

SOLSTORM: DEVELOPING A SEMANTIC/SYNTACTIC APPROACH TO LAW FILMS

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I. INTRODUCTION

This Article analyzes the 2007 Swedish film *Solstorm*,¹ an adaptation of the book *The Savage Altar* by Asa Larsson.² The rationale for engaging with this particular film is to apply Rick Altman's semantic/syntactic framework for genre analysis to a film that is on the margins of what might be considered a law

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1. *Solstorm* (Helsinki Filmi Oy 2007) (motion picture). The film begins after a preacher is killed, the preacher's sister is arrested and charged with murder. *Id.* Rebecka Martinsson, a junior tax attorney, returns to her hometown to defend her childhood friend and faces the fanatic religious followers of the local church. *Id.* Please note that a plot summary of *Solstorm* is located in the Appendix for those readers who wish to read it prior to or during review of this Article.

2. Asa Larsson, *The Savage Altar* (Marlaine Delargy trans., Penguin 2008). Larsson wrote a second Rebecka Martinsson novel: Asa Larsson, *The Blood Spilt* (Marlaine Delargy trans., Bantam Dell Publ. Group 2007). The film, *Solstorm*, was directed by Leif Lindblom and released in Sweden in September 2007. Aside from the academic analysis, the Author finds this is a superb and well-written film—the characters gradually develop as the intricate plot moves towards a dramatic climax, beautifully set in the wilderness of northern Sweden. The film contains a number of general themes surrounding the role and function of the Church and the impact of religious authority. The community inevitably looks inward and is shown, at times, to be very suspicious of outsiders. The film explores the dynamics of the closed community and how it seeks to contain and indeed punish wrongdoing within it and consequently keep strangers at bay. The outsiders include those who live in the town but are not part of the religious group that developed around the charismatic preacher, Viktor. The notion of loss is also featured heavily—loss of a child (through abortion) and loss of innocence of the children. Similarly, sacrifice appears as a theme throughout, from the offering up of the children through the sacrifice of Viktor, to Sanna's confession and suicide attempt.

film.³ By utilizing this theoretical framework, the Article evaluates both the descriptive and what might be termed the more ideological dimensions of *Solstorm* to determine whether the film, and other films not clearly within the genre, can be drawn within the boundaries of a law film. *Solstorm* is a useful example because at first sight it does not appear an obvious choice for inclusion within the category, as there are no court scenes and indeed no trial. Yet, the film shares some common characteristics with more conspicuous candidates. The analysis requires consideration of where concepts of justice sit with respect to the boundaries of law film. Put simply: Is *Solstorm* a law film? Altman's goal was to aid the development of genre theory, which is clearly more applicable when there are established conventions and principles with which to work. Although law film has little of this, Altman's framework is still a useful mechanism to apply to a single film and to link the film back into the wider body of material.

The application of this theoretical perspective translates into two distinct elements. First, this Article examines the semantic or descriptive dimension, which more broadly extends the examination of religion on trial—specifically the portrayal of “religious” justice in film. This links to the notion of delivery of informal justice—in this instance by a community rather than an individual. It is a system operating outside of the formal state criminal justice framework. The overriding concept in *Solstorm* is justice and the role of the church in using its authority to determine and mete out its own version of justice. The story also draws out questions of disputed sexuality and claims of sexual abuse. Of greatest interest is the interaction between the state criminal justice system and the morality of the closed community as evidenced by its attempts to police itself. The idea of a closed religious community seeking to control and conceal crimes from the outside world is a beneficial setting for a murder mystery thriller. Within this

3. Altman's concept of utilizing a dual approach to genre analysis was first published in 1984. See Rick Altman, *A Semantic/Syntactic Approach to Film Genre*, 23 *Cinema J.* no. 3, 6–18 (Spring 1984) [hereinafter Altman 1984] (arguing that the relationship between the semantic and the syntactic leads to an analysis of how genres are formed and identified). The theory was further developed in his subsequent book. See Rick Altman, *Film/Genre* (BFI Publg. 1999). Altman's theory is also reflected in a recent chapter: Rick Altman, *Conclusion: A Semantic/Syntactic/Pragmatic Approach to Genre*, in *Genre, Gender, Race, and World Cinema* (Julie F. Codell ed., Blackwell Publg. 2007).

arena, crimes may be committed and covered up to protect a religious secret. Other recent examples of this type of film include *The Name of the Rose*⁴ and *The Da Vinci Code*.⁵ What is interesting in both of these examples is the status of the investigator—in the former, a religious figure (a monk), and in the latter, an academic rather than a more traditional detective figure.

Second, and more ambitiously, this Article develops the idea of genre as a concept for film and the law specifically by applying Altman's influential semantic/syntactic approach to film genre. A fundamental question for those working in the area of law and film is how to determine the boundaries of the area, and particularly the overlap with other aspects of the criminal justice system that seem to have accepted classifications, such as "cop" or "prison" movies.⁶ More specifically, the question is the extent to which portrayals of "justice" are separable from legal processes. Justice/injustice and law/lawlessness enter into the genre analysis as we try to break free from the shackles limiting law films only to courtroom drama. Justice need not always be delivered through formal legal processes.

One issue that arises when defining the scope of law films is the relationship between formal and informal justice that is presented in numerous films.⁷ Most of the films involving the execution of informal justice include a vigilante figure frustrated by a feeling that the law does not work effectively. The desire to seek justice may thus be instituted by personal interest in a case where the "guilty" offender is set free because of some failure in the legal process. The stage prior to this may involve investigat-

4. *The Name of the Rose* (Neue Constantin 1986) (motion picture).

5. *The Da Vinci Code* (Columbia 2006) (motion picture).

6. See *infra* n. 22 (examining whether films need genres, categories, or subcategories).

7. There is also a parallel system of law enforcement and punishment to be found within Courts-martial films, though these often have the same trappings as the formal system. Interestingly, the Courts-martial category found new life with the input from Bollywood with *Shaurya* (Moser Baer 2008) (motion picture). This film features two friends who are attorneys in the Indian Army. *Id.* One is assigned to prosecute and the other is assigned to defend a soldier charged with murdering his commanding officer; and *The Rising: The Ballad of Mangel Pandey* (Kaleidoscope Ent. 2005) (motion picture). The main character in *The Rising* is a native of India, serving in the army of the British East India Company. *Id.* He challenges the East India Company's military system for its deceptive use of cow and pig fat to grease the cartridges of the army's rifles, which offends both Muslims and Hindus employed in the army. *Id.*

ing officers seeking to deliver justice before the case becomes a part of the legal system—the “rogue cop” films.

The most notable examples of the vigilante and rogue cop categories are *Death Wish*⁸ and *Dirty Harry*.⁹ We can see further examples of informal justice in *Cape Fear*¹⁰ and *The Star Chamber*.¹¹ In *Cape Fear*, Max Cady seeks revenge against his ex-attorney whom he holds responsible for his incarceration.¹² There is some twisted logic here, as, despite his clear guilt, Cady would have been acquitted had the lawyer not deliberately “buried” evidence contrary to ethical standards of practice.¹³ *The Star Chamber* is an interesting example of informal justice because it involves formal players, judges, operating outside of their roles within the system to seek justice for those they believe were wrongfully acquitted.¹⁴ Their privileged position within the justice system lends some credence to their actions as opposed to the individual rogue police officer or vigilante.¹⁵ The individual vigilantes tend to operate outside of the legal system, however, there may be some loose connection.¹⁶ But, the judges are a group firmly embedded within the system.¹⁷ They have internal knowledge of the system and its defects, which makes them more authoritative.¹⁸

Furthermore, some scholarship in the broad area of film and the law seeks to excavate products of international cinemas to provide alternatives to the hegemony of American law films.¹⁹ *Solstorm* is a thoroughly Scandinavian production, set in a small,

8. *Death Wish* (Paramount 1974) (motion picture).

9. *Dirty Harry* (Warner Bros. 1971) (motion picture). In terms of lawyers as vigilantes, we have the example of Matt Murdoch, the blind lawyer in *Daredevil* (Marvel Enterprises 2003) (motion picture), who at night becomes a masked avenger dispensing justice. There is also the successful TV series *Dexter* (Clyde Phillips Prod. 2006–present) (TV series), in which the vigilante character is employed by the Miami Police Department as a blood splatter analyst.

10. *Cape Fear* (Amblin Ent. 1991) (motion picture).

11. *The Star Chamber* (20th Cent.-Fox 1983) (motion picture).

