlow has a streak of cynicism, and he can be amoral and vengeful. However, Chandler justifies his actions because of the corruption of those who control politics and the economy in southern California. Nonetheless, unlike the Op, Marlow shows some integrity and morality. He attacks power elites and their pet cops rather than selling out for his own gain. When Marlow is translated to film, he does not necessarily obey the law, but he does not pursue self-interest. Rather he lives to his own higher code of behavior.

Today, private detectives still pursue bad guys on film and TV. The Lichters (1983) did a content analysis of six weeks of programming aired in 1981. They found that TV police failed to solve crimes more often than they succeeded. The tradition of Holmes and the classic western continues: "It is the outsider—the man in the trench coat—who saves the day when ordinary law enforcers prove unequal to the task" (ibid., p. 52). However, modern detectives are not Holmes. They are stubborn and honest but not extraordinarily intelligent. Most of us find it easier to identify with TV private eyes than with Holmes. These stories tell us that decency and persistence, mixed with a little courage, can make a dent in the power of crooks and corrupt officialdom (see Wood, 1983).

Police shows have varied greatly over the history of film and TV (Alley, 1982; Kellner, 1982). Some reinforce society's claims to legitimacy, while others mock or challenge them. Reruns fill late-night hours, and cable TV and VCRs mean that these shows never die. Thus, we can sample most variations over a week or two. For example, we can laugh at authority when we see the *Keystone Kops* or "Barney Miller." We can celebrate no-nonsense law and order with Jack Webb's "Dragnet" or Jack Lord's "Hawaii 5-0." "Hawaii 5-0" also taught us

about hierarchy. Lord's character gave orders to Oriental-American detectives, but Lord groveled at the feet of those who outranked him. Individualistic cops battle both bad guys and police bureaucracy in shows such as "Starsky & Hutch" and "Baretta." "Kojak" glorified the ethnic nature of many police departments. Central and southern Europeans, blacks, Puerto Ricans, and even a few Asians do not need Sherlock Holmes. They know the city, the people, and the bad guys. They are pragmatists who will bend the rules to achieve justice.

Finally, there's "Hill Street Blues." Gitlin (1985: 312-313) analyzes this latest installment of the police story. This popular program carries a strong attack on legitimacy of American institutions. Individuals struggle with bureaucracies but with only limited success. Gitlin concludes,

Hill Street speaks to a larger cultural sense, stretching across political positions, that the major government institutions—education, welfare, health—and the cities as a whole, simply do not work. . . . People suffer, and the institutions authorized to redress that suffering fail in their stated purpose. What is left is a creative coping that honors both the suffering and the failure of a society now seemingly beyond remedy, one in which a change in the social structure seems out of the question.

IV. SPECTATOR SPORTS

Americans also learn lessons about authority, rules, and law by watching spectator sports. A recent poll showed that 71 percent of Americans consider themselves sports fans and that 84 percent spend several hours a week watching sports on television (Thomas, 1986). What do they see when they watch? We often hear commentators point out violations of the rules of the games: Second basemen and shortstops usually do not touch second base on double plays. Pitchers scuff the ball so that it will move more. Batters modify their bats so more force will be applied to the ball when it is hit. Leo Durocher, who had a long career as a player and manager, wrote a book called *Nice Guys Finish Last* (1975). He said, "I believe I have a right to test the rules by seeking how far they can be bent." It is not hard to find examples of Durocher's view.

Harry Caray broadcasts Chicago Cubs baseball games, and cable television carries them all over the country. The Cubs were playing the Cardinals in St. Louis. During the game, a St. Louis outfielder trapped a ball after it bounced on the artificial turf. Today's outfielders use very large baseball gloves, and it is not easy for umpires to see whether they caught a ball or it

touched the ground first. A television close-up showed clearly that the St. Louis outfielder did not catch the ball, and so the umpire should not have called the batter out. Nonetheless, the outfielder held up the ball in his glove, showing it to the umpire to fool him. Caray commented that he thought it strange that the culture of America's national game called for players to fool umpires and get away with what they can.

