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| **MY TAKE** | | | |
| Lynn Wolf, Ph.D., is an Assistant Professor in the Liberal Arts Department of Nova Southeastern University, Fort Lauderdale, Florida.    **"**  Ask any reasonably attentive ten-year-old what "electoral college" means, for example, and you might be amazed to hear a more **accurate response** than you ever would have received a year ago.    **"**                  **"**  Are we so certain that jurors can be **neutral** if they have watched this particular Law and Order episode, or even after they have heard their friends discussing it?  **"** |  |  | **"LAW AND ORDER�: TOO Much Reality This Time?"**  by Lynn Wolf  In these tumultuous post-election (or pre-election, depending on one�s point of view) days, we hear considerable commentary by the pundits about the effects of television on politics: the bungling of the networks� prognosticators, the intensity of political "spin" in which the networks are willing accomplices, and even the occasional positive remark about television�s ability to "educate" its viewers about the nature of the democratic system�its enduring values as well as its flaws and complexities. And despite the ubiquitous and seemingly protracted nature of the Bush-Gore presidential controversy, this idea of the media as disseminators of "civics lessons" to under-informed Americans is hardly a new idea. Information broadcast on television, for good or ill, does indeed make its mark. Ask any reasonably attentive ten-year-old what "electoral college" means, for example, and you might be amazed to hear a more accurate response than you ever would have received a year ago. After all, most junior high schools and high schools no longer offer, much less require, Civics courses, and so the media do supply some compensation: along with warnings about the dangers of consumer scams and Internet chat rooms, the coolest new MP3 music, and the best new toys and video games for the holiday season, kids (and adults) can pick up quite a bit of partisan and non-partisan information about politics in America. "Well," say weary parents and other over-worked citizens, "it�s better than nothing."  If television offers us its abbreviated semblance of an "education" on politics, it also bombards us with what might be called an overdose of "information" about the justice system. Programs focusing on crime, criminals, police investigations, and trials are packaged for viewers in a variety of attractive formats, ranging from the court shows of "Judge Judy" and "Judge Joe" to various "Crime Story"-type dramatizations of real-life criminal cases. The "Unsolved Murder" shows offer staged theoretical versions of crimes, and invite viewers to assist in criminal investigations by providing "tips" about the specific cases being dramatized. Some police-centered shows, such as "N.Y.P.D. Blue," combine stories about crimes with insights into the personal lives of the policemen and policewomen investigating those crimes. Several of the detectives on the critically-acclaimed (but now syndicated) "Homicide" had an intriguingly metaphysical perspective on crime and criminals, if not on the concept of justice itself.  Perhaps the most consistently popular and long-established version of the police drama derives its drama not from the personality quirks of the police investigators, but on the entire process of dealing with crime�from accusation to adjudication, and all of the stages in between. NBC�s enormously popular "Law and Order" is an amalgamation of criminal investigation and prosecution; its approach eschews the personal lives of its investigators and prosecutors in favor of stories that centered on crimes, accused perpetrators, and legal proceedings. Television viewers are obviously pleased with this approach; since the program�s debut season, it has consistently maintained high ratings and garnered numerous Emmy awards.  Is it the "education" Law and Order broadcasts to its viewers that makes this show such a favorite, or is the appeal located in the "ripped-from-the-headlines" nature of its dramas? Judging from the network trailers for upcoming episodes, the show�s producers believe it to be the latter�which, of course, is not exactly surprising. In the past few seasons we have seen Law and Order episodes based on familiar high-profile cases, ranging from foreign diplomats involved in vehicular homicides to murdered society matrons, art dealers, coed-prostitutes and illegitimate newborns. Most of the time, the dramatized versions have fictionalized character names and slightly altered the situations or circumstances, but the story lines usually correspond to the allegations and/or facts of cases whose details are already well known by the public. The general routine for a typical episode consists of a few rounds of interviews, a confrontation or two with various suspects, at least one arraignment, and then some glimpses of the private and public machinations of the prosecutorial system. The climax of each show often has an unexpected twist�though that twist might be quite consistent with the original results of the case in "real life" after which the episode has been patterned. This is compelling drama�no doubt about that.  