12. *Cape Fear*, *supra* n. 10.

13. *Id.*

14. *The Star Chamber*, *supra* n. 11.

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. See e.g. Steve Greenfield, Guy Osborn & Peter Robson, *Genre, Iconography and British Legal Film*, 36 U. Balt. L. Rev. 371 (2006–2007).

deeply religious community in northern Sweden, which is physically isolated and exposed to the fierce winter.²⁰ With deference to Hollywood, it stars the Polish actress Izabella Scorupco (who appeared in the Bond film *Golden Eye*²¹) as the hero lawyer Rebecka Martinsson.

This Article first outlines some of the issues and debates surrounding the idea of a law film genre before setting the context for the use of religion within law films. It then applies ideas drawn from Altman's semantic/syntactic approach to analyze the film. A synopsis of the film is located in the Appendix, but the subsequent analysis inevitably reveals some of the central elements of the plot.

II. GRAPPLING WITH THE CONCEPT OF A LAW FILM GENRE²²

One of the difficulties for those involved in propagating the concept of film and the law scholarship has been to identify the subject matter with some degree of precision. If one examines the body of written work, the sheer breadth of the study immediately stands out.²³ The other notable point is that often the only com-

20. Swedish thriller programs have proved popular in recent years. *Wallander*, the story of a Swedish detective based on the novels by Henning Mankell, was originally made in Sweden as a TV series in 2006, but remade for the BBC in 2008 starring Kenneth Branagh in the lead role. *Wallander* (Zodiak Ent. 2006) (TV series); *Wallander* (BBC Scot. 2008) (TV series). Following its success, the BBC also showed the original Swedish-made *Wallander* with subtitles. In addition, the Stieg Larsson novel *The Girl with the Dragon Tattoo* was adapted for film in 2009 under the title *Män Som Hatar Kvinnor* (Danish Filminstitute 2009) (motion picture). See Stieg Larsson, *The Girl with the Dragon Tattoo* (Reg Keeland trans., Random House 2009, Quercus Publg. 2008) (originally published in Sweden as *Män Som Hatar Kvinnor* (Norstedts Agency 2005)).

21. *GoldenEye* (USA 1995) (motion picture).

22. If genre is merely a simple method of classification through lists then perhaps it matters not whether we have a genre, a category, or a subcategory. Of course, the other question is: How do we know when a genre exists? Rebecca Porter argues: "There is no 'lawyer movie' genre, although reviewers often use the phrase 'courtroom drama' when most of the action takes place at trial. Lawyers appear in dramas, musicals, science fiction films, action-filled adventures, mysteries, Westerns, thrillers, and comedies from slapstick to sinister." Rebecca Porter, *Lawyers on the Big Screen*, 38 *Trial* 54 (2002). This Author concurs that there is little to be gained from arguing about a genre of "lawyer" movies; however, the ideological nature of the portrayal and interpretation of law (which includes the actions of lawyers, but is far wider) is a different matter and one that is important for law and film scholars to address.

23. For an overview of the scholarship, see Steve Greenfield, Guy Osborn & Peter Robson, *Film and the Law* (Cavendish Publishing 2001).

mon ground in the scholarly works is some type of engagement with one or more films. Some works are entirely descriptive and may cover only one film, providing little highly theoretical analysis.²⁴ Engagement with genre theory is infrequent, which is perhaps unsurprising given the contentious and convoluted role it has occupied within film studies. The descriptive work has been important in identifying films that may not have attracted much attention, and this sharing of knowledge has been vital in expanding the knowledge base. For example, Peter Robson's painstaking investigation into British, and particularly Scottish, law films has enabled reconsideration of the importance of the British system to the American model, which dominates across international boundaries.²⁵ Furthermore, the descriptive account allows comparisons to be made and common themes identified. This is akin to some of the early work in film studies that sought to draw clear boundaries around genres such as Westerns by identifying the key narrative and visual characteristics.²⁶

At the most basic and simplistic level, one can argue for the idea of law films being restricted to courtroom drama, and the only point of disagreement is then around the edges. For example, how much time must be spent in the courtroom for a film to fall within the genre? Are we to treat comedies as a separate category or as part of the genre?²⁷ The last point is perhaps more impor-

24. There is a wealth of individual film analysis covering a broad spectrum of films. David A. Black, *Law in Film: Resonance and Representation* (U. Ill. Press 1999).

25. Greenfield et al., *supra* n. 19, at 372–378.

26. See e.g. Will Wright, *Sixguns and Society: A Structural Study of the Western* (U. Cal. Press 1975); John Cawelti, *The Six-Gun Mystique* (2d ed., Bowling Green St. U. Pop. Press 1984).

27. On comedy and genre generally, see Kristine Brunovska Karnick & Henry Jenkins, *Classical Hollywood Comedy* (Routledge 1995). With respect to musical comedy and law film, see Cheney Ryan, *Lawyers as Lovers: Gold Diggers of 1933 or "I'd Rather You Sue Me Than Marry Me"*, 30 U.S.F. L. Rev. 1123 (1996). Ryan discusses *Gold Diggers of 1933* (Warner Bros. 1933) (motion picture) in which two elderly lawyerly figures are dragged into the heart of the story—and eventually into the arms of Joan Blondell and Aline MacMahon—by the mistaken fear of a breach of promise suit against their ward; and he discusses *Footlight Parade* (Warner Bros. 1933) (motion picture) in which the threat of a breach of promise suit culminates the various marriage complications that bedevil Chester Kent (James Cagney). On the relationship between law and comedy, Ryan notes:

In traditional comedy, the problem is to transcend this conflict [of desire blocked by legal or parental authority], and to reconcile law and love (so as to constitute a truly human community) through the transformation of each: the transformation of love through the education (some might say disciplining) of desire, and the transforma-

tant than initially contemplated. There are a number of “legal” comedies that have some courtroom action, some of which, such as *My Cousin Vinny*²⁸ or *Brothers in Law*,²⁹ are relatively easy to classify as law films.³⁰ Others, such as *A Fish Called Wanda*,³¹ merely utilize a courtroom scene for comic effect because one of the principal characters is a lawyer—in this example, a barrister. Similarly, the Woody Allen offering *Bananas*³² has a courtroom scene that parodies our expectation of what will occur, and this points us towards the conventions of the traditional courtroom drama. Allen’s parody works, as does Cleese’s bemused cross-examination, because it contradicts our expectations of what will happen. Fielding Mellish (Woody Allen) is charged with numerous counts, such as “conspiracy to overthrow the government” and “using the word thighs in mixed company.” The cross-examinations are ridiculed, and at one point Mellish leaps from the witness box to ask himself questions since he is representing himself. He is also shown carrying out his own interrogation of a witness while the witness is bound and gagged. Yet, behind the absurdity is a level of formality and seriousness that contrasts with the humor. The comedy works precisely because the conventions of the genre are overturned. Similarly, with Vinny Gambini in *My Cousin Vinny*, we do not expect the defense lawyer in a murder trial to have taken the bar exam six times, but the rookie lawyer risking it all is a common thread within more serious law films.³³

Once we move from the safety of the courtroom drama, identification of the characteristics that comprise the law film genre becomes increasingly problematic. Toward the far end of the scale

tion of law through the loosening of judgment. Law is at the heart of the comic problem, and interestingly enough, comedy addresses it in legal-type terms.

Ryan, *supra* n. 27, at 1124.

28. *My Cousin Vinny* (Palo Vista Prods. 1992) (motion picture).

29. *Brothers in Law* (Charter Film Prods. 1957) (motion picture).

30. Interestingly, *My Cousin Vinny* was remade in Bollywood under the title *Banda Yeh Bindas Hai* (BR Films 2009) and subject to litigation brought by Twentieth Century Fox against the production company, BR Films. The dispute was settled with suggestions of a settlement figure of some \$200,000. See The Economic Times, *BR Films Settles Plagiarism Charges with Fox*, <http://economictimes.indiatimes.com/News/News-By-Industry/B-R-Films-settles-plagiarism-charges-with-Fox/articleshow/4871780.cms> (Aug. 8, 2009).

31. *A Fish Called Wanda* (MGM 1988) (motion picture).

32. *Bananas* (United Artists 1971) (motion picture).