Baseball is not the only game in which players try to cheat and not get caught. Television announcers tell us that football officials could call holding on every play. Professional basketball teams regularly use illegal zone defenses. The Philadelphia Flyers hockey team of a few years ago apparently played dirty and won. We also read about athletes using drugs to enhance their performances in violation of the rules of their sport.

Indeed, some rule breaking is so institutionalized that we can question whether it is cheating or part of the game (see, e.g., Bredemeier, 1985; Silva, 1981, 1983; Hiller, 1978). Colburn (1985, 1986) argues that although hockey fights break the formal rules, they are an important part of that sport. Officials cannot see all that goes on, and players themselves are allowed to challenge conduct that violates the culture of the game. However, custom calls for challenges to be made in a stylized fashion. Players disarm by dropping their sticks and gloves. Furthermore, it is hard to do much damage in a hockey fight since the combatants are standing on skates and wearing pads. (compare Smith, 1975). Nonetheless, whatever the informal rules of any of these games, we can wonder what lesson fans take from what they see.

We can contrast this image with the British upper-class model of sportsmanship, where it is not whether you win or lose but how you play the game. Perhaps the classic illustration is the conduct of Lutz Long, a German long jumper in the 1936 Olympics. Long pointed out an error in Jesse Owens's technique during the event; Owens corrected this error and then won the competition. Long thought that he would win a real victory only if his opponent did his best (Goleman, 1985).

Golf may be the last sport in which some of this respect for following the rules remains. For example, in a 1979 tournament Tom Kite placed his putter behind his ball as he lined up his shot. His club touched the ball, and it rocked back and forth but did not change position. Kite immediately informed another player, who was keeping his score, and assessed a penalty stroke against himself. To make the event more memorable, Kite finished second in that tournament by one stroke (see

Anderson, 1983). Raymond Floyd called a penalty on himself in similar circumstances this past year (White, 1986).

On a different level, the National Collegiate Athletic Association regularly catches our universities cheating as they field profitable athletic teams. Universities and their alumni pay skilled players to attend their schools and work for their athletic teams. Coaches have forged documents so that record offices credit players with taking courses they never attended. The University of Georgia is only the most recent institution to be caught fixing things so that football players could participate in a bowl game after their school performance made them ineligible (Schmidt, 1986; Clendinen, 1986). Of course, universities try to justify their conduct. One of my favorite rationalizations came from a lawyer for the Board of Regents of the University of Georgia. Speaking of football players who could not pass enough courses at the university to maintain eligibility to play, he said, "We may not make a university student out of him, but if we can teach him to read and write, maybe he can work at the post office rather than as a garbage man when he gets through with his athletic career" (Vecsey, 1986).

Universities are respected institutions in this society. What lessons do their athletic programs teach? Competitive sports emphasize winning and ranking. It is important to be number one (see, e.g., Galtung, 1982; Young, 1986; compare Gelber, 1983). How a university gets there doesn't seem to matter. Adler and Adler (1985) trace how big-time athletic programs change the idealism of freshmen into cynical acceptance of a system in which they attend the university to be a player rather than a student. We can only speculate what those who are not athletes learn from big-time sports programs. However, a faculty member who was formerly Chair of the University of Wisconsin-Madison Athletic Board said,

We get complaints like, "Why at Wisconsin do we do things differently?" In other words, "Why do we abide by the rules?"

Alumni are the headache of intercollegiate athletics because they believe these stories [about NCAA powers cheating] are true. Alumni have a different value system, so they believe that whatever it takes to become a national power, we've got to do it. And if that means we have to cheat, then we're only being realistic (Rosenthal, 1983: 21).

