



Taking Popular Culture Seriously: Towards Alternative Legal Pedagogy

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**TAKING POPULAR CULTURE SERIOUSLY: TOWARDS ALTERNATIVE LEGAL
PEDAGOGY**

Danish Sheikh*

The Law and Popular Culture course is one that holds great potential in transforming the law classroom into a more accessible, democratic, and vibrant space. With this in mind, how does one go about conducting such a course in the law school? This paper attempts to start answering that question. Based on the author's experience of conducting such courses at the National Law School of India University, Bangalore (NLSIU) and National Academy NALSAR University of Law, Hyderabad, the paper surveys a range of sources that may be used to construct the course, along with sharing the actual experience of teaching it.

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I. "AND ... HERE WE GO"¹

What would you pick as the most important legal question of our times? Would it revolve around solving the quandary of judicial backlog or the fallacy of the Basic Structure Doctrine? Should the law be descriptive or constitutive? Have restrictions over-riden rights? All well and good and important as these dilemmas may be, the legal question that often keeps me awake at night is of a different nature. I find myself wondering:

Why doesn't Batman kill the Joker?

Depending on what medium and canon of the story you're following, the Joker has left a trail of destruction in his wake that involves the cold blooded murders of people near and dear to Batman. Sure Batman keeps catching him and putting him behind Gotham City's prison walls, but the maniacal genius always finds a way to escape and wreak more havoc. Better, as a utilitarian would argue, to think of the greater good and finish off this criminal's life extra-judicially. Batman, unfortunately for the Joker's future victims, is not a utilitarian. He instead takes a deontological approach: for him, the means must justify the end. And if the means involve murdering a man in cold blood, no matter what good this might do to the world at large, well, he won't be partaking in such murder. It is for the State to decide how to prosecute the Joker; Batman limits his role to hauling him before its footsteps. Of course, all of this is complicated by the fact that Batman is himself a vigilante, operating in the shadow lines of the law, thus imparting to himself at least some amount of the law's sovereign authority, but stopping short at the question of execution.

It's a fine moral conundrum, and one that inspires some excellent debates from both sides of the moral fence. It certainly did when I used it to start the

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1 THE DARK KNIGHT (Warner Brothers 2008).

Law and Popular Culture course at NLSIU, Bangalore in November, 2012. The discussion that followed, and my general experience with the course has convinced me of the merits of a law and popular culture based pedagogy. In a previous paper², I have argued at length about these merits, which range from their larger challenge to deeply rooted notions of disciplinarity, right down to the way popular culture encourages and diversifies student participation. As Anthony Bradney puts it:

“Fiction offers a more accessible entry point to reality than reality itself – and a piece of fiction familiar to students provides possibly the most accessible entry point of all”.³

Further, law and popular culture becomes a particularly important area of study when we think of how popular culture informs people's ideas about the law based on how the law is represented in books, movies and television.

In this paper, I take my case forward to focus more on what a law and popular culture based curriculum should look like. First though, a clarification on what I mean when I talk about popular culture. Using the words of Lawrence Friedman⁴, “legal culture refers to the ideas, attitudes, values, and opinions about law held by people in a society”. Popular Culture, on the other hand is a reference to those works of imagination whose intended audience is the public as a whole. Exploring the linkages between the two forms the study of law and popular culture. The subject forms a subset of the discipline of cultural studies, a largely heterogeneous field in its own right. Joe Moran traces the evolution of cultural studies starting from adult education programmes in England over the 1930s - 1950s and the first institutional grounding for the subject with the founding of the Centre for Contemporary Cultural Studies at Birmingham University in 1964.⁵ Among the multiple pathways the field has taken since include Michel de Certeau's exploration of everyday cultural practices in expanding the interdisciplinary

2 *The Students versus Larry Flynt: Bringing Popular Culture into the Law School*, Asian Journal of Legal Education, Vol. 1 2013 (Forthcoming).