33. *My Cousin Vinny*, *supra* n. 28.

lies an approach that purely equates law with justice.³⁴ Thus, the quest for justice involves considerations of law or indeed *lawlessness*. The absence of the formal trappings of law and legal personnel may be replaced with informal and more immediate concepts of justice. Examples may be found in war films, cop films, science fiction, and Westerns.³⁵ The broader our notion of what law means or can encompass, the greater the range of films potentially included in the genre and the more difficult it is to extract and nail down firm principles for analysis. While this expands the base for analysis, it simultaneously dilutes it, making genre analysis a harder, though not impossible, task.

There have been attempts to draft a broader definition of law films to encompass films beyond the standard courtroom drama. In 2001, Greenfield, Osborn, and Robson suggested:

In order to qualify as a law film the following characteristic(s) must be present in some shape or form: the geography of law, the language and dress of law, legal personnel[,] and the authority of law. This excludes films where “justice” is enforced outside of any legal framework for example, war films, social dramas[,] and family sagas.³⁶

34. The pursuit and delivery of justice obviously includes injustice, which is represented by those films that show actual miscarriages of justice, such as *In The Name of the Father* (Hell's Kitchen Films 1993) (motion picture); *Let Him Have It* (Image Ent. 2005) (DVD); and *The Hurricane* (Touchstone Home Video 2001) (DVD). These films will, however, inevitably feature incarceration after trial. An example of a fictional miscarriage of justice set in prison and without the deliberation stage is *The Green Mile*, based on the Stephen King novel. *The Green Mile* (Warner Bros. 1999) (motion picture) (telling the story of a prison guard faced with a moral dilemma when deciding whether or not to execute a man with supernatural healing powers that he knows is innocent).

35. John Cawelti's measured analysis of the Western draws out the characteristics of the hero: “[T]he most basic definition of the hero role in the Western is as the figure who resolves the conflict between pioneers and savages.” John Cawelti, *The Six-Gun Mystique* 82 (2d ed., Bowling Green St. U. Pop. Press 1984). It is submitted that there are many parallels to be drawn between the Western hero gunslinger and the modern day heroic lawyer figure who similarly deals with conflict between a simplistic good and evil using the law rather than a six-gun. An interesting contemporary comparison between gunslinger and lawyer can be seen in *The Wire* (HBO 2002–2008) (TV series). In Season 2 Episode 6, Omar Little, who robs drug dealers at gun point for a living, is giving evidence on behalf of the prosecution. *Id.* He is told by the defense lawyer, Maurice Levy, he is a parasite living off the culture of drugs, to which Little replies, “Just like you, man. . . . I got the shotgun, you got the briefcase. It's all in the game though, right?” *Id.*

36. Greenfield et al., *supra* n. 23.

This approach did provide some flexibility that was perhaps not obvious at first sight because what could be included depended upon how broadly the “legal” characteristics were defined. Thus, boats could be courtrooms, as in *Cape Fear*,³⁷ and legal authority could be found in the words of Judge Dredd.³⁸ The broad approach’s desire to be inclusive and not unduly prescriptive ensured problems of definition, particularly where there were distinct overlaps with other genres. More recently, the same authors have sought to acknowledge and address the issue of overlap by breaking down some of the periods of activity. This breakdown is more sophisticated and employs three identifiable phases of the criminal justice system. The starting point is the apprehension of the potential criminal. This phase will normally involve the police, yet there is also the prospect of vigilantism, and may end in the death of the perpetrator rather than apprehension. The most obvious example is the cop film genre. The second phase is the deliberation, effectively the trial stage, which may or may not be prominent. The final stage is the disposition which equates to the sentencing and has clear links to prison films such as *The Green Mile*, *The Shawshank Redemption*, and *Dead Man Walking*. While this breakdown may assist in identifying the overwhelming majority of films that focus on the criminal justice system and relating them to other genres, it does not assist in reaching films

37. *Cape Fear*, *supra* n. 10.

38. See Steve Greenfield & Guy Osborn, *Film, Law and the Delivery of Justice: the Case of Judge Dredd and the Disappearing Courtroom*, 6(2) J. Crim. Just. & Pop. Culture 35 (1999). They note:

The definition of the courtroom can be stretched to include films such as *Twelve Angry Men* which is centred on the jury room, with Henry Fonda effectively performing the function of defence counsel. There are many reasons why the courtroom has proved such a durable and attractive place for film making but it is not the only arena in which disputes of a legal or quasi-legal nature can be aired and settled. A very good example of this notion is Scorsese’s remake of *Cape Fear* where the boat, at the conclusion of the film, can be viewed as a courtroom stripped of its ornaments and ceremony. *Cape Fear* is a good example of a film that has all the hallmarks of a law film and supports our contention that the question “what is a courtroom drama” is not such an obvious question to ask after all.

Id. at 37. On the two contrasting *Cape Fear* films, see Richard K. Sherwin, *Cape Fear: Law’s Inversion and Cathartic Justice*, 30 U.S.F. L. Rev. 1023 (1995). Sherwin notes the shift in values between the films: “The world has changed radically from what it was: for now, neither law, nor family, nor the virtues of individual character, nor even justice itself can be trusted to prevail in the face of irrational violence. The force of corruption has grown pervasive.” *Id.* at 1025.

that consider civil law issues. Civil law forms the basis of memorable and important films such as *The Verdict*,³⁹ *Philadelphia*,⁴⁰ *North Country*,⁴¹ *A Civil Action*,⁴² and *Erin Brockovich*,⁴³ among others.

Solstorm, though clearly rooted in criminal law, is difficult to classify because it straddles the uneasy border between law and justice. It contains elements that look like a classic “whodunit” thriller with a lawyer at the helm playing the role of investigator. The film has some characteristics that suggest it could be classified as a law film since it draws upon some of the readily identifiable conventions, but it also moves into the more ambiguous territory that involves the delivery of justice outside the traditional legal system. Before considering the contradictions within the film as they relate to genre conventions, it is important to understand how law films feature religion and justice.

III. LAW, RELIGION, AND JUSTICE IN FILM

Depending on their classification, many law films prominently feature religion and religious figures in a variety of ways. Arguably, this distinction links back to the heart of the problem of classification, but at one (clear) end of the spectrum there are the standard courtroom dramas based around religious issues. Consider, for example, the cinematic portrayal of the struggle between state and religion within the field of public education. This is most aptly demonstrated by the battle between the evolutionists and creationists in the United States portrayed in such films as *Inherit the Wind*,⁴⁴ which dramatizes the Scopes Monkey Trial, and *Kansas vs. Darwin*,⁴⁵ which documents the 2005 Kansas evolutionary hearings.⁴⁶

39. *The Verdict* (20th Cent.-Fox 1982) (motion picture).

40. *Philadelphia* (TriStar 1993) (motion picture).

41. *North Country* (Warner Bros. 2005) (motion picture).

42. *A Civil Action* (Touchstone 1998) (motion picture).

43. *Erin Brockovich* (Universal 2000) (motion picture).

44. *Inherit the Wind* (United Artists 1960) (motion picture).

45. *Kansas vs. Darwin* (Unconditional Films 2007) (motion picture).

46. There is also the 1991 TV documentary movie, *Darrow* (Atlantis Films 1991) (TV movie). Set in late 19th century Chicago, this film tells the story of Clarence Darrow as he defends the railroads against the creeping tide of unionization. *Id.* Darrow is conflicted by his own support for the railroad workers, who are trying to argue for safer working practices and a decent wage. *Id.* When his bosses collude to frame union leader Eugene Debs,

In other films, the courts are used as a forum to try the very existence of God. This is shown in a humorous way in *The Man Who Sued God*⁴⁷ and set in the future in *One Nation Earth*.⁴⁸ In *The Devil's Advocate*⁴⁹ the law is used as the vehicle to play out the titanic earthly struggle between God and the devil. This film also provides an interesting example of the portrayal of the senior lawyer in an extremely negative light—in this instance as the devil himself.⁵⁰ It is worth noting that a similar, albeit limited, portrayal can be seen in *Jesus of Montreal*,⁵¹ where the lawyer proffers his client—who plays the role of Jesus—the world if he is prepared to sell out his values.⁵² The lawyer, who has a very limited role, tempts him in a similar fashion to the senior partner in *The Devil's Advocate*.⁵³

Darrow tenders his resignation and takes up the defense of Debs. *Id.* See also Nell Minow, *An Idea Is a Greater Monument than a Cathedral: Deciding How We Know What We Know* in *Inherit the Wind*, 30 U.S.F. L. Rev. 1225 (1996) (discussing *Inherit the Wind* in reference to the attempt of the judicial system to determine truth through logic and empiricism when presented with the issue of faith); Randy Moore, *Creationism in the United States: The Lingering Impact of Inherit the Wind*, 61 Am. Biology Teacher 246 (Apr. 1999) (discussing the differences between *Inherit the Wind* and the historically accurate events of the Scopes trial); Gerald F. Uelman, *The Trial as Circus: Inherit the Wind*, 30 U.S.F. L. Rev. 1221 (1996) (discussing the entertainment aspects of the Scopes trial as depicted in *Inherit the Wind*).