Television sports shows also regularly bring us open challenges to authority. We see baseball managers Billy Martin and Earl Weaver putting on their act as they argue with umpires. We also see Jimmy Connors and John McEnroe adding excite-

ment to what was the stuffy, upper-class game of tennis. They whine and throw tantrums if officials' rulings displease them. I think they studied tag-team wrestling and modeled their conduct after it. But it works.

The American sports audience gambles both legally and illegally. While one can bet legally at race tracks and in states such as Nevada, most of the action takes place elsewhere. Those playing games often bet on their own performance. Geertz (1973a) notes that betting money is a symbol of moral import. Playing for money is a test of skill. Unless people perform well at a sport when money is at stake, they are not real competitors. Most Americans probably do not see betting on their own golf or tennis game as really illegal, whatever the law might say. Perhaps this is a folk exception to laws prohibiting gambling.

There is a great deal of illegal gambling on spectator sports as well (McDonald, 1985). There are all kinds of estimates about the number of people who play office pools on sporting events or bet with bookmakers. While reliable estimates are hard to discover, everyone concedes that the amounts bet are huge. Most teams in organized sports will do badly. Only two will play for a championship. Odds and point spreads increase interest among those who support teams that lose. Furthermore, the press and television legitimate all of this. Newspapers regularly publish the "line"—professional gamblers' odds—on major sporting events. CBS even gave us "Jimmy the Greek" to establish that we should listen to gamblers' opinions about professional football games. The message is that gambling may be illegal, but it is not really wrong.

From time to time, we read about players getting caught fixing games or shaving points to benefit gamblers. Reporters treat this seriously. We do not laugh at it, and the players are punished with severe sanctions. Some of us find it hard to distinguish the situation of famous football coaches who cheat and break recruiting rules but then are rewarded with contracts to coach at other prestigious universities.

V. SO WHAT?

I drew several contradictory conclusions from my survey of writing about education, television and film, and spectator sports. On one hand, these reflections of legal culture tell us that we should comply with law, respect authority, and accept society as it is. At the same time, we see good guys who rationalize evasion and shading of the law and who successfully chal-

lenge authority. We also see society and those who hold official positions as corrupt. I'll first tell one side of this story and then the other.

These cultural sources offer strong lessons about the importance of fitting into society as it exists without raising questions. They teach us about some laws and reinforce our sense that certain interests are important. For example, at least the express messages are that murder is bad, private property should be respected, and people should keep promises. Furthermore, teachers, script writers, coaches, and commentators usually take the basic assumptions of society as given. Education, TV and film, and spectator sports all rest on assumptions that are not debated. For example, there are hierarchies of authority, and those on top can and should direct those under them. Many also learn that you can't fight the teacher, the coach, the principal, the cops, or city hall. Beginning in kindergarten, if not preschool, parents and teachers tell us that we get along if we go along. Of course, some rebel and enjoy making trouble. However, the rest see what happens to them. If authority is able to apply sanctions to the troublemakers, the rest of us receive a strong message about the wisdom of taking the path of least resistance.

Whatever the accepted leeways and evasions, the rules are the rules. Although we may debate the designated hitter rule in baseball's American League, few think about whether three strikes should be an out. Few argue that a field goal in football should count other than three points or that a runner must stay in bounds. In short, we receive a powerful message that those in charge can act, and we accept the basic rules that constitute the game without debate.

These cultural sources also tell us that bad people cause problems, rather than society and its institutions. We all faced the terrible teacher or the arbitrary coach during our school days. Few of us knew enough to make more than a vague, negative indictment of our school or schools in general. Drama offers bad police and officials, but it seldom suggests that the institutions of government themselves are flawed. We even accept owners and schools responding to losing sports teams by firing the coach, although that seldom solves the problem.