3 Anthony Bradney, *The Case of Buffy the Vampire Slayer and the Politics of Legal Education*, in READINGS IN LAW AND POPULAR CULTURE, 22 (Steve Osborn and Anthony Greenfield eds., 2006).

4 Lawrence Friedman, *Symposium: Popular Legal Culture*, 8 Yale L. J. 98, 1579 (1989).

5 *Ibid.*

possibilities of the field, to sociologist Pierre Bourdieu's examination of the relationship between cultural value and class differentiation.⁶

II. "THIS IS HOW WE DO IT"⁷

I start with a disclaimer: a rigorous prescription of how this particular course should be structured is a self-defeating exercise: if we are on the one hand arguing for liberation from pure academic knowledge and the values and hierarchies it imposes, we cannot then be complicit in the same hierarchical regime by mandating a specific prescription of exactly what this course must look like.

Having made that disclaimer, I shall go on to disregard it - to an extent. In this segment of the paper I shall discuss the range of issues or media that a law and popular culture course could contain, keeping in mind a predominantly Indian audience. In the chapter that follows, I will let you in on the structure of my own law and pop culture course, which, besides NLSIU, has also been taught at NALSAR University of Law. In both these instances I have drawn on sources ranging from the NALSAR reading material on the course for law and literature – both from the present reading material, and from the time when I was taught the course,⁸ in conjunction with the course material from an NLSIU seminar offered in 2007 by Lawrence Liang and Mayur Suresh.⁹ Beyond that, I've looked at the course lists for various allied courses posted by U.S. law schools online.¹⁰ Finally, and most importantly for the teaching component, the sources are the books and movies and music that I have been exposed to myself.

6 See Pierre Bourdieu., *Distinction: A Social Critique of the Judgment of Taste*, (Richard Nice trans., 1984).

7 Montell Jordan, *This is How We Do It* (This is How We Do It 1995).

8 English-II (Law and Literature) Reading Material, Compiled by Professor Amita Dhanda, January 2008. Professor Dhanda herself stopped teaching the course before I joined NALSAR; it was conducted for us by another lecturer who attempted to use her prescribed reading material, but couldn't seem to bring himself to proceed much further from a highly detailed analysis of the Obscenity-themed Ranjit Udeshi case.

9 Mayur Suresh and Lawrence Liang, *In a Field of Pain and Death*: Syllabus of a course offered to final year students at National Law School of India University, Bangalore, 2007-08.

10 For instance, Andrew Schepard, *Seminar in Law and Popular Culture*, Hofstra Law School, available at http://www.hofstra.edu/PDF/law_popular_schepard_syllabus_sp06.pdf (last visited May 6, 2011).

To start with, I think an essential component of the course should be the justification: readings which explore the importance of the study of pop culture in the law school,¹¹ to avoid the course from languishing into irrelevance from the outset. From that point on, the course could tackle different subjects of popular culture – movies, music, books, sports, television – in reading the presented text as a legal one, in attempting to understand what it might teach both the law school classroom, and the general public, about law. To this end, I believe the course would benefit from having a mix of theoretical readings on the individual subjects, supplemented by exercises where a movie screening or a book reading is prescribed and analysis of the same by the class then worked into the syllabus. When dealing with direct examples of the operation of the legal system, questions may be raised on the accuracy of the subject's portrayal of the system.

Looking back at the law and literature course, there are additions that could be made to the law *of* literature. While the aspect of looking at famous disputes centered on books is well and good, I think what should be added is a level of analysis which also takes into account a narrative theory of trials. As Friedman puts it, “a trial is also a narrative competition”.¹² With competing sides presenting alternate visions of what is anyway going to remain a somewhat subjective truth at best, the “arguments presented in trials are often important clues to what stories count as good, or true, or compelling stories, within a particular culture”.¹³ Further, looking at legal texts with a literary eye remains a promising aspect of the law and literature course that I have not seen borne to fruition; a law and pop culture course should certainly take this on board.

I will now take up one example each from a pop cultural realm, and illustrate the different ways in which its study can be integrated into the law school curriculum. With every different realm of pop culture, I shall use a different *kind* of illustration: over these examples, you will see how pop culture can be used as a teaching methodology, an introduction to a larger discussion as well as a valid field of study in its own right.