47. *The Man Who Sued God* (Austral. Film Fin. 2001) (motion picture).

48. *O.N.E.: One Nation Earth* (Cloud Ten 2001) (DVD).

49. *The Devil's Advocate* (Warner Bros. Pictures 1997) (motion picture).

50. *The Devil's Advocate* attracted criticism from the profession who perceived the film as the final installment in a long line of films that portrayed the profession in a poor and unrealistic light. See e.g. Michael Asimow, *Embodiment of Evil: Law Firms in the Movies*, 48 UCLA L. Rev. 1339, 1357 (2001) (“*The Devil's Advocate* carries the idea of law firms as the embodiment of evil to its absolute limit.”). This is part of a wider debate concerning the nature of the portrayal of lawyers, a subject beyond the scope of this Article.

51. *Jesus of Montreal* (Centre National de la Cinematographie 1989) (motion picture).

52. Bart Testa describes the scene as follows:

The court scene leads to a meeting with the media lawyer Richard Cardinal (Yves Jacques). Here Arcand interpolates an earlier episode of the Gospel in which Satan tempts Jesus in a “high place” and offers him dominion over the earth. On their way to lunch at the top of a skyscraper, the glib, charming Cardinal offers Daniel the modern commercial city's equivalents to a deal with the devil—media fame, a book contract, talk-show appearances, good lunches.

Bart Testa, *Arcand's Double-Twist Allegory: Jesus of Montreal*, in André Loiselle & Brian McIlroy, *Auteur/Provocateur: The Films of Denys Arcand* 90, 104 (Greenwood Press 1995). On Denys Arcand more generally, see Real La Rochelle, *Denys Arcand: A Life in Film* (McArthur Publg. 2004).

53. *The Devil's Advocate*, *supra* n. 49.

There is also a line of films that cast the priest as sleuth, such as *The Name of the Rose*,⁵⁴ which follows the trope of the *Father Brown* film and television series.⁵⁵ This idea was further explored in the three seasons of the *Father Dowling Mysteries*.⁵⁶ Priests, as holders of the truth of innocence and guilt, bound by the sanctity of the confession, appear in films such as *Full Confession*⁵⁷ and *Confession*.⁵⁸ Other films examine crimes with a religious dimension using a variety of investigators such as academics (*The Da Vinci Code*⁵⁹ and *Down by the Riverside*⁶⁰), police officers (*Se7en*⁶¹ and *Le puritain*⁶²), a corrupt detective (*Bad Lieutenant*⁶³), and a psychiatrist (*Agnes of God*⁶⁴).

The legitimacy of religious values and practices is the context for *The Exorcism of Emily Rose*.⁶⁵ The central feature of the film is the trial of Father Moore, a priest accused of the criminally negligent homicide of a young girl, Emily Rose, who was placed under his pastoral care. The film contains two separate trials. The first is the battle between the priest and the demon during the exorcism, and the second is the formal courtroom trial. The exorcism draws an obvious comparison with elements of the earlier

54. *The Name of the Rose*, *supra* n. 4.

55. Father Brown, the priest-sleuth, was the creation of GK Chesterton who wrote fifty-two stories based on the character. The first film was *Father Brown, Detective* (Paramount 1934) (motion picture). It was followed by *Father Brown* (Columbia 1954) (motion picture). In 1974, Father Brown appeared on television in the United Kingdom in the thirteen-episode series, *Father Brown* (Associated TV 1974) (TV series). There was an additional Father Brown TV film set in Manhattan called *Sanctuary of Fear* (Marble Arch Prods. 1979) (TV pilot episode). This was the pilot for a proposed TV series that was never made because of the audience reaction to the initial offering. Similarly, *Cadfael* (Central TV 1994–1996) (TV series) featured a monk turned sleuth using his botanical knowledge to solve crime.

56. *Father Dowling Mysteries* (Dean Hargrove Prods. 1989–1991) (TV series).

57. *Full Confession* (RKO Radio 1939) (motion picture).

58. *Confession* (Anglo-Guild Prods. 1955) (motion picture).

59. *The Da Vinci Code*, *supra* n. 5.

60. *Down by the Riverside* (Downending Films 2007) (motion picture).

61. *Se7en* (New Line Cinema 1995) (motion picture).

62. *Le puritain* (Derby Films 1938) (motion picture).

63. *Bad Lieutenant* (Artisan Ent. 1997) (DVD).

64. *Agnes of God* (Columbia 1985) (motion picture).

65. *The Exorcism of Emily Rose* (Screen Gems 2005) (motion picture). *The Exorcism of Emily Rose* is supposedly based on a true story of a devout Catholic girl from Bavaria, as detailed in Felicitas D. Goodman, *The Exorcism of Anneliese Michel* (Resource Publications 2005).

film *The Exorcist*.⁶⁶ Here, the central church figures are anxious to preserve public confidence and keep the exorcism private to protect its reputation. This interest is in sharp contrast to that of Father Moore, who is determined to tell the truth—as he sees it—and to relay Emily’s story. There are wider issues beyond the guilt or innocence of Father Moore, and the challenge to the belief in evil and possession is at the center.

The trial of significant religious icons appears as a further identifiable strand of films. While *The Exorcism of Emily Rose*⁶⁷ is concerned with practices of the church through the priest, it is not exclusively a trial of Father Moore, but rather of the church as an institution. But, there is a line of films concerned with individual religious figures, of which two stand out. Consider, for example, Joan of Arc, who was prosecuted for heresy. Aside from the written accounts, there are a number of films that deal with her life story, including her trial and execution, notably *La Passion de Jeanne d’Arc*.⁶⁸

The Passion focuses on Joan’s trial and death in Rouen in 1431, taking its dialogue from the ecclesiastical court’s transcripts. The film was shot over a period of several months, largely in chronological order—an unusual and very rigorous procedure, which forced the actors to experience vicariously Joan’s long ordeal as it was acted out and recorded on film.⁶⁹

This method of filmmaking pushes the work away from purely fictional events toward those films based in real life, such as *In the Name of the Father*⁷⁰ and *Erin Brockovich*.⁷¹ Interestingly, a

66. *The Exorcist* (Hoya Prods. 1973) (motion picture). Donna Yarri argues that the overlap between the two films extends too far. See Donna Yarri, *The Exorcism of Emily Rose*, 10 J. Religion & Film (Apr. 2006) (available at <http://www.unomaha.edu/~jrf/vol10no1/Reviews/emilyRose.htm>). “The film inevitably invites comparison with the very popular and well-known film on demon possession made in 1973, *The Exorcist*. In viewing and comparing these two films, one wonders why the latter was even deemed necessary, considering how similar the stories are.” *Id.* This view ignores the importance of the trial in the later film, though Yarri refers to it as “boring and uneventful.” *Id.*

67. *The Exorcism of Emily Rose*, *supra* n. 65.

68. *La Passion de Jeanne d’Arc* (Societe Generale des Films 1928) (motion picture).

69. Pamela Grace, *The Religious Film* 122 (Blackwell Publ. 2009).

70. *In the Name of the Father*, *supra* n. 34 (depicting the true story of Gerry Conlon, a Belfast youth, who was wrongly convicted of bombing two pubs and whose father attempts to prove his innocence).