Schattenberg (1981) suggests that mass media entertainment sends information about moral boundaries as public hangings once did. Durkheim's theory about punishment needs to be revised to fit modern times. He said that we inflict pain on wrongdoers largely as a symbolic act directed at the rest of society. We affirm society's moral sentiments through ceremonies

where we sacrifice those who have transgressed. However, Schattenberg argues that today legal agencies mass-process violators in a bureaucratic fashion. The functioning legal system features discretion and plea bargaining that take place out of public view. As a result, actual law enforcement lacks ceremonial force.

Television depictions of crime are like the parade of the convicted felon through the village streets to the block or scaffold. Of course, TV drama bears little resemblance to reality, but this does not detract from its symbolic usefulness. Imaginary stories about violations and punishments spread information about moral boundaries as effectively as real stories. Moreover, fiction is cheaper than arrests, trials, and public executions. Television stations and VCRs can reiterate variations on these themes more frequently than news reports about the actual criminal justice system. Indeed, the programs' contrived nature forces them to offer more explicit lessons about moral boundaries than news broadcasts.

Many worry about the impact of television and film. Insofar as Schattenberg is right, there may be cause for concern. What are the consequences of repeatedly showing violence as the solution to personal and social problems? Gerbner and Gross (1976) argue that a symbolic world ruled by violence produces a passive acceptance of injustice. Many television programs show who gets away with what, when, why, how, and against whom. We learn the boundaries for ordinary people as contrasted with the powerful. We learn that ordinary folk who cross these boundaries are fair game for violence. We learn there is little we can do but accept things as they are. Only the powerful can challenge authority.

Alley (1982) asserts that audiences also learn contempt for due process and civil liberties. There seldom is doubt about guilt on television. We see who committed the crime, and we need waste no sympathy on the bad guy. Trials and appeals are meaningless ceremonies or opportunities for wicked lawyers to defeat justice by having the guilty acquitted through legal technicalities. Police or private protectors learn the truth, and then they deal with the wrongdoer directly. Perhaps they should not execute a criminal trying to surrender, but scriptwriters regularly resolve crime shows by having the criminal provoke a gunfight or try to escape. The criminal's bullets usually fly harmlessly, while police and protectors perform incredible feats of marksmanship. Killing the wicked serves vengeance and retribution rather than legality.

On the other hand, people can receive very different

messages as well from education, TV and film, and spectator sports. While we may learn something about law, lawyers, and the legal system from these sources, they seldom offer an accurate view of how the system works and what is unusual and what is typical. This lack of knowledge and understanding adds to the discretion held by those who run the system to do as they see fit. Within limits, they are free to apply expert knowledge, politics, or some mixture of the two. At the same time, the idealized picture offered by school and drama sometimes serves as the basis for the exposé. Muckraking rests on the shock at discovering that things aren't as they should be. Those who understand that the American legal system in action typically involves bargaining in the shadow of the law probably find programs such as "Sixty Minutes" less interesting.

Americans can learn to question authority from these sources of legal culture. Many of us learn to "play school" in order to cope with teachers' authority. We comply outwardly while seeing schooling as meaningless. We may learn that the real rules differ from the announced ones. We may ask teachers and administrators to exercise discretion in our favor and give us a break. We may hide, withdraw, or take the easy way out as we become expert in playing the system. We may learn effective cheating techniques as well. For many, school in action may be basic training for coping with the adult world.

Entertainment also reinforces doubts about the legitimacy of institutions. Cook (1983) studied the politics of the *Wizard of Oz* and Dr. Seuss's children's stories. He found that in these works leaders are untalented frauds and government can do little successfully. The lone individual child, however, can be a potent political force. Television perpetuates these longstanding dramatic conventions. The Lichters (1983) studied this theme in prime-time TV and concluded that animosity toward authority pervades its stories. The establishment is always ganging up on the little guy, and we cheer when the little guy fights back. Of course, the weak confront power successfully only by trickery or evasion. The president of the Media Institute, which sponsored the Lichters' study, asks "whether this portrayal of authority as bad and inept contributes to the well-known decline in confidence in public institutions" (ibid., p. vii).