11 Lawrence Friedman's piece for the Yale Law Journal cited at multiple points is a great example of such an article.

12 Lawrence Friedman, *Symposium: Popular Legal Culture*, 8 Yale L. J. 98, 1579 (1989).

13 *Ibid.*

1. *I would say life is pretty pointless, wouldn't you, without the Movies?*¹⁴

Lawyers are the guardians of society, the final moral bastion in an increasingly lawless world.¹⁵ Lawyers are vermin, they “encourage their clients to think with selfish defensiveness, to imagine and prepare for the worst from everyone else” and “they add suspicion and unnatural caution to all our relationships, whether personal or professional”.¹⁶ Both competing visions of black and white – with a couple of thousand shades of grey - play out when it comes to the image of the lawyer in the cinema. Both go a long way in influencing public perceptions about lawyers and the role of law in society, just as much as they are built from those perceptions.

For a portrait of the good lawyer, we have Rani Mukherji's valorized novice, Saamiya Siddiqui in *Veer Zaara*. Saamiya takes on as her client a man who has been imprisoned for 22 years on false charges – and a Hindu and Indian national to boot. Veer reveals to her the story of his estranged love, Zaara, the reason for him coming to Pakistan in the first place. Over the course of the movie, the lawyer not only defends her client to an eventual acquittal, she also brings the lovers together, in the process bridging the national and religious divide. The movie thus envisages law as a force capable of surmounting national barriers and resolving personal and international disputes.¹⁷

There are quite a few instances of the bad lawyer, but the example I shall use is a little more oblique than the take on lawyers-as-sharks. Michael Hoffheimer has interesting insights on the lawyer presented as necessarily a bad lover in India cinema.¹⁸ He looks at the narratives of *Devdas* and *Parineeta* over time to

14 THE FUNERAL (October Films 1996).

15 At least that would be the opinion you had if the only onscreen lawyer you witnessed was Atticus Finch in *TO KILL A MOCKINGBIRD* (Universal Pictures 1962).

16 Marc Galanter, The Robert S. Marx Lecture at University of Cincinnati College of Law: The Faces of Mistrust: The Images of Lawyers in Public Opinion, Jokes, and Discourse (Dec. 5, 1997).

17 Michael H. Hoffheimer, *Veer Zaara: Love and Law in Bollywood*, available at http://usf.usfca.edu/pj/veerzaara_hoffheimer.htm (last visited on May 1, 2012).

18 Michael H. Hoffheimer, *Rule of Law in Bollywood Translations of “Devdas” and “Parineeta”*, FLO. ENT. L.R. 81.(2009).

further this point. In Devdas' 2002 incarnation helmed by Sanjay Leela Bhansali, the character is a lawyer – as is his father, for that matter. For Devdas to be with the love of his life, Paro, he needs to turn away from certain social norms, while defying his father. Instead, when the confrontation does come, when his father raises his stern objections to the union, all Devdas can do is protest weakly, three times uttering the words “I Object”. Not a great lawyer perhaps – and definitely not a good lover.

Then there is Parineeta, where the original Saratchandra novel and then the Bimal Roy movie portrayed the character Shekhar as a lawyer, and in furtherance of that a conformist. What keeps him from his love is his internal indecisiveness, not necessarily external forces. Again, legal identity provides a marker of the character of the character's adherence to social convention, and erotic desire becomes incompatible with legal status.¹⁹ And then we come to the 2005 movie version of Parineeta, where the protagonist is now portrayed as a musician, so establishing his identity as a rebel against the norm. The factors that keep him from his love in this incarnation are much more external, a combination of misunderstandings more than anything else. The non-lawyer that he is otherwise, he clearly prefers love over social convention.

Beyond how these depictions of lawyers reflect or affect perceptions about them, they also clearly demonstrate a belief in the sterility of the law, of its divorce from emotion.