71. *Erin Brockovich*, *supra* n. 43. On the use of true life stories of miscarriages of

trial in an ecclesiastical court also appears in an episode of the television series *Rumpole of the Bailey*.⁷² Of course, the most notable religious trial films center around Jesus' adjudication and crucifixion. One of the most interesting contemporary examples is *Jesus of Montreal*,⁷³ noted above. Daniel, who plays the character of Jesus, faces a criminal trial for an act of vandalism against the makers of a television commercial, which is his equivalent of throwing the money lenders from the temple.⁷⁴

In *Solstorm*, religion and religious values are prominently featured throughout the film. The crucial figures, aside from Rebecka, are the Church Elders. We see at the core the need for the Church to survive and maintain its position within the community. No matter what happens, the Church must endure and its survival is in the care of the Elders. There are two motivating factors behind this instinct for preservation. One is to keep the power that the Church wields over all those who worship, and the other is to maintain the income generated from the sales of books and DVDs that has allowed, for example, Vesta to purchase an impressive art studio even though he confesses to not painting much anymore. This self-preservation comes with the cost of sacrifice—first of Sanna's children, and ultimately of Olof and Kristina's son and possibly their daughter. It is unclear whether Sanna's children are the only victims, but there are hints that suggest sacrifice may be a much more widespread problem. In the dramatic finale, Tomas is prepared to sacrifice the children, telling Curt that he and Sanna can have a fresh start with new children. At this point, Tomas appears confused and seeks instruction from God as to how to proceed, though it is not clear what sign he receives that causes him to determine his drastic course of action. The whole surrender of the children first to Viktor and later to God, who is calling them to him according to Tomas, is at odds with the hostility that continues to exist towards Rebecka for her

justice as a source of law films, see Steven Greenfield & Guy Osborn, *Pulp Fiction? Cinematic Parables of (In)justice*, 30 U.S.F. L. Rev. 1181 (1995–1996).

72. *Rumpole of the Bailey*, "Rumpole and the Age of Miracles" (Thames TV Dec. 7, 1988) (TV series). In this episode, Rumpole has to defend his client who is his nephew on charges of adultery in an ecclesiastical court. *Id.*

73. *Jesus of Montreal*, *supra* n. 51.

74. Bart Testa suggests that "the suspension of the law in Daniel's story . . . suggests its impotence generally in the decline of justice's social rule." Testa, *supra* n. 52 at 108.

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abortion. Indeed, as Rebecka attends a service with Sara (who refuses to enter the Church) and Lova, Kristina whispers “child killer” at her.

The lives of children are thus viewed as sacred until their existence threatens the greater good of the Church’s survival. Both of Sanna’s children are potential witnesses to the initial abuse and the murder of Viktor. Thus, it is possible to attribute the extreme exercise of the Elders’ view of justice to merely ensuring that the status quo prevails and that their power is not removed.

But, Curt has a different perspective. He is an outsider who moved north to escape a troubled life and found solace in the Church and the community. He is portrayed as having strong views on morality and a literal interpretation of God’s word. A number of separate events reveal his beliefs. First, he clearly believes Viktor’s behavior in relation to the children is wrong, but Curt wants to save Viktor from hell despite his wrongdoing. When the Church Elders refuse to stop Viktor, Curt attacks him, but still acts to protect Viktor from damnation. Curt clearly dotes on the children. Although they are not his own, he wants to protect them and Sanna. He saves Sanna from her suicide attempt. Regardless of conclusions that may be drawn about Curt and his fundamentalist views, there is no doubt about his sincerity. He refuses to carry out Tomas’ orders when they conflict with his own morality—he does not have blind faith. Here, justice is also mixed or confused with self-interest, even if the requisite level of sacrifice remains high.

Through Rebecka’s questioning, it appears until the closing scenes that Viktor is an innocent victim murdered for reasons associated with his sexuality. Viktor is clearly identifiable, physically and characteristically, as a “Jesus” figure, drawing the people to him through the power of his oratory and sheer charisma. Thus, there appears to be a clear link to those aforementioned films where Jesus or a similar religious figure is executed—only in this instance he is executed on the grounds of his sexual orientation rather than his evangelizing or political activity. Viktor seems omnipotent and able to live by an alternative set of moral values. The link to the crucifixion is apparent in both his supine position and the mutilation to his hands. The view of Viktor as “innocent” continues through the dramatic scene at the cottage where it seems that Tomas and Carl are implicated in his murder

without any apparent justification other than the lingering question of Viktor's sexuality.

However, it is only when Viktor's delinquent conduct is revealed that the question of justice becomes more pertinent. Viktor's aberrant behavior leads to his death at the hands of members of the community without any recourse to the criminal justice system. There is no thought by any of those who are aware of his activities to report the matter to the police or the welfare authorities.

There are clear parallels between the idea of vigilante justice and the treatment of Viktor. Here, there is no failure by the state system in permitting someone who is guilty to be wrongly acquitted, but there is a breach of the community's moral code. The breach is then acted upon; although interestingly, Curt's aim is not just to protect the children, but also to save Viktor's soul. This is not merely a question of retribution or punishment, but rather redemption and salvation. The religious justice aspect is an essential part of the film, but there remains the further question of whether *Solstorm* deserves classification as a law film.

IV. APPLYING A SEMANTIC/SYNTACTIC APPROACH TO SOLSTORM

Altman's theoretical framework for genre analysis was originally published in 1984.⁷⁵ Altman identifies three problems or contradictions within genre theory. First, there is a tendency to draft general characteristics to determine the nature of the par-

75. Altman 1984, *supra* n. 3. Altman's methodology has been examined in a variety of ways. See e.g. Jessica Allen, Sonia Livingstone & Robert Reiner, *The Changing Generic Location of Crime in Film: A Content Analysis of Film Synopses, 1945-1991*, 47 J. Commun. 89 (1997) (explaining that the study of trends surrounding the content and treatment of films is frustrated by a tension, articulated by Altman, between comprehensive classifications used in film reference books and the exemplars of a genre used in film criticism); John C. Eisele, *The Wild East: Deconstructing the Language of Genre in the Hollywood Eastern*, 41 Cinema J. 68 (Summer 2002) (proposing that to define a genre in terms of abstract categories illustrated by concrete entities which possess most of the conventional characteristics of each abstract category is, in essence, similar to Altman's theory of genre formation); Leger Grindon, *The Boxing Film and Genre Theory*, 24 Q. Rev. L. & Film 403 (2007) (contending that Altman's approach to the relationship between the semantic and syntactic gains stability in the boxing film genre); Jason Mittell, *A Cultural Approach to Television Genre Theory*, 40 Cinema J. 3 (Spring 2001) (stating that Altman's methodology is too broad to support the idea that the rebellion and eventual recuperation found in Michael Jackson's music videos are significant features of generic entertainment).

ticular film, but also to operate a more specific listing system that draws only upon the classic films truly representative of the genre.⁷⁶ Altman explains this contradiction as follows:

What may at first have seemed no more than an uncertainty on the part of the critical community now clearly appears as a contradiction. Because there are two competing notions of generic corpus on our critical scene, it is perfectly possible for a film to be simultaneously included in a particular generic corpus and excluded from that same corpus.⁷⁷

This twin approach is crystal clear when we consider definitions of law films and the attempts to construct the idea of a law film genre. The wider parameters are drawn to include films such as *The Firm*,⁷⁸ *Erin Brockovich*,⁷⁹ *A Dry White Season*,⁸⁰ or perhaps *Solstorm*. The more narrow definitions are drawn from the “classic” courtroom dramas such as *To Kill a Mockingbird*⁸¹ or *Inherit the Wind*.⁸² The very elements and themes found in courtroom dramas are absent in films that are less about lawyers and the legal process and more about law itself. The more that is included in a general framework (Altman’s inclusive list), the greater the gap and the more exclusive the classics become. As one list gets wider, the other becomes narrower, or a middle ground is sought to encompass both.

Altman’s second point concerns the tension between history and genre theory and the extent to which the latter overlooked the former: “Far from being sensitive to concerns of history, semiotic genre analysis was by definition and from the start devoted to bypassing history.”⁸³ In terms of law films, some historical analysis has been developed and we can see recognizable patterns emerging over time.⁸⁴ This point is of particular importance to the

76. Altman 1984, *supra* n. 3, at 6–7.

77. *Id.* at 7.

78. *The Firm* (Paramount 1993) (motion picture).

79. *Erin Brockovich*, *supra* n. 43.

80. *A Dry White Season* (Davros Films 1989) (motion picture).

81. *To Kill a Mockingbird* (Brentwood Prods. 1962) (motion picture).

82. *Inherit the Wind*, *supra* n. 44.