Gitlin (1982: 226) offers a different interpretation of TV's unflattering picture of authority and established institutions such as the police. He says,

The ex-cop private detective, from [Ross MacDon-ald's] *Lew Archer* to TV's *Harry O* is the anarchist as

refugee from the organization. He shares the police's goals, but disdains the standard rules. He is the classic individualist, but in service of a law and order whose primary institutional embodiment, the police force, he scorns. He is half anarchist, half vigilante. . . .

He represents the individual's partial resistance, partial accommodation to a bureaucratic order that conditions his own ideals and yet cannot contain his spirit.

Schools, TV and film, and spectator sports all feature competition, and winning is important or, as Coach Vince Lombardi of the Green Bay Packers said, "Winning is not everything. It is the only thing." Whatever Lombardi meant by this, some interpret him to mean that anything goes as long as you don't get caught.³ We can ask whether we've won if we haven't played the game by the rules, but while some bending and shading of the rules is clearly out of bounds, some is just part of the game. Each player must construct her own view of what the game is in light of her goals and the expectations of significant others.

American attitudes toward complying with law and respecting authority are complex. The late Edward Ben Elson was a counterculture hero for many in Madison, Wisconsin, during the late 1960s and early 1970s. He was a lawyer who took stands that others saw as radical, delightful, eccentric, or just crazy. He ran for circuit judge and campaigned in highly unorthodox ways. His campaign poster still can be seen in Madison today. It features his slogan: "Obey only good laws!" As radical, brilliant, or eccentric as Elson may have been, nothing could be more American than this slogan.

Legal culture in everyday life is a partially charted area that the law and society community must study. Most complex societies rest on legal pluralism. There is an official law, but there are complementary, overlapping, and conflicting private legal systems as well. School, TV and film, and spectator sports offer versions of law that differ from that found in law schools. They also offer alternative resources from which people fashion their own understandings of what is necessary, acceptable, and just.

³ I discussed Lombardi's statement with Ken Bowman, an attorney practicing in Green Bay, Wisconsin. Bowman played center with great distinction on Lombardi's two Superbowl championship teams. He thought that Lombardi demanded great, and perhaps unreasonable, sacrifices from his players in order to win. He was willing to push them to risk serious permanent injuries by playing. However, Lombardi did not mean that his players should cheat to win because this would not be a triumph of excellence. In team meetings, Lombardi criticized the National Football League's "cheap shot artists." Whatever Lombardi meant, of course, many have translated his statement as "anything goes."

We all fashion a common sense about authority, law, and the legal system. Somewhat as jazz musicians, we improvise on given themes. Geertz (1973b: 216–218) sees cultural patterns as templates or blueprints for the organization of social and psychological processes. Hall (1977: 322) talks of “sets of ready made and preconstituted experiencing displayed and arranged through language. . . .” Arno (1985) argues that newspapers and television try to fit their stories into established storylines easily recognized by members of the audience. Yet there is a great deal of give if not contradiction in these templates and blueprints. It is precisely the process of people using them creatively that we must study to understand the roles that ideas about things legal may play in everyday life.

Folk law and official norms have complex relationships. Often we accept a common core of high-level abstractions. Most of us believe in such things as free speech, equality, and fair trials. At the same time, however, we differ when we define and apply these ideas. Judges and law professors put forward their view of law and the legal system. Many never hear nor understand it. Instead, fundamentalist preachers or newspaper editorial writers may distort, translate, or interpret legal ideas for many. Others gain their understanding from the way they interpret school, TV and film, and spectator sports. There may be, of course, a complex interaction of all these sources in forming and maintaining the legal culture.

Studying legal ideas in everyday life will force us to confront difficult problems in approaching the topic. Imaginative scholars can offer their decoding of the messages sent out by education, TV and film, and spectator sports. However, we cannot be sure how various Americans are interpreting these overlapping and contradictory messages (compare Goldman, 1982). Furthermore, most of the popular images have been in the culture for a long time. Thus, it is hard to credit a particular television program or even an ongoing institution such as school or organized baseball alone with teaching anyone lessons about obeying rules or coping with authority.