2. What traitors books can be! You think they're backing you up, and they turn on you. Others can use them, too, and there you are, lost in the middle of the moor, in a great welter of nouns and verbs and adjectives.²⁰

Considering that I list a J.K. Rowling speech at the top of my justifications for the study of law and popular culture, it would be unfair if this paper did not use the example of the Harry Potter series. The Harry Potter novels are great texts to look at the ways in which law operates in a world removed from our own but

19 *Ibid.*

20 Ray Bradbury, *FAHRENHEIT 451*, 83 (1953).

similar to the point of allegory in many ways.²¹ The books feature, on one obvious level, trials,²² statutes,²³ regulations,²⁴ school rules²⁵ and international agreements.²⁶ Harry's world is administered, rather ineptly, by the Ministry of Magic. The lapses in the rule of law observed by the Ministry follow striking parallels to our own.²⁷ Over the course of the novels, the Ministry is in the centre of an escalating conflict with the dark wizard Voldemort, with its actions mirroring the approach so many governments follow today in the war against terror: it imprisons people, and sometimes punishes them, without a trial. It keeps intrusively careful tabs on law-abiding citizens, but is unable to track down “terrorists”.

To make another example - Free will is privileged strongly in the wizard world. The Imperius curse is one of the 3 spells in the series to be labeled “unforgivable”, in that commission of the offence of casting the spell leads the accused to be sentenced to imprisonment for life. The curse subordinates the will of its victim to the will of the attacker.²⁸ The Imperius curse is an offence against free will, it enslaves the victim, and enslavement itself has been universally recognized as a crime in many different contexts. At the same time, there is rampant hypocrisy in the wizarding world with the Ministry of Magic openly tolerating the enslavement of house elves who have been oppressed for centuries.²⁹ Parallels abound: the United States has possibly amongst the strongest free speech protections in the

21 See *THE LAW AND HARRY POTTER*, (Jeffrey Thomas and Franklin Snyder eds., 2010).

22 The Ministry of Magic Trial Room is featured prominently through the series.

23 As mentioned in J.K. Rowling, *HARRY POTTER AND THE CHAMBER OF SECRETS* (1999), The Muggle Protection Act was a proposed Ministry of Magic bylaw that was presumably designed to protect Muggles from potentially harmful magical artifacts.

24 Magical Regulation 572 issued by the British Ministry of Magic states that the only ink to be used in examinations is Azul Marino ink.

25 The numerous Educational Decrees in J.K. Rowling, *HARRY POTTER AND THE ORDER OF THE PHOENIX* (2003) are a point of much resentment amongst the student community.

26 The International Statute of Wizarding Secrecy we are told was first signed in 1689, and then established officially in 1692 – the wizarding world seems to mimic our process of signing and ratification it seems.

27 Aaron Schwabach, *Harry Potter and the Unforgivable Curses* in *THE LAW AND HARRY POTTER*, p.1 (Jeffrey Thomas and Franklin Snyder eds., 2010).

28 “Total control”, said Moody quietly as the spider balled itself up and began to roll over and over. “I could make it jump out of the window, drown itself, throw itself down of your throats ...” – J.K. Rowling, *HARRY POTTER AND THE GOBLET OF FIRE* (2000).

29 Leading us to the SPEW (Society for Promotion of Elfish Welfare) plot point in *HARRY POTTER AND THE GOBLET OF FIRE* (2000).

world: it is also the country infamous for the policy of extraordinary rendition which serves to ensure that those very protections (along with, of course, a range of others) are subverted for a particular group.