83. Altman 1984, *supra* n. 3, at 8.

84. See e.g. Nicole Rafter, *Shots in the Mirror* (Oxford U. Press 2000). Rafter divides courtroom crime films chronologically into three periods:

practicing legal community, which often claims that the portrayal of lawyers was positive until some (unknown) point in the late 1970s when unflattering portraits began to emerge through films such as *The Verdict*⁸⁵ and . . . *And Justice For All*.⁸⁶ This continued through the 1980s, and reached its apotheosis with films such as *The Firm*⁸⁷ (widespread corruption), *Cape Fear*⁸⁸ (unethical lawyer), and naturally, *The Devil's Advocate*.⁸⁹ After all, it cannot get much worse than casting the senior founding partner of a New York law firm as the devil himself. Does the changing portrayal of the trustworthiness of lawyers relate to a changing public perception of lawyers, or does the portrayal inform the perception, as the legal profession would suggest?⁹⁰ This is a small part of a wider debate concerning the effect of a range of media across the entertainment industry.⁹¹

Hollywood began producing courtroom films in the early 1930s and continues producing them in large quantity. Lines of development are neither steady nor clear-cut, but it is possible to discern three phases in the evolution of courtroom films: an experimental period that began in the 1930s and bore fruit in the 1940s and 1950s with "law noirs"; a heroic period that began in the mid-1950s and petered out in the early 1960s; and a period of depletion, 1970 into the present, during which trial movies have tried but often failed to meet the challenges posed by a new set of cinematic and political circumstances.

Id. at 99–100.

85. *The Verdict*, *supra* n. 39.

86. . . . *And Justice For All* (Columbia 1979) (motion picture).

87. *The Firm*, *supra* n. 78.

88. *Cape Fear*, *supra* n. 10.

89. *The Devil's Advocate*, *supra* n. 49.

90. Compare Steve Greenfield, *Hero or Villain? Cinematic Lawyers and the Delivery of Justice*, 28 J.L. & Soc. 25 (2001) (arguing films often depict the process of law as an obstacle to reaching justice, leading to the portrayal of lawyers as heroes who must often bring justice in spite of the law) with Michael Asimow, *Bad Lawyers in the Movies*, 24 Nova L. Rev. 533 (2000) (discussing the negative portrayal of lawyers in current films will continue and while such portrayals remain constant, such depictions can lead to the understanding of the problems facing the legal profession). There have been some attempts at empirical research that have sought to tentatively test the level of viewing and the potential causal effect. See Michael Asimow et al., *Perceptions of Lawyers—A Transnational Study of Student Views on the Image of Law and Lawyers*, 12 Int. J. Leg. Profession 407 (2005).

91. Causal claims have been made with respect to films, computer games, and even music—particularly the litigation surrounding the film *Natural Born Killers* (Warner Bros. 1994) (motion picture). *Byers v. Edmonson*, 712 So. 2d 681 (La. App. 1998); *Vance v. Judas Priest*, 1990 WL 130920 (Nev. Dist. 1990). See generally *id.* (dealing with the issue of whether the lyrics of a particular album contained a subliminal message that somehow caused the deaths of two people); Eldon Taylor, *Mind Programming* (Hay House 2009) (discussing methods and procedures for controlling your own thoughts and reprogramming your mind in an effort to achieve a better life); S. Michael Kernan, *Should Motion Picture Studios and Filmmakers Face Tort Liability for the Acts of Individuals Who Watch Their*

It is important to place law films in their historical and social context to interpret the ideological meanings about law and lawyers that the films may contain. For example, an analysis of the role and function of the jury in two classic courtroom dramas, *To Kill a Mockingbird*⁹² and *Twelve Angry Men*⁹³ (a courtroom drama without a courtroom), reveals the impact of race in that both films feature an all-white male jury. Issues of race with respect to jury composition are also apparent in *A Dry White Season*⁹⁴ and *A Time To Kill*.⁹⁵ The limitations of the juries need to be set in their historical context with the understanding that women or members of ethnic minorities were barred from service. Furthermore, in *To Kill a Mockingbird*,⁹⁶ the racial make-up of the jury is part of the inherent racism within the community and the legal system that the film critiques. An interesting issue arises in this respect around the performance of Atticus Finch and whether his ethics and behavior should be judged by contemporary standards or those of the period. Is his connivance with the racist system understandable and indeed acceptable, or are there fundamental principles and themes relating to human rights and justice that cut across eras?⁹⁷

There are, in fact, other trends that run across the periods. A notable one is the rookie lawyer who wins the impossible case despite the odds stacked against him. From *Young Mr. Lincoln*⁹⁸ onward, lawyers are portrayed as going far beyond their traditional role and investigating the case to deliver justice. Even during the period where lawyers are unfavorably portrayed, there are

Films?, 21 *Hastings Commun. & Ent. L.J.* 695 (1999) (arguing that the imposition of tort liability on motion picture studios and filmmakers results in an undue censorship in contrast with public policy); Eric L. Locke, *The Vance Decision: The Future of Subliminal Communication*, 15 *L. & Psychol. Rev.* 375 (1991) (discussing the implications of a judicial decision that recognized subliminal messages do exist on future legal issues).

92. *To Kill a Mockingbird*, *supra* n. 81.

93. *Twelve Angry Men* (Orion-Nova Prods. 1957) (motion picture).

94. *A Dry White Season*, *supra* n. 80.

95. *A Time to Kill* (Regency Enters. 1996) (motion picture).

96. *To Kill a Mockingbird*, *supra* n. 81.

97. See e.g. John Jay Osborn, Jr., *Atticus Finch—The End of Honor: A Discussion of To Kill a Mockingbird*, 30 *U.S.F. L. Rev.* 1139 (1996) (showing that Atticus' actions present the important question of whether holding on to traditions or values not held by society at large is heroic or absurd).

98. *Young Mr. Lincoln* (Cosmopolitan Prods. 1939) (motion picture).

film characters, such as Cher in *Suspect*,⁹⁹ who are prepared to forgo ethical considerations, and indeed potentially their career, to ensure their client gets justice.

Altman's third point concerns the relationship of the film to the audience and the ideological values of production.¹⁰⁰ He contrasts the perspective of genre emerging in response to audience demand with the view that it is the film studios that determine the market, and not vice-versa.¹⁰¹ Altman states:

Curiously, however, while the ritual approach was attributing ultimate authorship to the audience, with the studios simply serving, for a price, the national will, a parallel ideological approach was demonstrating how audiences are manipulated by the business and political interests of Hollywood.¹⁰²

This contradiction is apparent in law films on a purely semantic level with the portrayal of lawyers in terms of ethical practices and behavior. If a change in the nature of the portrayal can be observed, is this due to the audience's desire to see films about crooked lawyers and a corrupt legal system, or is this the view that is created through ideological considerations? It is arguable that despite showing superficial cracks in the system, illustrated by a certain amount of corruption and unethical lawyer behavior, the overwhelming message is that the system itself works and that justice is the normal, if belated, outcome. Greenfield and Osborn analyzed two examples of horrific injustice portrayed in the films *In the Name of the Father*¹⁰³ and *Let Him Have It*.¹⁰⁴ They argue that:

In both films the legal process emerges relatively unscathed and, in the case of *In the Name of the Father*, actually enhanced. After all, the Guildford Four are freed at an appeal

99. *Suspect* (Columbia TriStar Home Video 2001) (DVD).

100. Altman 1984, *supra* n. 3, at 8–9.

101. *Id.*

102. *Id.* at 9.

103. *In the Name of the Father*, *supra* n. 70.

104. *Let Him Have It*, *supra* n. 26. In this film, when slow-witted Derek Bentley befriends a group of petty criminals led by Chris Craig, their friendship ends up forever shaking England's belief in capital punishment. *Id.*

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hearing, indicating the ability of the system to correct original mistakes.¹⁰⁵

Altman's proposal was to combine two distinct approaches to genre analysis, which he refers to as the semantic and syntactic. He explains that:

[W]e can as a whole distinguish between generic definitions which depend on a list of common traits, attitudes, characters, shots, locations, sets, and the like—thus stressing the semantic elements which make up the genre—and definitions which play up instead certain constitutive relationships between undesignated and variable placeholders—relationships which might be called the genre's fundamental syntax. The semantic approach thus stresses the genre's building blocks, while the syntactic view privileges the structures in which they are arranged.¹⁰⁶

Altman argues that it is possible to adopt an approach that utilizes both views, rather than applying just the semantic or the syntactic.¹⁰⁷ The question is whether it is appropriate to adopt this type of analysis to law films in general and to *Solstorm* in particular.

A. *Solstorm*: The Semantic Dimension

The starting point in terms of semantic analysis is the 2001 definition provided by Greenfield and Osborn noted above. Thus, the key features are “the geography of law, the language and dress of law, legal personnel[,] and the authority of law.”¹⁰⁸ One of the problems with the definition is that it is unclear how the various elements link to each other in terms of quantity and quality. It is clearly difficult to quantify on a general level and might prove too prescriptive and mechanistic an approach. The most

105. Greenfield & Osborn, *supra* n. 71, at 1194.

106. Altman 1984, *supra* n. 3, at 9.

107. *Id.* at 11.