We also cannot just ask people about their views and have much confidence in the answers we get. Almost everyone knows the conventional wisdom is that we should obey the law. While it is one thing to know that answer, it is another to act on it. Moreover, few of us could be aware of the source of our views about authority, law, justice, lawyers, and the like. Furthermore, given time to think about the matter, many of us could justify both carefully following the law and obeying only good laws. Folk law, just as formal official law, is inconsistent,

containing rules and offsetting counterrules. Usually, an accurate answer can be no more precise than "it depends."

Finally, people construe culture over time as they try to make sense of the world in which they live. It is not a thing defined once and for all. There are fields of meanings, and people can construct their own world within broad limits. They may fashion culture differently in various economic and political contexts. Americans imagined the real differently during the Depression of the 1930s, the Vietnam war, and the 1980s. Those locked in poverty see a different world than those debating whether a new BMW, an Audi, or a Volvo best fits their image. Yet everyone improvises on common themes learned throughout life. What we learn about legal culture in everyday life must be presented as a complicated motion picture rather than a static snapshot.

We might avoid these difficulties by focusing on behavior alone. We could put aside concern about why people do things and just consider what they do. Undoubtedly, this is appropriate sometimes. Nonetheless, we pay a price when we simplify human behavior and ignore the unspoken assumptions, common sense, and perceptions of people in different circumstances. For example, we can find evidence to support the idea that increasing penalties is associated with complying with rules. But the association does not tell us necessarily what causes compliance. Many people would comply whether or not penalties were increased. Moreover, if we looked closely, we also might find that increasing penalties is associated with greater effort and skill in noncomplying and evading detection. When will people, say, drive at fifty-five miles per hour and when will they buy a radar detector so they can continue at seventy miles per hour until the device warns them to slow down? When will they obey the tax laws and when will they take the time to fabricate two sets of books? Will a person who cheats on his taxes also embezzle, rob at gunpoint, or murder if he thinks he can get away with it? Ideas about what is acceptable, necessary, and just have something to do with the answers to these questions.

Larger questions about the place of law in American society today also call for attention to people's knowledge, attitudes, and expectations. To return to Geertz (1983), if law is a way of "imagining the real," we must consider how this picture of reality fits with pictures coming from other sources such as religion and morals. We also must ask about the impact of these symbols through which people communicate their world view. Will we try to solve problems by passing laws, or will

political leaders succeed in persuading us to pretend the problems do not exist? Will we implement the laws we pass, or will we be content to make declarations of the good, the true, and the beautiful on our statute books? Will we wink at bribery and corruption, or will we be shocked and throw the rascals out? Will we be mystified by matters legal, or will we become cynically aware and learn to roll with the punches? Will we see life as a contest of winners and losers or as a cooperative venture? Probably the answer to all these questions is that it depends, but then we must ask, depends on what?

We must study the symbols related to law found in American culture. Children's schooling, private eye television shows, and spectator sports all display these templates, themes, or story lines. I'm not suggesting that we waste time on trivial matters. The familiar images shown again and again on film and television and both the formal and hidden curricula of our schools reflect, teach, and reinforce what most people know about things legal. And these ideas and attitudes matter.

We can mix business with pleasure as we listen and watch popular culture for the benefit of the law and society movement. Some of our younger colleagues will at last have something to keep them awake at parent-teacher organization meetings and teacher conferences. Furthermore, just as granting agencies have been flooded with requests to pay for computer hard- and software, now they should brace themselves for requests for VCRs, videotape, and film rental. Perhaps, best of all, I no longer need feel guilty as I watch the Badgers, Bucks, Brewers, and Packers struggle with so little success. It's not wasting time. It's research.

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