A final example in the light of stressing the importance of clinical legal education may be taken: theory at the expense of practice is considered downright evil in the Potter world³⁰: it is only the particularly bad teachers like Professor Umbridge or Professor Binns³¹ that go down one road to the exclusion of the other. In a memorable sequence, a great amount of umbrage is expressed at Umbridge by the students when she chucks down her course aims as being of a merely theoretical nature.³²

3. *Television! Teacher, Mother, Secret Lover.*³³

Before the Twilight films³⁴ defanged vampires, we had Buffy the Vampire Slayer.³⁵ For seven years, the adventures of an initially teenaged girl charged with saving the world from the scourges of an open Hellmouth while balancing the terrors of high school built up a cult following. What this stream of faithful viewers was also exposed to were the struggles of a society with its own unique set of laws. As Anthony Bradney notes,³⁶ the first three seasons follow Buffy's governance under the Watcher's Council, an alternate system of power and control, in contrast to the state's legal system. Questions about the nature of law and the duty to obey a set of mandates are presented constantly over these three seasons. With the start of the fourth season, Buffy resigns from the Council and rejects their law thus bringing to us another kind of analysis: how the characters are to

30 Lenora Ledwon, *Harry Potter goes to Law School*, in *THE LAW AND HARRY POTTER*, 280-281 (Jeffrey Thomas and Franklin Snyder, eds., 2010).

31 "...who is so boring, and his routine so set, that he actually dies but doesn't notice or care and now teaches the class as a ghost" – See J.K. Rowling, *HARRY POTTER AND THE PHILOSOPHER'S STONE* (1997).

32 J.K. Rowling, *HARRY POTTER AND THE ORDER OF THE PHOENIX* (2003).

33 *Homer Simpson* in *The Simpsons* (20th Century Fox 1989-present).

34 *TWILIGHT* (2008), *NEW MOON* (2009), *ECLIPSE* (2010).

35 *Buffy the Vampire Slayer* (The WB UPN, 1997-2003).

36 Anthony Bradney, *The Case of Buffy the Vampire Slayer and the Politics of Legal Education*, in *READINGS IN LAW AND POPULAR CULTURE*, 18 (Steve Osborn and Anthony Greenfield eds., 2006).

arrive at rules that will serve them as law, how they will interact with state law, and how they will relate to the Watcher's Council and its law. A distinction is thus drawn between external rules by a sovereign on the one hand, and a system of law arrived at by personal reflection, thus offering a rich text for the law school to comment on.

The term Buffy Studies has acquired its own meaning to encompass the wealth of literature discussing the teachings from the show in different contexts ranging from sociology, psychology, philosophy, theology, women's studies – and of course, law. *Slayage: The Online Journal of Buffy Studies*³⁷ has published quarterly essays since 2001; major conferences have been hosted on the show in universities across the world; there even exist entire college courses on the subject.³⁸

4. I count the songs that make the legal profession sing, I count the songs in most everything, I count the songs that make the young lawyers cry, I count the songs, I count the songs.³⁹

The seriousness that surrounds the academy to the degree of being an affliction often extends itself to academic writing. “If the music we listen to says something about us as individuals, then the music we, the legal profession as a whole, write about may say something about who we are as a profession”⁴⁰ In a delightfully written paper, Alex Long explores the usages of song lyrics in legal writing. The (somewhat haphazard) methodology he undertakes involves typing in a number of artists' names in the LexisNexis database to scour through the writings of judges, academics and practicing attorneys.

Lyrics of popular music can be used to help establish a metaphor or analogy for a legal concept, as a case study of what a particular artist's work says about the law or to simply restate or illustrate an idea in more colourful or humorous

37 SLAYAGE: THE ONLINE JOURNAL OF BUFFY STUDIES, <http://www.slayage.tv/> (last visited April 29, 2011).

38 Scholars Lecture on Buffy the Vampire Slayer, *available at* http://www.ctv.ca/CTVNews/Entertainment/20040529/scholars_buffy_040529/ (last visited May 2, 2011).

39 Barry Manilow, *I Write the Songs*, on Ultimate Manilow (Arista 2002).

40 Alex B. Long, *[Insert Song Lyrics Here]: The Uses and Misuses of Popular Music Lyrics in Popular Legal Writing, 2* *available at* <http://law.bepress.com/expresso/eps/1609> (last accessed April 29, 2011).

language. Sometimes, he finds, the invoking of music lyrics is haphazard, sometimes it's done in satisfyingly creative ways: there are occasions where one perfectly resonant line reaches across to exemplify a legal rule better than any legal maxim would. In an extended act of meta-commentary, Long supplies all his own section titles with song titles/lyrics, giving the piece a gloriously light-hearted touch.⁴¹ A memorable instance of how this approach might be used with one particular artist comes through in another of Long's articles that looks at Bob Dylan's music in detail⁴² - I discuss this further in the following section.