The program this week (November 29), however, gave this viewer pause. It was even more blatantly "ripped from the headlines" than usual�bringing the phrase "thinly disguised" to new levels of transparency. Dick Wolf and associates expended considerably less effort than their norm at slapping even a modicum of camouflage onto the alleged crime, the victim, or the accused. Perhaps this increased verisimilitude was deemed appropriate because the real-life basis for this episode was a 20-year-old murder case involving Michael Skakel, the 40-year-old nephew of Ethel Kennedy�and thus a member (divorce notwithstanding) of a family long regarded possessively by Americans as their "property"-- the illustrious, tragedy-plagued Kennedys. Added to the irresistible Kennedy draw was an extra dollop of lurid celebrity interest: the  murder victim of this long-unsolved crime was Martha Moxley, the young teenaged daughter of a wealthy Connecticut family and a neighbor (perhaps more) of Skakel�s. As in the real case, the charges against Skakel, now middle-aged, came after decades of whispered suspicions, as a result of "new" information supplied by a former acquaintance who disclosed Skakel�s purported "confession" to the murder; the statement, the informant alleges, was made during a group therapy session for drug addicts of which the informant and Skakel were both members. The Law and Order version�in which the murder defendant was also a middle-aged man, also named Michael-- conceded the prosecution�s lack of physical evidence, true in the real case as well. The dramatic script explained away this problem, first theorizing and then proving a plot whereby the murder weapon had been removed from the police property room years before by corrupt police on the payroll of the wealthy father of the accused. That wealthy father, by the way, was not only the arrogant, powerful head of a famous American "dynasty" but was also an ambassador�sound familiar?  All this would not be a problem�nor would it be at all out of the ordinary for a program that candidly proclaims its stories as versions of high-profile cases we�ve known and loved�except that in this case, Michael Skakel has been accused, but he has not yet been tried. In this week�s drama, the character Michael confessed to being a murderer. In real-world Connecticut, the case awaits the ruling of a judge who must decide a question not contemplated at all in the dramatization (too complex an issue for a one-hour resolution, perhaps?): whether or not Skakel may be tried as a child (which he was, in the eyes of the law, at the time of the alleged murder, a fact fervently asserted by his defense attorney) or as an adult (a possibility to which his defense attorney is predictably opposed). Should the judge decide that Skakel can be charged as a child, the local prosecutor has said that he will likely drop the charges--there being no provisions for housing a convicted adult in any existing children�s penal facilities. If the judge rules that Skakel can be tried as an adult, however, the case will almost certainly go to trial; in the intervening years, Moxley�s family has elicited a groundswell of support for a trial that would finally bring closure to their tragedy. The reality of a murder trial: that will be the occasion when the justice system will run headlong into the palpable consequences of dramatic fare "ripped from the headlines." A television show with as estimable a Nielsen rating as has Law and Order --watched regularly by millions upon millions of viewers-- is highly likely to have been watched by any number of prospective jurors. Will these good citizens claim, during voir dire, that they can be neutral and that they have not pre-judged the case? Probably. Perhaps they will even believe it themselves. Are we so certain that jurors can be neutral if they have watched this particular Law and Order episode, or even after they have heard their friends discussing it? Our justice system, and particularly our jury system, ask us to put aside our human emotions temporarily in order to assure a fair hearing for an accused person, but, as many high-profile trials have made abundantly clear in the last few years, human emotions may be the one element we are unable to turn on and off at will, even when we most wish to do so. Should Michael Skakel wind up in front of a jury, however well-intended they may be, any guarantee of a fair and unbiased outcome in his trial seems fragile or doubtful at best, and at worst, impossible.  Is there an answer? Certainly there cannot and should not be any chilling of creative artistic impulses. Nor should anyone attempt to somehow sever the media from real life issues., for it is true that the media--particularly television, given its emotional impact--have the potential to inform, engage and otherwise stimulate people�s imaginations about and consideration of crucial societal issues, conflicts and concerns, and even to encourage civic conscience and meaningful justice. Perhaps, however, the creators of popular "real-life-crime-drama" should recognize fully the potential consequences of their power and use it with more caution. They might, for example, take a few more dramatic liberties (something they are often eager to do), but this time in terms of their of reality. They might inform people about our justice system without subverting it--by being careful to maintain the distinction between dramatizing reality that has occurred and pre-determining reality before it occurs.    **Would you like to comment on this article? Please submit your comments** [**here.**](http://docs.google.com/newsnviews.htm#Submit%20your%20own%20comments)         |  | | --- | |  |  |  |  | | --- | --- | |  |  | |  |  | |  |  | |

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