108. Greenfield et al., *supra* n. 36, at 24. Of course, the Author is assuming that this definition is sufficient to outline the parameters, and he clearly has a vested interest. However, this view was a product of some considerable work and thinking by the Author and his colleagues over a long period, which encompassed the study of numerous publications and conference papers.

obvious starting point in analyzing *Solstorm* is with legal personnel—Rebecka Martinsson, the central figure, is a lawyer, albeit a junior tax lawyer. In addition, the film portrays aspects of her law firm and her immediate boss Mans in particular.

Rebecka is clearly at a crossroads in her career and is trying to decide whether she wants to become a partner or not. The key question is whether she is acting as a lawyer or whether this is an example of the central figure *happening* to be a lawyer. The first point to consider is the reason Sanna contacts her at the outset. Clearly, Rebecka is, or at least was, Sanna's friend, and Sanna has no one else to turn to outside the community—Sanna needs someone from the outside. Perhaps Rebecka is the only lawyer outside the community whom Sanna knows, which would not be surprising given the closed interaction between the community and the outside. Sanna is fearful as to what may happen; she needs emotional support and professional help, and Rebecka fits the bill for both. There is also a personal link between Rebecka and Viktor, of which Sanna is aware. Undoubtedly, she would still have contacted Rebecka had she left to join another profession, but her lawyering skills are certainly part of the equation. Notably, the film emphasizes at several points that Rebecka is a lawyer. For example, Mans reminds her that she is a lawyer—indeed a tax lawyer and not “Perry Mason.” Anna Maria points out to Rebecka that she cannot see some of the evidence because she is the defense lawyer, though she is not being paid for this representation. Rebecka acts and behaves as a lawyer liaising with the police and witnesses to support her client and establish the truth. However, she also acts as Sanna's friend by going beyond any professional role and looking after the two children while Sanna is being held at the police station. Aside from Mans, who returns to support Rebecka at the end, the film features no other lawyers nor any other legal figures other than police officers.

The geography of the law in *Solstorm* is more difficult to establish. There are no court scenes because the film focuses on the apprehension (and investigation) phase, but there is a suspect, a confession, and a charge. However, the details and story of the crime are not played out in any courtroom, but rather occur in two separate places. First, the film is set at the Church—the scene of Viktor's murder—and second, at Rebecka's grandfather's cottage. The Church is the focal point—flashbacks of action are

shown through Lova's eyes and when Rebecka and Anna Maria watch Viktor's preaching in the Church on DVD. In addition, Rebecka visits the Church on several occasions. It was in the Church that the trial for Viktor's life played out with the Elders serving as the prosecution and jury. Indeed, the Church was also the site for the criminal activities. The second scene at the cottage is effectively the trial of Rebecka—a trial for her betrayal of the community, both through her initial behavior in having the abortion and leaving, and then again in returning and interfering in the affairs of the community.

This type of shifting of the places of law away from the formal to other arenas has been used as a method for broadening the definition of the law film.¹⁰⁹ Conversely, in *Cape Fear*,¹¹⁰ Cady actually allocates specific legal roles to the participants as he tries Sam Bowden for his breach of professional ethics. In *Solstorm*, there is no such formalism, but rather a pure physical struggle. The bleak, forbidding landscape with the notion of lawlessness, or a community-constructed law, is more akin to a Western than a law film.¹¹¹ Similarly, there is no specific legal attire, nor is Rebecka singled out in any fashion through her clothing; indeed, the cold weather makes clothing largely uniform. Her physical identity is fixed through her status as a woman and an insider who has become an outsider.¹¹² From the outset, Rebecka is singled

109. See e.g. Greenfield & Osborn, *supra* n. 38 (discussing law films that occur outside a courtroom setting, and exploring justice as a criterion for qualifying a piece of work as a law film).

110. *Cape Fear*, *supra* n. 10.

111. Cawelti comments on the setting for the Western:

[T]he Western requires a means of isolating and intensifying the drama of the frontier encounter between social order and lawlessness. . . . Four characteristics of the Great Plains topography have been especially important: its openness, its aridity and general inhospitability to human life, its great extremes of light and climate, and, paradoxically, its grandeur and beauty. These topographic features create an effective backdrop for the action of the Western because they exemplify in visual images the thematic conflict between civilization and savagery and its resolution.

Cawelti, *supra* n. 35, at 66–67. *Solstorm*, with the harsh cold climate, reflects these features—most notably inhospitability to human life—when Rebecka deliberately forces shirtless Curt out of the cottage where, as she is aware, he will surely freeze to death very quickly.

112. One feature that is not explored in this Article is the strength of the female characters in *Solstorm*. It is arguable that both the lawyer and the police inspector are portrayed sympathetically and both emerge with great credit set against a rote of dubious male figures including Viktor, Tomas, and Olof. A common element with other women lawyers, such as Cher in *Suspect*, *supra* n. 99, is the domination of work over any private

out by others in the community who continually refer to her as being from “outside.”

In terms of specific legal elements, *Solstorm* covers some of the familiar themes including “lawyer as an investigator,” which is common to numerous films such as *Suspect*,¹¹³ *A Time to Kill*,¹¹⁴ and *The Client*.¹¹⁵ This notion involves the lawyer stepping beyond his legal role in order to ensure that justice is done. In *Solstorm*, however, Rebecka is taking on a criminal defense role well beyond her normal area of civil tax work. Perhaps the most appropriate parallel to this is *Erin Brockovich*,¹¹⁶ in which a non-qualified paralegal becomes the principal investigator and negotiator. In *Solstorm*, Anna Maria is also shown providing assistance to the defense beyond what she should according to her professional role, akin perhaps to the juror in *Suspect*.¹¹⁷ Anna Maria actively assists Rebecka, at one point allowing her to escape from her colleagues who are seeking to arrest her for the kidnapping of Sara and Lova. It is not clear whether this support is based upon some notion of sisterhood—Anna Maria’s womanhood is stressed by her being heavily pregnant—or some sympathy toward Sanna’s plight. It is clear, however, that the police inspector is not under the influence of the Church, even though at least one of her close colleagues is part of the congregation. As Anna Maria watches a DVD of a service, the officer walks in and recommends that she visit and embrace the Church.

or social life. While this does not emerge in any great detail in the film, it is apparent in the book:

She sniffed at the tights she’d been wearing the previous day; they’d do. They’d gone a bit wrinkly around the ankles, but if she stretched them and tucked them under her feet it wouldn’t show. She’d just have to make sure she didn’t kick her shoes off during the day. It didn’t bother her; it was only worth spending time worrying about your underwear and your tights if you thought somebody was going to be watching you get undressed. Her underwear had seen better days and was turning gray.

Larsson, *supra* n. 2, at 4. There is a wide range of work covering the portrayal of women lawyers in film. See e.g. Louise Everett Graham & Geraldine Maschio, *A False Public Sentiment: Narrative and Visual Images of Women Lawyers in Film*, 84 Ky. L.J. 1027 (1995) (concluding that, at the time of writing, films had not yet portrayed women according to the hopes of the Seneca Falls Convention); Cynthia Lucia, *Framing Female Lawyers: Women on Trial in Film*, (U. Tex. Press 2005) (analyzing female lawyer films as a genre).

113. *Suspect*, *supra* n. 99.

114. *A Time to Kill*, *supra* n. 95.

115. *The Client* (Warner Home Video 1997) (DVD).

116. *Erin Brockovich*, *supra* n. 43.

117. *Suspect*, *supra* n. 99.

What is also interesting is Rebecka's failure to understand what has actually happened, despite Lova's ongoing hints and clues. She is so fixated on the question of Viktor's sexuality because of her first-hand experience that she overlooks the vital signs, though she does realize Sara knows far more than she is prepared to disclose. Rebecka is not the brilliant "sleuth," and her own preoccupation with her past relationship with Viktor clouds her ability to understand and interpret the present. It is only after the final tumultuous events in her grandfather's cottage, when she goes back to see Sanna, that Rebecka finally realizes what happened. Rebecka has to physically fight to save herself and the children, but this portrayal of her as less than all-knowing is a refreshing alternative to the heroic omniscient lawyer. It is here, at the conclusion to the film, that further similarities with other films concerning the sanctity of the legal process appear. In the end, Rebecka knows who is responsible for the murder of Viktor, but she is satisfied that justice has been served in some shape or form—in much the same way that Atticus Finch, at the end of *To Kill a Mockingbird*,¹¹⁸ is prepared to ignore formal justice, as it would not seem to serve any purpose. Rebecka walks away more satisfied that her own demons are laid to rest, rather than seeking to initiate formal legal processes. There are clear parallels to films such as *Suspect*,¹¹⁹ particularly with two restless career women whose private lives feature heavily in their discontent with their working lives. The main difference for Rebecka is how the past has infected her present life, while for Katherine Riley in *Suspect* it is her current situation that causes her unhappiness.