5. Now, what is this we hear? That you have agreed to cancel the tax of the farmers in Champaner if they beat you in a game of cricket?⁴³

Juridification is the process by which law, without directly invading a social field, can still reconstitute that field in its image.⁴⁴ In a paper on *The Juridification of Sport*, Ken Foster sets up analogies of how the sports arena displays remarkable similarities to the legal arena. There is the internal regulatory regime which already contains elements of law; the constitutive document that a regulating sports body will have, along with a rulebook, a disciplinary regime to enforce the rules, and often, a private system of dispute resolution that is legalistic. Foster further refers to a study⁴⁵ surveying the rulebooks of governing bodies in eight major sports against eight factors demanded by the principles of natural justice, namely: pre-hearing procedures, the nature of the hearing, cross-examination, admission of evidence, legal representation, giving reasons for decisions, rights of appeal, and satisfying the rule against bias by having independent adjudicators. Overall, the study concluded that most of the rule-books satisfied, and often exceeded, the legal criteria.

Coming to a more specific example - I do not share the national obsession with cricket. It continues to bewilder me how the average Indian sports fan will

41 Yes, this is a conceit which I have plundered from in this paper.

42 Alex B. Long, *The Freenheelin' Judiciary: A Bob Dylan Anthology*, Fordham Urban Law Journal, Vol. 38 Issue 5, 2010.

43 *Col. Boyer* in LAGAAN (Aamir Khan Productions 2001).

44 Ken Foster, *The Juridification of Sport* in READINGS IN LAW AND POPULAR CULTURE, 155 (Steve Osborn and Anthony Greenfield eds., 2006).

45 P. Morris and G. Little, *Challenging Sports Bodies' Determinations*, 17 CIVIL JUSTICE QUARTERLY 128, 130 (1998).

manage to equate the latest India-Pakistan showdown to the Kargil war, and not think twice. Of course, I remain in the minority when it comes to this, and yet, a discussion of popular culture in India at the very least would be incomplete without a cricket reference. An exemplary reference book in this regard is David Fraser's *Cricket and the Law: The Man in White is Always Right*.⁴⁶ 400 pages of cricket obsession filtered through the lens of the law. I can give it no higher praise than state I didn't find it boring. Law and cricket, says Fraser, are simply different arenas in which struggles over meanings, interpretations, applications of rules by adjudicators, judges and umpires in these instances, engage us politically, ideologically and socially.

I'll list two analogies that sprang out at me from the book for their sheer simplicity. For one, debates about dissent on the field may be easily translated to debates about contempt and respect for legal institutions in a democracy⁴⁷; for another, debates about leg-before-wicket (LBW) decisions are really just debates about causation in tort or criminal law.⁴⁸ The question in LBW decisions: "but for" the intervention of the pads, would the ball have continued on to strike the wicket is another way for us to look at the principle of *novus actus interveniens* – "but for" this particular conduct would this result have occurred?

III. "PRACTICE WHAT YOU PREACH"⁴⁹

The previous chapter gave you an insight into the myriad possibilities of the law and popular culture course, be it in terms of genre, medium or subject matter. This chapter will describe for you the specific choices that I made in going about teaching this course. I will in particular draw upon my experience in taking the course at NALSAR as opposed to NLSIU, simply because the former was a two-credit course allowing me to draw on a broader range of course material, while the latter was only a one-credit affair. In both instances, I had the good fortune of co-teaching with my colleague Lawrence Liang, who took upon the predominantly Bollywood component - his components of the course however, I will not be dealing with.

46 David Fraser, *CRICKET AND THE LAW: THE MAN IN WHITE IS ALWAYS RIGHT* (2005).

47 Fraser, *supra* note 46, at 78.

48 Fraser, *supra* note 46, at 116.

49 Barry White, *The Icon is Love*, 1994.

The mark breakup for the course consisted of 5 marks for written assignments, another 20 for a pop-culture trial they would present (more on this later) and finally, a 75 mark essay. In terms of time allotment, the course was a bit peculiar. We had 20 hours to cover over a 5 day period, thus working out to 4-odd hours in the classroom every day. On top of that, I had planned a series of post class assignments that the students would be doing in small groups. Further, owing to other clashing course timings, the course could only start at 5 pm, and of course a dinner break would have to be given.

I do believe all of this worked out for the absolute best. In consultation with a professor there, we decided the best way to negotiate the long hours and cover the course materials would be to break up the lecture with a film screening. Even across an individual day, the breadth of time allotted meant that I'd be doing multiple topics. The first lecture then was more of a general introduction that began by posing the Batman-Joker question to the class. Always a reliable conversation starter, we segued into then looking at the relevance of studying law and popular culture, based on a pre-assigned reading by Lawrence Friedman. Then, we dove into the meat of the course.

Shakespeare might be an odd choice to open a law and popular course, but that's only if one hasn't been exposed to the revelatory writing of Kenji Yoshino. In "A Thousand Times More Fair", Yoshino locates themes of justice in the plays of William Shakespeare, whilst also finding their present-day echoes. I elected to look at the role of the lawyer in "The Merchant of Venice" as well as the question of delay of justice in "Hamlet". Both discussions were aided dramatically through pre-selected students reciting the relevant bits of verse. Finally, we capped off the day with a screening of a movie adaptation of another iconic Shakespeare play - "Macbeth". Their assignment for the day was to evaluate themes of justice in Macbeth, teaming up in groups of 5.

The next day, I wanted to focus on the question of Law, Sexuality and Popular Culture. Here, we began with a screening of 'The Celluloid Closet, the documentary based on Vito Russo's book of the same name. The documentary takes the viewer on a tour of a 100 years of Hollywood cinema, looking in

particular at the manner in which queerness was coded into the movies - and how queer audiences then decoded those signals. It's a moving tale of how difference had to be closeted, and it segues quite readily into a similar project with Bollywood. Here, I'd picked select clips from movies from the 70s down to *Dostana* to look at how the Mumbai cinema has negotiated queer identity over the years. With both the Hollywood and Bollywood narratives, I also wove in the story of the LGBT rights movement, noting how significant moments for the community intersected with the march of cinema.

The final lecture for the day then took a step back at looking at how different ideologies were reflected in, and viewed popular culture. How would a Marxist view of the cinema differ from a Feminist analysis, and how would these in turn be contrasted with the Queer theorists? Over the course of the different ideologies, we came to Psychoanalysis, where I used Little Red Riding Hood as an example to demonstrate a post-Oedipal story. The wave of enthusiasm that greeted this analysis made it easy for me to determine what their class assignment for the day would be. Each group was to analyze Little Red Riding Hood through the lens of any of the ideologies we'd discussed that day.

The results were remarkable. One group elected to psychoanalyze the tale, composing their findings in the form of a poem. Another decided to use feminist and queer theory to create a fairy tale narrative. Two groups used Gramscian hegemony to come to entirely different, perfectly logical conclusions.

On the third day, I focused their attention more directly on the film studies component of the course. The idea here was to take a step back and look at how one watches movies, and what it is that one should be looking for. My reference here was the fantastic "Closely Watched Films", a book that picks roughly one film per decade starting from the 1900s to analyze the various cinematic innovations it brings to the medium. Taking the book's lead, I selected iconic clips from each of these iconic films and discussed the ways in which editing, cinematography, sound, acting and directing had evolved. The screening for the day was the landmark film which took all the techniques that had come before it and reinvented them, in the process landing recognition as the greatest film of all time: *Citizen Kane*.