B. *Solstorm*: The Syntactic Dimension of Law and Justice

In many ways, this type of individual-film analysis is problematic because it is first necessary to identify the fundamental syntactic elements that would form the basis of a law film genre; this seems to firmly place the proverbial cart before the horse. However, only by examining films beyond the semantic is it possible to ascertain what the syntactic features might be. A central

118. *To Kill a Mockingbird*, *supra* n. 81.

119. *Suspect*, *supra* n. 99.

element of law films involves the search for and achievement of justice, or at least the struggle to obtain justice.¹²⁰ The key relationship is that of all the players to the central core. In between, or even parallel to justice, lies the legal system in terms of its rules and processes. A key issue is reconciliation of the idea of justice and the best method to achieve it. This can be narrowed down to the issue of whether the legal system is fundamental to the delivery of justice and whether it can be discarded if it obstructs the pursuit of justice.

Behind the law film definition or “phases” noted above, there is a set of concepts that seeks to combine the legal system and ideals of justice. So, for the purposes of this Article—and perhaps as an indicator of where syntactic analysis might go—I am utilizing the dialectic between justice and law and the legal system. This concept will emerge as a contradiction not just in those cases where there is an obvious wrongful miscarriage of justice, such as *In the Name of the Father*¹²¹ or *The Hurricane*,¹²² but also where the system is unwieldy, such as in *The Verdict*¹²³ or *Erin Brockovich*.¹²⁴ This approach also removes the distinction between criminal and civil law films that proves something of an obstacle to analysis. Adopting the dual notion of justice/legal system reflects some of John Cawelti’s identifications of the Western:

[T]he [W]estern is always set on or near a frontier, where man encounters his uncivilized double. The [W]estern thus takes place on the border between two lands, between two eras, and with a hero who remains divided between two value systems (for he combines the town’s morals with the outlaws’ skills).¹²⁵

120. Rafter argues that “[n]early all courtroom films focus on a single theme: the difficulty of achieving justice. While they take up and explore a wide range of subsidiary issues, their overriding point is that as a goal, justice is elusive, demanding, and often more ambiguous than it first appears.” Rafter, *supra* n. 84, at 95–96.

121. *In the Name of the Father*, *supra* n. 70.

122. *The Hurricane*, *supra* n. 34. In this film, after being wrongly convicted of a triple murder, Rubin “Hurricane” Carter, a top-contending boxer, has his faith restored by a boy and his mentors who are collectively pitted against a racist establishment that profited from this travesty and has no intention of seeing it reversed. *Id.*

123. *The Verdict*, *supra* n. 39.

124. *Erin Brockovich*, *supra* n. 43.

125. Altman 1984, *supra* n. 3, at 11.

In law films, the hero is generally a lawyer or someone else involved in the legal process, including juror members such as Henry Fonda in *Twelve Angry Men*,¹²⁶ or Eddie Sanger in *Suspect*.¹²⁷ The lawyer owes allegiance through the profession to the ethics and codes of legal practice, yet seeks to deliver justice for the client. It is this potential contradiction between the ethics of practice and the pursuit of justice that is equivalent to the two-value system from Westerns proposed by Cawelti. Lawyers are given a dilemma and depicted as prepared to bend or disregard professional ethics and legal processes in order to achieve the just end result. For example, in *Cape Fear*,¹²⁸ Sam Bowden decides not to represent his client to the best of his ability, but to withhold evidence that might lead to his acquittal as Bowden “knows” his client is guilty. Judges are given the same role in *The Star Chamber*,¹²⁹ and the sanctity of the legal process versus justice is acutely exposed. Even in *Judge Dredd*,¹³⁰ the contradiction appears with Dredd at first unwilling to comprehend the idea that the process could lead to the conviction of the innocent.

Solstorm clearly focuses on the pursuit of justice for a number of victims. First, we have Rebecka who as a young woman suffered at the hands of Tomas. Her age at the time is not apparent, but there is a clear suggestion, given Tomas’ youth leader status, that she was younger than the age of consent. The next group of victims is the children who are “given” to Viktor by the parents. This includes Sanna’s two children and possibly others. Sanna is of course a victim of abuse at the hands of her parents who wish to see the “problem” resolved. Rebecka, however, commences her quest with a desire to achieve justice for both Sanna and Viktor. She assumes Viktor has been killed because, in some measure, the Church Elders cannot cope with his homosexuality. Rebecka is clearly mistaken about Viktor’s sexuality and does not realize that he was a predatory pedophile. Contemporaneously to the quest for justice by both Rebecka and Anna Maria, the law is shown as powerless in the face of the collective will to disregard it

126. *Twelve Angry Men*, *supra* n. 93.

127. *Suspect*, *supra* n. 99.

128. *Cape Fear*, *supra* n. 10.

129. *The Star Chamber*, *supra* n. 11.

130. *Judge Dredd* (Hollywood 1995) (motion picture).

as the community makes its own decision concerning guilt and innocence. State law is portrayed as outside the community norms, and this is reflected in the way both Rebecka and Anna Maria are treated—largely with disdain and contempt. If the values of the community are contradicted by the rule of law, then community values must prevail; for law is not created from within this community, but imposed from outside. Rebecka is happy to use the law and her knowledge of the legal system where appropriate to assist her, but is not ultimately bound by it. She is happy to ignore transgressions and has no interest, in the end, in ensuring that the true killer is convicted; she is happy to allow the blame to rest on others who have themselves been killed. This is of course very similar to Atticus Finch's efforts to protect Boo Radley by disregarding the true identification of Bob Ewell's killer in *To Kill a Mockingbird*.¹³¹

So, can *Solstorm* be categorized as a law film? On a semantic level, the film contains several features that are common among other law films. However, the film does not move in a legal timeline beyond the stage of apprehension and investigation. This suggests it has more in common with cop movies, even though the principal investigator is a defense lawyer.

Consideration of a syntactic analysis of the film demonstrates a strained relationship between the processes of law and justice. This clouds the ethical dimension of legal practice and exposes the contradiction at the heart of many law films. The community makes its own rules based upon its own set of values—the primary value is preservation of the Church regardless of individual loss and suffering. Individuals, including Viktor and Sanna, can, and indeed must, be sacrificed for the Church to avoid investigation and external censure. The Elders, and in particular Olof and his wife, are prepared to suffer the deaths of their son and daughter in the name of their religion. Rebecka is torn away from her safe legal practice where the rules are neat and tidy, and indeed the contrast between tax law and criminal justice is stark. She moves into an area where she wants to obtain justice for Sanna, but there, the rules and procedures in which she is trained do not seem to exist or function in the same way. Rebecka is neverthe-

131. *To Kill a Mockingbird*, *supra* n. 81.

less prepared to use the law she knows—tax law—to further her pursuit of justice. However, she is unconcerned with the principle of tax liability, but rather wants to use it as leverage against Tomas' wife.

V. CONCLUSION

When considering a broader approach to law film classification by concentrating on the nature of law and the relationship to justice, it is possible to see how *Solstorm* can be viewed as a law film. However, this does not exclude semantic conventions, and there are examples where the struggle between process and outcome more obviously occurs within the geographical places of law with legal personnel and legal dress. At this point, the two approaches blend together. However, that point of commonality does not require displacement from the genre of those films where the semantic points are not as obvious, but the syntactic remain. *Solstorm* is a good example of this, and rather than search somewhat artificially for the semantic elements, it is far more useful to draw upon the structural dimension. Genre analysis undoubtedly assists law and film scholars to develop their work, and application of Altman's twin approach provides a greater depth of investigation beyond a mere mechanistic and descriptive analysis.

This method of classification provides a more sophisticated analysis of law films and enables determination of the essential structural elements beyond concentrating on the common details. Clearly, the elements that link films together are important and the more work done in this area, the greater the breadth of knowledge and the more material available to work with. A more analytical method using this type of tool permits a shift toward a greater understanding of the essence of the films and allows an enhanced depth of interrogation. Nevertheless, more work is needed to piece together the key syntactic points. The justice/process interface seems a useful point to start, but it will undoubtedly require further refinement and development.