The next day we were going to look at music and the law, in particular the work of one Mr. Robert Zimmerman. We began with Martin Scorsese's documentary on Dylan's career, "No Direction Home". With the documentary establishing a certain amount of context for those unfamiliar with Bob Dylan, whilst simultaneously providing more fodder for the Dylan fans, we moved into a discussion on legal connections with his work. I looked at two kinds of connections here: First, the manner in which Dylan's songs became associated with popular protests at the time, leading him to be dubbed the "voice of a generation". Second, with reliance on the aforementioned Alex Long, was an analysis of the manner in which judges in the United States as well as legal academics had used Dylan's lyrics in their writing.

With the final day, I came to the 20 mark pop-culture trial. The idea here was to give students a set of two fact situations. The first involved the character V, of V for Vendetta fame, in a sedition trial. The second involved Buckbeak from Harry Potter and the Prisoner of Azkaban being put on trial for the death penalty. They had to take the facts and present them as a courtroom narrative. Instead of using judicial precedents however, their precedents would necessarily have to flow from popular culture. As promising as this idea might seem, it completely depended on their execution, and in this department they didn't disappoint. Where the V for Vendetta group used a wonderfully wide range of literary and cinematic precedents, the Potter group managed a deeply impressive textual analysis across the Harry Potter books woven into a dramatic narrative.

IV. THIS IS THE END⁵⁰

Of course, it can be somewhat daunting to construct a law and popular course from scratch - this is where the growing number of textbooks come in. Amongst the notable pedagogic texts one may find the Steven Greenfield and Guy Osborn edited *Readings in Law and Popular Culture*.⁵¹ The book curates a diverse set of texts in areas ranging from sports, film, literature and music, examining how the law affects pop-cultural texts on the one hand, and how these texts play out

50 The Doors, *The End* (The Doors 1967).

51 READINGS IN LAW AND POPULAR CULTURE (Steven Greenfield and Guy Osborn eds., 2006).

when it comes to the law on the other. Michael Asimow and Shannon Mader's *Law and Popular Culture: A Course Book*, makes for another worthwhile endeavour, focusing primarily on law and cinema with each chapter taking a particular legally themed film, ranging from *12 Angry Men* down to *Philadelphia*, examining it as both a cultural text and a legal text.⁵² Richard Sherwin's *When Law Goes Pop* is an examination of law's permeable boundaries and its interdisciplinary nature on courtroom practice, taking a highly critical approach to the intermixing of popular culture and the law.⁵³ Finally, the University of Texas Law School's Tarlton Library offers an extensive bibliography and selected texts of law and popular culture scholarship.⁵⁴

Within what framework might we locate the demands for innovative pedagogy? The National Knowledge Commission constituted a Working Group on Legal Education in the country chaired by Justice Jagannadha Rao, whose recommendations included a segment on curriculum development. The group stated that the curricula and syllabi needed to be based in a wider body of social science knowledge, and that curriculum development involved rethinking the syllabus of individual courses, and developing innovative pedagogic methods.⁵⁵ Justice A. Lakshmanan of the Supreme Court has said in a speech on Indian legal education that the answer to the challenge of legal education reform requires significantly a revamp of the curriculum in tune with the needs and problems of society.⁵⁶ I strongly believe that using popular culture as a pedagogic tool as well as having more full-fledged law and popular culture courses as part of the legal curriculum is an important step towards fulfilling this agenda.

52 LAW AND POPULAR CULTURE: A COURSE BOOK, Michael Asimow and Shannon Mader eds., 2004).

53 Richard Sherwin, *WHEN LAW GOES POP* (2000).

54 *Law and Lawyers in Popular Culture* available at <http://tarlton.law.utexas.edu/exhibits/lpop/index.html> (last visited Jun. 5, 2012).

55 NATIONAL KNOWLEDGE COMMISSION, Report of the Working Group on Legal Education, p.6 available at www.knowledgecommission.gov.in/downloads/.../wg_legal.pdf (last visited May 6, 2011).

56 Justice A.R. Lakshmanan, *THE JUDGE SPEAKS* (2009).

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